

Mr Prebble

**DISTRICT GRAND LODGES OF ENGLISH
FREEMASONS OF NEW ZEALAND
TRUSTEES**

[PRIVATE]

ANALYSIS

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A BILL INTITULED

An Act to provide for the holding of certain real and personal property by trustees on behalf of the District Grand Lodge of the District of the North Island New Zealand, under the United Grand Lodge of Ancient Free and Accepted Masons of England, the District Grand Lodge of the

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District of the South Island New Zealand, under the said
United Grand Lodge, and the Lodges subject to such
District Grand Lodges and on behalf of the District Grand
Royal Arch Chapter North Island New Zealand, under the
Supreme Grand Chapter of Royal Arch Masons of England, 5
the District Grand Royal Arch Chapter South Island New
Zealand, under the said Supreme Grand Chapter and the
Chapters subject to such District Grand Royal Arch
Chapters

WHEREAS the said District Grand Lodges have recently 10
been formed to replace all District Grand Lodges under the
said United Grand Lodge heretofore existing in the Dominion
of New Zealand: And whereas it is desirable that certain of
the real and personal property that belongs now or may
hereafter belong to the said District Grand Lodges, or Lodges 15
subject thereto, should vest in and be managed by trustees
and that on any change in the trusteeship becoming necessary
the title to such property should devolve without the
inconvenience and expense of conveyance or transfer being
incurred: And whereas under and by virtue of the District 20
Grand Lodge of English Freemasons of Auckland Trustees
Act 1935 provision was made for the real and personal
property then or thereafter held by the District Grand Lodge
of Auckland or by any person or persons on behalf of such
District Grand Lodge, or by any Craft Lodge (as therein 25
defined) that, pursuant to section 4 of that Act, resolved to
adopt the provisions of the Act, to vest in and be managed
by trustees, and thereafter to devolve on a change in
trusteeship without incurring the inconvenience and expense
of conveyance or transfer: And whereas under and by virtue 30
of the Masonic Property Trusts Act 1956 provision was made
inter alia for the real and personal property then and
thereafter held by the former District Grand Lodge of Otago
and Southland under the said United Grand Lodge or by
any person or persons on behalf of such District Lodge, or by 35
any Lodge under the authority of such District Lodge, that
pursuant to section 4 of that Act resolved to adopt the
provisions of that Act, to vest in and be managed by trustees
and thereafter to devolve on a change in trusteeship without
incurring the inconvenience and expense of conveyance or 40
transfer: And whereas the said District Grand Royal Arch
Chapters North Island and South Island New Zealand, and

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the Chapters subject to such District Grand Royal Arch Chapters, are desirous of similar provisions being made for them to avoid incurring the inconvenience and expense of conveyance or transfer on a change in trusteeship: And
5 whereas the English Masonic Benevolent Institution (being a Craft Lodge within the meaning of the District Grand Lodge of English Freemasons of Auckland Trustees Act 1935) has now been incorporated under the provisions of the Charitable Trusts Act 1957, and no longer requires to be
10 subject to any private Act of Parliament: And whereas it is desirable that the provisions relating to the vesting and management of certain real and personal property now belonging to or held by or that may hereafter belong to or be held by or on behalf of the said District Grand Lodges, and
15 Lodges subject thereto and the said District Grand Royal Arch Chapters, and Chapters subject thereto should be contained in one Act of Parliament:

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

1. Short Title—This Act may be cited as the District Grand Lodges and District Grand Royal Arch Chapters of English Freemasons of New Zealand Trustees Act 1976.

2. Interpretation—In this Act, unless the context otherwise
25 requires,—

“Authorised representative”, in relation to a Controlling Authority, means the District Grand Secretary or the District Grand Scribe from time to time for the time being appointed by the District Grand Master or the
30 District Grand Superintendent, as the case may be, of such Controlling Authority; and, where the context so admits, shall include a Deputy Authorised Representative appointed pursuant to section 9 of this Act:

“Controlling Authority” means the District Grand Lodge of the North Island, New Zealand, under the United Grand Lodge of Antient Free and Accepted Masons of England, or the District Grand Lodge of the South
35 Island, New Zealand, under the said United Grand Lodge, or the District Grand Royal Arch Chapter of the North Island New Zealand, under the Supreme Grand Chapter of Royal Arch Masons of England,
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or the District Grand Royal Arch Chapter of South Island New Zealand under the said Supreme Grand Chapter, as the case may be:

“Lodge” means any one of the Lodges or Chapters under the authority of a Controlling Authority as herein- 5
before defined:

“Masonic property” includes all real and personal property or any interest therein (save and except furniture, regalia, and any moneys held in any banking account for the general purposes of a Con- 10
trolling Authority or a Lodge) that now is held in trust for or on behalf of any Controlling Authority or Lodge, or that at any time and from time to time after the passing of this Act shall be held by trustees whose names shall have been entered in the Register 15
of Trustees to be kept pursuant to section 7 of this Act:

The words “legal proceedings” shall include all proceedings whatsoever, whether preliminary, initiatory, interlocutory or final in any Court of Justice or statutory tribunal, or before 20
any District Land Registrar.

