Mr. Field.

OTAKI AND PORIRUA EMPOWERING.

[PRIVATE BILL.]

ANALYSIS.

Title.
Preamble.
1. Short Title.
2. Authority to Porirua Trustees to establish a school or schools.
3. Conditions governing the school.
4. Incorporation of Otaki Trustees.
5. Regulations.
6. Vesting of Otaki property in trustees.
7. Powers of Otaki Trustees.
8. Trust of income of Otaki property.
9. Provision for revesting of Otaki property.
10. Evidence of revesting.
Schedules.

A BILL INTITULED

AN ACT to enable the Otaki Trust Property and the Porirua Trust Property to be held and dealt with for the Purposes of the Establishment and Maintenance of a School or Schools at Otaki or in the Otaki District. Title.

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 Trust 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 Porirua 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 Porirua 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 Porirua Trustees that upon the Porirua Trustees being empowered to vary the scheme detailed in the said *Third* Schedule so as to enable them to expend the net income of the Porirua property and the net income of the fund representing accumulated rentals therefrom and interest (excepting such portion of such income as the Preamble.

Porirua Trustees may deem it desirable to expend in scholarships in accordance with the said scheme of the Supreme Court) 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 college or colleges to be selected by the General Synod (preference being given to the scholars mentioned in paragraph (*b*) of section *three* 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, shall be vested in 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.

Authority to Porirua Trustees to establish a school or schools.

2. The Porirua Trustees are hereby empowered to employ the net income from the Porirua property, and the net income from the fund representing the accumulated rentals therefrom and interest (excepting such portion of such income as the Porirua Trustees may deem it desirable to expend in scholarships in accordance with the said scheme of the Supreme Court, or as hereinafter mentioned), 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 the said 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. The Porirua Trustees are hereby further empowered to apply any part of the net income from the Porirua property and from the fund representing the accumulated rentals therefrom and interest in the establishment of scholarships at any college or colleges to be selected by the General Synod, preference being given to the scholars mentioned in paragraph (*b*) of section *three* hereof.

Conditions governing the school.

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

(*a*.) The scholars at such school or schools 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.

(*b*.) In the admission of scholars to the said school or schools preference shall be given to members of the Ngatirau-kawa, Ngatiawa, or Ngatitoa 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 clause shall apply to both sexes.

(*c*.) Religious education according to the discipline and doctrines of the Church of the Province of New Zealand

(commonly called the Church of England), industrial training, and instruction in the English language shall be given to the scholars at such school or schools.

Incorporation of Otaki Trustees.

4. The Diocesan Trusts Board of the Diocese of Wellington is hereby empowered to appoint six trustees for the purposes hereinafter mentioned, and such trustees and their successors in office shall immediately upon their appointment be a body corporate under the style of "the Otaki Trustees," with perpetual succession and a common seal, and power to hold and dispose of real and personal property of whatever nature, sue and be sued in all proceedings, civil or criminal, and do and suffer all that corporate bodies may do and suffer.

Regulations.

5. The regulations relating to the Otaki Trustees as set forth in the *Fourth* Schedule hereto are hereby enacted, and shall have the same force and effect as if set forth in the body of this Act.

Vesting of Otaki property in trustees.

6. Immediately upon the first appointment by the said Diocesan Trusts Board of the trustees forming the Otaki Trustees, the Otaki property shall, without any conveyance or assurance whatever, vest in the Otaki Trustees for an estate of inheritance in fee-simple in possession upon the trusts and subject to the provisions hereinafter declared, and subject also to any existing leases and tenancies; and the fund representing accumulated rents and profits from the Otaki property and interest, and the securities representing the investment of the same, and also the fund representing the moneys received in respect of the insurance on the buildings destroyed by fire as aforesaid and the accumulated interest thereof, and the securities representing the investment of the same, and all other accumulations (if any), shall upon such first appointment, without any conveyance or assurance whatever, also vest in and belong to the Otaki Trustees upon and subject to the said trusts and provisions.

Powers of Otaki Trustees.

7. (1.) The Otaki Trustees are hereby empowered—

(*a*.) With the consent of the General Synod while the Otaki property is vested in such trustees, to sell the same or any part thereof, either by public auction or 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 let the same or any part thereof, with the consent of the Porirua Trustees, for such term, at such rent, and on such conditions as they may deem proper, and to accept a surrender of any leases so granted:

(*c*.) To execute such deeds and instruments as may be necessary to perfect any such sale, rescision, variation, letting, or surrender, and generally to act in regard to the Otaki property as if they were the absolute owners thereof.

