

28 Varying conditions of vesting of Wilson Home for Crippled Children in Auckland Hospital Board

- Whereas by a certain deed of trust dated the twentieth day of July, nineteen hundred and thirty-seven, made between William Robert Wilson, of the City of Auckland, company director, Ernest Hyam Davis, of the City of Auckland, company director, and the Auckland Hospital Board (in this section referred to as the Board), certain land described in the First Schedule to the said deed was vested in the Board for the establishment of an institution, to be known as the Wilson Home for Crippled Children, for the reception, relief, and treatment, and otherwise for the benefit of crippled children resident within the Auckland Provincial District: And whereas certain other land described in the Second Schedule to the said deed was vested in the Board as a site for the establishment of an institution for the reception, relief, and treatment of certain other children: And whereas, by virtue of the said deed, the Board stands possessed of an Endowment Fund amounting to the sum of fifty-one thousand six hundred and eighty-six dollars and forty-four and a sixth cents upon trust with power to use so much as shall be necessary of the net income arising from the investment thereof, but not exceeding the income arising from the investment of a sum of twenty thousand four hundred dollars, for the maintenance and upkeep of the grounds of the said Wilson Home for Crippled Children and upon trust to use the balance of the income arising from the investment thereof for the maintenance of crippled children in the said home: And whereas the said deed further provided that if at any time there were unoccupied beds in the said home which should not be required for crippled children, the Board could, while any such beds were not so required, receive into the said home non-crippled convalescent children not suffering from pulmonary tuberculosis or other infectious diseases: And whereas the said deed further provided that no part of the income arising from the said Endowment Fund should be applied for the benefit of non-crippled children (if any) received into the said home, but that the net annual income from the said Endowment Fund and the annual value of the said home (which was agreed as being one thousand one hundred dollars) should, after payment of upkeep and maintenance of the gardens and grounds of the said home, be treated as a fund to enable crippled children to receive treatment and care in the said home at a charge lower than that fixed by the Board for non-crippled children received therein: And whereas the lands described in the First and Second Schedules of the said deed could be used to better advantage for the benefit of crippled children if the whole of the said land were available for the building and developing of one institution: And whereas by virtue of the provisions of the Social Security Act 1938, no charges or fees are now payable by crippled or non-crippled children maintained or treated in the institutions controlled by the Board, and it is therefore not now practicable to assist crippled children in the manner prescribed by the said deed: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the said deed, the Board may use the whole of the lands described in the First and Second Schedules of the said deed for the building and establishment thereon of an institution or institutions within the meaning of the Hospitals Act 1957, for the reception, relief, convalescence, and post-operative care and treatment, and otherwise for the benefit and advancement of crippled children resident within the Auckland Provincial District:

Provided that if at any time there are in any such institution or institutions beds which are not required for crippled children, the Board may, while any such beds are not so required, receive into the said institution or institutions non-crippled convalescent children:

Provided also that children suffering from pulmonary tuberculosis or other infectious diseases shall not be received into the said institution or institutions.

(2) Notwithstanding anything to the contrary in the said deed, the Board shall hold the said Endowment Fund upon the following trusts, that is to say:—

- (a) As to the income from a sum of twenty thousand four hundred dollars thereof, for the maintenance and upkeep of the gardens and grounds of the said institution or institutions:
- (b) As to the balance of the Fund, to expend the capital and income thereof for the purposes of the said institution or institutions:

Provided that no part of the capital shall be expended except upon improvements of a permanent character.

The words “fifty-one thousand six hundred and eighty-six dollars and forty-four and a sixth cents”, “twenty thousand four hundred dollars”, and “one thousand one hundred dollars” were substituted, as from 10 July 1967, for the words “twenty-five thousand eight hundred and forty-three pounds four shillings and fivepence”, “ten thousand two hundred pounds”, and “five hundred and fifty pounds” pursuant to section [7\(1\)](#) Decimal Currency Act 1964 (1964 No 27).

The Hospitals Act 1926 was repealed, as from 1 April 1958, by section 158(1) Hospitals Act 1957 (1957 No 40).