

## New Zealand.



### ANALYSIS.

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### 1929, No. 2.—*Private.*

- Title.** AN ACT to vest in a New Board to be incorporated under Part II of the Religious, Charitable, and Educational Trusts Act, 1908, certain Real and Personal Property at present vested in the St. Peter's Taranaki Street Mission Trust Board (also incorporated under the said Part of the said Act), and certain other Property, and to declare Trusts concerning the Same. [31st August, 1929.]
- Preamble.** WHEREAS by a certain declaration of trust executed on the eleventh day of June, nineteen hundred and eight, by the Reverend George Paul Davys, of the City of Wellington, vicar of St. Peter's Parish, in the City of Wellington (a parish existing under the Constitution and Canons of the Church of the Province of New Zealand, commonly called the Church of England, and under the Acts of the Synod of the Diocese of Wellington, also existing under the said Constitution and Canons), and Thomas Ballinger, of the City of Wellington, merchant, trusts were declared concerning certain land which as it then existed was described in the said declaration of trust and is described in the First Schedule to this Act: And whereas such trusts included (*inter alia*) the use of the said land and the building thereon for the purpose of holding in such building Divine service according to the tenets, rites, and ceremonies of the said Church and as part of the work of the said St. Peter's Parish, or of any parish within which the whole or the greater part of a certain area then and now in the said parish might thereafter be included, or

of any parish or parochial district which might thereafter be constituted in connection with the said Church and in which the whole or the greater part of the said area should be included, such Divine service to be conducted by or under the supervision and control of the vicar of the said St. Peter's Parish or of any such other parish or parochial district as aforesaid, and also (subject to provision being made for the holding of Divine service as aforesaid within the said area) the use, with the approval of such vicar as aforesaid for the time being, of all unleased land and buildings for meetings of Church attendants and others, and classes, and for any other purpose in connection with the work of the said Church approved of by such vicar for the time being: And whereas the said declaration of trust contained certain provisions requiring the consent or approval of the vicar of the said parish or of the vestry of the said parish to the exercise of certain powers thereby conferred: And whereas on the twenty-second day of May, nineteen hundred and eighteen, the then trustees under the said declaration of trust became incorporated under the Religious, Charitable, and Educational Trusts Act, 1908, under the title of "The St. Peter's Taranaki Street Mission Trust Board": And whereas the land described in the First Schedule to this Act became the centre of a work of the said Church known as the St. Peter's Mission, and such work became greatly extended and large sums of money were raised for it: And whereas such sums of money have been employed in part in discharging the mortgage formerly charged upon the land described in the said First Schedule, and in the acquisition of the real property described in the Second Schedule hereto: And whereas on the first day of August, nineteen hundred and twenty-two, the said St. Peter's Taranaki Street Mission Trust Board executed a declaration of the trusts upon which the said real property described in the said Second Schedule, and any moneys and other property which were in or might from time to time come into its hands from any sources in connection with the said St. Peter's Mission otherwise than under the provisions of the first-mentioned declaration of trust were or would be held by it: And whereas the last-mentioned declaration of trust contained certain provisions requiring in certain events the approval of the vicar or other clergyman for the time being having the charge of the parish or parochial or other ecclesiastical district in which the headquarters of the said Mission should for the time being be situate: And whereas the work carried on in connection with the said Mission has greatly extended, and it is desirable that the same should be carried on in future as a diocesan work not associated with any particular parish, and that the property described in the said First and Second Schedules should be vested in a new Board to be incorporated under the said Act, and that new trusts should be declared concerning the said property and any moneys or property which may in future be raised or acquired for the purposes of the said Mission:

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

1. This Act may be cited as the Wellington City Mission (Church of England) Act, 1929. Short Title.

Power to appoint new trustees of Mission property.

2. At any time after the passing of this Act the Diocesan Trusts Board for the said Diocese of Wellington may by deed in or to the effect of the form set out in Title F, Canon I, clause nine, of the said Canons appoint not less than five nor more than nine persons to be the trustees of the real and personal property described in the said First and Second Schedules to this Act, and of all other property (if any) which may at the date of such appointment be or prior to the incorporation of such trustees in the manner hereinafter mentioned become vested in the said St. Peter's Taranaki Street Mission Trust Board.

Vesting of property in new Board of Trustees upon incorporation.

