

*Hon. Mr. Parry*

PROVINCIAL GRAND LODGE OF NEW ZEALAND  
(IRISH CONSTITUTION) TRUSTEES

[PRIVATE BILL]

ANALYSIS

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A BILL INTITULED

AN Act to provide for the Holding of Real and Personal Property by Trustees on behalf of the Provincial Grand Lodge of the Province of New Zealand of the Antient Fraternity of Free and

Title.

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Accepted Masons under the Grand Lodge of Ireland, and Lodges subject to such Provincial Grand Lodge, and to provide for the Succession of Title thereto.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority 5 of the same, as follows:—

Short Title.

1. This Act may be cited as the Provincial Grand Lodge of New Zealand (Irish Constitution) Trustees Act, 1946.

Interpretation.

2. In the interpretation of this Act the following 10 terms shall have the meanings hereinafter respectively assigned to them, unless inconsistent with the subject or context:—

“ Provincial Grand Lodge ” means the Provincial Grand Lodge of the Province of New Zealand 15 of the Antient Fraternity of Free and Accepted Masons under the Grand Lodge of Ireland:

“ Craft Lodge ” means any one of the lodges under the authority of the Provincial Grand 20 Lodge:

“ 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 Provincial 25 Grand Lodge or any Craft Lodge, together with all rights, easements, and appurtenances whatsoever relating thereto, and also includes chattels real:

“ Authorized representative ” of Provincial 30 Grand Lodge means the Provincial Grand Secretary appointed by the Provincial Grand Master and for the time being holding office; and “ acting authorized representative ” means such person as may be appointed to 35 such office by the Provincial Grand Master for the time being:

The words “ legal proceedings ” shall include all proceedings whatsoever, whether preliminary, 40 initiatory, interlocutory, or final in any Court of Justice or before any Registrar of Land.

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3. All lands and any estate therein, and all moneys and securities for money, and all personal property now held by Provincial Grand Lodge or by any person or persons on behalf of Provincial Grand Lodge, and
- 5 all Masonic lands, and all moneys or securities for moneys and personal property which may at any time or times hereafter be acquired by Provincial Grand Lodge by gift, purchase, devise, bequest, or otherwise, shall, after the coming into operation of this Act, but
- 10 subject to and without prejudice to any mortgage, charge, encumbrance, lien, lease, or trust affecting the same respectively, become vested in the trustees who shall be appointed by Provincial Grand Lodge in accordance with the constitution and laws of Provincial
- 15 Grand Lodge, upon such trusts and for such purposes and subject to such conditions as shall at the time of such vesting subsist in respect thereto, and, subject to any such subsisting trusts, purposes, or conditions, then upon such trusts and for such purposes and sub-
- 20 ject to such conditions as shall from time to time be defined by such constitution and laws of Provincial Grand Lodge, and shall be subject to the provisions of this Act.
4. Upon the passing of a resolution by any Craft
- 25 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
- 30 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, lease, or
- 35 trust affecting the same respectively, become vested in trustees who shall be appointed by such Craft Lodge in accordance with the by-laws or rules for the time being governing such Craft Lodge, upon such trusts and for such purposes and subject to such conditions
- 40 as shall at the time of such vesting subsist in respect thereto, and, subject to any such subsisting trusts, purposes, or conditions, then upon such trusts and for

Vesting Masonic lands and other property of Irish Provincial Grand Lodge in trustees.

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

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such purposes and subject to such conditions as shall from time to time be defined by such by-laws or rules, 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 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. 5

Protection of persons dealing with trustees.

5. So far as persons dealing with such trustees are concerned, such trustees, both of Provincial 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. 10 15

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

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. 20 25 30 35

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

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 mortgages or debentures or shares in companies or any moneys in any bank or company or in any Government bonds or stock to any release or transfer 40

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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.

- 5     8. The authorized representative for the time being of the Provincial 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 Provincial  
10 Grand Lodge and the respective Craft Lodges in New Zealand, and such register shall be called and inscribed as “The Provincial Grand Lodge of New Zealand (Irish Constitution) Register of Trustees”, and shall be in the form or to the effect contained in the Schedule  
15 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 other particulars indicated in the  
20 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 Provincial Grand Lodge or by-laws or rules of Craft Lodges respectively, insert or cause to be inserted in  
25 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, retirement, or otherwise, and the date of the appointment of the new trustee or trustees, and also of the date of insertion  
30 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  
35 appointment of such trustees.

Register of 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 provisions of the Land Transfer Act held subject to the provisions  
40 of this Act, the estate in such lands of the trustee or trustees in whose place such new trustee or trustees

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

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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, 5 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 provisions of the Land Transfer Act, or of any estate or interest in such lands, 10 held as aforesaid, such new trustee or trustees, together with the former or continuing trustees (if any), shall be deemed the proprietor or proprietors of such lands or of such estate or interest, as the case may be, within the meaning of the said Land Transfer Act as if 15 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 or other instrument of title had been 20 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 25 being made for the purpose.