(2.) The net proceeds of any sale, and all other capital moneys in the hands of the Otaki Trustees (including the accumulated rents, profits, insurance moneys, and interests to be vested in them as aforesaid), shall be invested in one or more of the investments authorised by law for investment of trust funds, and such investments may from time to time be transposed into or for others of any nature hereby authorised.

Income of property.

8. Subject to the provisions of section *nine* hereof, the rents, issues, and profits received by the Otaki Trustees from the Otaki property, and the net income received by the Otaki Trustees from the investments aforesaid, and also the accumulated funds (if any), shall from time to time as soon as practicable be paid over to the Porirua Trustees to be applied by them in or towards the erection and maintenance of the aforesaid school or schools at or near Otaki.

Provision for revesting of Otaki property.

9. In either of the events following, that is to say:—

(*a.*) If the General Synod of the Church of the Province of New Zealand (commonly called the Church of England) shall pass a resolution declaring that in its opinion the Porirua Trustees have not within a reasonable time established a school or schools at or near Otaki in accordance with the provisions of this Act; or

(*b.*) If the said General Synod shall at any time pass a resolution declaring that the school or schools to be established at or near Otaki as aforesaid fails or fail to carry out the provision in section *three* hereof with regard to religious instruction—

the Otaki property (except as hereinafter mentioned) and the investments aforesaid, and the net unexpended rents and profits and income thereof, and all other moneys and properties in the hands of the Otaki Trustees, shall thereupon (subject to any conveyances and leases previously made and to deduction of all expenses properly incurred by the Otaki Trustees), without any conveyance or assurance whatever, revest in and belong to the New Zealand Mission Trust Board as trustee upon the trusts on which the Otaki property is now held:

Provided always that if the Porirua Trustees shall have expended out of the Porirua Trust Fund any sum or sums of money in the erection of school buildings on any portion of the Otaki property, the said buildings (with the land on which the same shall be standing, and which shall have been occupied in connection therewith for the use or recreation of the children or students being taught thereat) shall not so revest in the New Zealand Mission Trust Board unless the New Zealand Mission Trust Board shall, with the consent of the General Synod, refund to the Porirua Trustees the moneys actually expended by them on the said buildings.

Evidence of revesting.

10. A statutory declaration by the president of the said General Synod of the passing of either of the resolutions mentioned in section *nine* shall be conclusive evidence of the passing thereof, and upon such declaration being made the passing of such resolution and the validity thereof shall not be called in question upon any ground whatever.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

First Part.

Otaki Lands.

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.

First Part.

Porirua Lands.

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 five hundred 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 Ngatitoa Tribe; failing them, preference to children of the West Coast Tribe.

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.

FOURTH SCHEDULE.

REGULATIONS REGARDING THE OTAKI TRUSTEES.

1. THE number of the Otaki Trustees shall be six; not less than half shall be laymen, of whom at least one shall (if possible) be Maori; trustees shall be males appointed by the aforesaid Diocesan Trusts Board, and to hold office until the appointment of their successors by the said Diocesan Trusts Board, but to be eligible for reappointment.

2. Any trustee shall *ipso facto* vacate his office if he dies, or becomes a bankrupt, or refuses to act, or neglects to act for three consecutive meetings of the trustees without the consent of the other trustees, or consent given by resolution at a meeting of the trustees, or ceases to reside in New Zealand for more than six months in succession without leave of the other trustees, or becomes a confirmed lunatic, or resigns his office by writing under his hand addressed to the trustees at their registered office.

3. The said Diocesan Trusts Board shall be the sole judge as to whether any trustee has become disqualified or ceased to be a trustee.

4. Subject to the provisions of this Act, the Standing Committee of the Synod of the Wellington Diocese may make regulations to govern the election and appointment of trustees.

5. The trustees may from time to time make, alter, or revoke by-laws for all or any of the following purposes: For the use and custody of the common seal; for prescribing the quorum at their meetings, and the conduct of business thereat, and the functions and duties of any officer or person employed by them; and generally for the purpose of giving effect to this Act, so long as such by-laws are not inconsistent with this Act or any trust or duty vested in or imposed upon such trustees.

6. The trustees may pay to any officer or person employed by them such salary as they deem proper.

7. The accounts of the trustees shall be kept in such form and rendered to such persons as the aforesaid General Synod from time to time determines, and the said

General Synod may appoint an auditor thereof, and may also at any time require a report from the trustees as to any matter under the control of the trustees, which report it shall be the duty of the trustees to furnish.

8. The registered office of the Otaki Trustees shall be at such place as the said Standing Committee may from time to time appoint. Any notice or legal process shall be deemed to be served upon the Otaki Trustees if left at their registered office.

By Authority : JOHN MACKAY, Government Printer, Wellington.—1907.