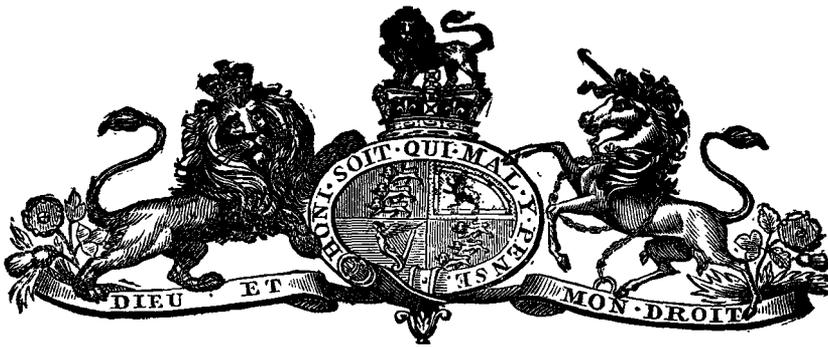


NEW ZEALAND.



TRICESIMO QUINTO

VICTORIÆ REGINÆ.

No. LVI.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Definition of "charitable purposes."
3. Funds how raised.
4. Failure &c. of original purpose.
5. Contributor or money holder may proceed if money not applied for one year.
6. Convening meeting of contributors. Advertisement of meeting. In what papers. How often. Day and place. Statement of new purpose.
7. Subsequent notice of other newly proposed purpose.
8. Proceedings at meeting. Claim Committee. Votes by proxy. List of voting contributors. Chairman. Voting for various purposes. Combination of purposes. Adjournment on proposal of unadvertised purpose. Advertisement for adjourned meeting. Purpose to be decided by a majority.</p> | <p>9. Scheme Committee.
10. Laying scheme &c. before the Attorney-General.
11. Certifying and recording of scheme.
12. Remitter of scheme by Attorney-General. Statement of objections.
13. Refusal to certify. Grounds published.
14. Convening meeting after refusal.
15. Provision for costs of scheme. Certified by Attorney-General.
16. Appointment of Public Trustee as a Trustee under the scheme.
17. Money holder to pay over to Trustee.
18. Proceedings in Supreme Court to enforce trusts.
19. Contributor may get back his money or a proportion thereof before first advertised meeting.
20. Scheme may provide for administration by any existing voluntary association for charitable purposes.</p> |
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AN ACT for appropriating Moneys raised for particular Charitable Purposes in certain cases to other Charitable Purposes. [14th November 1871.] Title.

WHEREAS it has happened and may happen that moneys have been or may be raised by voluntary contributions or otherwise for particular purposes of a charitable kind and afterwards it has or may become impossible or inexpedient to apply the same or a residue thereof to such particular purpose or such purpose may be uncertain or illegal and it is expedient that in such cases the moneys so raised should be lawfully applicable to other purposes of a charitable kind: Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:—

1. The Short Title of this Act shall be "The Charitable Funds Appropriation Act 1871." Short Title.

2. In this Act the words "charitable purposes" shall include any of the following purposes that is to say— Definition of "charitable purposes."

- (1.) The supply of physical wants of sick aged destitute poor or helpless persons or of the expenses of funerals of poor persons.
- (2.) The education physical mental technical or social of the children of the poor or indigent.
- (3.) The reformation of criminals prostitutes or drunkards.

Charitable Funds Appropriation.

- (4.) The employment and care of discharged criminals.
- (5.) The provision of religious instruction either general or denominational for the people.
- (6.) The support of libraries reading-rooms lectures and classes for the instruction of the people.
- (7.) The promotion of athletic sports and wholesome recreations and amusements of the people.
- (8.) Contributions towards losses by fire and other inevitable accidents.
- (9.) Encouragement of skill industry and frugality.
- (10.) Rewards for acts of courage and self-sacrifice.
- (11.) The erection laying out maintenance or repair of buildings and places for the furtherance of any of the purposes herein mentioned.

Funds how raised.

3. This Act shall be applicable to cases in which money has been raised by way of voluntary contribution or by the sale of goods voluntarily contributed or as the price of admission to any entertainment given for any charitable purposes or in any other manner of voluntary contribution.

