

New Zealand.



ANALYSIS.

- | | |
|---|---|
| Title. | 7. Power to invest surplus income. |
| Preamble. | 8. Application of such investments. |
| 1. Short Title. | 9. Powers of General Synod in event of sub-division of Diocese of Wellington. |
| 2. Interpretation. | 10. Other powers of Board not affected. |
| 3. Board to hold Estate in trust. | 11. Bishop's income and pension not to be prejudiced. |
| 4. Income of Bishop. | 12. Costs and charges of Act. |
| 5. Application of remaining income in first place. | Schedules. |
| 6. Application of remaining income in second place. | |

1929, No. 4.—*Private.*

AN ACT to extend the Powers of the Wellington Bishopric Endowment Trust Board and the Trusts upon and the Purposes for which certain Property is held or hereafter may be held by that Board.

[11th October, 1929.]

WHEREAS the Wellington Bishopric Endowment Trust Board incorporated under the Religious, Charitable, and Educational Trusts Act, 1908 (hereinafter called "the Board"), is the proprietor of the lands, investments, and moneys set forth in the First Schedule to this Act, and holds the same as to part thereof upon trust as an endowment of a Bishopric for the Province of Wellington in connection with the Church of the Province of New Zealand, commonly called the Church of England; and as to other part thereof upon trust for the endowment of a Bishopric at Wellington in connection with the said Church; and as to other part thereof for the purpose of augmenting the income of the Bishop of Wellington for the time being of the said Church, and subject thereto upon trust for the General Synod of the said Church; and as to other part thereof upon trust for the endowment of the said Bishopric in the first place, and for other general religious, educational, and charitable purposes for the benefit of the said Church in the Diocese of Wellington existing under the Constitution of the said Church and the Canons of the said General Synod; and as to other part thereof upon trust for the said General Synod, but, until the said General Synod shall permit the same to be sold, exchanged, or otherwise dealt with, for the endowment of the said Bishopric of Wellington: And whereas it is expedient to extend the powers of the Board and the trusts upon

and the purposes for which the lands, investments, and moneys described in the said First Schedule (hereinafter called "the said Estate") are held by the Board:

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 Wellington Bishopric Endowment Trust (Church of England) Act, 1929, and it shall come into operation on the first day of August, nineteen hundred and thirty.

Interpretation.

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

The terms "Church" and "General Synod" have the meanings given to them respectively in section two of the Church of England Empowering Act, 1928, and the term "Constitution" has the meaning given to it in the same section, subject to the provisions of that Act.

"The Board" means the Wellington Bishopric Endowment Trust Board incorporated under the Religious, Charitable, and Educational Trusts Act, 1908.

"The Diocese of Wellington" means the Diocese for the time being of which the City of Wellington is the Bishop's See, the present boundaries of which Diocese are set out in the Second Schedule to this Act.

"The Bishop of Wellington" means and includes the present Bishop and the Bishops hereafter duly appointed to and enthroned in the See of the City of Wellington in accordance with the Constitution of the Church and the Canons and Statutes enacted thereunder.

"The Synod of the Diocese of Wellington" means the Synod of that Diocese of the Church which for the time being is established under the Constitution and the said Canons and Statutes with its See at the City of Wellington.

"The said Estate" means the lands, investments, and moneys described in the First Schedule to this Act, and the proceeds of realization of such lands and investments, and any lands, investments, and moneys which may from time to time be substituted therefor, and includes all lands, investments, and moneys which may be hereafter acquired by the Board from any source.

Board to hold
Estate in trust.

3. From and after the coming into operation of this Act, the Board shall hold the said Estate upon the trusts and for the purposes hereinafter declared concerning the same.

Income of Bishop.

4. The Board shall, in the first place, after payment of all proper and necessary expenses of management of the said Estate, in each and every year, pay out of the income of the said Estate to the Bishop of Wellington while holding office as such the net annual sum of one thousand five hundred pounds, in equal monthly instalments (or as near thereto as the same may conveniently be paid), and the said annual sum of one thousand five hundred pounds, subject only to the payment of such expenses as aforesaid, shall be the first charge upon the said Estate and the said income; and the Board shall, in the next place, pay out of the income of the said Estate all taxes which may be chargeable upon

or become due in respect of any income payable to the Bishop of Wellington under the provisions of this section, and the payment of the said taxes, subject only to the payments hereinbefore prescribed, shall be the second charge upon the said Estate and the said income.