3. Upon such appointment being executed in the manner prescribed by the Canons of the said Church, and upon the trustees so appointed being incorporated under Part II of the said Act under the name of "The Wellington City Mission Trust Board," or some similar name to be approved by the Standing Committee of the Synod of the Diocese of Wellington, all the property referred to in section two of this Act shall by force of this Act become vested in the trustees so incorporated (hereinafter called "the new Board"), to be held by the new Board upon the trusts specified in section five of this Act, and with the powers conferred by and subject to the provisions of sections six to eleven inclusive of this Act, and the new Board shall be entitled without further authority than this Act to be registered as proprietor of all or any part or parts of such property in succession to the said St. Peter's Taranaki Street Mission Trust Board.

Interpretation of trust deeds and wills relating to property for the existing Mission.

4. On and after the incorporation of the new Board in manner described in section three of this Act, any real or personal property which may heretofore have been or may now or hereafter be held upon trust for or devised or bequeathed to the St. Peter's Taranaki Street Mission Trust Board, or for or to the work of the said St. Peter's Taranaki Street Mission, shall be held upon trust for or belong to the new Board.

New trusts of Mission property.

5. All the property which shall become vested in the new Board by virtue of this Act, and all property which may subsequently become vested in the new Board, and all property which may under the provisions of this Act or otherwise be held by any person or persons, corporation or corporations, upon trust for the new Board (both capital and income) shall be held upon trust to be applied in or towards all or any one or more of the following purposes :—

- (a) For use in connection with or for the purposes of a Mission in the City of Wellington in connection with the said Church ; and
- (b) For the holding of Divine service in connection with the said Mission in accordance with the tenets, rites, and ceremonies of the said Church ; and
- (c) For all such religious, charitable, and educational works of the said Church in connection with the said Mission as heretofore have been or usually are carried on in connection with city missions, as the new Board may direct, including in particular (but without restricting the generality of the trust) the conduct of Sunday schools, day schools, night schools, hostels, boardinghouses, clubs, and gymnasiums.

6. (1) The new Board shall have with regard to all real and personal property from time to time vested in it all the powers in general of an absolute owner, including in particular power from time to time to sell, exchange, or mortgage the whole or any part or parts of its property upon such terms and conditions and at such prices or for such consideration as it shall think fit :

Powers of sale, exchange, mortgage, and acquisition of property.

Provided that no sale, exchange, or mortgage of any land shall take place without the consent of the Synod of the diocese which for the time being shall include the City of Wellington, or of the Standing Committee thereof.

(2) The new Board shall also have in particular power to purchase, take on lease or hire, or otherwise acquire and hold, any real or personal property, and to erect, construct, extend, or maintain buildings and other improvements thereon, for any of the purposes of the said Mission, whether such property be situated within the City of Wellington or not, upon such terms and conditions and at such prices or for such consideration as it shall think fit :

Provided that no acquisition of real property and no erection of any building or other improvements thereon shall (if the same shall involve an expenditure in any one period of twelve months or a total liability exceeding the sum of two hundred pounds) take place without the consent of the Synod of the diocese which for the time being shall include the City of Wellington, or of the Standing Committee thereof.

7. No person dealing with the new Board shall be concerned to inquire whether or not the consent of the said Synod or the said Standing Committee as required by section six of this Act has been given, or as to the necessity or propriety of any transaction into which the new Board may propose to enter with such person, or to see to the application of any moneys or other property which may be payable or transferable to the new Board as part of such transaction.

Protection of purchasers, &c.

8. The Synod of the diocese which for the time being shall include the City of Wellington, or the Standing Committee of such Synod if expressly empowered by such Synod in that behalf, shall have power to make, and the new Board shall observe, all such regulations as such Synod or Standing Committee shall deem expedient for the direction, management, and control of the said Mission and of the works carried on in connection with the same under the authority of this Act, including in particular (but without restricting the generality of the power hereby conferred) the manner in and the terms and conditions upon which appointments to the staff of the said Mission shall be made and terminated, the control of the finances of the said Mission (including in particular the reservation or appropriation of property to separate works of the said Mission), and the fixing of the charges (if any) to be made for the use of the institutions controlled by the said Mission.

Power to make regulations for direction, &c., of Mission.