Failure &c. of original purpose.

4. In any such case if it has or shall become impossible or impracticable or inexpedient or the amount has proved or shall prove inadequate to carry out the original charitable purpose or such purpose has or shall have been already effected or such purpose is illegal or uncertain then the moneys so raised or any residue thereof may be appropriated to some other charitable purpose in the manner and subject to the provisions hereinafter contained.

Contributor or money holder may proceed if money not applied for one year.

5. It shall be lawful for any one or more contributors of money or of goods sold for a charitable purpose or for the holder of the money so contributed or raised or of any money received as the price of admission to any entertainment or paid in any other voluntary manner for such charitable purpose if the money paid or raised has not been or shall not be actually or entirely applied or in the course of being applied for such charitable purpose within one year after the contribution or receipt of such money or the sale of the goods so contributed or within six months after the passing of this Act to proceed in the following manner.

Convening meeting of contributors.

6. The moving contributor or money holder (herein called "the Convener") may call together a meeting of the contributors of money or goods as aforesaid by advertisement in the following manner:—

Advertisement of meeting. In what papers.

(1.) The advertisement must be inserted in one or more of the newspapers of largest circulation in each locality within which the contributions were received.

How often.

(2.) It must be inserted at least three times at an interval of not less than seven days between the insertions.

Day and place.

(3.) The day and place of meeting must be mentioned therein the day not being less than one month from the date of the first advertisement and the place being the place or the most populous of the places where the money was received.

Statement of new purpose.

(4.) The advertisements shall contain a statement of the reason why it is proposed that the money should be applied to a different charitable purpose than the original and shall specify the newly proposed charitable purpose.

Subsequent notice of other newly proposed purpose.

7. It shall be competent for any other contributor to give notice by advertisement in the same newspapers in which the original advertisement was published at least three times before the day fixed for the meeting that he will propose at the same some other charitable purpose than that mentioned in the first advertisements of the meeting and such other purpose shall be distinctly specified in such notice.

Charitable Funds Appropriation.

- 8.** The proceedings at the meeting held pursuant to the advertisement shall be conducted in the following manner that is to say:—
- (1.) The Convener together with any two other persons present claiming to be contributors then and there chosen by a majority of the persons present and claiming to be contributors shall form a Claim Committee for determining the claims of persons to vote as contributors. Proceedings at meeting.
Claim Committee.
 - (2.) Contributors who shall by letter addressed to the Convener establish their claim to the satisfaction of the Claim Committee may vote by proxy. Votes by proxy.
 - (3.) The claims to vote at the meeting having been determined a list shall be made by the Claim Committee of the voting contributors to which may be added by such Committee the names of any persons who may establish their claims before the conclusion of the proceedings. List of voting contributors.
 - (4.) The contributors shall choose a Chairman who shall have an original and casting vote. Chairman.
 - (5.) If notice has been given by any contributor of a proposed purpose different from that contained in the advertisement of the Convener the vote of the meeting shall be taken on all the proposed purposes at once and that shall be declared to be adopted for which the greatest number of votes shall be given. Voting for various purposes.
 - (6.) It shall be competent for any contributor to propose at the meeting that the purpose to which the money shall be applied shall be one combined of any of the advertised purposes or any portions thereof and the meeting may take the same into consideration and vote thereupon at the same time as upon the advertised propositions. Combination of purposes.
 - (7.) If any contributor present at the meeting propose some other purpose which has not been duly advertised the meeting may if it think fit abstain from voting on the advertised purposes and adjourn to a future day not less than ten days thereafter. Adjournment on proposal of unadvertised purpose.
 - (8.) The proposer of such new purpose as last aforesaid shall within three days of such adjourned meeting give notice by advertisement in such newspaper as aforesaid of the specific character of the purposes which he intends to propose at such adjourned meeting. Advertisement for adjourned meeting.
 - (9.) At the adjourned meeting all the purposes which have been duly advertised shall be put together to the vote and that one shall be declared to be adopted for which a majority of votes shall then be given. Purpose to be decided by a majority.
- 9.** After the determination by the meeting of the purpose to which the money is to be applied the meeting shall proceed to choose a Scheme Committee of three contributors who shall within two months from the date of the meeting prepare or cause to be prepared a scheme for the application of the money pursuant to the resolution of the meeting. Scheme Committee.
- 10.** Such Scheme Committee shall within the period of two months last mentioned lay before the Attorney-General the scheme so prepared along with a copy certified by the Chairman of the meeting of the resolution adopting the particular purpose and also copies of the other proposed purposes as advertised. Laying scheme &c. before the Attorney-General.
- 11.** The Attorney-General if he shall consider the scheme proposed proper to effect, the resolution of the meeting of contributors and not contrary to law shall certify the same and a verified copy of such scheme and certificate shall be filed in the office of the Registrar of Certifying and recording of scheme.

