



ANALYSIS

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1957, No. 1—*Private*

An Act to declare the trusts upon which certain real and personal property is now held by the Church of Jesus Christ of Latter-Day Saints Trust Board, a Trust Board duly incorporated under the provisions of the Religious, Charitable, and Educational Trusts Act 1908 and having its registered office at Scotia Place in the City of Auckland (hereinafter referred to as the Board), and to declare the trusts upon which real and personal property hereinafter vested in or acquired by the Board is to be held and to confer certain necessary powers upon the Board and to provide rules for the Board and for other incidental matters to facilitate the management and administration of such real and personal property vested in the Board

[29 July 1957]

WHEREAS in or about the year eighteen hundred and thirty a number of persons of certain religious convictions constituted the religious denomination commonly known as the Church of Jesus Christ of Latter-Day Saints as originally

organised in the State of New York, United States of America, and thereafter established and constituted as a church body and fully organised in Salt Lake City, State of Utah in the United States of America, and elsewhere (such religious body as so constituted and established being hereinafter referred to as the Church): And whereas in the year eighteen hundred and fifty-four two members of the Church, being the Elders Augustus Farnham and William Cooke, came at the request and with the approval of Brigham Young, the then President of the Church, to the then Colony of New Zealand as missionaries on behalf of the Church and undertook as missionaries the teaching of the doctrine and beliefs of the Church in New Zealand, and in due course of time there was established and constituted a branch of the Church in New Zealand, but more commonly designated "a mission" by the members of the Church, and for furtherance of the work of the Church in New Zealand there was acquired in the name of one Joseph F. Smith, of the City of Salt Lake, State of Utah in the United States of America, the then President of the Church, a certain parcel of land in Queen Street, Auckland, upon which was erected a chapel for public worship after the manner and in accordance with the usages and beliefs of the Church, and also other lands were from time to time acquired as sites for chapels and homes for officers and elders and generally for the purposes of the Church in New Zealand: And whereas the said Joseph F. Smith died on or about the nineteenth day of November, nineteen hundred and eighteen, and letters of administration *cum testamento annexo* of his estate in New Zealand were granted by the Supreme Court of New Zealand at Auckland on the twenty-first day of February, nineteen hundred and twenty-one, to one George Shepard Taylor, then residing in the City of Auckland: And whereas it being desirable to constitute in New Zealand a corporate trustee in which could be vested all property both real and personal then held for the purposes of the Church in New Zealand and all property real and personal subsequently for those purposes acquired, Heber Jeddy Grant, Charles Wilson Nibley, George Albert Smith, Joseph Fielding Smith, Stephen L. Richards, Richard Roswell Lyman, and Melvin Joseph Ballard, being officers and members of the said Church, and all residing in the State of Utah in the United States of America, and acting at the request and with the consent and approval of the First

Presidency as the governing authority of the said Church, filed in the Supreme Court of New Zealand at Auckland on the ninth day of May, nineteen hundred and twenty-one, a memorial executed pursuant to the provisions of the Religious, Charitable, and Educational Trusts Act 1908 (New Zealand) and obtained as and from the said ninth day of May, nineteen hundred and twenty-one, incorporation of the Board and thereafter the said parcel of land at Auckland and all other lands then so vested in the aforesaid Joseph F. Smith were, at the request of the said Board, by conveyance and transfer duly executed by the said George Shepard Taylor (and with the recital that all such lands and premises as so previously vested in the said Joseph F. Smith had been purchased with the funds of the Church) conveyed or transferred to the Board and all property subsequently acquired by or for the Church in New Zealand has been duly acquired by and vested in the Board: And whereas the incorporation of the Board was not, as far as can be ascertained by search and inquiry, preceded by the execution of a declaration of trust specifically declaring the trusts, powers, and authorities of the incorporating trustees and the Board, and that, apart from the general recognised trust for the religious, charitable, and educational purposes of the Church in New Zealand, there exists, so far as diligent search and inquiry can ascertain, no declared trusts regarding the said lands and funds so vested in the Board and subsequently to the incorporation acquired by and vested in the Board: And whereas since the incorporation of the Board the governing authority of the Church has provided extensive funds for the furtherance of the work of the Church in New Zealand, and these funds have been placed at the disposal of the Board, and have in large measure been employed by the Board in the purchase of many properties comprising chapel sites, homes for the officers of the Church, hostels, colleges, temples, and for the general purposes work and extension of the Church in New Zealand: And whereas, in view of the inability to locate or discover any declaration of trust declaring the trusts upon which the Board now holds the real and personal property vested in it and the trusts upon which property real and personal subsequently acquired or vested in the Board is to be held, it is desirable that the said trusts be declared, that certain necessary provisions be made to the constitution of the Board, that appointment of the existing trustees be confirmed, that

provision be made for the appointments of successive trustees, and that certain essential and necessary powers be conferred upon the Board and that other administrative matters be defined:

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 Church of Jesus Christ of Latter-Day Saints Trust Board Empowering Act 1957.

