

Mr Barnes

MASONIC PROPERTY TRUSTS

[PRIVATE BILL]

ANALYSIS

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A BILL INTITULED

5 An Act to provide for the holding of real and personal property by trustees on behalf of the District Grand Lodge of the District of New Zealand North under the Grand Lodge of Ancient Free and accepted Masons of Scotland, the District Grand Lodge of the District of New Zealand South under the said Grand Lodge, the District Grand Lodge of the District of Otago and Southland under the United Grand Lodge of Antient Free and Accepted Masons

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of England, and the lodges subject to such District Grand Lodges, the District Grand Royal Arch Chapter of New Zealand (North Island) under the Supreme Grand Royal Arch Chapter of Royal Arch Freemasons of Scotland, the District Grand Royal Arch Chapter of New Zealand (South Island) under the said Supreme Grand Royal Arch Chapter, and the Royal Arch Chapters subject to such District Grand Royal Arch Chapters, and to provide for the succession of title thereto 5

WHEREAS Masonic lodges and chapters and District Grand Lodges and District Grand Chapters are the owners of real and personal property, and by reason of the fact that these Masonic bodies are not incorporated such real and personal property is held by private trustees on behalf of the Masonic body concerned: And whereas upon the death or retirement of trustees appointment of new trustees must be registered, causing considerable inconvenience to the parties concerned: And whereas the only method of providing for the satisfactory holding of such real and personal property is to have an enactment providing for the holding of such real and personal property by trustees on behalf of the Masonic body concerned: 10 15 20

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 Masonic Property Trusts Act 1956. 25

2. **Interpretation**—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,— 30

“Authorised representative” of any controlling authority means the District Grand Secretary or the District Grand Scribe appointed by the District Grand Master or the Grand Superintendent, as the case may be, of that controlling authority and for the time being holding office; and “Acting authorised representative” means such person as may be appointed to such office by such District Grand Master or Grand Superintendent for the time being: 35

5 “Controlling authority” means the District Grand Lodge
of New Zealand North under the Grand Lodge of
Ancient Free and Accepted Masons of Scotland, the
District Grand Lodge of New Zealand South under
the said Grand Lodge, the District Grand Lodge of
Otago and Southland under the United Grand Lodge
of Antient Free and Accepted Masons of England,
the District Grand Royal Arch Chapter of New
10 Zealand (North Island) under the Supreme Grand
Royal Arch Chapter of Royal Arch Freemasons of
Scotland, and the District Grand Royal Arch Chapter
of New Zealand (South Island) under the said
Supreme Grand Royal Arch Chapter, as the case
may be:

15 “Lodge or chapter” means any one of the lodges under
the authority of any of the District Grand Lodges as
hereinbefore defined or any one of the Royal Arch
Chapters under the authority of either of the District
Grand Chapters as hereinbefore defined:

20 “Masonic lands” includes all lands and premises in New
Zealand of whatever tenure which now are or which
shall at any time hereafter be held in trust for or on
behalf of any controlling authority or any lodge or
chapter, together with all rights, easements, and
25 appurtenances whatsoever relating thereto; and also
includes chattels real:

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

**3. Vesting Masonic lands and other property of District
Grand Lodges and Chapters in trustees**—All lands and any
estate therein, and all moneys and securities for money and
all personal property now held by any controlling authority
35 or by any person or persons on behalf of any controlling
authority, and all Masonic lands and all moneys or securities
for moneys and personal property which may at any time or
times hereafter be acquired by any controlling authority by
gift, purchase, devise, bequest, or otherwise, shall after the
40 coming into operation of this Act, but 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 such controlling authority in accordance with the constitution and laws of such controlling authority 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 subject to such conditions as shall from time to time be defined by such constitution and laws of such controlling authority, and shall be subject to the provisions of this Act. 5 10