5. Subject as aforesaid, the Board shall hold the said Estate and the said income thereof upon trust, in the first place, to apply, appropriate, or set aside the said income or any part thereof towards all or any one or more of the objects, intents, and purposes hereinafter declared, but nevertheless in such manner, in such proportions, in such sums, and at such times as the Synod of the Diocese of Wellington shall from time to time direct, enact, or resolve, that is to say, towards the provision or payment of a pension or other allowance (in addition to any pension or allowance from any other source) to the Bishop of Wellington upon his ceasing, whether before or after the coming into operation of this Act, to hold office as such Bishop; and towards the provision or payment of a pension or other allowance or allowances (in addition to any pension or allowance from any other source) to the widow or children of any Bishop of Wellington who may die or have died, whether before or after the coming into operation of this Act, in the case of a widow for any period not exceeding the residue of her natural life, and in any case terminating on her marrying again, and in the case of each child for any period not extending beyond the age of eighteen years; and towards the establishment of a fund the income whereof, or such part thereof as the said Synod of the Diocese of Wellington shall deem necessary, shall be applied to such one or more, as the said Synod shall from time to time think fit, of the purposes specified in this section.

Application of remaining income in first place.

6. Subject as aforesaid, the Board shall hold the said Estate and the said income thereof upon trust, in the next place, to appropriate, set apart, and apply the said income or any part thereof towards all or any one or more of the objects, intents, and purposes hereinafter declared, but nevertheless subject to the provisions of section nine of this Act and in accordance with the directions, resolutions, laws, enactments, or regulations of the Synod of the Diocese of Wellington, and in such manner, in such proportions, in such sums, and at such times as the said Synod shall from time to time direct, enact, or resolve, that is to say :—

Application of remaining income in second place.

- (a) Towards the augmentation of the annual income of the Bishop of Wellington payable under section four of this Act.
- (b) Towards the payment of all additional taxes which by reason of such augmentation may be chargeable upon or become due in respect of the income of the Bishop of Wellington derived from the said Estate.
- (c) Towards the provision or payment of any travelling allowance or allowances to the Bishop of Wellington while holding office as such.
- (d) Towards the provision or payment of any travelling or removal expenses of any person after his acceptance of nomination as Bishop of the Diocese of Wellington.
- (e) Towards the stipend or maintenance of assistant, coadjutor, or suffragan Bishops within the Diocese of Wellington, of

chaplains for the Bishop of Wellington, and of such archdeacons, diocesan officers, and other assistants as may from time to time be required by the Bishop of Wellington in the discharge of his office.

- (f) Towards the provision or payment of pensions or other allowances (in addition to any pension or allowance from any other source) to any such Bishops as are mentioned in paragraph (e) of this section, after ceasing to hold their respective offices, whose annual incomes may be derived wholly or in part from the said Estate; and to the widows or children of any such Bishops as aforesaid, in the case of a widow for any period not exceeding the residue of her natural life, and in any case terminating on her marrying again, and in the case of each child for any period not extending beyond the age of eighteen years; and towards the establishment of a fund the income whereof, or such part thereof as the Synod of the Diocese of Wellington shall deem necessary, shall be applied to such one or more, as the said Synod shall from time to time think fit, of the purposes specified in this paragraph.
- (g) Towards the provision or payment of any travelling allowance or allowances to any such Bishops as are mentioned in paragraph (e) of this section.
- (h) Towards the provision or payment of any travelling or removal expenses of any person after his acceptance of nomination as assistant, coadjutor, or suffragan Bishop as aforesaid.

And any surplus income of the said Estate which in the opinion of the Synod of the Diocese of Wellington may not be required in any year for the purposes mentioned in the preceding eight paragraphs of this section may, if the said Synod shall think fit, be applied by the Board in accordance with such directions, resolutions, laws, enactments, or regulations of the said Synod in such manner, in such proportions, in such sums, and at such times as the said Synod shall from time to time direct, enact, or resolve towards all or any one or more of the objects, intents, and purposes hereinafter declared, that is to say:—

- (i) Towards making provision for the special training of candidates for holy orders.
- (j) Towards any other religious, charitable, or educational purposes of the Church in the Diocese of Wellington.

7. Provided always, and it is hereby declared, that the Synod of the Diocese of Wellington may from time to time direct, resolve, or enact that the Board shall invest any part or parts of the said income which may accrue from the said Estate over and above the sums necessary to provide for the payments mentioned in sections four and five of this Act upon any securities for the time being authorized by law for the investment of trust funds (hereinafter called "the said investments"), and the Board may at its discretion vary the said investments for others of a like kind when and as it shall think fit.

8. The Board shall hold the said investments and the income therefrom and shall apply the same (either capital or income, or both)

Power to invest
surplus income.

Application of
such investments.

in such proportions and at such times as and when the Synod of the Diocese of Wellington shall direct, towards all or any one or more of the trusts hereinbefore declared.