3. Vesting Masonic lands and other property of controlling authority in trustees—All Masonic property now held by a Controlling Authority or by any person or persons on behalf of a Controlling Authority, and all Masonic property that 25
may at any time or times hereafter be acquired by a Controlling Authority by gift, purchase, devise, bequest, or otherwise, shall, after the passing of this Act, but subject to and without prejudice to any mortgage, charge, encumbrance, lien, or lease affecting the same respectively, become vested 30
in the trustees, who shall be appointed by such Controlling Authority in accordance with the constitution and laws of a Controlling Authority, 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 a Controlling Auth- 35
ority and shall be subject to the provisions of this Act.

4. Authorising the vesting of Masonic lands and other property of any lodge in trustees—(1) Upon the passing of a resolution by any Lodge adopting this Act, all Masonic property then held by such Lodge or by any person or persons 40

on behalf of such Lodge, and all Masonic property that may at any time or times thereafter be acquired by such Lodge by gift, purchase, devise, bequest, or otherwise, shall, subject to and without prejudice to any mortgage, charge, encumbrance, 5 lien, or lease affecting the same respectively, become vested in trustees who shall be appointed by such Lodge in accordance with the bylaws for the time being governing such Lodge, upon such trusts and for such purposes and subject to such conditions as shall from time to time be defined by 10 such bylaws and shall be subject to the provisions of this Act.

(2) Such Lodge shall create and maintain a Lodge Register containing from time to time for the time being the names and addresses of the trustees, and a description of the Masonic property held by them and the trusts upon which the same 15 are held. It shall be the duty of the Master or First Principal of the Lodge, on the creation of the Lodge Register and subsequently whenever there shall be any alteration therein, to forward or cause to be forwarded forthwith a Certificate to the Authorised Representative containing the names and 20 addresses of the trustees and the legal description of any real property or any interest therein held by such trustees.

(3) A Certificate that a resolution has been passed by any Lodge on a particular date adopting this Act, or containing a certified extract from the Lodge Register, signed by persons 25 purporting to be the Master or the First Principal and Secretary or Scribe of such Lodge, shall be taken as conclusive evidence that such Lodge has adopted this Act upon the date named in such Certificate. Any Certificate so signed (save and except for the purposes of any title to land or any 30 registrable interest therein) shall be taken in all legal proceedings and on all other occasions whatsoever (except cases of fraud or collusion) as conclusive evidence of the names and addresses of the trustees and the description of the Masonic property held by them and the trusts upon which the same 35 are held.

5. Protection of persons dealing with trustees—So far as persons dealing with such trustees are concerned, such trustees, both of Controlling Authorities and Lodges, shall be deemed to have the same power of sale, lease, mortgage, and dis- 40 position 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. Any two trustees may act for all the trustees in connection with transfer or other dealings with land— 5

(1) Where any sale, mortgage, transfer, assignment, exchange, lease, surrender, release, or other disposition of any Masonic property subject to the provisions of this Act is made the transfer, mortgage, assignment, exchange, lease, surrender, release, or other disposition of such Masonic property shall be as effectual if signed by any two of the trustees for the time being of such Masonic property whose names are entered in the Register of Trustees hereinafter mentioned as if such transfer, mortgage, assignment, exchange, lease, surrender, release, or other disposition had been duly signed by all the trustees or, in the case of any interest in land registered under the Land Transfer Act 1952, by all the registered proprietors thereof. 10 15

(2) Any vesting of Masonic property by virtue of sections 3 and 4 of this Act may be effected upon a Certificate in the form set out in the First Schedule to this Act, being endorsed on or enclosed with a dealing as provided in subsection (1) of this section. 20

7. Register of trustees—The Authorised Representative for the time being of each Controlling Authority shall keep or cause to be kept, in duplicate, a Register of Trustees containing the legal description of any real property or interest therein and the names and addresses of the persons in whose names any Masonic property is for the time being held subject to the provisions of this Act in trust for or on behalf of such Controlling Authority and for or on behalf of each and every Lodge under the authority of such Controlling Authority in New Zealand that has passed a resolution pursuant to section 4 of this Act, and such register shall be called and inscribed as “The District Grand Lodge of the District of the North (or South) Island New Zealand of English Freemasons Register of Trustees” or “The District Grand Royal Arch Chapter North (or South) Island of New Zealand of English Freemasons Register of Trustees”, as the case may be, and shall 25 30 35 40

be in the form or to the effect contained in the Second Schedule to this Act; and such Authorised Representative shall, after the passing of this Act, with all reasonable despatch enter or cause to be entered in such Register of Trustees the