2. Interpretation—In this Act the term “the Board” means the Trust Board incorporated under the provision of the Religious, Charitable, and Educational Trusts Act 1908 under the name and title of the Church of Jesus Christ of Latter-Day Saints Trust Board; and the descriptive term the Church of Jesus Christ of Latter-Day Saints means the religious denomination or Church as originally established in New York in the United States of America in or about the year eighteen hundred and thirty and thereafter established and constituted as a church body in the State of Utah in the United States of America, which said Church is constituted upon the fundamental statement of belief as is set forth in the first part of the Schedule hereto, the governing controlling authority being the First Presidency of the Church of Jesus Christ of Latter-Day Saints, and as so constituted and established is hereinafter referred to as “the Church”.

3. Rules of the Board—The rules set forth in the second part of the Schedule hereto, together with such amendments, modifications, and additions thereto as may be lawfully made in the manner set forth therein shall be the rules governing the operation and function of the Board as a Trust Board.

4. Vesting of property and trusts thereof—As from the date of the passing of this Act, all real and personal property whatsoever as now vested in the Board, subject to all liabilities, charges, and obligations (if any) affecting the same, and all such property as may thereafter be acquired or vested in the Board by any means whatsoever, shall be held by the Board, firstly, subject to the provisions of any specific trust respecting other writing or minutes of the Board; secondly, in all other the same evidenced by any testamentary disposition, deed, or

cases where no such evidence exists of any specific trust then for the general religious, charitable, and educational purposes of the Church in New Zealand, subject to the provisions that all buildings under the control and management of the Board shall be used—

- (a) For the public worship of God according to the usages of the Church under the direction of the duly appointed officers or agents of the above-named Church in New Zealand, and for the instruction of children and adults, in such worship and usages;
- (b) For the purposes of homes or hostels for the designated officers and ministers of the Church;
- (c) For educational purposes; or
- (d) For such purposes as may appear to the Board to be necessary or expedient for the exercise and carrying out by the Board of any powers and authorities:

Provided, however, that upon the sale or other disposition of any real or personal property held by the Board it shall be lawful for the Board, if in its opinion the whole or any part of the money received by the Board on any such sale, transfer, or other disposition is not immediately required for the furtherance of the work of the Church in New Zealand or in the performance of the objects and purposes of these presents, to repay or return to the governing body of the Church, out of the money so received and not required as aforesaid, the whole or part of such sum or sums which the governing body of the Church may have provided for the purpose or purposes of the acquisition of any such property or properties or from time to time for the improvement thereof whether by way of the erection of buildings thereon or otherwise howsoever.

5. Confirmation of appointment of present trustees—The appointment as members of the Board of Ariel Smith Ballif, George Ross Biesinger, William Shakespeare Dalton, Joseph Hay, and William Perrott, all of Auckland, New Zealand (they being the present trustee members of the Board), is hereby confirmed and the personnel of the Board and the successors of the existing trustee members shall be after the manner provided by and subject to the rules as set forth in the second part of the Schedule of this Act:

Provided, however, that the power of appointment of trustees and removal of trustees shall always rest with the First Presidency of the Church.

6. Power to hold land, money, or other property—The Board shall be competent to accept and receive and hold in its corporate name, either by way of gift or by way of devise or bequest, any land, money, or other property, either generally for the purposes of the Church in New Zealand or for any specific purpose connected therewith; and shall be competent and entitled to hold and administer such lands and other property upon the trusts and for the purposes for which the same was accepted, received, given, devised, or bequeathed:

Provided that the Board shall keep the property comprised in any such trust and the revenue to be derived therefrom separate and distinct from the general properties of the Board, and in the execution of any such specific trusts the Board shall have and be subject to such powers and duties as are conferred and imposed by the instrument creating such trust and such other powers and duties as may be conferred and imposed upon trustees by law:

Provided further that such property so vested in the Board upon general religious, charitable, and educational trusts in New Zealand, and subject to the provisions imposed by this Act, shall not be available nor in any manner applied to make good any deficiency, loss, or damage or breach of trust which may occur in or about the execution of any other trust accepted by the Board under the powers conferred upon it by this provision.

