

Charitable Trusts Act Notices

In the High Court of New Zealand Christchurch Registry

Under Part III of the Charitable Trusts Act 1957 and in the matter of an application by the Public Trustee for approval of a scheme in respect of certain charitable trusts declared by the will of **Herbert Ephraim Lonsdale**, late of Christchurch, in New Zealand, jeweller, deceased.

Notice is hereby given pursuant to section 36 of the Charitable Trusts Act 1957 that the Public Trustee of New Zealand has applied to the High Court at Christchurch for approval of a scheme in respect of certain charitable trusts declared by the will of Herbert Ephraim Lonsdale, late of Christchurch, in New Zealand, jeweller, deceased.

An order will be sought that the scholarship fund established by the will of the above-named, Herbert Ephraim Lonsdale, for the benefit of boys who have attended a primary State school within the provincial district of Canterbury, be varied as follows:

“My trustee shall stand possessed of the first said sum of 5 thousand pounds upon trust to invest the same in the common fund of the Public Trust Office and also under the provisions of section 30A of the Public Trust Office Act 1957 (as inserted by section 14 (1) of the Trustee Amendment Act 1988). After being empowered to set aside up to 10 per centum of the income arising from this fund in any year and adding it to and forming it part of the capital of the trust fund my trustee shall apply the balance income thereof in providing as many scholarships as such income shall from time to time provide tenable for up to 3 years which may at the end of such tenure be extended by the committee in deserving cases the annual value of each scholarship being not less than one hundred and fifty dollars (\$150).

“Such scholarships shall be called ‘the Lonsdale Christchurch Scholarships’ to be open for boys primarily born of British-born parents or otherwise for boys born in New Zealand who in the opinion of the committee hereinafter referred to are poor and unable to pay for their own education, who for 3 years continuously or discontinuously shall have attended a primary State school within the Canterbury provincial district provided that attendance as a free place scholar at a secondary State school or any State school intermediate between a primary State school and a secondary school or at a district or other high school shall for purposes of the foregoing conditions of attendance at a primary State school be deemed the same as attendance at a primary State school.

“Such scholarships shall be awarded on the results of such competitive university entrance examinations as the committee may from time to time consider appropriate, into such university and be held (subject as hereinafter provided) upon the terms and conditions upon which such university scholarships are held, and shall be held only by students attending lectures at Canterbury University.

“Provided that I will and declare that the expression ‘British-born’ shall mean born of a true British stock whether English, Scottish, Irish or Welsh, as distinguished from anyone born of Asiatic or European stock and such stock must be satisfactorily explained for at least 2 generations back and must not be dependent in any way for its British element upon naturalisation or mere residence.

“The winners of any such scholarship or scholarships shall be at liberty to follow any course of study whether arts, law, medicine, engineering or otherwise.

“Any scholarship or scholarships so provided for as aforesaid shall not be capable of being held in conjunction with any other university or college entrance scholarship as distinct from exhibitions or scholarships to be won by under-graduates subsequently to their entering such college provided that holders of a bursary shall not be deemed ineligible for a Lonsdale scholarship simply upon the grounds that it is held in addition to any university entrance examination considered by the committee to be the appropriate qualifying examination.

“I declare that the following, namely the headmaster for the time being of the Christchurch Boys’ High School, the headmaster for the time being of Nelson College, and the Public Trustee or his nominee, shall constitute a ‘committee’ from time to time and so often as occasion shall require within the general limits aforesaid to frame regulations and conditions for the awarding and holding of such scholarships, to decide upon the number of scholarships to be awarded each year or at any longer interval and to decide upon the qualification of all candidates therefor and to actually award such scholarships. In the event that both or either headmaster positions shall cease to exist or in the event that both or either headmaster are unwilling to act or continue acting as members or a member of the committee, then the Public Trustee or the Public Trustee and the other headmaster for the time being as the case may be, shall be empowered to appoint replacement members or a replacement member of the committee respectively; provided that in the event of a headmaster being unwilling either to act or in continuing to act as a member of the committee and another member being appointed in his place, that headmaster’s successor upon taking office as headmaster, shall thereupon replace his predecessor’s replacement on the committee, and that latter replacement shall thereupon cease to be a member of the committee. The Public Trustee in making a nomination to membership of the committee shall ensure that such nominee be a person whose status is from time to time as nearly equivalent to those whom Mr Lonsdale might have had in mind. The Lonsdale committee shall have power to appoint, from time to time and for such periods of time, as that committee shall think fit, up to two further members of the committee. Should any member of the committee be required to travel to Christchurch to attend meetings of the Lonsdale committee, then without in any way restricting the powers of the Lonsdale committee as hereinbefore expressed or implied, the Lonsdale committee shall have power to reimburse that member his reasonable expenses in attending such meetings from the Lonsdale Christchurch fund or the Lonsdale Nelson fund as the Lonsdale committee shall determine.”

An order will also be sought that the scholarship fund established by the will of the above-named, Herbert Ephraim Lonsdale, for the benefit of boys who have attended a primary State school within the provincial district of Nelson be varied to read the same as the Lonsdale Christchurch Scholarship Trusts as above, but subject to the special provisions as relate to boys who have attended a primary State school within the provincial district of Nelson.

The application by the Public Trustee for approval of the said scheme shall be heard in the High Court at Christchurch at 10 a.m. on the 5th day of February 1993.

A copy of the said scheme has been deposited in and may be inspected at the Registry Office at the High Court at Christchurch or at the offices of the Public Trust Office, 152–156 Oxford Terrace, Christchurch. Any person desiring