

Hon. Sir Charles Statham.

PAPAWAI AND KAIKOKIRIKIRI TRUSTS
BOARD EMPOWERING.

[PRIVATE BILL.]

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A BILL INTITULED

AN ACT to extend the Powers of the Papawai and Kaikokirikiri Trusts Board duly incorporated under the Religious, Charitable, and Educational Trusts Boards Incorporation Act, 1884, and to vary the Trusts upon which the Properties of such Board are held, and to validate and confirm certain Actions of the said Board.

WHEREAS by two Crown grants both dated the fourteenth day of June, eighteen hundred and fifty-three, after reciting that a college was about to be established in the Wairarapa Valley under the superintendence of the Right Reverend George Augustus, Lord

Bishop of New Zealand, for the education of children of Her Majesty's subjects of all races and of children of other poor and destitute persons being the inhabitants of islands in the Pacific Ocean, and that it would promote the objects of the said institution to 5
set apart certain pieces or parcels of land (therein and in the *First* and *Second* Schedules hereto more particularly described) in the neighbourhood thereof for the use and towards the maintenance and support of the same, which pieces or parcels of land had been ceded 10
by the Native owners for the support of the said college, Her late Majesty Queen Victoria did grant unto the said George Augustus, Lord Bishop of New Zealand, and his successors, the said pieces or parcels of land, together with the rents, issues, and proceeds thereof, 15
to hold unto the said George Augustus, Lord Bishop of New Zealand, and his successors in trust nevertheless, and for the use and towards the maintenance and support of the said college so long as religious education, industrial training, and instruction in the English 20
language should be given to the youth educated therein or maintained thereat: And whereas the said pieces or parcels of land, hereinafter described as "the Papawai land" and "the Kaikokirikiri land" respectively, are now vested (subject to the trusts declared 25
by the said Crown grants) in a Board of trustees incorporated under the Religious, Charitable, and Educational Trusts Boards Incorporation Act, 1884, under the name of the Papawai and Kaikokirikiri Trusts Board (hereinafter referred to as the Board): 30
And whereas there has since become vested in the Board the piece or parcel of land more particularly described in the *Third* Schedule hereto, and hereinafter referred to as "the Clareville land", and a college was established thereon and was maintained and 35
supported out of the revenues derived from the Papawai and Kaikokirikiri lands in pursuance of the intention recited in the said Crown grants and the trusts thereby declared, but the building of the said college was destroyed by fire in the year nineteen 40
hundred and thirty-two, and the net revenues from the Papawai, Kaikokirikiri, and Clareville lands have since been accumulated by the Board: And whereas,

since the college building erected on the Clareville land was destroyed by fire as aforesaid, it has not been found practicable to rebuild the same without so depleting the property vested in the Board as to
5 render it inadequate for the maintenance and support of that college: And whereas, with the object of making the best practicable use of the income of the Board in furthering the education contemplated in the said Crown grants, it is expedient to extend the
10 powers of the Board and to vary the trusts upon which the properties vested in the Board are held so as to authorize the awarding and payment of scholarships tenable at certain schools to be selected by the Board: And whereas certain farming operations
15 have been carried on by the Board upon parts of the lands so vested in it: And whereas doubts have arisen as to the sufficiency of the powers of the Board to carry on such farming operations: And whereas it is expedient to remove such doubts and to confirm and
20 validate the farming operations so carried on and to declare and define the powers of the Board in respect of farming operations:

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

1. This Act may be cited as the Papawai and Kaikokirikiri Trusts Board Empowering Act, 1940. Short Title.

2. The Board shall have power to apply the net income of the property now vested or hereafter to
30 become vested in it in the provision of scholarships for the children referred to in the said Crown grants, but so that preference be given in awarding such scholarships to boys and girls of the Ngatikahungunu Tribe and its sub-tribes residing in the Wellington
35 Provincial District to the east of the Rimutaka and Tararua Ranges, such scholarships to be tenable at schools at which adequate provision is made for the education of children being descendants of Maoris, and religious education is given to the children
40 according to the discipline and doctrines of the Church of the Province of New Zealand (commonly called the Church of England). The conditions of tenure of every Power to award scholarships and to determine the conditions of the same.

such scholarship shall be determined by the Board, which shall select the recipient of every such scholarship and the school at which every such scholarship shall be tenable. Every such scholarship shall be of such value as the Board shall in each case in its discretion decide, and may in such discretion be renewed from year to year with or without modification in value or condition of tenure. 5

Certain moneys to be deemed respectively capital and Special Reserve Fund.

3. (1) The sum of sixteen thousand three hundred and forty pounds three shillings and sixpence accounted for in the balance-sheet of the Board at the thirty-first day of March, nineteen hundred and thirty-eight, as "accumulated fund" shall be deemed to be part of the capital of the Board. 10

(2) All sums in excess of sixteen thousand three hundred and forty pounds three shillings and sixpence which shall be comprised in the "accumulated fund" according to the balance-sheet of the Board as at the thirty-first day of March, nineteen hundred and forty, shall be transferred to a Special Reserve Fund, which may be utilized by the Board in its discretion,— 20

(a) As to the capital thereof, for any of the purposes set out in paragraph (a) of section *four* of this Act:

(b) As to the income thereof, either— 25

(i) For any of the purposes set out in paragraph (a) of the said section *four*; or

(ii) For the purpose set out in paragraph (b) of the said section *four*; or

(iii) As part of the ordinary income of the Board. 30

Power to make reserves out of income for certain purposes.

