

New Zealand.

ANALYSIS.

Title.

Preamble.

1. Short Title. Private Act.

2. Interpretation.

3. Board authorized to accept donations, &c.,
and to apply same for purposes of
Institute.4. Use of funds for pocket-money and prizes for
inmates.5. Removing restriction as to residential qualifi-
cation of a member of Board.6. Payment of costs and expenses out of
residuary estate.1930, No. 1.—*Private.*

AN ACT to extend and vary the Powers of the Trustees and the
Objects of certain Trusts created by the Will of the late Samuel
Kirkpatrick, of the City of Nelson, Manufacturer, for the
Foundation and Maintenance at Nelson of a Masonic Institution,
for the Boarding, Maintenance, and Education of the Orphan
Daughters of Deceased Freemasons. [29th September, 1930.]

WHEREAS Samuel Kirkpatrick, of the City of Nelson, in the
Dominion of New Zealand, manufacturer, by his last will and testament,
bearing date the twenty-ninth day of October, nineteen hundred and
twenty-three, devised and bequeathed certain real and personal estate
to the Public Trustee of the Dominion aforesaid for the foundation
and maintenance of a Masonic institution for the boarding, mainten-
ance, and in certain circumstances the education of the orphan daughters
of deceased Freemasons as therein defined: And whereas the said
Samuel Kirkpatrick died on the twenty-first day of May, nineteen
hundred and twenty-five: And whereas probate of the said will was
on the sixth day of June, nineteen hundred and twenty-five, granted
to the Public Trustee aforesaid by the Supreme Court at Wellington:
And whereas the said institution has been duly founded and main-
tained in accordance with the provisions of the said will under the
management of a Board of Governors elected in accordance with the
provisions of the said will, and has become known as the Kirkpatrick
Masonic Institute: And whereas the will of the said Samuel
Kirkpatrick does not authorize the Board of Governors to receive
and apply moneys for the upkeep and maintenance of the Institute

from any source other than the estate of the said Samuel Kirkpatrick: And whereas the said Board has from time to time been offered contributions and donations to be applied for these purposes, which said contributions and donations the said Board had no power to accept: And whereas under the will of the said Samuel Kirkpatrick the testator directed the annual payment by the Public Trustee to the Board of Governors of certain definite sums of money to be distributed by the Board of Governors among the orphans of the Institute as athletic prizes, pocket-money, and scholastic prizes, and the said Board of Governors has found that the sums of money so directed to be distributed are excessive having regard to the number of orphans in the Institute: And whereas it is desirable that the said Board of Governors should be given a discretion as to the respective amounts to be distributed annually among the orphans of the Institute by way of athletic prizes, pocket-money, and scholastic prizes: And whereas the said will directs that there shall always be upon the said Board of Governors one member of the District Grand Lodge of Westland and Nelson (English Constitution) living and domiciled at Greymouth, West Coast, South Island: And whereas it is inexpedient that the residence and domicile of such member should be limited to Greymouth aforesaid: And whereas the objects of this Act are not attainable otherwise than by legislation:

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. Private Act.

1. This Act may be cited as the Kirkpatrick Masonic Institute Empowering Act, 1930, and is hereby declared to be a private Act.

Interpretation.

2. In this Act, if not inconsistent with the context,—

“Institute” means the Kirkpatrick Masonic Institute at Nelson for female orphans founded under the provisions of the will of Samuel Kirkpatrick, late of the City of Nelson, manufacturer:

“Board” means the Board of Governors elected under the provisions of the will of the said Samuel Kirkpatrick for the management of the Institute:

“Testator” means the said Samuel Kirkpatrick:

“Public Trustee” means the Public Trustee constituted under the Public Trust Office Act, 1908.

3. It shall be lawful for and the Board is hereby authorized to accept any devise, bequest, or gift of real or personal property, and to apply and use the same, together with moneys provided from the estate of the testator, for any purposes in connection with the Institute authorized by the will of the testator, and for any purposes directed by the donor for the benefit of the Institute and the inmates thereof that shall not conflict with the purposes in connection with the Institute authorized by the said will:

Provided that any land devised or given shall be vested in the Public Trustee, who shall hold the same and any income therefrom upon trust for the purposes of the Institute in such manner as the Board may from time to time think fit, and subject also to any special conditions which may be attached thereto by the donor thereof.

Board authorized to accept donations, &c., and to apply same for purposes of Institute.

4. It shall be and be deemed at all times heretofore to have been lawful for the Board to distribute among the orphans of the Institute such annual sums of money by way of athletic prizes, pocket-money, and scholastic prizes, at such times and in such manner as the Board in its discretion may deem fit, in lieu of the annual sums provided under the will of the testator for these purposes:

Use of funds for pocket-money and prizes for inmates.

Provided always that the total amount to be so distributed each year shall not be less than fifty pounds, and that special distributions in prizes, gifts, or cash be made (a) on the fifth day of October in each year, being the anniversary of the testator's birthday, when some special mention shall be made of the testator and his foundation of the Institute, and (b) on Christmas Day.

5. It shall not be necessary for the member of the District Grand Lodge of Westland and Nelson (English Constitution), who is or shall be a member of the Board, to be either living or domiciled at Greymouth, West Coast, South Island.

Removing restriction as to residential qualification of a member of Board.

6. All costs, charges, and expenses of and incidental to the preparing, settling, obtaining, and passing of this Act shall, after such costs, charges, and expenses shall have been taxed and allowed as between solicitor and client by the Registrar at Nelson of the Supreme Court, be paid out of the residuary estate of the testator.

Payment of costs and expenses out of residuary estate.