

Right Hon. Mr. Massey.

WELLINGTON METHODIST CHARITABLE AND EDUCATIONAL TRUSTS.

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A BILL INTITULED

AN ACT to incorporate and confer certain Powers on the Trustees of the Wellington Methodist Charitable and Educational Endowments. Title.

5 WHEREAS the pieces or parcels of land described in the *First* Schedule hereto were granted by the Crown to the persons named, and have been held upon the trusts and for the purposes expressed in the said *First* Schedule: And whereas the said trusts have been administered by the trustees thereof under the general supervision
10 of the authorities from time to time (now the Conference) of what is now called or known as the Methodist Church of New Zealand: And whereas it is considered that the general efficiency of administration of the trusts will be increased, and the endowments of the trusts turned to better account if such provisions are made concerning
15 the premises as are hereinafter set forth:—

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 Wellington Methodist Charitable and Educational Trusts Act, 1916. Short Title.

Interpretation.

2. In the construction of this Act, unless the context shall otherwise require,—

“The Conference” means the Conference of the Methodist Church of New Zealand:

“The Board” means the Board constituted by this Act.

Incorporation of trustees.

3. (1.) The present trustees of the said lands (now incorporated under the Religious, Charitable, and Educational Trusts Act, 1908, under the name of “The Wellington Methodist Educational Trust Board”), and all new members appointed to the Board, whether by way of succession or addition, shall be and are hereby constituted a body corporate under the name of “The Board of the Wellington Methodist Charitable and Educational Endowments,” having a perpetual succession and a common seal, and capable in law for the purposes of the trusts to be administered by them and of this Act of doing and suffering all such things as corporate bodies may do and suffer, and with power to take and hold lands subject to the provisions of this Act.

The present trustees.

(2.) The present trustees hereby constituted members of the Board are the persons following—that is to say: William James Harland, accountant; John Kershaw, foreman gasfitter; William Clement Hemery, accountant; Robert Hosie, watchmaker; George Tiller, settler; Ernest William Abraham Kellow, accountant; William Wallace Moxham, factory-manager; William Edwin Redstone, insurance agent; James Kellow, accountant; James Gates Chapman, Methodist minister: all of Wellington.

Appointment of Chairman.

4. The Conference may annually appoint some person (whether a member of the Board or not) as Chairman of the Board, who, if not already a member, shall be *ex officio* a member of the Board. Any one so appointed shall be eligible for reappointment, but if not otherwise a member of the Board, shall cease to be a member upon ceasing to be Chairman. In the event of the Conference not appointing a Chairman, the Board shall appoint one from their number.

Acting-chairman.

5. The Chairman shall preside at all meetings of the Board at which he is present. If and while by reason of death or other reason there is no Chairman, the members of the Board may appoint one of their number to be acting-chairman, who shall preside at all meetings at which he is present, and shall have the same powers as if he were Chairman of the Board. If at any such meeting such Chairman or acting-chairman be not present at the time appointed for holding the same, the members present may choose one of their number to be chairman of such meeting, and the member so chosen shall have the same powers at that meeting as if he were Chairman of the Board.

Number of members.

6. The Board may from time to time consist of any number of members (not exceeding fifteen and not less than eight) including the Chairman.

Appointment of new members.

7. (1.) All members of the Board hereafter appointed (whether by way of succession or addition) shall be appointed by resolution of the Conference on the nomination of the trustees.

(2.) If the number of existing members is reduced below eight, and the Board shall fail to nominate a person or persons eligible to be a member or members, the Conference shall have power to appoint

a member or members without the nomination of the Board. No person shall be eligible to become or act as a member of the Board who is not an adherent of the Methodist Church of New Zealand.

5 8. Upon the appointment of a new member or members the President of Conference to make declaration of new members appointed.

10 9. President of the Conference shall make a declaration in or to the effect of the form in the *Second* Schedule hereto, countersigned by the Secretary of the Conference, stating the name or names of the person or persons so appointed; and, every such declaration shall be exempt from stamp duty and, without payment of any fee, shall be filed on record in the office of the Registrar of the Supreme Court, at Wellington, within sixty days after such declaration shall have been made; and when so filed shall be conclusive evidence of the matters and things therein stated without proof of any signature thereto.

15 9. A copy of any such declaration, certified under the hand and seal of the Registrar of the Supreme Court, at Wellington, shall be evidence in all Courts and for all other purposes of the matters and things stated therein, without any proof of the seal or signature of such Registrar. Evidence of appointment.

20 10. The office of a member of the Board shall become or be vacant in each or any of the following cases, in addition to death, that is to say:— Vacancies, how they may occur.