9. If at any time or from time to time the Diocese of Wellington shall hereafter be divided, under the authority of the General Synod, into two or more dioceses, or any portion of the Diocese of Wellington shall become, under the same authority, a portion of any other diocese, the General Synod shall have power from time to time to declare that such portion or portions (if any) of the said Estate, or of the income thereof, as the General Synod shall from time to time think fit, shall be devoted to objects and purposes of and in such other diocese or dioceses of a character similar to those specified in this Act, *mutatis mutandis*, and the Board shall thereupon hold, or transfer to such Board or other authority in that other diocese or dioceses as the General Synod may direct, such portion or portions of the capital of the said Estate or of the income thereof upon trust to apply the same for or towards such similar objects and purposes in such other diocese or dioceses in such proportions as may from time to time be directed by the General Synod, or, if the General Synod shall so direct, by the synod or synods of such other diocese or dioceses respectively :

Powers of General Synod in event of subdivision of Diocese of Wellington.

Provided that nothing herein contained shall authorize the General Synod or any such diocesan synods as aforesaid to prejudice or affect the income of the Bishop of Wellington provided for by section four of this Act, or the payment as prescribed in the said section of all or any taxes which may be chargeable upon or become due in respect of such income, or any pension or retiring-allowance which may at the time of such declaration of the General Synod have already been granted out of the said Estate, or any pension or retiring-allowance to any Bishop, his widow, or children, which the Board or the Synod of the Diocese of Wellington, or of any such other diocese may, prior to such declaration as aforesaid, have resolved or promised to pay out of the said Estate after his ceasing to hold office as such Bishop to him or to his widow or children.

10. Nothing in this Act shall prejudice or affect such powers of leasing, selling, exchanging, alienating, mortgaging, charging, or otherwise disposing of or dealing with the said Estate or any part thereof as are now possessed by the Board or may hereafter be lawfully conferred upon it.

Other powers of Board not affected.

11. Provided always, and it is hereby declared, that nothing hereinbefore contained shall be construed to empower or enable the Board in any way to let, sell, exchange, mortgage, alienate, or otherwise dispose of the said Estate or any part or parts thereof so as to cause a deduction from or to hinder or to prevent the full and due payment to the Bishop of Wellington of the said annual sum of one thousand five hundred pounds, and the full and due payment of all other moneys the payment of which is authorized by sections four and five of this Act.

Bishop's income and pension not to be prejudiced.

12. All costs, charges, disbursements, and expenses of and incidental to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Board out of the income of the said Estate.

Costs and charges of Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

LANDS, INVESTMENTS, AND MONEYS OF WHICH THE BOARD IS THE PROPRIETOR.

1. TOWN Section 600, City of Wellington, situated in Hobson Street, being all that parcel of land comprised in Conveyance No. 3267, and containing 1 acre, more or less.
2. Part Town Sections 541 and 542, City of Wellington, situated in Thorndon Quay, being (a) part of the land comprised in Conveyance No. 23428, and measuring approximately 214 links by 228 links, irregular, and (b) all that parcel of land comprised in certificate of title, Volume 113, folio 272, containing 2·2 perches.
3. Memorandum of mortgage No. 42691, Taranaki Land Registration District, securing the sum of £6,600.
4. Memorandum of mortgage No. 16467, Wellington Land Registration District, securing the sum of £1,200.
5. Memorandum of mortgage No. 188738, Wellington Land Registration District, securing the sum of £750.
6. Memorandum of mortgage No. 88069, Wellington Land Registration District, securing the sum of £1,000.
7. Memorandum of mortgage No. 123913, Wellington Land Registration District, securing the sum of £4,900.
8. Memorandum of mortgage No. 139984, Wellington Land Registration District, securing the sum of £1,000.
9. Memorandum of mortgage No. 64298, Wellington Land Registration District, securing the sum of £1,500.
10. Memorandum of mortgage No. 187925, Wellington Land Registration District, securing the sum of £700.
11. Memorandum of mortgage No. 150256, Wellington Land Registration District, securing the sum of £750.
12. Memorandum of mortgage No. 183639, Wellington Land Registration District, securing the sum of £1,175.
13. Memorandum of mortgage No. 151268, Wellington Land Registration District, securing the sum of £750.
14. Deed of mortgage No. 143861, Wellington Land Registration District, securing the sum of £1,100.
15. Deed of mortgage No. 148194, Wellington Land Registration District, securing the sum of £1,425.
16. New Zealand 4½-per-cent. inscribed stock, due 15th November, 1938, certificate of title No. 531, £700.
17. Fixed deposit with the New Zealand Investment, Mortgage, and Deposit Co., Ltd., £210.
18. The balance standing to the credit of the Board with the Union Bank of Australia, Ltd., at Wellington, at the date of the coming into operation of this Act.

