

This PRIVATE BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
25th August, 1911.

Mr. Poole.

METHODIST CHARITABLE AND EDUCATIONAL TRUSTS.

[PRIVATE BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to incorporate and confer certain Powers on the Trustees of the Three Kings Institution, and to make other Provisions in regard thereto. Title.

5 WHEREAS the pieces or parcels of land described in the *First*, *Second*, and *Third* Schedules hereto were granted by the Crown to the persons named, and to be held upon the trusts and for the purposes expressed in those Schedules: And whereas an institution or school established on the land secondly described in the *First* Schedule hereto, and known as the Three Kings Institution, has been carried on for the past fifty years and upwards under the general superintendence of the authorities from time to time (now the Conference) of what is now called or known as the Methodist Church of Australasia in New Zealand, and the rents and profits from all the said lands have been used in aid of the said institution or school (hereinafter referred to as the said institution): And whereas it is considered that the efficiency and development of the said institution will be promoted if a site for the same be provided that will be better adapted for agriculture and be otherwise more suitable for the purposes of the said institution, and if provision be made enabling all

the lands granted as aforesaid to be turned to better account as endowments in aid of such institution: And whereas it is also desirable that such other provisions should be made concerning the premises as hereinafter appear: And whereas such objects and provisions are not attainable otherwise than by legislation: 5

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 Methodist Charitable and Educational Trusts Act, 1911. 10

Interpretation.

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

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

“The Board” means the Board constituted by this Act. 15

Incorporation of trustees.

3. The present trustees of the said lands, and all new members appointed to the Board, whether by way of succession or addition, shall be and they are hereby constituted a body corporate under the name of “The Board of the Wesley Training College,” 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 this Act. 20

The present trustees.

4. The present trustees hereby constituted members of the Board are the persons following, that is to say: Frederick Lambert 25
Prime, of Auckland, agent; John Edson, of Auckland, chemist; Thomas Buddle, of Auckland, solicitor; Thomas Allen, of Auckland, gentleman; Thomas McMaster, of Auckland, draper; George Winstone, of Auckland, coal-merchant; Stephen James Ambury, of Auckland, dairyman; Andrew Clarke Caughey, of Auckland, draper; 30
Francis Angus White, of Auckland, mining agent; Frederick Walter Wilson, of Auckland, journalist; James Henry Gunson, of Auckland, grain-merchant; Joseph Henry Simmonds, of Auckland, Methodist minister; George Alfred Buttle, of Auckland, broker; James Edward Wheeler, of Auckland, merchant; Archibald Peak, of Auckland, 35
solicitor; John Veale, of Auckland, settler; William Gittos, of Devonport, Methodist minister.

Appointment of Chairman.

5. 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 40
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, and, with the consent of the Conference, may continue to make such appoint- 45
ment annually.

Acting-Chairman.

6. The Chairman shall preside at all meetings of the Board at which he is present. If and while by reason of death or otherwise there is no Chairman, the members of the Board may appoint one of their number to be Acting-Chairman, who shall preside at all meet- 50
ings 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

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or Acting-Chairman is not present at the time appointed for holding the same, the members present may choose one of their number to be the 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.

7. The Board may from time to time consist of any number of members from ten to twenty, including the Chairman.

Number of members.

8. All members of the Board hereafter appointed, whether by way of succession or addition, shall be appointed by resolution of the Conference. Upon the appointment of any new member or members the President of the Conference shall make a declaration in or to the effect of the form set forth in the *Fourth* 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 of record in the office of the Registrar of the Supreme Court at Auckland 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.

Appointment of new members.

9. A copy of any such declaration certified under the hand and seal of the Registrar of the Supreme Court at Auckland shall be evidence in all Courts or for the purpose of evidencing title to any property, 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.

10. 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 of its situation shall be published in the *Gazette*.

The Board to have an office.

11. 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 seven.

Meetings.

Quorum.

12. The office of a member of the Board shall become and 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:

(c.) If he ceases to be an adherent of the said Methodist Church:

(d.) If he removes to an inconvenient distance (of which the Board are to be the sole judges) from the Board's office:

(e.) If he becomes bankrupt:

(f.) If he becomes incapacitated to act by lunacy or otherwise:

(g.) 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.