4. Authorising the vesting of Masonic lands and other property of lodges and chapters in trustees—Upon the passing of a resolution by any lodge or chapter adopting this Act, all lands and any estate therein and all moneys and securities for money and all personal property then held by such lodge or chapter or by any person or persons on behalf of such lodge or chapter, and all Masonic lands and all moneys or securities for moneys and personal property which may at any time or times thereafter be acquired by such lodge or chapter by gift, purchase, devise, bequest, or otherwise, shall subject to and without prejudice to any mortgage, charge, encumbrance, lien, lease, or trust affecting the same, respectively become vested in trustees, who shall be appointed by such lodge or chapter in accordance with the bylaws or rules for the time being governing such lodge or chapter, 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 subject to such conditions as shall from time to time be defined by such bylaws or rules, and shall be subject to the provisions of this Act. A certificate that a resolution has been passed by any lodge or chapter on a particular date adopting this Act signed by persons purporting to be the Master and the Secretary in the case of a lodge, and by the First Principal and the Scribe in the case of a chapter, shall be taken as sufficient evidence that such lodge or chapter has adopted this Act upon the date named in such certificate. 15 20 25 30 35

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 or chapters, shall be deemed to have the same power of sale, lease, mortgage, and disposition over such property as if they were the 40

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
5 moneys paid to such trustees.

6. Majority of trustees may act for all the trustees in connection with transfer or other dealings with land—Where any sale, mortgage, exchange, or lease of any Masonic land subject to the provisions of this Act shall be made, the
10 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
15 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, assignment, or lease thereof if executed by a majority of the trustees for the time being thereof named in such register of trustees
20 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, assignment, or lease.

7. Majority of trustees may act for all the trustees in connection with releases of mortgages, etc.—The signatures of
25 the majority of the trustees for the time being registered as the proprietors of an estate as mortgagees in any lands, or in whom are vested any debentures or shares in companies or any moneys in any bank or company or any Government
30 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.

8. Register of trustees—The authorised representative for
35 the time being of every controlling authority 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 such controlling authority and the respective lodges or chapters under the authority of
40 such controlling authority, and such register shall be called

and inscribed as "The District Grand Lodge of New Zealand North (Scottish Constitution) Register of Trustees", "The District Grand Lodge of New Zealand South (Scottish Constitution) Register of Trustees", "The District Grand Lodge of Otago and Southland (English Constitution) Register of Trustees", "The District Grand Royal Arch Chapter of New Zealand (North Island) (Scottish Constitution) Register of Trustees", and "The District Grand Royal Arch Chapter of New Zealand (South Island) (Scottish Constitution) Register of Trustees", as the case may be, and shall be in the form or to the effect contained in the Schedule hereto; and such authorised 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 said Schedule; and such authorised representative shall from time to time upon the appointment of any new trustee or trustees under the constitution and laws of the controlling authority of which he is authorised representative or bylaws or rules of lodges or chapters 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, retirement, 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 authorised 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.

9. Provisions as to vesting of lands on appointment of new trustees—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 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 provisions of the Land Transfer Act or of any estate or interest in such lands held as aforesaid such new trustee or trustees, together with the former or continuing trustees (if any), shall
5 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 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
10 the provisions of such Land Transfer Act and as if a certificate of title or other instrument 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
15 proprietors had therein subject to the same trusts without any transfer being made for the purpose.

10. Provisions as to vesting of personal property on appointment of new trustees—On the insertion as aforesaid in the said Register of Trustees of the name or names of any new
20 trustee or trustees of any personal property, moneys, securities for money, debentures, shares in companies, 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
25 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
30 any transfer or assignment whatsoever.

11. Provisions as to vesting of real and personal property on appointment of additional trustees—In the event of the appointment of an additional trustee or trustees by any controlling authority or by any lodge or chapter, the vesting
35 provisions contained in sections *nine* and *ten* hereof shall apply, *mutatis 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
40 occurring in the office of trustee.