Charitable Funds Appropriation.

the Supreme Court at or nearest to the place where the meeting was held which copy shall be open to inspection by the public and an office copy thereof shall be admissible *primâ facie* as proof of the scheme and certificate.

Remitter of scheme
by Attorney-General.

12. The Attorney-General may remit the proposed scheme to the Scheme Committee for amendment if he considers that it will not properly carry into effect the resolution of the contributors and in doing so he shall state in writing the objections which he entertains to the scheme as proposed.

Statement of
objections.

Refusal to certify.
Grounds published.

13. If the Attorney-General considers that the purpose adopted by the meeting of contributors is contrary to law public policy or good morals he may refuse to certify the scheme proposed and notice of the refusal shall be published in the next *New Zealand Gazette* after the date thereof with a statement of the reason of such refusal.

Convening meeting
after refusal.

14. In case of such refusal as last aforesaid any contributor or holder of money as hereinbefore mentioned may within three months after the publication of such refusal convene a fresh meeting of contributors and thereupon such proceedings may be taken as hereinbefore provided.

Provision for costs
of scheme.

15. It shall be lawful for the Scheme Committee to provide in their schemes that out of the moneys paid or raised there shall be paid all reasonable expenses of advertising and convening meetings and preparing a scheme the same to be certified by the Attorney-General.

Certified by
Attorney-General.

Appointment of
Public Trustee as a
trustee under the
scheme.

16. Any Public Trustee holding office as such under any Act of the General Assembly may be appointed and shall thereupon act as Trustee or one of the Trustees for the administration of any such scheme as hereinbefore mentioned.

Money holder to pay
over to trustee.

17. The holder of any money for any charitable purpose with respect to which money a scheme has been certified by the Attorney-General under this Act shall pay over the same with all interest which may have accrued thereon to the person designated to receive or hold the same under such scheme and upon doing so shall no longer be liable in respect of any express or implied trust upon which he may have received or held the same except for wilful negligence or misappropriation of money by him knowingly.

Proceedings in
Supreme Court to
enforce trusts.

18. Proceedings to enforce the trusts and provisions of any scheme so certified and recorded as aforesaid may be taken in the Supreme Courts either by *ex parte* petition or by summons before a Judge in Chambers and the Court or Judge may make such orders as it or he may think fit respecting notice to parties and the hearing of such petition or summons.

Contributor may get
back his money or a
proportion thereof
before first advertised
meeting.

19. It shall be lawful for any contributor of money for a charitable purpose after any advertisement shall have been published as in section six mentioned and before the day in such advertisement for such meeting as therein mentioned but not afterwards to demand from the holder of the money so paid or raised the amount of his contribution or a rateable proportion thereof out of the residue left after deductions made for reasonable expenses and expenditure in pursuance of the original purpose and such money holder shall thereupon pay such amount or proportion to such contributor.

Scheme may provide
for administration
by any existing
voluntary association
for charitable
purposes.

20. When any voluntary association has been constituted at any place for charitable purposes the means for which are raised by voluntary contributions from time to time and the business of such association is carried on by office-bearers elected by contributors or by a public meeting it shall be lawful to provide in any scheme such as is sanctioned in the preceding sections of this Act that the purposes of such scheme may in whole or in part be carried out and the funds or parts thereof be administered by the office-bearers for the time being of any such voluntary association.