

Walsh and Others Pension Act 1869

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An Act to grant Pensions to Mary Ann Walsh and Others.

Preamble.

WHEREAS James Walsh a Lieutenant in the Poverty Bay Mounted Volunteers was murdered by rebel Maoris in the massacre at Poverty Bay in the night following the

ninth day of November one thousand eight hundred and sixty-eight And whereas at the time of his death his mother Mary Ann Walsh a widow was dependent upon him for support And whereas if the said James Walsh had been killed while on active service the said Mary Ann Walsh would have been entitled to a pension and it is expedient that she should have the pension hereinafter provided for

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1 Short Title.

The Short Title of this Act shall be “The Walsh and Others Pension Act 1869.”

2 Pension of £30 per annum to Mary Ann Walsh for life.

There shall be paid to Mary Ann Walsh during her life the annual sum of thirty pounds by equal quarterly payments on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in every year The first of such payments shall be deemed to have become due on the thirty-first day of December one thousand eight hundred and sixty-eight The said annual sum or pension shall be payable out of and be chargeable on the Consolidated Revenue of the Colony and the acquittance or receipt of the said Mary Ann Walsh or of such other person as shall be duly authorized by her to receive such payment or pension or any part thereof or in case of any disability of the said Mary Ann Walsh then of such person as the Governor shall from time to time appoint to receive the same shall be a good and sufficient discharge for the payment thereof The said annual sum shall cease from the quarter-day next after the death of the said Mary Ann Walsh.

3 Annuity of £50 to James Wilson for limited time.

And whereas James Wilson an infant aged nine years or thereabout is the only surviving member of the family of James Wilson late a Captain in the Poverty Bay Militia and Alice Wilson his wife who were barbarously murdered by rebel Maoris in the massacre at Poverty Bay in the night following the ninth day of November one thousand eight hundred and sixty-eight And whereas the said James Wilson is by the loss of his parents reduced to great want And whereas if the father of the said infant James Wilson had been killed while on active service the said James Wilson would have been entitled to a pension and it is expedient that he should have the annual allowance and grant of land hereinafter provided for Be it further enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—There shall be paid to such person or persons as the Governor shall from time to time by warrant under his hand appoint for the benefit of the said infant James Wilson an annuity of fifty pounds a year by quarterly payments on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in each and every year the first of such payments being taken to fall due on the thirty-first day of December

one thousand eight hundred and sixty-eight and the last to be paid on the thirty-first day of December one thousand eight hundred and seventy-eight if the said James Wilson shall so long live and in case of his death before that day the said annuity shall cease and determine as on the quarter-day next preceding his death.

4 Annuity how to be paid.

The said annuity shall be payable out of and be chargeable on the Consolidated Revenue of the Colony and the acquittance or receipt of the person or persons appointed by the Governor as aforesaid until such appointment shall have been revoked shall be a good and sufficient discharge for the payment thereof.

5 Persons appointed by Governor may select land for James Wilson.

It shall be lawful for the said person or persons so appointed as aforesaid to select within six months from the passing of this Act free of cost in one allotment or in any number of contiguous allotments one hundred acres from any lands within the Province of Hawke's Bay taken under "The New Zealand Settlements Act 1863" and not then sold or agreed to be sold and not then reserved from sale and upon any such selection being made it shall be lawful for the Governor to execute a Crown Grant thereof without payment of any purchase money to such persons as the Governor shall think fit in trust for the said James Wilson under this Act.

6 Trusts upon which land shall be granted.

The said persons to whom the said land shall be so granted shall stand seised thereof and possessed of the net rents and profits thereof upon trust for the said James Wilson for his maintenance and education during his infancy and upon his death before attaining the age of twenty-one years upon trust for his heirs absolutely and upon his attaining the age of twenty-one years they shall convey the same to him and his heirs absolutely but subject in each case to any lease that they may have made thereof under the powers hereby conferred upon them.

7 Powers of trustees.

The said persons shall have power to let the said land by deed of lease for any term not exceeding twenty-one years from the date of such lease in such manner and upon such conditions as they shall think expedient but so that in every such lease there shall be reserved the best annual rent that can be obtained payable half-yearly or at shorter intervals and that there be inserted in every such lease a proviso for re-entry on the rent being in arrear for twenty-eight days whether demanded or not.

8 Land inalienable by James Wilson during his life till 1st January 1900.

The said James Wilson on his attaining the age of twenty-one years shall have the same power of leasing the said land as is hereby conferred on the said trustees but he shall have no greater or other powers of alienation thereof or of any estate or interest therein either at law or in equity (except by will) until the first day of January in the year one thousand nine hundred when he and his heirs shall be absolutely entitled thereto with full powers to alienate the same subject to any lease which he may have made under the powers hereby conferred on him.