- (a.) If the member resigns by notice in writing under his hand;
- (b.) If he refuses to act further;
- 25 (c.) If he ceases to be an adherent of the said Methodist Church, or if he removes to an inconvenient distance from the Board's office. (The Board shall be the sole judges of these facts);
- (d.) If he becomes a bankrupt;
- (e.) If he becomes incapacitated to act by reason of lunacy or otherwise.
- 30 (f.) If he is absent without leave from four successive meetings of the Board;

and if in each or any such case a resolution is passed by the Board at a meeting thereof declaring the office of such member vacant.

35 11. Every vacancy occurring in the membership of the Board shall be forthwith reported to the Secretary of the Conference. Vacancies, how to be filled.

40 12. The Board shall have an office at such place as they shall from time to time fix, and any notice to or legal process against the Board shall be deemed to be duly served if left at such office. Notice of the situation of such office and of any change in its situation shall be published in the *Gazette*. The Board to have an office.

45 13. The members of the Board may meet together for the despatch of business, adjourn, or otherwise regulate their meetings and proceedings as they may think fit. The quorum of a meeting shall be six. Meetings. Quorum.

14. Questions arising at any meeting of the Board shall be determined by a majority of votes, and in case of equality of votes the Chairman presiding shall have a second or casting vote. Questions determined by majority at meeting.

50 15. A meeting of the members of the Board for the time being, at which a quorum is present, shall be competent to exercise all or any of the powers, authorities, and discretions for the time being vested in the Board. Powers of meeting

Meeting may be called by Chairman or at request of members.

Notice of meetings.

16. The Chairman or acting-chairman may at any time, and the Secretary of the Board shall upon the requisition in writing of any three members, summon a meeting of the Board. Five clear days' notice of every meeting shall be sent by post to each member who is for the time being in New Zealand. The day of posting the notice shall not be reckoned in the five days. 5

Delegation powers to committees.

17. The members of the Board may delegate any of their powers to committees consisting of such member or members of their body as they shall think fit. Any committee so appointed shall in the exercise of its powers conform to any directions given from time to time by the Board. 10

By-laws.

18. The Board shall have power from time to time to make by-laws for the governance of the committees, or with respect to the general management of any home, school, college, or institution established and controlled by the Board, or with respect to any other matter under the control of the Board. 15

Keeping of minutes and accounts.

19. The Board shall keep, or cause to be kept, exact minutes of all their proceedings, and also full and accurate accounts of all their receipts and disbursements, liabilities, and engagements, and shall in the month of January in each year cause the said accounts to be made up to the last day of December in each year to be audited by one or more competent auditors. A statement of such accounts, signed by the auditor or auditors, together with a report of the year's working and operations of the Board in respect of the trust estate, shall be produced at a meeting of the Board to be held in the month of January in each year. Such statement and report, if and when adopted at such meeting, shall be signed by the Chairman, and a copy of each certified by the Chairman shall be forwarded by the Secretary of the Conference to be laid before the Conference at its next session. 20 25 30

Report.

Common seal and deeds.

20. The common seal of the Board shall be in the custody of the Board's Secretary, and all deeds and instruments executed under the common seal of the Board shall be executed at a meeting of the Board, and be authenticated by the signatures of the Chairman or acting-chairman and two of the members. 35

Lands to vest in Board.

21. All the said lands described in the *First* Schedule hereto, and also all moneys now under the control of or invested by the trustees of the said lands, are hereby vested in, and shall be held by, the Board, and shall continue to be used and administered by the Board under the general control and superintendence of the Conference upon the trusts hereinafter mentioned. 40

Trusts and purposes for which lands are held.

22. The trusts and purposes upon and for which the said lands and moneys are and shall henceforth be held, and upon and for which any lands or moneys hereafter acquired by the Board for the purposes of this Act, and so as to be subject thereto, shall be held, are and shall be for the benefit, maintenance, or education of— 45

(a.) Children and youth being descendants of the Native or Maori race of New Zealand;

(b.) Orphan and needy children and youth of any other race being British subjects;

and the support and upkeep of any home, school, college, or institution which the Board may, with the sanction and approval of the 50

Conference, acquire or establish for the purposes aforesaid or either of them; and the trusts and purposes expressed in the said Crown grants are hereby modified and assimilated accordingly; and the revenues derived or to be derived from the said lands, and from the said moneys or investment of moneys as aforesaid, shall be applied in aid of the said purposes and in the administration of the said trusts, and for no other trusts and purposes.

23. The selection of any children or youth being descendants of the Native race or Maori race of New Zealand, or orphan or needy children and youth of any other race being British subjects, to receive the benefits of the trusts and purposes on which the said lands and moneys are to be held as hereinbefore provided, or to be admitted to any home, school, college, or institution acquired or established by the Board for the purposes aforesaid, and the term for which they or either of them may enjoy the benefits shall be at the discretion of the Board; and the Board may charge moderate and reasonable fees for maintenance and tuition in such home, school, college, or institution in cases where there is ability on the part of the parents or guardians (if any) to pay the same, the amount of such fees to be determined in each case by the Board.

