

New Zealand.



ANALYSIS.

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1907, No. 3.—*Private.*

AN ACT to amalgamate the Porirua and Otaki Trust Properties, and to enable the same to be held and dealt with by the Porirua Trustees for the Purposes of the Establishment and Maintenance of a School or Schools at Otaki or in the Otaki District. Title.

[26th October, 1907.]

WHEREAS the lands described in the first part of the First Schedule hereto (hereinafter termed the Otaki property) are vested in the New Zealand Mission Trust Board incorporated under the Religious, Charitable, and Educational Trusts Boards Incorporation Act, 1884, upon the trusts stated in the second part of the said First Schedule: And whereas the lands described in the first part of the Second Schedule hereto (hereinafter termed the Porirua property) are vested in the Porirua College Trust Board (hereinafter termed the trustees) upon the trusts stated in the second part of the said Second Schedule: And whereas by an order of the Supreme Court of New Zealand, Wellington District, made on the seventh day of September, nineteen hundred, the trustees were empowered to expend the net income arising from the Porirua property, and the net income from the fund representing accumulated rentals therefrom and interest, in terms of a scheme particulars of which are set forth in the Third Schedule hereto: And whereas it has been agreed between the New Zealand Mission Trust Board and the trustees that upon the trustees being empowered to vary the scheme detailed in the said Third Schedule so as to enable them to expend all accumulations of income and interest from the Porirua property, together with the net income of the Porirua property and the net income of the fund representing accumulated rentals therefrom and Preamble.

interest, in and towards the erection and maintenance of a school or schools at Otaki or in the Otaki district, and in and towards the establishment of scholarships at any colleges to be selected by the General Synod (preference being given to the scholars mentioned in paragraph (c) of section four hereof), then the Otaki property and the fund representing accumulated rentals therefrom and interest, and also the moneys received by the New Zealand Mission Trust Board in respect of the insurance of certain buildings on the Otaki property destroyed by fire in the year nineteen hundred and three, and the accumulations thereof (all of which are hereinafter referred to as the Otaki trust funds), shall be vested in the trustees for the purposes of such school or schools upon the conditions hereinafter detailed :

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

Short Title.

1. This Act may be cited as the Otaki and Porirua Empowering Act, 1907.

Vesting of Otaki trust funds in the trustees.

2. Immediately upon the passing of this Act the Otaki trust funds shall, without any conveyance or assurance whatever, vest in the trustees for an estate of inheritance in fee-simple in possession in the case of land, and absolutely in the case of other than land, upon the trusts and subject to the provisions hereinafter declared, and subject also to any existing leases and tenancies, to the intent that the same may be amalgamated with the Porirua property and funds.

Authority to trustees to establish a school or schools.

3. The trustees are hereby empowered to employ the net income from the Porirua and Otaki properties, including as income all accumulations of rent, interest, and profits, and also the aforesaid insurance moneys, in the erection and maintenance of a school or schools at or near Otaki, in the Provincial District of Wellington, and in the acquisition of a site or sites therefor; and also in the establishment of scholarships at any one of three colleges to be selected by the General Synod, preference being given to the scholars mentioned in paragraph (c) of section four hereof.

Conditions governing the school.

4. With regard to the school or schools to be established at or near Otaki, the trustees shall as far as possible comply with the following conditions :—

- (a.) At every such school due provision shall be made for the admission of day scholars.
- (b.) The scholars shall be children of British subjects of all races, and children of other poor and destitute persons being inhabitants of islands in the Pacific Ocean.
- (c.) In the admission of scholars preference shall be given to members of the Ngatiraukawa, Ngatiawa, or Ngatittoa Tribes, and then to other Maoris or descendants of Maoris residing on the west coast of the North Island of New Zealand, and failing such to Maoris or descendants of Maoris of any part of New Zealand; and this paragraph shall apply to both sexes.
- (d.) Religious education shall be given to the scholars according to the discipline and doctrines of the Church of the Province of New Zealand (commonly called the Church

of England), but no scholar shall be refused admission on the ground of religious belief.

- (e.) Industrial or technical education (which shall be made a feature of every such school) shall also be given, together with instruction in the primary-school subjects :

Provided nevertheless that, so far as day scholars are concerned, it shall not be a condition of any scholar being admitted into or continuing in the school—

(i.) That he shall attend or abstain from attending any Sunday school or any place of religious worship ; or

(ii.) That he shall attend any religious observance or any instruction in the school or elsewhere from which observance or instruction he may be withdrawn by his parent or guardian ; or

(iii.) That he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs.

5. Every such school shall, so far as the secular subjects specified in paragraph (e) of section four are concerned, be subject to Government inspection by Inspectors of the Education Department in the same manner and to the same extent as the schools mentioned in section one hundred and sixty-three of the Education Act, 1904.

Government
inspection of
schools.

6. The trustees are hereby empowered—

Powers of trustees.

(a.) With the consent of the General Synod and of the Governor in Council, to sell the lands vested in them or any part thereof, either by public auction or by private contract, and upon such terms and conditions as they shall think fit, with power to buy in or rescind or vary any contract of sale :

(b.) To lease lands vested in them, for which purpose the trustees shall be deemed to be a leasing authority within the meaning of the Public Bodies' Powers Act, 1887, and shall be subject to the provisions of that Act :

(c.) To execute such deeds and instruments as may be necessary to perfect any such sale, rescission, variation, or leasing.