9 Limitation to heir and devisees of James Wilson on his death.

On the death of the said James Wilson before the first day of January one thousand nine hundred his heirs or devisees shall subject to any such subsisting lease as aforesaid be entitled to the said land in the same manner as if the said James Wilson had been seised thereof in fee-simple at the time of his death and their power of alienation shall not be restricted or limited in any manner by this Act.

10 New trustees may be appointed by the Governor.

The Governor may from time to time and as often as he shall think fit by warrant under his hand appoint one or more persons to be a new trustee or new trustees for the purposes of this Act either alone or jointly with the persons to whom the said land shall be granted or the survivor of them And thereupon the said land shall without any conveyance vest in the persons so appointed alone or jointly with the surviving or continuing trustees as the case may require as joint tenants And the new trustees shall have the same powers and duties and shall stand seised of the said lands upon the same trusts as if they had been original trustees under this Act Every such warrant shall for the purposes of registration be deemed to be a deed.

11 Pension of £50 per annum to be paid to Ellen Anne Hewett during her widowhood.

And in the month of February one thousand eight hundred and sixty-five James Duff Hewett of Pakarere near Wanganui a captain in the Wanganui Militia was murdered by Maori rebels leaving Ellen Anne Hewett his widow and William Hewett Ellen Maud Hewett Charles Robert Hewett and George Basil Duff Hewett his four children him surviving And whereas the property of the said James Duff Hewett to a considerable amount was injured and destroyed by Maori rebels And whereas it is just that a pension should be granted and compensation for losses so sustained as aforesaid should be made to the said Ellen Anne Hewett William Hewett Ellen Maud Hewett Charles Robert Hewett and George Basil Duff Hewett Be it further enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—There shall be paid to Ellen Anne Hewett the widow of the said

James Duff Hewett during the term of her widowhood the annual sum of fifty pounds out of the General Revenue of the Colony and such annual allowance shall be deemed to have commenced on the tenth day of February one thousand eight hundred and sixty-five and shall be payable quarterly.

12 Governor may appoint trustees for purposes of this Act.

It shall be lawful for the Governor to appoint two or more fit and proper persons to be trustees for the purposes of this Act and upon the death resignation or incapacity of any such trustee or trustees a new trustee or new trustees may be from time to time appointed in the same manner as a new trustee or new trustees may be appointed to act in the trusts created by any deed or will under the powers in that behalf by law directed to be implied in every such deed or will and every trustee so appointed shall have and be subject to the same rights powers duties conditions and liabilities as trustees so appointed to act in the trusts of any deed or will would have and be subject to and the trust property shall upon every such appointment vest in the continuing or surviving trustees or trustee and such new trustee or trustees or in the new trustee or trustees if there be no surviving or continuing trustee in the same manner to all intents and purposes as if the trust created by this Act were a trust created by deed or will.

13 Four hundred acres of confiscated land to be set apart to be settled upon trusts approved by the Governor.

There shall be laid out and set apart for the purposes of this Act out of any lands in the Provinces of Wellington and Taranaki or either of them confiscated or taken under the provisions of "The New Zealand Settlements Act 1863" and "The New Zealand Settlements Amendment and Continuance Act 1865" or either of them a block of four hundred acres and a grant from the Crown of the said lands shall be issued in the usual form to the trustees for the time being acting in the trusts herein referred to on the execution by them of a deed declaring that the said land is held by them upon trusts to be in such deed declared set out and defined and approved by the Governor for the benefit of the said Ellen Anne Hewett for her maintenance and the maintenance education and benefit of the said William Hewett Ellen Maud Hewett Charles Robert Hewett and George Basil Duff Hewett during the life of the said Ellen Anne Hewett and after the decease of the said Ellen Anne Hewett for the benefit of the said William Hewett Ellen Maud Hewett Charles Robert Hewett and George Basil Duff Hewett or such of them as shall then be living and the issue (if any) of such of them as may die in the lifetime of the said Ellen Anne Hewett in equal shares but so that the issue of any one of them who shall so die in the lifetime of the said Ellen Anne Hewett shall take the share only to which the parent of such issue if living would have been entitled And the trusts to be by such deed declared may if the Governor in his discretion shall so think

fit be trusts for the sale when expedient of the said lands and application of the proceeds of such sale for the purposes indicated by this Act.