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

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, securities for money, debentures, shares in companies, 30 or other choses in action, held subject to the provisions of this Act, the estate in such property, money, securities, debentures, shares, or choses in action of the trustee or trustees in whose place such new trustee or new trustees shall be appointed shall forthwith vest 35 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 40 whatsoever.

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11. In the event of the appointment of an additional trustees, or trustees, by Provincial Grand Lodge or by any Craft Lodge, the vesting provisions contained in sections *nine* and *ten* hereof shall apply, *mutatis* 5 *mutandis*, on the insertion as aforesaid in the said Register of Trustees of the name or names of such additional trustee or trustees, in the same manner as if such additional appointment had been made to fill a vacancy occurring in the office of trustee.
- 10     12. The provisions contained in this Act and in the laws of Provincial Grand Lodge or the by-laws or rules of any Craft Lodge respectively as to the retirement of trustees or appointment of new or additional trustees shall be in substitution for any like provisions 15 contained in any deed or declaration or other instrument of trust affecting any real or personal property held by or in trust for Provincial Grand Lodge or any Craft Lodge respectively.
- 20     13. 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 25 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, 30 or of any estate or interest therein, or of such personal property, moneys, securities for money, debentures, shares in companies, and other choses in action, and also of the vacancies which occurred in the trusteeship, 35 and of the appointment of new trustees to supply such vacancies, and of the appointment of additional trustees, 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 40 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

Provisions as to vesting of real and personal property on appointment of additional trustees.

As to provisions in any trust deeds relating to appointment, &c., of trustees.

Register to be evidence of particulars appearing therein.

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 repre- 5  
sentative for the time being as aforesaid, and bearing  
what purports to be the seal of Provincial Grand  
Lodge, shall be received and taken in all legal proceed-  
ings and in all dealings with Masonic lands before any  
District Land Registrar, or person or body or company  
whatsoever, and on all occasions whatsoever, as suffi- 10  
cient evidence of the several extracted matters  
comprised in such extract so far as the same may  
relate to any particular Masonic land, or of any estate  
or interest therein, or of such personal property,  
moneys, securities for money, debentures, shares in 15  
companies, and other choses in action, 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 Provincial 20  
Grand Lodge.

Provision for  
appointment  
of acting  
authorized  
representative.

14. In case of the death, illness, absence, incapacity,  
or resignation of such authorized representative as  
aforesaid, or of his refusal or neglect to act, some 25  
other person may be appointed by the Provincial Grand  
Master for the time being of Provincial Grand Lodge  
to act in the place of such authorized representative,  
but not for a longer period than the next annual  
meeting of Provincial Grand Lodge, and such other  
person shall be designated the "acting authorized 30  
representative of Provincial 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 35  
his signature in the columns of the said Register of  
Trustees insert the word "Acting", and shall under-  
neath his signature to any extract to be made by him  
from such Register of Trustees insert the words  
"Acting Authorized Representative of Provincial 40  
Grand Lodge"; and a copy of the *New Zealand*  
*Gazette* containing a notification by the Provincial  
Grand Master for the time being of Provincial Grand



Lodge of the appointment of such authorized representative, or of such acting authorized representative as aforesaid, or a certificate under the hand of the Provincial Grand Master and bearing what purports  
5 to be the seal of the Provincial Grand Lodge, as to 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  
10 representative respectively, and in the case of the appointment of an acting authorized representative it shall not be incumbent upon any person to inquire whether the next annual meeting of the Provincial Grand Lodge following the appointment has been held.  
15 **15.** This Act is hereby declared to be a private Act. Private Act.

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SCHEDULE

Schedule.

THE PROVINCIAL GRAND LODGE OF NEW ZEALAND (IRISH CONSTITUTION)  
REGISTER OF TRUSTEES

Folio 1

Words of description, such as " Lodge Room, 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 ".] Held on behalf of: [Here insert  
" the Provincial Grand Lodge ", or " the Craft Lodge ", as the case may be].

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.	Queen Street, Auckland C. 1	..	..	..	Deceased ..	..
C. D.	Queen Street, Auckland C. 1	..	..	..	Resignation ..	..
E. F.	Queen Street, Auckland C. 1	..	..	..	Incapacitated ..	..
G. H.	Queen Street, Auckland C. 1	..	..	..	Refusal to act ..	..
I. J.	Queen Street, Auckland C. 1	..	..	..	Withdrawal from Provincial Grand Lodge (or Craft Lodge, as the case may be)	..
K. L.	Queen Street, Auckland C. 1	January 31st, 1947	February 1st, 1947	..	..	..