

New Zealand.

## ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> <li>3. Vesting Masonic lands and other property of District Grand Lodge in trustees.</li> <li>4. Authorizing the vesting of Masonic lands and other property of any Craft Lodge in trustees.</li> <li>5. Protection of persons dealing with trustees.</li> <li>6. Majority of trustees may act for all the trustees in connection with transfer or other dealings with land.</li> </ol> | <ol style="list-style-type: none"> <li>7. Majority of trustees may act for all the trustees in connection with releases of mortgages, &amp;c.</li> <li>8. Register of Trustees.</li> <li>9. Provisions as to vesting of lands on appointment of new trustees.</li> <li>10. Provisions as to vesting of personal property on appointment of new trustees.</li> <li>11. Register to be evidence of particulars appearing therein.</li> <li>12. Provision for appointment of acting authorized representative.</li> <li>13. Private Act. Schedule.</li> </ol> |
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1935, No. 4.—*Private.*

Title.

AN ACT to provide for the Holding of Real and Personal Property by Trustees on behalf of the District Grand Lodge of Auckland under the United Grand Lodge of Antient Free and Accepted Masons of England and Lodges subject to such District Grand Lodge, and to provide for the Succession of Title thereto.  
[25th October, 1935.]

BE IT 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 District Grand Lodge of English Freemasons of Auckland Trustees Act, 1935. Short Title.

2. In the interpretation of this Act the following terms shall have the meanings hereinafter respectively assigned to them, unless inconsistent with the subject or context:— Interpretation.

“District Grand Lodge” means the District Grand Lodge of Auckland under the United Grand Lodge of Antient Free and Accepted Masons of England:

“Craft Lodge” means any one of the lodges under the authority of the District Grand Lodge, and shall include the Auckland Masonic Benevolent Institution:

“Masonic lands” includes all lands and premises in New Zealand of whatsoever tenure which now are or which shall at any time hereafter be held in trust for or on behalf of District Grand Lodge or any Craft Lodge, together with all rights, easements, and appurtenances whatsoever relating thereto, and also includes chattels real:

“Authorized representative” of District Grand Lodge means the District Grand Secretary appointed by the District Grand Master and for the time being holding office; and “acting authorized representative” means such person as may be appointed to such office by the District Grand Master for the time being:

The words “legal proceedings” shall include all proceedings whatsoever, whether preliminary, initiatory, interlocutory, or final in any Court of Justice or before any Registrar of Land.

3. All lands and any estate therein, and all moneys and securities for money, and all personal property now held by District Grand Lodge or by any person or persons on behalf of District Grand Lodge, and all Masonic lands, and all moneys or securities for moneys and personal property which may at any time or times Vesting Masonic lands and other property of District Grand Lodge in trustees.

hereafter be acquired by District Grand Lodge by gift, purchase, devise, bequest, or otherwise, shall, after the coming into operation of this Act, but subject to and without prejudice to any mortgage, charge, encumbrance, lien, or lease affecting the same respectively, become vested in the trustees, who shall be appointed by District Grand Lodge in accordance with the constitution and laws of District Grand Lodge, upon such trusts and for such purposes and subject to such conditions as shall from time to time be defined by such constitution and laws of District Grand Lodge, and shall be subject to the provisions of this Act.

Authorizing the vesting of Masonic lands and other property of any Craft Lodge in trustees.

4. Upon the passing of a resolution by any Craft Lodge adopting this Act, all lands and any estate therein, and all moneys and securities for money, and all personal property then held by such Craft Lodge or by any person or persons on behalf of such Craft Lodge, and all Masonic lands, and all moneys or securities for money and personal property which may at any time or times thereafter be acquired by such Craft Lodge by gift, purchase, devise, bequest, or otherwise, shall, subject to and without prejudice to any mortgage, charge, encumbrance, lien, or lease affecting the same respectively, become vested in trustees who shall be appointed by such Craft Lodge in accordance with the by-laws for the time being governing such Craft Lodge, upon such trusts and for such purposes and subject to such conditions as shall from time to time be defined by such by-laws, and shall be subject to the provisions of this Act. A certificate that a resolution has been passed by any Craft Lodge on a particular date adopting this Act, signed by persons purporting to be the Master or the Chairman and Secretary of such Craft Lodge, shall be taken as sufficient evidence that such Craft Lodge has adopted this Act upon the date named in such certificate.