Selection of beneficiaries.

24. The course of instruction, if undertaken by the Board in any home, school, college, or institution acquired or established by the Board, may include—

Course of instruction.

(a.) A general course of instruction similar to that for the time being given in the public primary schools of the Dominion and, for such scholars as are sufficiently advanced to receive it, a further general course of instruction similar to that for the time being given in the continuation, technical, or high schools of the Dominion;

(b.) Industrial training, including (in addition to domestic work as adapted for boys and girls respectively) instruction and practice in one or more of the following groups of subjects:—

(i.) Gardening, orchard-work, beekeeping, and poultry management;

(ii.) Agriculture, dairying, and feeding and treatment of stock;

(iii.) Technical and mechanical trades and crafts;

and shall provide for such religious education as is approved and directed by the Conference.

25. All instructors, overseers, and general employees necessary for the working of any home, school, college, or institution shall be appointed by the Board.

Appointment of instructor.

26. The President of the Conference for the time being (or his duly appointed deputy) shall be the visitor of any home, school, college, or institution established by the Board, and shall have full power and authority to do all those things that pertain to visitors as often as to him shall seem meet.

Visitor.

27. In order to render the lands described in the *First Schedule* hereto, and any other lands the Board may hereafter acquire, productive of revenue in aid of the purposes and trusts herein provided, the

Powers of leasing.

Board shall have and may exercise in regard thereto all such powers of leasing as are set forth in the Public Bodies' Leases Act, 1908, and for that purpose the Board shall be deemed a leasing authority duly constituted under the said Act.

Powers. 28. Subject to the approval of the Conference being obtained in every case, the Board shall have and may exercise these further powers, namely:— 5

Sale. (a.) To sell by auction or public tender any part or parts of the lands described in the *First Schedule* hereto, and any other lands that may be acquired by the Board: Provided that the net proceeds to be derived from such sale or sales shall be expended in the purchase in the Board's name of other lands which shall thereupon be vested in the Board, and be held, used, and administered by them, subject to the control and superintendence of the Conference, upon the trusts hereinbefore declared, or be expended in making permanent improvements to or upon other land held by the Board on the same trusts as that from which the sale-money has been derived, and the power to sell shall be deemed to be a power to sell either for cash or on such terms and conditions as the Board shall deem advisable. 10 15 20

Mortgage. (b.) Power to mortgage any part or parts of its land: Provided that such power shall be exercised only for the purposes and in the manner hereinafter mentioned, that is to say:— 25

(i.) To pay the purchase-money or any part thereof for land acquired or to be acquired by purchase, or any money by way of equality of exchange payable for land acquired or to be acquired by exchange, by mortgaging the land so acquired or any other land held on the same trusts: 30

(ii.) To borrow money to be expended in the exercise of any of the powers of the Board conferred by this Act in relation to and in respect of any of the lands and property of the Board, or in otherwise effecting improvements to the Board's lands or any part thereof; but so that the money borrowed shall be expended upon the land mortgaged or upon other land held on the same trusts: 35 40

(iii.) To pay off any existing mortgage effected over any part or parts of the Board's lands by mortgaging such land or any other land held on the same trusts.

Exchange. (c.) Power to exchange any part or parts of its lands for other freehold land in New Zealand, to be held on the same trusts as the lands exchanged, and to pay or receive money as equality of exchange, but so that money received as such equality of exchange shall be expended only in the manner provided by this Act for the disposal of net proceeds of sale of land. 45 50

(d.) Power to lease any part or parts of its lands for any term not exceeding twenty-one years or if leased for building

To lease for sixty years for building purposes.

purposes for any term not exceeding sixty years. Every such lease shall take effect in possession or within six calendar 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 section *twenty-seven* hereof.

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29. For the more beneficial exercise of the powers hereby conferred the Board shall have power from time to time to subdivide all or any of the lands vested in them into portions or allotments, and to lay off, make, form, and dedicate roads and streets thereon, and to make and carry out arrangements with local authorities with regard to the construction of and other matters connected with such roads and streets.

Power to dedicate roads and streets.

30. The Board shall be competent to take and receive in its corporate name, either by way of gift *inter vivos* or by way of devise or bequest, any land, money, or other property either generally or for any specific purpose connected with the trusts of the said lands; and shall be competent and entitled to hold and administer such land, money, or other property upon the trusts of and for the purposes upon and for which the same was given, devised, or bequeathed, and upon and for no other trust or purpose; but the Conference may at any time by resolution require that such land, money, or other property (so far as the same is undisposed-of) shall be vested in trustees appointed by the Conference, to be nevertheless held by such trustees upon and for the same trusts and purposes; and the Board shall, upon such requisition, convey, transfer, and make over such land, money, or other property (so far as the same is undisposed-of) accordingly.