7. Special powers conferred—Subject to any specified trust terms and conditions to the contrary affecting any particular property of the Board real or personal vested in the Board for administration, the Board shall have and may exercise the following special powers and authorities:

- (a) In order to render the lands vested in the Board at the date of this Act or any land the Board may hereafter acquire productive of revenue in furtherance of the work of the Church in New Zealand, firstly, to enter into farming, developing, and managing without any restrictions whatsoever; and, secondly, in regard thereto all such powers of leasing as are set forth in the Public Bodies' Leases Act 1908, and for that purpose the Board shall be deemed a leasing authority duly constituted under that Act, and for the more beneficial exercise of the powers hereby

conferred the Board shall have power to subdivide all or any of the lands vested in it into portions or allotments, and lay off necessary reserves and dedicate roads and streets thereon, and make and carry out arrangements with local authorities with regard to the construction of and other matters connected with such roads and streets:

- (b) To borrow or raise money by way of mortgage on the security of its property or any part thereof upon and subject to such conditions it may deem suitable:
- (c) To sell or exchange any of its lands upon such terms and subject to such special conditions as it may specify, and to hold the proceeds of such sale or exchange upon the same trust affecting the lands so sold or exchanged:

Provided always that any money obtained from the sale or exchange of any such lands may be employed by the Board at its discretion in the purchase of other lands to be held upon the same general or specific trust (if any) as the lands so sold or exchanged:

- (d) To purchase or otherwise acquire on any tenure, and upon such terms thereof as it may determine, any lands or hereditaments for the purpose of the Church in New Zealand:
- (e) To invest money not immediately required to be held to the extent and in the manner permitted to trustees in New Zealand or in the purchase of real or leasehold property in New Zealand:
- (f) To acquire by gift, bequest, transfer, or purchase the shares, stock, or debentures of any company or building society incorporated in New Zealand:
- (g) To erect buildings and works on any lands of the Board as may be necessary expedient incidental or conducive to the exercising or the carrying out by the Board of any of its purposes:
- (h) To take all reasonable and proper care to keep in a state of good order and repair all buildings and other permanent improvements forming part of the Board's property, and to procure and maintain such policy or policies of insurance as may be reasonable against public liability, loss or damage by fire or

earthquake, and such other policy or policies of insurance as the Board may from time to time deem expedient to protect the Board against any other insurable liability:

Provided, however, that in the event of any buildings or other structures situated on any land vested in the Board being destroyed or damaged by fire the Board may rebuild or not as it may determine, and the insurance money arising from any policy of insurance, proving in the opinion of the Board to be insufficient for the purpose of rebuilding or repairing in a manner satisfactory, the Board may employ any other funds vested in the Board for the general religious, charitable, and educational purposes of the Church in New Zealand towards satisfactorily rebuilding or repairing such buildings:

- (i) To use any money or funds held by the Board for the general religious, charitable, and educational purposes of the Church in New Zealand for such purposes as may appear to the Board to be desirable for the better achieving of the purposes of the Board and the carrying out of any of the aforesaid powers:
- (j) From time to time to appoint one or more advisory committees consisting of such persons whether members of the Board or not as the Board thinks fit, and from time to time to regulate and determine the manner of appointment of every such committee, to define its powers and functions, and to provide any such committee with such clerical and other professional assistance as may be reasonably required, and to pay out of its funds any proper expenditure in connection with such committee or the work and meetings thereof:
- (k) To take and act upon the opinion of any barrister of the Supreme Court of New Zealand, whether in relation to the interpretation of this Act or any other document or any statute or as to the administration of any of the trusts declared and authorised by this Act, without being liable to any person who may claim to be in any way beneficially interested in respect of any act done in accordance with such opinion:

Provided, nevertheless, that nothing in this provision contained shall prohibit the Board from applying to the Court if it should think fit or prohibit any other person who may so claim to be so beneficially interested from so doing.