5 names and addresses of the present trustees of all Masonic property so held together with all particulars of land held by them as indicated in the said Second Schedule; and such Authorised Representative shall from time to time upon

10 notification under section 4 of this Act of the appointment of any new or additional trustee or trustees under the constitution and laws of such Controlling Authority or under the bylaws of Lodges under the authority of such Controlling Authority respectively, enter or cause to be entered in such Register of

15 Trustees any transaction in respect of any land or the names and addresses of any new or additional trustee or trustees, and the date of such transaction or of the appointment of the new or additional trustee or trustees and upon notification as aforesaid, enter or cause to be entered the date upon which

20 any trustee shall have ceased to hold office as a trustee or of any other alteration in respect of any trustee whose name is entered in the said Register, and such Authorised Representative shall, in respect of any alteration made by him in the said Register, sign his name in such Register of Trustees in the proper column, in the same line as the name of every trustee

25 (old and new) and the date of such entry in the Register of Trustees to authenticate every entry so made.

8. Provisions as to vesting of lands on appointment of new trustees—On the entry as aforesaid in the said Register of Trustees of the name or names of any new or additional

30 trustee or trustees of any Masonic property held subject to the provisions of this Act, the interest in such Masonic property that was held by the former trustee to trustees immediately before such entry shall forthwith vest in such new or additional trustee or trustees, solely or jointly as the case may be,

35 together with the former or continuing trustee or trustees (if any) and be subject to the same trusts, without any conveyance or assignment whatsoever; and without derogating from the generality of the foregoing, any entry in the Register of Trustees of the name or names of any new or additional

40 trustee or trustees holding any land or any interest therein subject to the provisions of the Land Transfer Act 1952 shall

upon the filing of a certificate in the appropriate District Land Registry in the form set out in the First Schedule to this Act operate so that such new or additional 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 or additional trustee or trustees appeared or was or were entered as such proprietor or proprietors in the Register kept under the provisions of that 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. 5
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9. Provision for appointment of deputy authorised representative—The District Grand Master or Grand Superintendent for the time being of any Controlling Authority may at any time and from time to time in addition to appointing the Authorised Representative appoint a Deputy Authorised Representative who shall be designated the Deputy Authorised Representative of the District Grand Lodge of the District of the North (or South) Island New Zealand or of the District Grand Royal Arch Chapter of North (or South) Island New Zealand as the case may be; and such Deputy Authorised Representative during the time for which he shall be so appointed shall have, and may perform and execute all the powers, authorities, and duties of such Authorised Representative, and shall, underneath his signature in the column of the said Register of Trustees, insert the word “Deputy”, and shall, underneath his signature to any extract to be made by him from such Register of Trustees insert the words “Deputy Authorised Representative of the District Grand Lodge of the North (or South) Island New Zealand or of the District Grand Royal Arch Chapter of the North (or South) Island New Zealand”, as the case may be. 20
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10. Names of authorised representative and deputy authorised representative to be published—The District Grand Master or the District Grand Superintendent of each Controlling Authority shall publish or cause to be published 40

from time to time in the *Gazette* the names and addresses of the persons appointed to be its Authorised Representative and its Deputy Authorised Representative respectively or ceasing to hold such office for the purposes of this Act, and a copy of
5 the *Gazette* containing any such publication shall be conclusive evidence of due appointment of or the ceasing to hold office of any such Authorised Representative or any such Deputy Authorised Representative, as the case may be.

11. Register to be evidence of particulars appearing
10 **therein**—A book purporting to be the Register of Trustees hereinbefore referred to shall, on production thereof by the Authorised Representative for the time being, or the Deputy Authorised Representative for the time being, or by any
15 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 conclusive 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
20 others whom it may concern as to who are or were the trustees holding Masonic property in trust for the Controlling Authority and each and every Lodge under its authority, and of the appointment of new or additional trustees and of the date of the entry of their names as aforesaid in such Register of
25 Trustees, and of their consent to act, and of all other matters recorded therein in pursuance of section 7 of this Act, and judicial notice shall be taken of such book and of the signatures of the Authorised Representative and the Deputy Authorised Representative therein; and any extract purporting to be an extract from such Register of Trustees, and
30 certified under the hand of either such Authorised Representative or such Deputy Authorised Representative for the time being and bearing what purports to be the seal of such Controlling Authority shall be received and taken in all legal proceedings and in all dealings with Masonic property comprising
35 land before any District Land Registrar, and on all occasions whatsoever, as conclusive evidence of the several extracted matters comprised in such extract so far as the same may relate to any particular Masonic property, without the production of such Register of Trustees, and judicial notice
40 shall be taken of the signature of the Authorised Representative or Deputy Authorised Representative to every such extract and of such seal of such Controlling Authority.

