

Charitable Trusts Act Notices

M. No. 627/91

In the High Court of New Zealand, Christchurch Registry

Under the Charitable Trusts Act 1957, and in the matter of
"The Twigger Endowments" Charitable Endowments
 created under the will of John Twigger, deceased:

And—in the matter of an application by the **Public Trustee of New Zealand** as trustee of the said charitable endowments created under the said will for the approval of a scheme under section 35 of the said Act—*Applicant*:

Notice is hereby given that on Wednesday, the 12th day of February 1992 at 10 a.m. counsel for the Public Trustee will move the High Court sitting at Christchurch for an order that the scheme dated the 18th day of September 1991 and set out hereunder be approved.

The Scheme

The Public Trustee pursuant to Part III of the Charitable Trusts Act 1957 hereby seeks an order approving the scheme prepared by the Public Trustee and filed in the High Court at Christchurch upon the grounds that it is no longer possible to carry out several of the particular charitable purposes set out in the last will of the above-named, John Twigger, deceased, for which it is proposed to substitute the charitable purposes set out in the said scheme.

The scheme relates to the estate of John Twigger, late of Christchurch deceased, who died on the 7th day of November 1885 leaving a will dated the 26th day of March 1885 ("the will") probate of which will was granted out of the Supreme Court at Canterbury on the 10th day of November 1885.

The Twigger Endowments are 3 endowments created by the will. They were to benefit equally 3 institutions situated in the Provincial District of Canterbury, namely the Ashburton Home (now known as Tuarangi Home), the Christchurch Female Refuge, and the Canterbury Orphanage. The Christchurch Female Refuge and the Canterbury Orphanage are defunct and it is therefore impossible to carry out the charitable purposes in respect of the Christchurch Female Refuge and the Canterbury Orphanage Endowments.

Subject to the approval of the High Court of New Zealand the Public Trustee shall be empowered:

1. As from the 1st day of April 1990, to divide the Twigger Endowments into three (3) equal and separate parts to be held as follows:

(1) To hold one (1) part being the endowment for the institution named in the will as "the Ashburton Home" on trust for the governing body of the Tuarangi Home, Ashburton for the purposes and on the trusts contained in the will in respect of the said Ashburton Home.

(2) To hold one (1) part ("the Canterbury Orphanage Endowment") on trust to divide the income arising therefrom into 100 equal shares and to pay such shares as follows:

(a) To pay 47½ shares of the said income to the Cholmondeley Children's Home Incorporated.

(b) To pay 47½ shares of the said income to the Glenelg Children's Health Camp.

(c) To pay 5 shares of the said income to Birthright (Christchurch) Incorporated.

(d) If the trusts of any of the shares in subclauses 2 (a), 2 (b) and 2 (c) fail, then the Public Trustee may at his discretion pay the income arising from those shares to the other shares the trusts of which have not failed in the proportion which those other shares bear to each other provided however that if in the opinion of the Public Trustee the other shares which have not failed

do not demonstrate a need for all of the income from the failed shares then the Public Trustee may at his discretion pay such income to Barnardo's New Zealand (Christchurch Region), Open Home Foundation (Christchurch Inc, Christian Family Movement Solo Parents' Support Groups (Christchurch) Inc, and the Christchurch Churches Appeal Trust for Children in Care in such proportions and in such manner as the Public Trustee shall from time to time think fit provided always however that not less than one-half of the income arising from the failed shares shall be paid to Cholmondeley Children's Home and Glenelg Children's Health Camp while they are entitled pursuant to the trusts herein.

(3) To hold one part ("the Female Refuge Endowment") on trust to distribute the income arising therefrom in the following manner:

(a) By annual payments in such shares and proportions and in such manner as the Public Trustee shall from time to time think fit among the following:

The West Christchurch Women's Refuge Society Inc, The Otautahi Women's Refuge Centre Inc, The Christchurch Women's Refuge Centre Inc, The Battered Women's Trust, Y.W.C.A. Christchurch Incorporated, Pregnancy Help Incorporated, Pregnancy Counselling Services Incorporated, Home and Family Society Christchurch Branch Incorporated, Hebron Community Trust, Catholic Social Services, Christchurch, Hoheria House, Salvation Army Family Care Centre, Christian Family Movement Solo Parents' Support Groups (Christchurch) Inc and Christchurch Methodist Central Mission.

(b) By payments for the support of single women through pregnancy and for the refuge of women from the effects of domestic and urban violence and family relationship difficulties in such manner and for such periods as the Public Trustee shall from time to time think fit.

2.1 The Public Trustee shall be empowered to distribute the accumulated income arising from the Huntsbury Home Fund (the successor to the Canterbury Orphanage) as follows:

(a) The first \$1,125,000 of the accumulated income will be disbursed to the following charities in the following manner:

	\$
Cholmondeley Children's Home	625,000
Glenelg Children's Health Camp	400,000
Birthright (Christchurch) Incorporated	100,000
	\$1,125,000

(b) The balance of the accumulated income as at 31 March 1990 shall be added to the Canterbury Orphanage Endowment and follow the trusts set out in the preceding clause 1 (2).

2.2 The Public Trustee shall be empowered to distribute the accumulated income arising from the Essex Hospital Fund (the successor to the Christchurch Female Refuge) as follows:

(a) The first \$500,000 will be disbursed to the following charities in the following manner:

	\$
West Christchurch Women's Refuge	50,000
Otautahi Women's Refuge	50,000