8. Power to petition Supreme Court—In any case where the Board desires to exercise any power which can only be otherwise exercised with the consent of a Judge of the Supreme Court, then the Board may apply by petition in a summary way to a Judge of the Supreme Court for an order granting such consent, and an application for the consent of the Judge of the Supreme Court may be made either in respect of some particular transaction or in respect of any scheme proposed by the Board in relation to any particular hereditament and involving the exercise of one or more of the powers which can only be exercised by the Board with the consent of a Judge. Where the consent is given to any such scheme then it shall not be necessary for the Board to make further application in respect of any particular transaction or transactions entered into in accordance with the terms of such scheme, and unless otherwise required by the Judge it shall not be necessary for the Board to serve notice of such application on any other person or persons. If the Judge is satisfied in all the circumstances of the case that it is desirable in the interest of the trust property and the revenue derived therefrom that such application be granted, then the Judge shall grant his consent to such application with or without such conditions or modifications as he shall think fit, but unless the Judge is satisfied as aforesaid he shall refuse his consent to such application, and on any such application as aforesaid the Judge shall have all such jurisdiction and authority to give effect to this Act and any order made by him as he would have in any matter within the ordinary jurisdiction of the Supreme Court, and may order by and to whom the costs of any persons appearing on such application shall be paid, and may modify or alter any order made by him.

9. Authority to accept office of trustee—The Board may in its discretion accept the office of trustee in or under any religious, charitable, or educational trusts in New Zealand:

Provided, first, that the Board shall keep the property comprised in any such trust separate and distinct from the properties subject to the other trusts set forth in this Act;

secondly, that the Board shall have and be subject to such powers and directions as are conferred and imposed by the instrument or writing creating such trust and such other powers and duties not inconsistent therewith as may be conferred and imposed upon trustees by law; and, thirdly, that the property vested in the Board and subject to the trusts imposed by this Act shall not be used nor applied to make good any deficiency, loss, or damage or breach of trust which may occur in or about any other trust or obligation.

10. Common Investment Fund—The Board may create and establish in its discretion a Common Investment Fund and amalgamate investments as hereinafter defined of trust funds held or vested in it for the general religious, charitable, and educational purposes of the Church in New Zealand in one investment fund as hereinafter defined:

Provided always that such amalgamation shall be subject to the provisions hereinafter set forth:

(1) (a) The investments which may be so amalgamated shall consist of—

- (i) First mortgages of land;
- (ii) Government inscribed stock and bonds;
- (iii) Local body debentures;
- (iv) Shares, stocks, and bonds; and
- (v) Future investments of the same nature.

(b) No land nor revenue derived from land shall be included in the amalgamation, save and except such land as may, after amalgamation, by reason of default made in any mortgage which is included in the amalgamation and thereby become vested in the Board, which land and the revenue thereafter derived therefrom may be included in the amalgamation.

(2) Investments which are to be amalgamated shall be merged into one investment fund to be called in the books of the Board the Common Investment Fund.

(3) All income derived from the said Common Investment Fund and the investments included therein shall be brought into one income account under the name of the Common Investment Fund Income Account.

11. Protection of persons dealing with Board—It shall not be incumbent upon any purchaser, vendor, mortgagee, lessee, or other person to or with whom any such sale, exchange,

purchase, mortgage, or lease as aforesaid shall be made or entered into within the terms of the provisions set forth in this Act to inquire as to the authority or power in respect of the Board to make any such sale, exchange, purchase, mortgage, or lease; and, in particular, it shall not be incumbent upon any such person to inquire whether the proposed dealing or any contract relative thereto is consistent with the trusts on which the lands or other hereditaments or property proposed to be dealt with are held, or whether the consent of any authority, or any person, body corporate, or committee has been given, or to inquire otherwise as to the propriety or regularity of the transaction or as to the application of any money received by the Board upon any such sale, exchange, mortgage, or like transaction.

12. Private Act—This Act is hereby declared to be a private Act.

SCHEDULE

FIRST PART

THE BELIEFS OF THE CHURCH AND DOCTRINES

THE principal beliefs of the Church of Jesus Christ of Latter-Day Saints are set forth in a statement designated as Articles of Faith, which for a period of more than one hundred years has been issued and distributed throughout the world. The Articles of Faith are as follows:

1. We believe in God, the Eternal Father, and in His Son, Jesus Christ, and in the Holy Ghost.
2. We believe that men will be punished for their own sins, and not for Adam's transgression.
3. We believe that through the Atonement of Christ, all mankind may be saved, by obedience to the laws and ordinances of the Gospel.
4. We believe that the first principles and ordinances of the Gospel are: First, Faith in the Lord Jesus Christ; Second, Repentance; Third, Baptism by immersion for the remission of sins; Fourth, Laying on of hands for the gift of the Holy Ghost.
5. We believe that a man must be called of God, by prophecy, and by the laying on of hands, by those who are in authority to preach the Gospel and administer in the ordinances thereof.
6. We believe in the same organisation that existed in the Primitive Church, viz., apostles, prophets, pastors, teachers, evangelists, etc.
7. We believe in the gift of tongues, prophecy, revelation, visions, healing, interpretation of tongues, etc.

