



## NEW ZEALAND

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1949, No. 1—*Private*

AN ACT to Enable the Cawthron Institute Trust Board Title.  
to Sell, Lease, or Dispose of Certain Lands in the  
Waimea Survey District, in the Provincial District  
of Nelson, and to Apply the Net Proceeds Thereof  
in or Towards the Purchase of Other Lands in the  
Said Provincial District, and to Empower the said  
Board to Lend on Certain Leasehold Securities.

*[20th October, 1949]*

WHEREAS James Wilfred Marsden, deceased, late of Preamble.  
Stoke, in the Provincial District of Nelson, by his last  
will and testament, devised the land described in the  
Schedule hereto unto the trustees for the time being of  
the Cawthron Institute for the encouragement and  
advancement of agriculture and forestry, the exper-  
imental cultivation of useful trees and shrubs, of grain,  
grasses and forage plants, roots, pulse, and potatoes,  
and of any other subjects connected with agricultural  
farming and research, and especially such as the said  
trustees might from time to time consider most desirable  
for the requirements of the Provincial District of Nelson  
and its farming community as a whole, and with and  
subject to certain directions, powers, and provisions

therein set out: And whereas it was in the said will and testament provided that the said trustees should have no power to sell, exchange, or alienate the said lands or any part thereof, except as therein provided: And whereas by a codicil to his last will the said James Wilfred Marsden revoked the direction as to the power to sell, exchange, or alienate the said land, and provided that the said trustees should have no power to sell, exchange, or alienate the said land or any part thereof, excepting that they might from time to time lease any part or parts thereof for any term of years if they should consider the best interest of the endowment to be forwarded by so doing, but not otherwise: And whereas the Cawthron Institute Trust Board is the trustee of the said Institute: And whereas, owing to soil irregularities, the said land is unsuitable for the purposes of field experimental work and agricultural research: And whereas it is desirable that the terms of the trust should be as nearly as may be given effect to by the sale or other disposal of the said land and the application of the net proceeds for the purpose of carrying on work of a similar kind to that for which the said land was devised to the Board, including the purchase of other land in the said provincial district to be held by the Board upon similar trusts to those upon which the said land is now held and the establishment thereon of an experimental station for the said work: And whereas it is also desirable to grant to the said Board further powers to lease the whole or part of the said land: And whereas it is also desirable to grant to the said Board power to invest moneys held by it upon mortgage of certain leasehold property: And whereas the requisite powers are attainable only by legislation:

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

1. This Act may be cited as the Cawthron Institute Trust Board Empowering Act, 1949.

2. (1) Subject to any existing lease or to any contract heretofore made and existing in respect thereof, it shall be lawful for the Cawthron Institute Trust Board to sell and dispose of the said lands described in the Schedule hereto, or any part or parts thereof, either by public auction or private contract, and at such

**Short Title.**

Authorizing  
Cawthron  
Institute  
Trust Board  
to sell certain  
lands now held  
by it in Trust.

time or times and on such terms and conditions in all respects as the said Board may deem fit, and to convey, transfer, and assure the same to any purchaser or purchasers freed and discharged of or from the said trust, and to apply the net proceeds or part thereof after providing for the necessary costs and expenses thereof in or towards the purchase of other land in the Provincial District of Nelson to be held by the said Board upon similar trusts in all respects to the trusts declared in the will of the said James Wilfred Marsden in respect of the said land and the establishment thereon of an experimental station for the purpose of carrying on work of a similar kind to that for which the said land was devised to the Board, and to invest any balance of such proceeds and to apply the income to be derived therefrom in carrying on work of a similar kind to that for which the said lands were devised to the Board.

(2) Pending the application of such proceeds as aforesaid, the Board may invest any moneys arising from the sale or disposal of such land or any part thereof in any manner in which trustees may lawfully invest trust-moneys and apply the income arising therefrom in or towards the same purposes to which the principal moneys are appropriated by this Act or, in the discretion of the said Board, in carrying on work of a similar kind to that for which the said lands were devised to the Board.

3. The receipt in writing of the said Board shall effectually discharge every purchaser or other person paying any moneys in respect of such sales therefrom and from being bound to see or inquire as to the application thereof or being responsible for any loss, misapplication, or non-application thereof.

4. (1) It shall also be lawful for the said Board to let or lease the said land or any part or parts thereof upon any of the tenancies or leases set out in section five of the Public Bodies' Leases Act, 1908, and to apply the income to be derived therefrom in carrying on work of a similar kind to that for which the said lands were devised to the said Board.

(2) For the purpose aforesaid, the said Board is hereby declared to be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908.

Protection of  
purchaser.

Authorizing  
Board to  
lease the said  
lands.

**Board  
authorized to  
lend money  
on leasehold  
property.**

5. The said Board shall have power, where not expressly forbidden by the trusts, to lend any part of the funds of the Board on first mortgage of any leasehold granted by it in any case where the following conditions are complied with, namely:—

- (a) Where the tenancy is for a term not exceeding twenty-one years with a right or successive rights of renewal for the same or any shorter term or terms either in perpetuity or for a period or periods ending not earlier than forty years from the date of the loan at a rental to be determined by valuation in accordance with the provisions of the First Schedule of the Public Bodies' Leases Act, 1908:
- (b) That the moneys so lent shall be used in erecting buildings or other permanent improvements on the land so leased:
- (c) That the amount to be lent on the security of each such leasehold or permitted by the terms of the mortgage to remain owing at any time during the currency of the mortgage thereof shall not exceed two-thirds of the value of the lessee's interest in the said land and such buildings and improvements as aforesaid:
- (d) That the amount so lent shall be wholly repayable within seven years or by the date on which the current lease expires, whichever period is the shorter; provided nevertheless that the Board may agree to accept repayment by periodical payments of principal and interest extending over the remaining period of the current lease or any part thereof.

**Private Act.**

6. This Act is hereby declared to be a private Act.

**Schedule.**

#### **SCHE**DULE

ALL those parcels of land contained in certificates of title, Volume 70, folio 40, and Volume 83, folio 30 (Nelson Registry), containing 68 acres 2 roods, more or less, being Lot 5 on plan deposited in the Land Registry Office at Nelson under No. 2072, and Lot 2 on plan deposited in the Land Registry Office aforesaid under No. 2784, and being parts of Sections 47, 49, and 50, Block IV, Waimea Survey District.