

New Zealand Bible Tract and Book Society Act 1886

Private Act 1886 No 1
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**An Act to constitute the New Zealand Bible, Tract, and Book
Society a Corporate Body.**

Preamble

[Repealed]

The Preamble was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

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

The Short Title of this Act is The New Zealand Bible, Tract, and Book Society Act 1886.

2 Incorporation of the New Zealand Bible, Tract, and Book Society

Thomas Dick, William Brown, Robert John Gairdner, Alexander Stronach Paterson, and Robert Chisholm, of Dunedin, in the Provincial District of Otago, and James Fulton, of West Taieri, in the said District, and their successors in office to be appointed in manner hereafter provided, shall for ever hereafter be a body corporate by the name or style of the New Zealand Bible, Tract, and Book Society (hereinafter referred to as **the said Society**), and by such style they and their successors and colleagues in office may sue, prosecute, and may be sued and prosecuted in all Courts in the Colony of New Zealand or elsewhere in all proceedings, indictments, informations, prosecutions, matters, and things of what kind or quality soever; but there shall be no personal liability on the part of the members of the said Society for any debts, liabilities, or engagements to be incurred or which may be entered into by such Society.

3 Seal

The said Society may have and use a common seal for the affairs and business thereof, and such Society may from time to time alter or make new such seal.

4 Society may acquire property and grant leases

The said Society by the style aforesaid may acquire, hold, receive, enjoy, sell, or otherwise dispose of property, whether

real or personal, of every description, and may from time to time accept of or grant a lease or leases of any hereditaments upon or subject to such rent for such term, and subject to such covenants and conditions, including provisions for payment of valuation of buildings or other improvements or renewal, as such Society may think proper.

5 Objects of Society

The objects of the said Society shall be to purchase or otherwise acquire and sell or otherwise dispose of evangelical literature, including Bibles, books, tracts, maps, pictures, and other works of a religious and moral character or tendency.

6 Disqualification

If any of the persons named in section two of this Act or any future member or members of the said Society shall die, resign, reside out of New Zealand, refuse or become incapable to act, become bankrupt, or be convicted of any indictable offence, or be removed by the vote of at least two-thirds of the other members for the time being of such Society, then in any and every such case such person or persons as aforesaid shall, *ipso facto*, cease to be a member of the said Society.

7 Vacancies, how filled up

When and so often as such vacancy or vacancies shall occur, the continuing members of such Society shall have power, as soon thereafter as conveniently may be at a meeting to be called for that purpose, to nominate and appoint by unanimous vote a fit and proper person or fit and proper persons in the place or places of the member or members so ceasing to be a member or members as aforesaid.

8 Number of members may be increased

When and so often as the members for the time being of the said Society shall desire to increase their number, such members may, by a unanimous vote, appoint one or more person or persons as a member or members of the said Society, and such additional member or members shall have all the powers and rights of members as constituted by this Act.

9 Appointment of new members, how verified

In appointing a new or additional member or members of the said Society it shall be sufficient for all purposes to enter in the minute-book of the said Society a minute in the form of or to the effect set forth in the Schedule hereto, and such minute, if signed by the chairman and attested by at least one other member, shall be conclusive evidence of such appointment, and shall be *prima facie* evidence of any other statement therein contained, and all acts done by any such member so appointed shall be valid notwithstanding any defect that may afterwards be discovered in his appointment.

10 Penalty if member accept office of profit

No member of the said Society, except the manager for the time being, shall hold any office or place of profit under or in the gift thereof, or be concerned or participate in any contract with or work to be done by such Society, and any person acting in violation of this section shall forfeit his office as member of the said Society, and shall be liable to a penalty not exceeding one hundred dollars.

The reference to “one hundred dollars” was substituted, as from 10 July 1967, for a reference to “fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

11 As to contracts

Contracts on behalf of the said Society may be made, varied, or discharged as follows, that is to say,—

- (1) Any contract which, if made between private persons, would be by law required to be in writing under seal or by deed, may be made, varied, or discharged in the name and on behalf of the said Society in writing under the common seal of the said Society, attested by at least two of the members of the said Society acting for the time being, and the fact of such members of the said Society purporting to act or sign as such shall be *prima facie* evidence of their being such members.
- (2) Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made, varied, or discharged in the name and on behalf of the said Society in writing signed

by any person or persons acting under the express authority of the said Society.

- (3) Any contract which, if made between private persons, would by law be valid, although made by parole only and not reduced into writing, may be made, varied, or discharged by parole in the name and on behalf of the said Society by any person for the time being acting under the authority of the said Society.

12 Rules

The said Society may, from time to time, make, vary, and repeal regulations for the management and conduct of the business and affairs of the said Society; and any copy of such regulations under the seal of the said Society shall be *prima facie* evidence that they were duly made.

13 Officers

The said Society may, from time to time, appoint and remove such managers, servants, attorneys, agents, and other persons as may be deemed necessary, and pay or allow such salaries or remuneration as may be reasonable.

14 Arbitration in case of dispute

The said Society may refer any dispute or difference between it and any other body, or any person, to arbitration, and may carry out any award made.

15 Property vested in the Society

All property, whether real or personal, of every description, including choses in action now or which may hereafter be vested in or held by all or any of the persons mentioned in the said section two, or in or by any other person or body on behalf of the said Society hitherto existing in New Zealand, shall be and is hereby vested in the said Society incorporated by this Act; and in all deeds, will, or other instruments in which the Otago Bible, Tract, and Book Society had been or shall be named or referred to, the Society hereby incorporated shall be substituted therefor.

16 How Society may be wound up

The said Society may be wound up by the High Court of New Zealand, or by a Judge thereof, on the happening of any of the following circumstances:—

- (1) When the members for the time being of the said Society have unanimously passed a resolution requiring the same to be wound up;
- (2) Whenever execution or other process issued on a judgment, decree, or order obtained in any Court in favour of any creditor at law or in equity of the Society has been returned unsatisfied in whole or in part.

The provisions of sections one hundred and forty-four, one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-two, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, and one hundred and seventy of The Companies Act 1882, shall apply *mutatis mutandis* to the winding-up of the said Society: the word “Society” being read in lieu of the word “Company” in the said sections; but the provisions of such sections as to contributories shall not apply.

The reference to the “High Court” was substituted, as from 1 April 1980, for a reference to the “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

17 Application of surplus moneys

After satisfying the claims of all the creditors of the said Society, and the costs of winding the same up, any surplus moneys or assets belonging thereto shall be paid or applied to or for such charitable or religious purposes, and in such manner, as the majority of the members of such Society at the time of the winding-up thereof may, by resolution or resolutions, determine.

Schedule

MEMORANDUM of the appointment of a new member [*or* new members] under and by virtue of “The New Zealand Bible, Tract, and Book Society Act 1886,” which has taken place at a meeting of the members of the New Zealand Bible, Tract, and Book Society appointed and acting under the said Act duly convened and held for that purpose at _____, on the _____ day of _____, 18____, of which meeting _____ was chairman and the following members were present, namely [*Names of all members present*].

It was moved by AB, and seconded by CD, and carried—“That WS [*If more than one, state so*] be and he is hereby appointed a member [*or* members] of the said Society in place of _____ resigned [*State cause*] [*or* as an additional member of the said Society].”

EF,
Chairman.

Dated at _____, this day of _____, 18____.

Signed by the said EF, as chairman of the
said meeting, at and in the presence of
the said meeting in the presence of me, a
member of the said Society.

GH