SCHEDULE—*continued*

8. We believe the Bible to be the word of God as far as it is translated correctly; we also believe the Book of Mormon to be the word of God.
9. We believe all that God has revealed, all that he does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God.
10. We believe in the literal gathering of Israel and in the restoration of the Ten Tribes; that Zion will be built upon this (the American) continent; that Christ will reign personally upon the earth; and, that the earth will be renewed and receive its paradisiacal glory.
11. We claim the privilege of worshipping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may.
12. We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the Law.
13. We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul – We believe all things, we hope all things, we have endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things – Joseph Smith.

The objectives of the Church are to bear witness to the divinity of the Lord Jesus Christ; to teach all men the principles of His Gospel; and to convert and persuade them to follow in His ways and keep the commandments of God, that they may thus advance the Kingdom of God in the earth to bring brotherhood and peace to men and nations, and earn exaltation for themselves.

To achieve this objective the Church of Jesus Christ of Latter-Day Saints builds and maintains churches, temples, educational institutions for all ages, recreational buildings and facilities, and projects designed to teach and encourage vocational and industrial preparation for self-reliant living. It teaches loyalty to country and fosters good citizenship in all communities where it is established.

SECOND PART

RULES OF THE BOARD

Part I—Constitution of Board

1. The Board shall have a membership of five persons (hereinafter referred to as the trustees), one of whom shall be such person who is from time to time duly appointed by the First Presidency to preside over the branch of the Church in New Zealand (as hereinbefore commonly designated the Mission in New Zealand) and who is presently known by the designation or title of "The Mission President of the Church in New Zealand" *ex officio* and four others appointed as provided by these rules and personnel of the Board in the terms of the appointments confirmed by section 5 of this Act are as follows:

1. Ariel Smith Ballif

The Mission President of the Church in New Zealand (*ex officio*).

SCHEDULE—*continued*

2. George Ross Biesinger.
3. William Shakespeare Dalton.
4. Joseph Hay.
5. William Perrott.

2. All vacancies in the personnel of the Board shall be filled by appointment made by the First Presidency of the Church of Jesus Christ of Latter-Day Saints and a written appointment under the hand of the First Presidency shall be conclusive evidence of all such appointments so made. Members of the Board may be removed by the First Presidency in the same manner.

3. The Mission President of the Church in New Zealand shall be *ex officio* Chairman of the Board and shall preside at all meetings of the Board, and the Board shall elect a Vice-Chairman to preside in the absence of the Chairman. At every meeting of the Board the Chairman shall have a deliberate as well as a casting vote.

4. Three trustees shall form a quorum, and even if the number of trustees should at any time, for any reason, fall below five, a meeting of the Board shall be fully effective and valid so long as the quorum of three members is present.

5. The office of trustee shall become and be vacant in each or any of the following cases, in addition to death, that is to say, if a trustee other than the President of the Mission of the Church in New Zealand:

- (a) By notice in writing to the Board resigns his office.
- (b) Refuses to act, or has been removed from office.
- (c) Becomes of unsound mind or becomes a protected person under the Aged and Infirm Persons Act.
- (d) Becomes bankrupt or enters into a composition or assignment for the benefit of his creditors.
- (e) Is absent without leave from three consecutive ordinary convened meetings of the Board.
- (f) If he is convicted of any felony.

6. Upon the occurrence of a vacancy in the office of trustee the Board shall cause a note thereof to be entered in the minute book and shall also further cause notice thereof to be given to the office of the First Presidency of the Church, and will in like manner cause to be noted in the minutes thereof a record of all appointments of trustees made by the First Presidency of the Church and will cause the actual written appointments to be duly filed in the documents and records of the Board.

7. All acts done by any meeting of trustees or of a committee of trustees or by any person acting as a trustee shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such trustee or person acting as aforesaid or that they, or any of them, were for any reason disqualified, be as valid as if such person had been duly appointed and was qualified to be a trustee.