9. The new Board may at any time, under any power conferred by any Act of the Synod of the diocese which for the time being shall include the City of Wellington, and with the consent of such Synod or the Standing Committee thereof, transfer the management and direction of the said Mission to the Wellington Diocesan Social Service Board (constituted under the Act of the Synod of the Diocese of Wellington called the Social Service Board Act, 1923), or any other

Power to hand over direction of Mission to Wellington Diocesan Social Service Board.

Board which may at any time hereafter be constituted under any such Act as is first mentioned in this section in substitution for or with objects similar to those of the said Wellington Diocesan Social Service Board, and in that event the new Board shall, so far as shall not be inconsistent with the trusts declared by this Act, carry out the directions from time to time given to it by the said Wellington Diocesan Social Service Board or such other Board as aforesaid, and exercise the powers conferred by this Act in accordance with such directions:

Provided that no person dealing with the new Board after such transfer of direction as aforesaid shall be concerned to inquire whether any direction has been given to the new Board under this section with respect to such dealing, or whether the dealing is consistent with such direction, or otherwise as to the propriety or regularity of the transaction.

Appointments, &c.,  
of new trustees.

10. The provisions of Title F, Canon I, clauses ten to seventeen (inclusive) and clause nineteen, of the said Canons, or of any Canon or statute enacted by the General Synod of the said Church amending the same or in substitution therefor, shall be applicable to the new Board in reference to the number of members after the first appointment mentioned in section two of this Act, the resignation, forfeiture of office, and retirement by rotation of the members, the filling-up of vacancies, the declaration to be made by and the notification of appointment of members, and the making of contracts.

Protection of  
trustees.

11. The members of the new Board may in purchasing any land accept such title or evidence of title as they shall consider sufficient without being responsible for any loss thereby occasioned. And no member of the new Board shall be responsible for the acts or defaults of any other member, or for allowing any other member to retain in his sole possession any money securities or instruments of title, or for not causing proceedings to be taken against any other member, but each member shall be liable only for his own individual gross and wilful defaults involving personal misconduct on his part as distinguished from misconduct regarded as such by the Courts under their equitable jurisdiction.

Saving of certain  
express trusts.

12. The provisions of this Act shall, as regards any real or personal property which may hereafter be given to, or which may by the will or any codicil of any testator dying after the passing of this Act be devised or bequeathed to, or which may under the provisions of section four of this Act hereafter become vested in, the new Board, be subject to the express provisions of the instrument effecting the gift, devise, or bequest.

Costs and charges  
of Act.

13. 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 St. Peter's Taranaki Street Mission Trust Board.

## SCHEDULES.

Schedules.

## FIRST SCHEDULE.

LAND DESCRIBED IN DECLARATION OF TRUST DATED 11TH JUNE, 1908.

ALL that parcel of land, being part of Section 134, City of Wellington, having a frontage to Taranaki Street of 30 feet by a depth of 165 feet, together with a dwelling-house erected thereon, and also with a right of way over an adjoining strip of land having 2 feet 2½ inches frontage to Taranaki Street by a depth of 108 feet 8 inches, and subject to a right of way over a strip of the first-described land having a like frontage of 2 feet 2½ inches to Taranaki Street and a depth of 108 feet 8 inches, adjoining the said other strip, and being part of the land now comprised in certificate of title, Volume 374, folio 127.

## SECOND SCHEDULE.

LAND SUBJECT TO THE DECLARATION OF TRUST DATED 1ST AUGUST, 1922.

1. All that parcel of land containing 17·4 perches and being part Section 133, City of Wellington, and the whole of the land comprised in certificate of title, Volume 163, folio 192, Wellington District Land Registry.
2. All that parcel of land containing 9·1 perches and being part Section 133, City of Wellington, and the whole of the land comprised in certificate of title, Volume 163, folio 191, Wellington District Land Registry.
3. All that parcel of land containing 23·22 perches, more or less, and being part Section 134, City of Wellington, and Lot 1 on Deposited Plan No. 8191, and the whole of the land comprised in certificate of title, Volume 376, folio 126, Wellington District Land Registry.
4. All that parcel of land containing 36·56 perches, more or less, and being part Section 134, City of Wellington, and Lot 2 on Deposited Plan No. 8191, and the whole of the land comprised in certificate of title, Volume 376, folio 127, Wellington District Land Registry, less the land described in the First Schedule hereto.