Vacancies, how to be filled.	13. Every vacancy occurring in the membership of the Board shall be forthwith reported to the secretary of the Conference, and shall be filled by the Conference at its first session thereafter.	
Questions determined by majority at meeting.	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.	5
Powers of meeting.	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.	10
Meeting may be called by Chairman or at request of members.	16. The Chairman or Acting-Chairman may at any time, and the secretary shall upon the request 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.	15
Notice of meetings.		
Delegation of 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 from time to time given by the Board.	20
By-laws.	18. The Board shall have power from time to time to make by-laws for the governance of committees, or with respect to the management and staff of the said institution, or any other matter under the control of the Board.	25
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, disbursements, liabilities, and engagements, and shall in the month of January in every year cause the said accounts, made up to the last day of December preceding, 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, in respect both to the Trust Estate and the said institution, shall be produced at a meeting of the Board to be held in the last week 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 to the secretary of the Conference to be laid before the Conference at its then next session.	30
Report.		
Common seal and execution of 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 and two of the members.	40
Lands to vest in Board.	21. All the said lands described in the <i>first three</i> Schedules hereto 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 and for the purposes expressed in the Crown grants mentioned in the <i>first three</i> Schedules hereto as modified and supplemented by this Act.	45
Powers of leasing.	22. In order to render the lands described in the <i>first three</i> Schedules hereto and any other lands the Board may hereafter	50

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acquire productive of revenue in aid of the said institution, the 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, No. 240; and for that purpose the Board shall be deemed a leasing authority duly constituted under that Act.

23. 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 lay off and dedicate roads and streets thereon, and 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.

24. The revenues derived or to be derived from the said lands shall be applied in aid of the said institution, and otherwise in the administration of the trusts and purposes aforesaid as modified and supplemented by this Act, and upon or for no other trust or purpose.

Revenues to be applied in aid of institution.

25. Subject to the approval of the Conference, the Board shall have power at any time hereafter, when sufficient funds have been raised and are available for the purpose, to acquire by purchase or otherwise an area of land in the Provincial District of Auckland as a site for the said institution and the agricultural and other operations carried on in connection therewith, and to transfer the said institution to the site so acquired and carry on the same there, and to erect all necessary buildings on such site and equip the same, and to fence, drain, and otherwise improve the said site for the purposes of the said institution and its operations, and to carry out all such other works in connection therewith as shall be requisite or desirable.

Power to acquire new site for institution.

26. The site so acquired shall be vested in the Board, and the same, together with the buildings and equipment thereof and the improvements upon and appurtenances to the said site, shall be held, used, and administered by the Board, subject to the control and superintendence of the Conference, upon the trusts and for the purposes expressed in the said Crown grants as modified and supplemented by this Act.

New site to vest in Board.

27. If at any time it shall appear that the interests of the said institution 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 prior sanction of a resolution passed by the Conference, have power to so 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:

Power to take land under lease.

Provided that the land so acquired shall be used in aid and for the purposes of the said institution and for no other purpose.

Proviso.

28. Notwithstanding anything hereinbefore contained, the Board, with the prior sanction of a resolution passed by the Conference, shall have power to sell by auction or by public tender any part or parts of the lands described in the first three Schedules hereto, and any other lands that may from time to time be acquired by the Board:

Sale and purchase of land.

Proviso.

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 and for the purposes expressed in the said Crown grants as modified and supplemented by this Act. 5

Gifts and bequests.

29. 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 for the purposes of the said institution, or for any specific purpose connected therewith; and shall be competent and entitled to hold and administer such land, money, or other property upon the trusts 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. 10 15 20

Investment of moneys.

30. All moneys held by the Board for and on behalf of the said institution, and which they 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, and the income from such investments shall be available and be used in aid of the said institution and otherwise in the administration of the trusts and purposes aforesaid, but upon or for no other trust or purpose. 25

Trusts and purposes for which the lands are held.

31. The trusts and purposes upon and for which the said lands described in the *first three* Schedules hereto are and shall henceforth be held, and upon and for which the said new site when acquired and any other lands 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 the support and upkeep of the said institution as an institution or school for the maintenance and education of— 30 35

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

(b.) Orphan or needy children and youth of any other race being British subjects : 40

Provisoes.

Provided that the selection of applicants for admission to the said institution, and the term during which they may enjoy the benefits thereof, shall be at the discretion of the Board; and provided also that moderate and reasonable fees may be charged and taken for maintenance and tuition in cases where there is ability on the part of parents or guardians to pay the same, the amount of such fees to be determined in each case by the Board. And the trusts and purposes severally expressed in the said Crown grants are hereby modified and assimilated accordingly. 45

Course of instruction.

32. The course of instruction in the said institution shall be that indicated in the Crown grants referred to in the *Second* Schedule hereto : 50

Provided that—

Proviso.