7. The net proceeds of any sale of real property, and all other capital moneys belonging to the trustees, may be invested in one or more of the modes of investment authorised by law for investment of trust funds, or, with the consent of the General Synod and the Governor in Council, in the purchase of other lands to be held upon the same trusts and with the same powers as are by this Act declared with respect to the Otaki and Porirua properties, and such investment may from time to time be transposed into or for others of any nature hereby authorised. It shall also be lawful for the trustees to purchase the estate or interest of any lessee or tenant in land the reversion whereof is vested in the trustees, so as to enable them to take possession thereof.

Investment of
proceeds of any
sale and all other
capital moneys.

8. The accumulated rents, profits, and other income moneys belonging to the trustees may, while not required for immediate expenditure, be invested in any of the aforesaid modes of invest-

Investment of
rents and profits.

ment, and the proceeds of such investment shall be deemed to be income.

Order and scheme
of Supreme Court
to be subject
hereto.

9. The aforesaid order and scheme of the Supreme Court shall be read and construed as subject to and so as not to affect the provisions of this Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

OTAKI LANDS.

First Part.

ALL that parcel of land situate at Otaki, in the Provincial District of Wellington, New Zealand, containing by admeasurement 396 acres 2 roods 30 perches, or thereabouts, being the whole of the land comprised in a certain Crown grant dated the 5th day of February, 1852, and registered in the Deeds Register Office at Wellington as No. 60763.

Also all that parcel of land situate at Otaki aforesaid, containing by admeasurement 68 acres 2 roods 35 perches, or thereabouts, being the whole of the land comprised in a certain Crown grant dated the 5th day of February, 1852, and registered in the Deeds Register Office at Wellington as No. 60762: save and except such portion thereof, containing by admeasurement 39 acres and 14 perches, as is comprised in Proclamation registered as aforesaid under No. 453.

Also all that parcel of land situate at Otaki aforesaid, containing by admeasurement 62 acres, or thereabouts, being the whole of the land comprised in a certain Crown grant dated the 16th day of July, 1853, and registered in the Deeds Register Office at Wellington as No. 60764.

Also all that parcel of land situate at Otaki aforesaid, containing by admeasurement 33 acres 3 roods, or thereabouts, being the whole of the land comprised in a certain Crown grant dated the 18th day of June, 1853, and registered in the Deeds Register Office at Wellington as No. 60761.

Second Part.

In trust for the use and towards the maintenance and support of a school to be established under the superintendence of the Church Missionary Society at Otaki for the education of children of British subjects of all races, and children of other poor and destitute persons being inhabitants of islands in the Pacific Ocean, so long as religious education, industrial training, and instruction in the English language shall be given to the youth educated therein or maintained thereat.

SECOND SCHEDULE.

PORIRUA LANDS.

First Part.

ALL that piece or parcel of land situate and being at the entrance of Porirua Harbour, in the Provincial District of Wellington, New Zealand, and bounded on the southern side by a line running from Rocky Bay, near Teti Bay, at an angle of 99° with the magnetic meridian, till it intersects the base of the hills on the south side of the Onepoto Creek, the foot of the hills forming the boundary from thence to the head of the creek; on the east by Porirua Harbour; and on the north and west by the sea: the content being 500 acres, or thereabouts: the said piece of land being the whole of the land comprised in a certain Crown grant to the Right Reverend George Augustus, Lord Bishop of New Zealand, dated the 28th day of December, 1850, and registered in the Deeds Register Office at Wellington as No. 246.

Second Part.

In trust for the use and towards the maintenance of a school to be established at Porirua under the superintendence of the Bishop of New Zealand for the education

of children of British subjects of all races, and of children of other poor and destitute persons being inhabitants of islands in the Pacific Ocean, so long as religious education, industrial training, and instruction in the English language shall be given to the youth educated therein or maintained thereat.

THIRD SCHEDULE.

SCHEME for the application of rents accruing from a piece of land comprised in a Crown grant dated the 28th day of December, 1850, to George Augustus, Bishop of New Zealand, of a piece of land granted for the endowment of a school at Porirua, and also for the application of the interest accruing from the investment of such rents.

That the trustees of the said land be empowered to expend the net rents and profits arising from the said land, and the net income from the fund representing accumulated rentals and interest, in the following manner:—

1. A school or college being about to be established in the Wairarapa Valley out of endowments vested in trustees for the General Synod of the Church of the Province of New Zealand (commonly called the Church of England) upon the trusts the same as those expressed in the Crown grant of the land at Porirua, the net rent and income in the hands of the plaintiffs, as far as the same will permit, shall be devoted to the maintenance of scholars in the Wairarapa institution, a fair sum being charged for maintenance and education.

2. That preference shall be given to children belonging to the Ngatitōa Tribe; failing them, preference to children of the West Coast tribes.

3. That the proposed system of education shall be such as appears in this judgment.

4. That no youth shall be refused a scholarship on the ground of religious belief, no religious test whatever being applied to the applicants.

5. That the General Synod of the Church of the Province of New Zealand (commonly called the Church of England), or by its consent the Diocesan Synod of the Diocese of Wellington, or its Standing Committee, shall have power to make rules and regulations not inconsistent with the foregoing portion of this scheme, under and subject to which the same shall be carried out.