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Gifts, &c., to the Board.

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31. All moneys held by the Board for and on behalf of any purpose connected with the trusts herein declared, and which the Board may think proper to invest, shall be invested in the name of the Board in all or any such modes of investment for trust funds as are authorized by law, or may be used in aid of any home, school, college, or institution established by the Board; and otherwise in the administration of the trusts and purposes aforesaid, but upon and for no other trust or purpose.

Investment of funds.

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32. If at any time it shall appear that the interests of any home, school, college, or institution established by the Board would be promoted by the acquisition of land under lease with or without the right of purchasing the reversionary freehold, the Board shall, with the sanction of the Conference, have power to acquire land upon and subject to such covenants and conditions as shall be thought fit, and to provide for and pay the rent, and carry out all the other obligations of the lease:

Board may acquire land.

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Provided that the land so acquired shall be used in aid of and for the purposes of any such home, school, college, or institution established by the Board, and otherwise in the administration of the trusts and purposes aforesaid, and for no other purpose.

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33. Any sanction, approval, or consent required or authorized by this Act to be given by the Conference may be given either by the Conference itself or by any person, body, or committee authorized by the Conference, either generally or expressly in that behalf.

Consent of Conference, how given.

Protection of
purchaser. &c.

34. It shall not be incumbent upon any purchaser, vendor, mortgagee, or lessee, or other person to whom any such sale, exchange, purchase, mortgage, or lease as aforesaid shall be made under this Act, to inquire as to the authority or power in any respect of the Board to make such sale, exchange, purchase, mortgage, or lease; and, in particular, it shall not be incumbent upon any such person to inquire whether the proposed dealing is consistent with the trusts on which the lands or other hereditaments proposed to be dealt with are held, or whether the authority of the Conference or any person, body, or committee authorized by it has been given where required by this Act, or to inquire otherwise as to the propriety or regularity of the transaction, or as to the application of any money received by the Board on any such sale, exchange, lease, or mortgage.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

1. ALL that parcel of land, containing 73 acres 1 rood 22 perches, more or less situated in the Town of Wellington, in New Zealand, being the land comprised in grant from the Crown to Reverend James Watkin, Superintendent of Wesleyan Missions, dated the 27th day of October, 1852, and registered in the Deeds Registry Office at Wellington, under No. 3497, in trust for the use of and towards the maintenance of a school therein mentioned so long as religious education, industrial training, and instruction in the English language shall be given to the youth educated therein or maintained thereat: excepting thereout the land conveyed by deed of conveyance registered in the Deeds Registry Office, at Wellington, under No. 19466, and comprising 70 acres and 14 perches, more or less.

2. All that piece of land in the Provincial District of Wellington, containing 2 acres, more or less, being the suburban sections numbered 42 and 43 on the plan of the Township of Foxton in the Manawatu District: as the same is more fully described in grant from the Crown dated the 23rd day of November, 1868, to James Entwizle Watkin and others, and registered in the Deeds Registry Office, at Wellington, under No. 10798.

3. All that piece of land in the Province of Wellington, containing 261 acres 1 rood 36 perches, more or less, being the suburban section numbered 81 and a part of the suburban section numbered 82 on the plan of the Moota Block in the Township of Foxton, in the Manawatu District: excepting always the public road 100 links wide running through the part of the said Section 82, the said land being the land comprised in grant from the Crown dated the 10th day of July, 1869, to James Entwizle Watkin and others registered in the Deeds Register Office, at Wellington, under No. 10799.

SECOND SCHEDULE.

The Wellington Methodist Charitable and Educational Trusts Act, 1916.

DECLARATION OF THE PRESIDENT OF THE CONFERENCE OF THE METHODIST CHURCH OF NEW ZEALAND AS TO ELECTION OF MEMBERS OF THE BOARD OF THE WELLINGTON CHARITABLE AND EDUCATIONAL ENDOWMENTS.

I, THE UNDERSIGNED, President for the time being of the Conference of the Methodist Church of New Zealand, do hereby certify and declare that on the day of , 19 , [Here insert name or names, residence, and occupation of member or members now elected] was [were] duly elected a member [members] of the above-named Board, and that the following persons are now the members of the said Board [Here insert names, residences, and occupations of all members of the Board].

Dated this day of , 19 .

Signed : , President,

Countersigned : , Secretary,

of the Conference of the Methodist Church of New Zealand.