

Charlotte Benge, his wife (deceased) and Marion Joan O'Brien of Lower Hutt, housewife. Application B. 041804.2.

Certificate of title 959/86 in the name of Marianne Joan Hesp of Wellington, widow. Application B. 041930.1.

Certificate of title 515/100 in the names of Annie Katrina Pugh of Wellington, widow (seven-eighth share) and Valerie Dawn Pugh of Wellington, clerk (one-eighth share) as tenants in common in the said shares. Application B. 042340.1.

Certificate of title 19A/749 in the name of Ethel Maud Caudwell of Wanganui, widow (deceased). Application B. 042625.1.

Certificate of title 392/212 in the name of Wilfred Thomas McManaway of Plimmerton, fisherman (deceased). Application B. 043195.1.

Dated at the Land Registry Office, Wellington this 15th day of November 1989.

W. R. MOYES, District Land Registrar.
Wellington.

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The certificate described in the Schedule hereto having been declared lost, notice is given of my intention to issue a new certificate of title in lieu thereof upon the expiration of 14 days from the date of the *Gazette* containing this notice.

Schedule

Certificate of title 6A/671 in the name of Gary Norman Weeks of Millerton, panelbeater. Application 293437.1.

Dated at the Land Registry Office at Nelson this 17th day of November 1989.

A. BELL, Assistant Land Registrar.

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Charitable Trust Act Notices

In the High Court of New Zealand, Christchurch Registry

In the matter of the Judicature Act 1908 and in the matter of the Charitable Trust Act 1957 and in the matter of **Ford Millton Memorial Home for Children** and in the matter of an application by **The Ford Millton Memorial Home (Incorporated)** for the approval of a scheme under section 35 of the said Act—*Applicant*:

Notice is hereby given that on Monday, the 18th day of November 1989 at 11.45 o'clock in the forenoon, counsel for the above-named applicant will move the High Court sitting at Christchurch for an order that the scheme dated the 30th day of October 1989 and set out hereunder be approved:

The Scheme

The trustees of the Ford Millton Memorial Home for Children established by bequest contained in the will of the late Edward Bowler Millton of Birch Hill Station, Rangiora hereby seek an order for the variation of the disposition of capital and income from and for the alteration of the mode of administering the bequest vested in the said trustees for a charitable purpose:

Whereas:

1. By his will dated the 10th day of May 1940, the late Edward Bowler Millton of Birch Hill Station, Rangiora, bequeathed the properties known as Birch Hill Station and his Okuku country property together with the homesteads thereon and livestock and plant used in connection therewith for the establishment of an institution to provide open air and sunshine treatment for children and for their education and training ("the trust").

2. The trustees are of the opinion that the trust has become impractical to carry out for the testator's stated charitable purpose but are desirous of applying the bequest together with the income therefrom to other charitable purposes for the education and health of children with special circumstances or need on the terms hereafter appearing.

The Trustees are therefore hereby empowered:

1. To hold the bequest on trust to pay or apply the net annual income arising therefrom:

- (a) Firstly for the advancement and maintenance of such institutions and organisations providing for the education and health of children through the provision of either day-care or live-in facilities for the benefit of children; and

- (b) Secondly for furthering the health or care of any child or children.

And with the power for the trustees to pay or apply such income for the purposes and in the manner aforesaid and with such stipulations and conditions as the trustees may from time determine firstly to such institutions and organisations or secondly to such child or children as the trustees may in their discretion determine as having objects consistent with those set out above.

2. In exercising their discretion the trustees shall have regard to the following classes of children expressed as preferences of the testator:

- (a) The children from the families of the late John Tucker Ford and William Newton Millton;
- (b) Children between the ages of 6 and 12;
- (c) Children of a parent or parents belonging to the Church of England and resident in Canterbury;
- (d) Children who would benefit from a stay, in a healthy country environment.

3. Notwithstanding the foregoing provision the trustees may in their absolute discretion instead of paying or applying the whole of the net annual income in the manner hereinbefore mentioned accumulate up to one-third of the net annual income by investing or otherwise applying the same and the resulting income thereof from time to time in any applications or investments hereby authorised or authorised by law and subject to the provisions of the next succeeding subclause hereof shall hold such accumulations as an accretion to the bequest.

4. The trustees may at any time and from time to time apply the whole or any part of parts of the accumulated income arising pursuant to an exercise of the foregoing power as if it were income arising in the then current year.

5. The trustees may at any time or times in their absolute discretion pay or apply the whole or any part of the capital of the bequest in the same manner and for the same purposes and with the same powers as they are empowered to pay or apply the income of the bequest in accordance with the provisions of clause 1 hereof.

Dated this 13th day of November 1989.

E. J. CHAPMAN, Counsel for the Applicant.

Any persons desiring to oppose the scheme shall give written