

**Reprint
as at 24 September 1953**



**Auckland Hospital Board Trusts
Empowering Act 1953**

Private Act 1953 No 1
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**An Act to vary certain charitable trusts established by David
Rough, Ellen Edgar, Thomas Francis Clemow, and Eliza Potter**

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

Preamble

Whereas by deed bearing date 27 January 1899 David Rough, of Bournemouth, England, did transfer and make over for ever to the Hospital and Charitable Aid Board of the District of Auckland the sum of 500 pounds upon trust to be administered by the said Board in accordance with the provisions of the Hospital and Charitable Institutions Act 1885 and the amendments thereof as a permanent fund or endowment for the relief of indigent persons suffering from incurable diseases in the City and District of Auckland, with power at discretion to pay the said sum towards a permanent enlargement of any institution established for the relief of such persons but not for the relief of the ordinary poor or paupers, and with power to the said Board to expend the said sum in the erection of a special ward in the Auckland Hospital or of a separate building connected therewith to be especially devoted to the relief of such indigent and incurably diseased persons as aforesaid:

And whereas the sum of 600 pounds paid by way of Government subsidy was added to the said sum of 500 pounds, making a total sum of 1,100 pounds:

And whereas the moneys subject to the said trust through accumulations of income amounted on 31 March 1952 to the sum of 7,312 pounds and 6 pence and is held by the Auckland Hospital Board (formerly called the Auckland Hospital and Charitable Aid Board):

And whereas Ellen Edgar, late of Mount Eden, near Auckland, in New Zealand, widow, deceased, by her last will and testament dated 21 September 1939, probate whereof and 1 codicil thereto was granted by the Supreme Court of New Zealand at Auckland to the executor and trustee therein named on 24 September 1947, gave a one-fourth share in the residue of her real and personal estate to the Auckland Infirmary situate at One Tree Hill:

And whereas the said one-fourth share amounting to the sum of 1,037 pounds and 6 pence was paid to the Auckland Hospital Board, being the authority in control of the said Auckland Infirmary:

And whereas the amount held by the said Board to the credit of the Ellen Edgar Trust Fund on 31 March 1952 was 1,088 pounds 14 shillings and 8 pence:

And whereas Thomas Francis Clemow, late of Auckland, in New Zealand, retired farmer, deceased, by his last will and testament dated 14 June 1940, probate whereof and 1 codicil thereto was granted by the Supreme Court of New Zealand at Auckland to the executor and trustee therein named on 21 October 1947, gave a one-third share in the residue of his real and personal estate to the Auckland Infirmary (commonly called the Old Men's Home) and directed that the receipt of the Auckland Hospital Board for the same should be a sufficient discharge to the said executor and trustee:

And whereas the said one-third share of residue amounting to the sum of 2,408 pounds 6 shillings and 9 pence was paid to the said Board:

And whereas the amount held by the said Board to the credit of the Thomas Francis Clemow Trust Fund on 31 March 1952 was 2,544 pounds 5 shillings and 7 pence:

And whereas Eliza Potter, the wife of William Potter, of the City of Auckland, coachbuilder, deceased, by her last will and testament dated 26 March 1906, probate whereof and 1 codicil thereto was granted by the Supreme Court of New Zealand at Auckland to Frederick Seymour Potter, the executor and trustee therein named, on 1 February 1918, directed that upon the determination of certain prior trusts mentioned in the said will the residue of her estate should be held upon trust for the Auckland Hospital and Charitable Aid Board or other body corporate or trustees having the control or management of the Auckland Hospital to be applied by the said Board, body corporate, or trustees for the benefit of indigent sick persons who may from time to time become inmates of that hospital:

And whereas the said Frederick Seymour Potter died at Auckland on or about 29 March 1941 and probate of his last will and testament bearing date 9 October 1939 was granted to William Wallace, land valuer, and Mary Elizabeth Potter, widow, both of Auckland, out of the Supreme Court of New Zealand at Auckland on 28 April 1941:

And whereas by deed of appointment dated 20 August 1941 the said William Wallace and Mary Elizabeth Potter duly appointed Allan John Moody, solicitor, and Ernest Henry Wright, public accountant, both of Auckland, to be trustees of the will of the said Eliza Potter in the place and stead of the said Frederick Seymour Potter:

And whereas the said prior trusts created by the said will of the said Eliza Potter determined on 9 October 1948:

And whereas the said Allan John Moody and Ernest Henry Wright are holding funds and securities (hereinafter together with interest accruing thereon referred to as the **Eliza Potter Trust Estate**) amounting on 31 July 1952 to the sum of 37,263 pounds 14 shillings, and are desirous of paying and transferring the same to the Auckland Hospital Board (formerly called the Auckland Hospital and Charitable Aid Board) and of being discharged from the trusts of the said will of the said Eliza Potter:

And whereas the application and administration of the foregoing trusts have become difficult or impracticable or inexpedient either by reason of changes in the nature of the institutions hereinbefore mentioned or by reason of hospital and other benefits provided by the Social Security Act 1938 and its amendments:

And whereas for the purpose of giving effect to the charitable intentions of the donors of the funds affected by the said several trusts it is expedient that the said trusts be varied in the manner hereinafter appearing:

And whereas it is uncertain whether such variation of the said trusts can be attained otherwise than by legislation.

1 Short Title

This Act may be cited as the Auckland Hospital Board Trusts Empowering Act 1953.

2 Eliza Potter Trust Estate to be transferred to Auckland Hospital Board

- (1) The said Allan John Moody and Ernest Henry Wright are hereby authorized and directed to pay and transfer so soon as is practicable after the passing of this Act to the Auckland