Protection of persons dealing with trustees.

5. So far as persons dealing with such trustees are concerned, such trustees, both of District Grand Lodge and Craft Lodges, shall be deemed to have the same power of sale, lease, mortgage, and disposition over such property as if they were the absolute owners thereof; and it shall not be incumbent upon any person to inquire whether any proposed dealing constitutes a breach of trust, nor shall any person be

concerned to see to the application of any purchase, mortgage, or other moneys paid to such trustees.

6. Where any sale, mortgage, exchange, or lease of any Masonic land subject to the provisions of this Act shall be made, the transfer, mortgage, exchange, or lease of such land, if under the operation of the Land Transfer Act, shall be as effectual if signed by a majority of the trustees for the time being of such land named in the Register of Trustees hereinafter mentioned as if such transfer, mortgage, exchange, or lease had been duly signed by all the trustees or registered proprietors thereof; and, in case such land shall not be under the operation of such statute, the conveyance, mortgage, exchange, or lease thereof, if executed by a majority of the trustees for the time being thereof named in such Register of Trustees, shall be deemed to pass the legal estate therein as fully and effectually as if all the trustees in whom the legal estate was vested had joined in, executed, or made such conveyance, mortgage, exchange, or lease.

Majority of trustees may act for all the trustees in connection with transfer or other dealings with land.

7. The signatures of the majority of the trustees for the time being in whom are vested any lands mortgaged to such trustees, or in whose names are invested any moneys in any bank or company or in any Government bonds or stock to any release or transfer shall be sufficient to reconvey, release, or transfer respectively the estate of all the trustees therein in the same manner as if such documents had been signed by the whole of such trustees.

Majority of trustees may act for all the trustees in connection with releases of mortgages. &c.

8. The authorized representative for the time being of the District Grand Lodge shall keep or cause to be kept, in duplicate, a Register of Trustees of the several lands and funds for the time being held subject to the provisions of this Act on behalf of the District Grand Lodge and the respective Craft Lodges in New Zealand, and such register shall be called and inscribed as "The Auckland District Grand Lodge of English Freemasons' Register of Trustees", and shall be in the form or to the effect contained in the Schedule hereto; and such authorized representative shall with all reasonable despatch enter or cause to be entered in such Register of Trustees the names and addresses of the present trustees of such lands and funds respectively, with all

Register of Trustees.

other particulars indicated in the said Schedule ; and such authorized representative shall from time to time, upon the appointment of any new trustee or trustees under the constitution and laws of District Grand Lodge or by-laws of Craft Lodges respectively, insert or cause to be inserted in such Register of Trustees the names and addresses of any new trustee or trustees, and how the vacancy in the trust occurred, whether by death or otherwise, and the date of the appointment of the new trustee or trustees, and also of the date of insertion of his or their name or names in such Register of Trustees ; and such authorized representative shall sign his name in such Register of Trustees in the proper column, in the same line with the name of every trustee (old and new) to authenticate the due appointment of such trustees.

Provisions as  
to vesting of  
lands on  
appointment of  
new trustees.

9. On the insertion as aforesaid in the said Register of Trustees of the name or names of any new trustee or trustees of any such lands not under the operation of the Land Transfer Act held subject to the provisions of this Act, the estate in such lands of the trustee or trustees in whose place such new trustee or trustees shall be appointed shall forthwith vest in such new trustee or trustees, solely or jointly, as the case may be, with the old continuing trustee or trustees (if any) for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever ; and on the insertion as aforesaid in the said Register of Trustees of the name or names of any new trustee or trustees of lands under the operation of the said Land Transfer Act held as aforesaid, such new trustee or trustees, together with the former or continuing trustees (if any), shall be deemed the proprietor or proprietors thereof within the meaning of the said Land Transfer Act as if the name or names of such new trustee or trustees appeared or was or were entered as such proprietor or proprietors in the register-book kept under the provisions of such Land Transfer Act, and as if a certificate of title had been duly issued to him or them, solely or jointly, as the case may be, with the former continuing proprietor or proprietors (if any) for all the same estate and interest as the former proprietor or

proprietors had therein, and subject to the same trusts without any transfer being made for the purpose.

