

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

*Legislative Council,  
8th August, 1878.*

*Hon. Colonel Whitmore.*

## Savings Bank Profits.

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### A BILL INTITULED

AN ACT to authorize the Trustees of Savings Banks to pay over to certain Institutions Profits made by such Banks, and to provide for the Investment of such Profits. Title.

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

1. The Short Title of this Act shall be "The Savings Bank Profits Act, 1878." Short Title.

2. In the interpretation of this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the context repugnant thereto or inconsistent therewith:— Interpretation.

10 "Savings bank" means a savings bank established under "The Savings Bank Act, 1858," or any Act for the time being in force providing for the establishment of such banks.

15 "Institution" means and includes any public hospital, benevolent society or association, for the relief of diseased, aged, incurable, or destitute persons, whether administering in-door or out-door relief.

“Governing authority” means the trustees, committee, or other the persons in whom the property of any such institution is vested, and if such institution has no property, then the persons having the control or management of its affairs. 5

Power to a savings bank to dispose of a part of its profits to certain institutions.

3. When a savings bank has by investment of its deposits realized a profit exceeding in amount the sum of one thousand pounds, the trustees may, by a resolution passed by a quorum of the trustees of such bank at any duly constituted meeting, declare that any portion of such profits in excess of the said sum of one thousand pounds shall be paid over to any institution or institutions to be named therein. 10

Resolution to be approved by the Governor in Council.

4. No such resolution shall take effect until the same shall be approved by the Governor in Council, and the Governor may, before such approval, require the trustees of the bank to furnish him with such information as he shall direct respecting the debts or liabilities of the bank, and may require any such resolution to be modified or altered as he thinks fit, but not so as in any case to increase the amount proposed to be paid. 15

Upon such approval, moneys may be paid to governing authority of institution.

5. Upon the approval of the Governor in Council the sum or sums mentioned in any such resolution or amendment thereof shall be paid over to the governing authority of the institution named in the resolution, and the receipt of such governing authority, or of the treasurer or other duly appointed officer thereof, shall be a sufficient discharge to the savings bank and the trustees and officers thereof in respect of the sums therein mentioned. 20 25

Moneys to be held on trust for an endowment.

6. The moneys paid to any such institution shall be held upon trust as a permanent endowment for the objects for which such institution was originally established, and shall be invested as herein-after provided. 30

How moneys to be invested.

7. All moneys received by any institution under this Act shall be invested in real or Government securities in New Zealand, and the annual or other produce thereof, after payment of the expenses (if any) of managing such investments, shall be applied in and towards the maintenance of the institution for the purposes for which it was originally established. 35

If institution has powers of investing other moneys, same may be used in investments under this Act.

8. Where an institution is by law empowered to invest moneys belonging to or becoming its property in any other manner than is herein prescribed, such institution may, with the consent of the Governor in Council, invest any moneys paid to it under this Act in the same manner as such institution is empowered to invest other moneys belonging thereto. 40

Institution may elect trustees in certain cases.

9. If any such institution has no lawful means of investing moneys becoming its property, the governing authority thereof may, at any duly constituted meeting, in such manner as may be thought fit, elect not less than three nor more than five persons resident in the city, town, or place where such institution is established, to be trustees for the purposes of this Act. 45

Vesting of property.

All moneys paid over to any such institution as mentioned in this section, and the annual and other produce thereof, shall vest in such trustees so elected as aforesaid and their successors in office, and all bonds, debentures, mortgages, or other securities for any such moneys shall be taken in the names of such trustees. 50

Provision in case of vacancies in office of trustee.

10. In case of the death, resignation, or absence from New Zealand for a period of three months of any of the trustees so elected as aforesaid, the governing authority of the institution that elected the trustee or trustees so dying, resigning, or being absent, may elect another or others in his or their stead, as occasion may require; and upon such election all moneys and property then vested in the 55

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remaining trustees shall vest in them and in the new trustees without any conveyance, assignment, or transfer.

11. The certificate in writing of the chairman or other person presiding at a meeting of the governing authority of any such institution as aforesaid shall be sufficient evidence to the trustees of the savings bank, and to all other persons whomsoever, that any such election has been duly made.

Certificate of chairman, &c., to be evidence of election of trustee.

12. The receipt of any one of such trustees, together with that of the treasurer or secretary of any institution on whose behalf any such money has been invested, shall be an effectual discharge for the same, and the mortgagee, purchaser, or other person shall not be obliged to see to the application, or be accountable or answerable for the loss, misapplication, or non-application thereof.

Receipts of trustee and treasurer to be good discharge.

13. Nothing herein contained shall be deemed to interfere with the provisions of "The Savings Bank Act, 1858," or "The Post Office Savings Banks Amendment Act, 1869."

Saving of "The Post Office Savings Banks Amendment Act, 1869."