SECOND SCHEDULE.

PRESENT BOUNDARIES OF THE DIOCESE OF WELLINGTON.

COMMENCING at the mouth of the Moutoti Stream, on the sea-coast, approximately seven miles south of Cape Egmont, and proceeding thence in a north-easterly direction generally by the said Moutoti Stream to the north-west corner of Subdivision 5, Block III, Opunake Survey District; thence by the north boundary of said Subdivision 5, and also of Subdivisions 6 and 7, to the western boundary of Subdivision 8; thence by said western boundary to the Kina Road; thence by the southern boundary of said Subdivision 8 and Subdivisions 9, 10, 11, 12, and 13, all in Block III, Opunake Survey District, to the Forest Road; thence by the middle-line of said Forest Road

to the Oaonui Stream; thence by the said stream to its source; and thence in a straight line to the summit of Mount Egmont (trig. station on its western peak); thence in an easterly direction generally by a straight line to the source of the Waiongongoro Stream; thence by the said stream to its intersection with south boundary of Section 22, Block V, Ngaire Survey District; thence by said south boundary of Section 22, and also of Sections 23, 24, 25, 26, and 27, of Block V, Ngaire Survey District, and 57, 58, and 59 of Block VI, Ngaire Survey District, to and across the Mountain Road and the Railway Reserve; thence by the eastern side of said Railway Reserve to the northern boundary of Section 4, and thence due east by said northern boundary of Section 4, and also of Sections 15, 16, 17, 18, and 19, to western side of Section 12; thence south by said western side of Section 12 to its south-west corner; thence east by south boundary of Sections 12, 13, and 14, all of Block VI, Ngaire Survey District, to and across the Skinner Road; thence south by said Skinner Road to the Ngaire Stream; thence north-easterly by said stream to its intersection of north boundary of Section 6, Block VII, Ngaire Survey District; thence eastward by said northern boundary of Section 6, and also of Sections 7, 8, and 11, to the western boundary (confiscation line) of Subdivision 2, Pukengahu Block; thence north-easterly to the north-western corner of said Subdivision 2; thence south-easterly by the north boundary of said Subdivision 2 to its eastern corner at intersection with the Makaria Stream, in Block VIII, Ngaire Survey District, and thence by the said stream to the Patea River; thence east and south by the south and west banks of said river to its intersection with the southern boundary of the Stratford County, as described in the *New Zealand Gazette* for the 28th June, 1917, at page 2514; thence easterly by the said county boundary to and across the Moeawatea Road to the north-west corner of Section 1, Block V, Taurakawa Survey District; thence by northern boundary of said Section 1 to the Te Waio Porua Stream, and by that stream to its confluence with the Totara Stream, and thence by that stream to its confluence with the Waitotara River; thence from the said confluence in a straight line to the junction of the Puteore and Omaru Roads, Block X, Taurakawa Survey District; thence in an easterly direction by the Omaru, Pokeka, and Kaka Roads to the Puraroto Road, and thence by the said Puraroto Road to the Wanganui River, striking said river approximately two and a half to three miles up-stream from Pipiriki; thence, commencing from a point on the right bank of the Wanganui River where the Puraroto Road intersects same in Block VI, Omaru Survey District, directly to the middle-line of the said Wanganui River; thence generally northerly along the said middle-line of the Wanganui River to a point opposite the westernmost corner of Kaitieke County, as described in the *New Zealand Gazette* of the 9th June, 1927, at page 1960 thereof, and being also the south-west corner of the Retaruke Survey District; thence in a generally easterly direction to and along the southern and eastern boundaries of the said Kaitieke County to intersection with the 39th parallel of south latitude; thence in an easterly direction along the said 39th parallel of south latitude to its intersection with the meridian of longitude $176^{\circ} 30'$ east, being a point about four miles west of the coach-road between Napier and Taupo; thence in generally south-west and southerly directions along the provincial boundary of Wellington and Hawke's Bay—namely, from the aforesaid intersection by a direct line to Otupae, and thence along the top of the Ruahine Ranges to the Manawatu River, in the Manawatu Gorge; thence again in a generally easterly direction by the south boundary of the Hawke's Bay Province, being the same as the boundary of the Wellington Land District as described in the *New Zealand Gazette* of the 28th April, 1898, at page 689, to the sea-coast at the mouth of the Waimata River; thence in generally south-westerly, north-westerly, northerly, and north-westerly directions along the sea-coast of the Provinces of Wellington and Taranaki to the point of commencement at the mouth of the Moutoti Stream.