10. On the insertion as aforesaid in the said Register of Trustees of the name or names of any new trustee or trustees of any personal property, moneys, or securities for money held subject to the provisions of this Act, the estate in such property, money, or securities of the trustee or trustees in whose place such new trustee or new trustees shall be appointed shall forthwith vest in such new trustee or trustees, solely or jointly, as the case may be, with the old continuing trustee or trustees (if any), for the same estate or interest as the former trustee or trustees had therein, and subject to the same trusts, without any transfer or assignment whatsoever.

Provisions as to vesting of personal property on appointment of new trustees.

11. A book purporting to be the Register of Trustees hereinbefore referred to shall, on production thereof by the authorized representative for the time being, or the acting authorized representative for the time being, or by any person appointed for that purpose by either of such persons in writing, be received and taken in all legal proceedings and on all occasions whatsoever as sufficient evidence (except in case of fraud or collusion) for and against not only the immediate parties but for and against third persons, purchasers, and all others whom it may concern as to who are or were the trustees of such lands, property, or funds, and also of the vacancies which occurred in the trusteeship, and of the appointment of new trustees to supply such vacancies, and of the date of the insertion of their names as aforesaid in such Register of Trustees, and of their consent to act, and of all other matters recorded therein in pursuance of section eight hereof, and judicial notice shall be taken of such book and of the signatures of the authorized representative and acting authorized representative therein; and any extract purporting to be an extract from such Register of Trustees, and certified under the hand of such authorized representative or acting authorized representative for the time being as aforesaid, and bearing what purports to be the seal of District Grand Lodge, shall be received and taken in all legal proceedings and in all dealings with Masonic lands before any District Land Registrar, and on all occasions whatsoever, as sufficient evidence of the several extracted matters comprised

Register to be evidence of particulars appearing therein.

in such extract so far as the same may relate to any particular Masonic land, property, or funds, without the production of such Register of Trustees, and judicial notice shall be taken of the signature of the authorized representative or acting authorized representative to every such extract and of such seal of District Grand Lodge.

Provision for  
appointment  
of acting  
authorized  
representative.

**12.** In case of the death, illness, absence, or temporary incapacity of such authorized representative as aforesaid, some other person may be appointed by the District Grand Master for the time being of District Grand Lodge to act in the place of such authorized representative, but not for a longer period than the next annual meeting of District Grand Lodge, and such other person shall be designated the "acting authorized representative of District Grand Lodge"; and such acting authorized representative during the time for which he shall be so appointed shall have, perform, and execute all the powers, authorities, and duties of such authorized representative, and shall underneath his signature in the columns of the said Register of Trustees insert the word "Acting", and shall underneath his signature to any extract to be made by him from such Register of Trustees insert the words "Acting Authorized Representative of District Grand Lodge"; and a copy of the *New Zealand Gazette* containing a notification by the District Grand Master for the time being of District Grand Lodge of the appointment of such authorized representative, or of such acting authorized representative as aforesaid, shall be sufficient evidence of the due appointment of such authorized representative and acting authorized representative respectively.

Private Act.

**13.** This Act is hereby declared to be a private Act.

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SCHEDULE.

Schedule.

THE AUCKLAND DISTRICT GRAND LODGE OF ENGLISH FREEMASONS' REGISTER  
 OF TRUSTEES.

Folio 1. (Words of description, such as "Remuera Lodge Room, Remuera Road, Auckland,"  
 comprised in conveyance) registered in the Deeds Registration Office, at as Number .  
 (If under the Land Transfer Act, "Comprised in certificate of title entered in Register Book,  
 Vol. , folio ".)

Number of Trustees [*State number*]:

Name of Trustee.	Address and Occupation of Trustee.	Date of Appointment of New Trustee.	Date of Insertion of Name of New Trustee herein.	Signature of Authorized Representative.	How Vacancy occurred in Trust, such as Death or the like.	Signature of Authorized Representative.
A. B. ..	Remuera Road, Auckland, S.E. 2	..	..	..	Deceased ..	..
C. D. ..	Remuera Road, Auckland, S.E. 2	..	..	..	Resignation ..	..
E. F. ..	Remuera Road, Auckland, S.E. 2	..	..	..	Incapacitated ..	..
G. H. ..	Remuera Road, Auckland, S.E. 2	..	..	..	Refusal to act ..	..
I. J. ..	Remuera Road, Auckland, S.E. 2	..	..	..	Withdrawal from District Grand Lodge	..
K. L. ..	Remuera Road, Auckland, S.E. 2	January 31st, 1936	February 1st, 1936	..	..	..