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12. Repeals and savings—(1) The District Grand Lodge of English Freemasons of Auckland Trustees Act 1935 is hereby repealed.

(2) The Masonic Property Trusts Act 1956 is hereby amended—

(a) By omitting from the Title the words “the District Grand Lodge of the District of Otago and Southland under the United Grand Lodge of Antient Free and Accepted Masons of England”;

(b) By omitting from the definition of the term “Controlling Authority” in section 2 the words “the District Grand Lodge of Otago and Southland under the United Grand Lodge of Antient Free and Accepted Masons of England”;

(c) By omitting from section 8 the words “The District Grand Lodge of Otago and Southland (English Constitution) Register of Trustees”.

(3) The present trustees appointed pursuant to the provisions of section 3 of the District Grand Lodge of English Freemasons of Auckland Trustees Act 1935 (other than the trustees of the English Masonic Benevolent Institution) and now holding real and personal property on behalf of the former District Grand Lodge of Auckland shall notwithstanding anything in that Act, continue to hold the same as trustees for and on behalf of the District Grand Lodge of the District of the North Island New Zealand and shall be deemed to have been appointed as trustees therefor pursuant to section 3 of this Act and shall be duly entered in the Register of Trustees under this Act.

(4) The present trustees appointed pursuant to the provisions of section 3 of the Masonic Property Trusts Act 1956 and holding real and personal property on behalf of the former District Grand Lodge of the District of Otago and Southland shall, notwithstanding anything in that Act, continue to hold the same as trustees for and on behalf of the District Grand Lodge of the District of the South Island New Zealand and shall be deemed to have been appointed as trustees therefor pursuant to section 3 of this Act and shall be duly entered in the Register of Trustees under this Act.

(5) Any trustees appointed pursuant to section 4 of the District Grand Lodge of English Freemasons of the District of Auckland Trustees Act 1935 by a Craft Lodge (as therein

defined) or appointed pursuant to section 4 of the Masonic Property Trusts Act 1956 by a Lodge, being a Lodge formerly subject to the authority of the District Grand Lodge of the District of Otago and Southland and now holding any real
5 and personal property on behalf of any such Lodge so appointing them shall continue to hold the same as trustees for and on behalf of such Lodge and shall be deemed to have been appointed as trustees therefor pursuant to the provisions of section 4 of this Act and shall be duly entered in the
10 Register of Trustees under this Act.

(6) Without limiting the provisions of the Acts Interpretation Act 1924 it is hereby declared that the repeal of any provision by this Act, shall not affect any document made or any thing whatsoever done under the provision so repealed,
15 and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act, and as if that provision had been in force when the
20 document was made or the thing was done.

13. Private Act—This Act is hereby declared to be a Private Act.

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SCHEDULES

Sections 6 (2), 8

FIRST SCHEDULE

*Certificate of the Authorised Representation of the District Grand
of the District of Island of English Freemasons.*

WHEREAS I was duly appointed the Authorised Representative of the above-mentioned District Grand pursuant to section 9 of the District Grand Lodges and District Grand Royal Arch Chapters of English Freemasons of New Zealand Trustees Act 1976 such appointment being notified as provided in Section 10 of the said Act by publishing the same in the *Gazette* dated day of 197 on page

I hereby certify pursuant to the provisions of section 11 of the said Act and in accordance with the Register of Trustees kept by me pursuant to section 7 of the said Act, that the land containing more or less being and being of the land in certificate of title, Volume, folio, in the Registry is now vested in

Dated this day of 19

Authorised Representative of District
Grand of the District of
Island of English Freemasons.

Section 7

SECOND SCHEDULE

The District Grand of the District of the Island of New Zealand of English Freemasons

Register of Trustees
A. REGISTER OF TRUSTEES OF LODGE No.

Number of Trustees:

Name of Trustee	Address and Occupation of Trustee	Date of Appointment of Trustee	Date of Entry of Name of Trustee Herein	Signature of Authorised Representative	Date When Trustee Ceased to Hold Office	Signature of Authorised Representative	Date of Entry of Cessation of Office

B. REGISTER OF REAL PROPERTY HELD BY THE TRUSTEES OF LODGE No.

Legal Description of Real Property (Including Certificate of Title Number)	Land Registry Office	Date of Entry Hours	Signature of Authorised Representative	Description of Any Transaction in Respect Thereof	Date of Transaction	Signature of Authorised Representative