

# **Otago Presbyterian Church Board of Property Amendment Act 1948**

Private Act    1948 No 3  
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**An Act to amend the Otago Presbyterian Church Board of Property Act, 1906.**

### **Preamble.**

WHEREAS by section twenty-four of the Otago Presbyterian Church Board of Property Act, 1906 (hereinafter referred to as the principal Act), the moneys therein referred to as the Educational Fund were to be applied by the Otago Presbyterian Church Board of Property in the erection or endowment of a literary chair or chairs in any college or university erected or to be erected or in existence in the Provincial District of Otago, or for either or both of those purposes: And whereas for many years in pursuance thereof moneys from the Educational Fund were applied in paying or contributing towards the payment of the salaries payable to the holders of certain chairs at the University of Otago: And whereas the moneys from time to time coming into the Educational Fund being more than what were required for the objects or purposes set forth in the said section twenty-four, power was obtained by an amending

Act of nineteen hundred and thirty to pay or apply all moneys over two thousand five hundred pounds in any one year coming into the Educational Fund in or towards certain other specified objects or purposes as in the amending Act provided: And whereas the provisions of the amending Act of nineteen hundred and thirty were varied and extended by a further amending Act of nineteen hundred and thirty-nine, but the provisions of this later amending Act referred or applied to moneys over two thousand five hundred pounds in any one year coming into the Educational Fund, and to no other part of that Fund: And whereas down to the year nineteen hundred and forty-six the moneys up to two thousand five hundred pounds in each year coming into the Educational Fund were applied in or towards the objects or purposes as in the said section twenty-four, but in the year nineteen hundred and forty-six, for certain reasons, the University of Otago intimated that it would no longer accept the moneys paid as in the said section twenty-four: And whereas, consequent upon such happening, the objects or purposes to or for which the Educational Fund may be applied have become most restricted and the moneys from time to time coming into that fund other than those able to be dealt with in accordance with the provisions of the amending Acts of nineteen hundred and thirty and nineteen hundred and thirty-nine have accumulated: And whereas it is desirable to alter the objects or purposes to or for which that part of the moneys coming into the Educational Fund up to two thousand five hundred pounds in each year as such objects or purposes are expressed in section twenty-four so that those moneys and the moneys which have already accumulated may be expended on objects or purposes in part similar to the objects or purposes set forth in section twenty-four, but taking account of the changed circumstances which now exist:

**Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—**

**1 Short Title.**

This Act may be cited as the Otago Presbyterian Church Board of Property Amendment Act, 1948, and shall be read together with and deemed part of the Otago Presbyterian Church Board of Property Act, 1906 (hereinafter referred to as the principal Act).

**2 Repeal of section 24 of principal Act.**

Section twenty-four of the principal Act is hereby repealed save and except for the provisions of the Otago Presbyterian Church Board of Property Amendment Acts of 1930 and 1939, which shall both remain in full force and effect and shall be read and construed as subject to the provisions hereof.

**3 Application of Educational Fund.**

The Otago Presbyterian Church Board of Property (as constituted by the principal Act) shall from time to time apply the Educational Fund (as described by section twenty-three of the principal Act) in accordance with regulations from

time to time to be made by the Synod (as defined by the principal Act) in manner hereinafter mentioned in either—

- (a) The erection or endowment of a literary chair or chairs in any college or university now erected or to be erected or now or hereafter in existence in the Provincial District of Otago; or
- (b) Paying any salaries or other moneys to the holder or holders of any such literary chair or chairs which may in the opinion of the said Synod be necessary for the more effectual working management or maintenance of any such college or university; or
- (c) Contributing towards the cost of the erection or maintenance of any college or other institution now erected or to be erected or now or hereafter to be in existence in the Provincial District of Otago, which college or other institution has as part of its objects the provision of suitable chambers where students of all denominations and of all faculties may reside under Christian influence and discipline, and the provision, where possible, of tutorial assistance to such students preparing for lectures and examinations; or
- (d) Any other manner which in the opinion of the said Synod is desirable for the promotion of secular and religious education in the Provincial District of Otago consistent with the original trust for the advancement of education so that the community as well as the Church will receive the greatest possible benefit; or
- (e) Any one or more of the said purposes or partly one and partly another or others thereof.

#### **4 Definitions.**

That, for the purposes of section three hereof—

- (a) The word “college” shall mean any institution established either for the promotion of learning (but not confined to the giving of instruction in any one branch of learning) or for the assistance of persons engaged in the pursuit of learning, or partly for each of such objects:
- (b) The words “literary chair” shall include any class in which instruction is given to students in any branch of learning, including, but not by way of limitation, literature, science, art, history, mathematics, languages, and the various branches of each.

#### **5 Scope of Act.**

This Act shall deal with affect and apply to the first two thousand five hundred pounds in any year coming or being paid into the Educational Fund or received

by the Otago Presbyterian Church Board of Property as provided by or under section twenty-three of the principal Act:

Provided that any sum in excess of two thousand five hundred pounds coming or being paid into the Educational Fund or received by the Otago Presbyterian Church Board of Property as provided by or under the said section twenty-three shall be dealt with and applied in accordance with the provisions of the amending Acts of 1930 and 1939.

**6 Private Act.**

This Act is hereby declared to be a private Act.