8. Every trustee shall be chargeable only for such money as he shall actually have received, although he may have joined in any receipt for money received by any other of them, and shall not be answerable for the acts of any other trustee, nor for any loss which may arise by reason of any trust funds being lawfully deposited in the hands of any

SCHEDULE—*continued*

banker, solicitor, or agent, or for the sufficiency or insufficiency or deficiency of any security upon which any trust money, or any part thereof, may be invested, or for any loss in the execution of any trust, unless the same shall happen through his own neglect or default.

Part II—Rules of the Board

1. The trustees shall meet at such time as they may deem advisable for the purposes of generally conducting the business of the Board.

2. The Chairman, or in his absence the Vice-Chairman, and any one trustee may at any time summon a special meeting for any cause that seems to them to be sufficient.

3. Notice in writing of every meeting, whether general or special, shall be delivered or sent through the post to each trustee by the secretary or by some other person acting under the directions of the trustees, or, in the case of a special meeting, by or under the direction of the person or persons summoning the meeting, three days at least before the date of the meeting. No notice shall be necessary for adjourned meetings except to members of the Board who are not present when the meeting was adjourned.

4. Every notice of meeting shall state the place, day, and hour of the meeting, and every notice of a special meeting shall further state the matter to be discussed thereat. Notice of any general or special meeting may be waived by all members of the Board having signed a waiver of notice and such waiver being placed in the minutes.

5. If a quorum shall not have assembled within one hour after the time appointed for any meeting, the trustee or trustees present or the secretary (if no trustee be present) may adjourn the meeting. Any meeting may be adjourned by the Chairman upon the adoption of a resolution for its adjournment.

6. Any resolution of the trustees may be rescinded or varied from time to time by the trustees at any general or special meeting.

7. The trustees may at any meeting appoint two or more members of their body to be a committee for making any inquiry or for superintending or transacting any business, but every act and proceeding of a committee shall, except in cases of urgency, be submitted to a meeting of trustees for approval.

8. (i) A minute book shall be provided and kept by the trustees, and all proceedings of the trustees shall be entered in the minute book.

(ii) Any such minute if purporting to be signed by the Chairman of the meeting at which the proceedings were had, or by the Chairman of the next succeeding meeting, shall be evidence of the proceedings.

(iii) Where minutes have been made in accordance with the provisions of this rule of the proceedings at any meeting of trustees, then, until the contrary is proved, the meeting shall be deemed to have been duly held and convened and all proceedings had thereat to have been duly had.

9. The trustees shall keep full and accurate accounts of all the receipts, disbursements, assets, liabilities, and engagements of the Board and shall in every year cause the same to be audited by a competent public accountant.

SCHEDULE—*continued*

10. One or more banking accounts in the name of the Board shall be opened and kept with some fit bankers to be from time to time selected by the trustees. All sums of money received on account of the Board shall be forthwith paid into the credit of such account or accounts, unless otherwise expressly ordered by the trustees.

11. The trustees shall have the safe custody of the common seal, and the Board may from time to time by resolution change, alter, or adopt any new such seal as they may deem proper. The common seal shall not be affixed to any document except by the authority of the trustees previously given and shall be so affixed in the presence of two trustees who shall affix their signatures to every document so sealed.

12. Subject to and without restraining the generality of the last preceding rules or the powers set forth in the Act, the Board shall have power to do all acts and things which it may consider proper or advantageous for accomplishing the true objects and powers vested in the Board, and in particular the following things:

- (a) It may appoint and at pleasure suspend or remove any secretary, manager, clerk, valuer, banker, or other officer or servant so appointed as it may from time to time deem expedient.
- (b) It may institute, conduct, defend, abandon, or confess judgment in any legal proceedings by or against the Board or its officers, or otherwise concerning the affairs of the Board, and it may compound and allow time for payment or satisfaction of any debts and of any claims by or against the Board.
- (c) It may grant pensions or gratuities to any employees or ex-employees and may establish or assist in the establishment of an employees' pension and provident fund by making contributions thereto from time to time or it may co-operate with or support financially any association, institution, or fund formed for the purpose of providing staff pensions or gratuities.

The rules set forth in this part, being rules for the administration of the Board, may be rescinded, altered, or amended by resolution passed by the Board at one meeting and duly approved at the next ensuing meeting of the Board:

Provided that in the first place notice thereof shall have been given in the notice convening the first aforesaid meeting and, secondly, that no such rescission, alteration, or amendment shall be in conflict with any of the provisions of this Act or of the Act under which the Board is incorporated.