12. As to provisions in any trust deed relating to appointment, etc., of trustees—The provisions contained in this Act and in the laws of any controlling authority or the bylaws or rules of any lodge or chapter respectively as to the retirement of trustees or appointment of new or additional trustees shall be in substitution for any like provisions contained in any deed or declaration or other instrument of trust affecting any real or personal property held by or in trust for any such controlling authority or lodge or chapter respectively. 5

13. Register to be evidence of particulars appearing 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 acting authorised 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 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 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 and of the appointment of new trustees to supply such vacancies and of the appointments 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 recorded therein in pursuance of section *eight* hereof, and judicial notice shall be taken of such book and of the signatures of the authorised representative and acting authorised representative therein; and any extract purporting to be an extract from such Register of Trustees and certified under the hand of such authorised representative or acting authorised representative for the time being as aforesaid 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 lands before any District Land Registrar or person or body or company whatsoever and on all occasions whatsoever as sufficient 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 moneys, debentures, shares in companies, and other choses in action without the production 10
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of such Register of Trustees, and judicial notice shall be taken of the signature of the authorised representative or acting authorised representative to every such extract and of such seal of such controlling authority.

- 5 **14. Provision for appointment of acting authorised representative**—In case of the death, illness, absence, incapacity, or resignation of such authorised representative as aforesaid or of his refusal or neglect to act, some other person may be appointed by the District Grand Master or Grand Superintendent for the time being of any controlling authority to act
10 in the place of such authorised representative, but not for a longer period than until the next annual meeting of such controlling authority, and such other person shall be designated the “acting authorised representative of District Grand Lodge”
15 or the “acting authorised representative of District Grand Chapter”, as the case may be, and such acting authorised representative during the time for which he shall be so appointed shall have, perform, and execute all the powers, authorities, and duties of such authorised representative, and
20 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 authorised representative of District Grand Lodge” or “acting authorised
25 representative of District Grand Chapter”, as the case may be, and a copy of the *New Zealand Gazette* containing a notification by the District Grand Master or the Grand Superintendent for the time being of any controlling authority of the appointment of such authorised representative or of such
30 acting authorised representative as aforesaid, or a certificate under the hand of the District Grand Master or Grand Superintendent and bearing what purports to be the seal of the controlling authority as to the appointment of such authorised representative or of such acting authorised representative as aforesaid, shall be sufficient evidence of the due
35 appointment of such authorised representative and acting authorised representative respectively, and in the case of the appointment of an acting authorised representative it shall not be incumbent upon any person to inquire whether the next
40 annual meeting of the controlling authority following the appointment has been held.

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

SCHEDULE

THE DISTRICT GRAND LODGE OF (CONSTITUTION)
 THE DISTRICT GRAND ROYAL ARCH CHAPTER OF NEW ZEALAND (ISLAND)
 (SCOTTISH CONSTITUTION)

REGISTER OF TRUSTEES

Folio I

WORDS of description such as “ Lodge Room, Street, Dunedin”,
 comprised in certificate of title, Register Book, Volume , folio , held on
 behalf of [here insert, “The District Grand Lodge of ” or “The District
 Grand Royal Arch Chapter of ” or “The Lodge” or “The
 Royal Arch Chapter”, 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 Authorised Representative	How Vacancy Occurred in Trust (Such as Death or the Like)	Signature of Authorised Representative
A. B.	Princes Street, Dunedin .....	.....	.....	.....	Deceased .....	.....
C. D.	Princes Street, Dunedin .....	.....	.....	.....	Resignation .....	.....
E. F.	Princes Street, Dunedin .....	.....	.....	.....	Incapacitated .....	.....
G. H.	Princes Street, Dunedin .....	.....	.....	.....	Refusal to act .....	.....
I. J.	Princes Street, Dunedin .....	.....	.....	.....	Withdrawal from District Grand Lodge or District Grand Chapter or lodge or chapter as the case may be .....	.....
K. L.	Princes Street, Dunedin	31 March 1957	1 April 1957 .....	.....	.....	.....