4. The Board shall have power from time to time to apply such portion or portions as it thinks fit of its annual income to or towards such reserves for the following purposes as the Board from time to time thinks fit, that is to say:— 35

(a) Reserves against depreciation of any of the assets of the Board or towards maintenance or replacement of such assets from time to time: 40

(b) Reserves towards stabilizing the amounts annually available for providing the benefits authorized by this Act.

5. The Board shall have power to—
- (a) Dedicate all or any of its property for any public purpose, or sell or exchange the same and lay out the net proceeds in the purchase of other real property in New Zealand to be held upon the same trusts as are by the said Crown grants declared and by this Act extended and with the powers by this Act conferred, or in effecting permanent improvements to any other real property of the Board, or invest such net proceeds in any securities for the time being permitted by the law of New Zealand for the investment of trust funds. Any lands received by way of such exchange shall be held by the Board upon the trusts and with the powers in this paragraph above described:
- (b) Mortgage any of the real property held by it, but so that all moneys borrowed on mortgage shall be expended only in effecting permanent improvements to the property so mortgaged or to any other real property held by the Board, or in paying off any mortgage theretofore effected over any real property of the Board, or for the purpose of the purchase of live-stock or plant in connection with any farming business carried on by the Board under the provisions of section *seven* hereof:
- (c) Apply any of the capital moneys belonging to it, other than moneys arising from the exercise of the powers conferred by paragraphs (a) and (b) of this section, in the purchase of real property in New Zealand to be held upon the trusts and with the powers in the said paragraph (a) described, or in effecting permanent improvements to any real property so held by the Board:

Power of dedicating, selling, exchanging, mortgaging, and purchasing.

Provided that such power of selling, exchanging, dedicating, mortgaging, and purchasing shall be exercised only by the authority of the General Synod of the Church of the Province of New Zealand (commonly called the Church of England), or, if such General Synod be not in session, of the Standing

Committee of the said General Synod, or, if such Standing Committee be not in session, of the Synod of the Diocese of Wellington, or, if such Synod be not in session, of the Standing Committee of such Diocese, such authority to be given in the case of each sale, 5
exchange, dedication, mortgage, or purchase:

Provided also that any sale made under the authority of this section may be made either by public auction or private contract, and upon such terms and conditions as the Board shall think fit, with power to 10
buy in or rescind or vary any contract of sale.

Leasing-
powers.

6. The Board shall have power to lease any lands held by it for any period not exceeding twenty-one years, or, if leased for building purposes, for any period not exceeding sixty years. Every such lease 15
shall take effect in possession within six months from the date thereof, and shall reserve such rent and contain such covenants and provisions as the Board may deem reasonable. This power is in addition to the powers given by the Public Bodies' Leases Act, 20
1908, and the Board is hereby declared to be a leasing authority within the meaning of the said Act.

Power to carry
on farming
operations,
and validation
of certain
past farming
operations.

7. (1) The Board shall have power to carry on upon any lands being the property of the Board the business of farming in all or any of its branches: 25

Provided that the annual net profits arising from any such farming operations shall not be subject to the provisions of paragraph (a) of section *five* hereof, but shall be available as income of the said Board for the general purposes of the said Board, including the 30
purposes set forth in section four hereof.

(2) The farming operations heretofore carried on by the Board are hereby validated.

Preservation
of trusts and
powers in
Crown grants.

8. Notwithstanding anything in this Act contained, it shall be lawful for the Board, whenever in its opinion 35
the finances of the Board are sufficient for that purpose, to erect and carry on a school or college in accordance with the original trusts contained in the said Crown grants:

Provided that the Board shall have first obtained 40
the consent of the said General Synod or, if such General Synod be not in session, of the Synod of the Diocese of Wellington.

9. All costs, charges, disbursements, and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Board out of the income of the Board.
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10. This Act is hereby declared to be a private Act.

Costs and disbursements: how to be paid.

Private Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that parcel of land containing three hundred and ninety-five acres one rood and eighteen perches (195 acres 1 rood 18 perches), more or less, situate in Block XIV of the Tiffin Survey District, being parts of Section 42, Moroa Block, and being the whole of the land comprised in certificate of title, Vol. 336, folio 222, Wellington Registry.

SECOND SCHEDULE.

ALL those parcels of land containing together one hundred and seventy-seven acres two roods twenty-five and four-tenths perches (177 acres 2 roods 25·4 perches), more or less, situate partly in the Borough of Masterton and partly in Block IV of the Tiffin Survey District, being parts of Section 10, Bishops Reserve, and part of Subdivision 33N, Ngaumutawa Block, and being also Lots 1, 2, 3, 4, 5, 7, 9, and 11 on Deposited Plan No. 7899, and being the whole of the land comprised in certificate of title, Vol. 370, folio 80, Wellington Registry.

THIRD SCHEDULE.

THAT piece of land situated in the Taratahi Plain, Wairarapa District, containing one hundred and fifty acres (150 acres), more or less, which said piece of land comprises the section marked eighty-five (85) and part of the section marked eighty-six (86) delineated in the public map of the said Taratahi Plain deposited in the office of the Commissioner of Crown Lands, Wellington, being the whole of the land comprised in certificate of title, registered in the office of the District Land Registrar at Wellington as Vol. 9, folio 40.