- 5 (a.) "Instruction in the English language" shall be understood to mean 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 or high schools of the Dominion :
- 10 (b.) The industrial training shall include, in addition to domestic work as adapted for boys or girls respectively, instruction and practice in one or more of the following groups of subjects:—
 - 15 (i.) Gardening, orchard-work, bee-keeping, and poultry-management :
 - (ii.) Agriculture, dairying, and breeding and treatment of stock :
 - (iii.) Technical and mechanical trades and crafts.
- 20 (c.) The religious education shall be such as is approved and directed by the Conference.

20 33. The Conference may from time to time appoint a Principal or Director of the said institution, or may delegate the power to make such appointment to the Board. Any vacancy occurring in that office may be temporarily filled by the Board pending a permanent appointment by the Conference or by the Board. All other

25 masters, instructors, overseers, and employees generally shall be appointed by the Board, who shall also in respect to the said institution make all necessary arrangements for keeping records and accounts, and for audit, inspection, public functions, and reports to the Conference.

Appointment of Principal or Director of institution.

Other appointments and arrangements.

30 34. The President of the Conference for the time being, or his duly appointed deputy, shall be the Visitor of the said institution, 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.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

(1.) ALL that allotment or parcel of land being Lot 20 of Section 3 of the Suburbs of Auckland, in the Parish of Waitemata, in the County of Eden :

(2.) All that allotment or parcel of land being Lots numbered 86, 87, 88, 89, 90, 91, and 92 of suburban farms situated in the Parish of Waitemata, in the County of Eden :

Which lands are situated in the Provincial District of Auckland, and are comprised in Crown grants dated the 7th day of October, 1844, and the 1st day of April, 1845, whereby such lands were granted in trust for the general purposes of the Wesleyan Native Institution therein mentioned to Walter Lawry, Superintendent of the Wesleyan Mission in New Zealand, and to his successors in the superintendence of the said mission.

SECOND SCHEDULE.

(1.) ALL those allotments or parcels of land situated in the Parish of Waitemata, in the County of Eden, being No. 124 of Section 10 and No. 14 of Section 13, in the Parish of Waitemata, in the County of Eden :

(2.) All that allotment or parcel of land situated in the Parish of Titirangi, in the County of Eden, being No. 87 :

(3.) All those allotments or parcels of land situated in the Suburbs of Auckland, in the Parish of Waitemata, in the County of Eden, being Nos. 93, 118, 119, 122, and 123 of Section 10.

All which lands are in the Provincial District of Auckland and are comprised in Crown grants dated respectively the 15th day of October, 1850, the 31st day of August, 1850, the 19th day of June, 1852, and the 22nd day of June, 1854, whereby such lands were granted to the Superintendent of the Wesleyan Mission in New Zealand to be held by him and his successors, in trust nevertheless, and for the use and towards the support and maintenance of the school or institution therein mentioned, so long as religious education, industrial training, and instruction in the English language should be given to youth educated therein or maintained thereat.

THIRD SCHEDULE.

(1.) ALL that piece or parcel of land situated at Aotea, in the Parish of Aotea, in the County of Rutland, in the Provincial District of Auckland, and being Allotment No. 1 on the plan of the said parish, comprised in a Crown grant dated the 28th day of June, 1859, whereby the same was granted to Thomas Buddle, his heirs and assigns, upon trust for the site and endowment of a school for the education of aboriginal Natives and half-castes of New Zealand in connection with the religious society denominated Wesleyan Methodists.

(2.) And all that piece or parcel of land situated at Kawhia, being Lot 1 in the Parish of Waiharakeke, in the County of Grey, in the Provincial District of Auckland, and bounded as described in a Crown grant dated the 21st day of July, 1859, whereby the said land was granted to Thomas Buddle, his heirs and assigns, upon trust for the site and endowment of a school for the education of aboriginal Natives and half-castes of New Zealand in connection with the religious society denominated Wesleyan Methodists.

FOURTH SCHEDULE.

THE METHODIST CHARITABLE AND EDUCATIONAL TRUSTS ACT, 1911.

Declaration of the President of the Conference of the Methodist Church of Australasia in New Zealand as to Election of Members of the Board of Wesley Training College.

I, the undersigned, President for the time being of the Conference of the Methodist Church of Australasia in New Zealand, do hereby certify and declare that at a session of the Conference of the said Church held at _____ on the _____ day of _____ [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 } of the Conference
 of the Methodist
 Church of Aus-
 tralasia in New
 Zealand.
 Countersigned : _____, Secretary }