

[AS REPORTED FROM THE COMMITTEE ON THE BILL]

House of Representatives, 19 October 1965

Words struck out by the Committee on the Bill are shown in italics within bold round brackets, or with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

Mr Spooner

WANGANUI MASONIC HALL TRUST BOARD

[PRIVATE]

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A BILL INTITULED

An Act to vary the trusts created by a certain Deed of
Conveyance bearing date the 20th day of June 1883 to
constitute and incorporate the Wanganui Masonic Hall
5 Trust Board and to provide for various incidental matters

WHEREAS by a certain Deed of Conveyance bearing date
the 20th day of June 1883 in pursuance of the Special Powers
and Contract Act 1882 His Excellency Sir William Francis
Drummond Jervois (Governor of the Colony of New Zealand)
10 (hereinafter called "the Governor") conveyed and assured
unto William Hogg Watt, of Wanganui in New Zealand,
merchant, Henry Nathan, of the same place, farmer, Benjamin
Nicholas Manley, also of the same place, accountant, and

No. 102—2

Price 6d.

George McCaul, also of the same place, law clerk (hereinafter called "the Original Trustees") the land described in the First Schedule hereto upon trust *inter alia* from time to time and at all times thereafter to permit the said piece or parcel of land and appurtenances and any hall or other buildings which may for the time being be standing thereon or any part thereof respectively to be used by all Lodges of the Ancient Fraternity of Free and Accepted Masons holding charter under any one or more of the Grand Lodges of England, Scotland, or Ireland now or hereafter to be established in the Town or Borough of Wanganui aforesaid and upon such terms and conditions as the Trustees or Trustee shall in their discretion think expedient: And whereas the land now the subject of the trust of the said Deed of Conveyance is described in the Second Schedule hereto: And whereas by virtue of an Order of the Supreme Court of New Zealand made on the 28th day of February 1899 and by virtue of certain Deeds of Appointment bearing date the 21st day of August 1916 and the 23rd day of November 1951 the said land is now vested in Alexander Stewart Ballingall, of Wanganui, public accountant, Peter Lockhart Dickson, of the same place, solicitor, Claud William Horne, of the same place, company manager, Forbes Clingan Wight, of the same place, master builder, Walter Max Willis, of the same place, solicitor, and Roy Stuart Withers, of the same place, solicitor (hereinafter called "the Present Trustees"): And whereas at the date of the said Deed of Conveyance the only Lodges then existing in Wanganui were Tongariro Lodge number 705 holding charter under the United Grand Lodge of England and the Saint Andrew Kilwinning Lodge holding charter under the Grand Lodge of Scotland: And whereas in or about the year 1890 the Grand Lodge of New Zealand was constituted: And whereas the Saint Andrew Kilwinning Lodge now holds charter as number 79 under the said Grand Lodge of New Zealand: And whereas on or about the 15th day of November 1920 Lodge Whanganui number 219 was constituted holding charter under the Grand Lodge of New Zealand: And whereas the said three Lodges are the only Lodges now using the Hall built on the land described in the Second Schedule: And whereas it is desirable that the terms of the trust created by the said Deed of Conveyance be varied to include Lodges holding charter under the Grand Lodge of New Zealand and that the land hitherto vested in or controlled by the Trustees for the time being under the

said Deed of Conveyance be vested in a Trust Board to be a body corporate and to be called Wanganui Masonic Hall Trust Board:

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

1. Short Title—This Act may be cited as the Wanganui Masonic Hall Trust Board Act 1965.

2. Interpretation—In this Act, except where a contrary
10 intention appears, “Board” means the Wanganui Masonic Hall Trust Board constituted by the provisions of this Act—
“Deed of Conveyance” means the Deed of Conveyance referred to in the preamble to this Act:
“Hall” means the Hall for the time being situate on the
15 land described in the First Schedule hereto.

3. Incorporation of Wanganui Masonic Hall Trust Board—
There is hereby established a body corporate to be called the Wanganui Masonic Hall Trust Board which shall have
20 perpetual succession and a common seal and which shall have the constitution or powers and generally shall conduct its affairs in the manner set forth in this Act.

4. Cesser of old trusts—~~(1)~~ As from the passing of this Act the present Trustees shall cease to hold office under the Deed of Conveyance.

25 *Struck Out*

~~(2) All things which prior to the passing of this Act were done or omitted by the present trustees or their predecessors in office in or about the execution or intended execution of the trusts declared by the Deed of Conveyance are hereby ratified
30 and for all purposes shall be deemed to have been validly done or omitted.~~

5. Vesting of property in Trust Board—As from the date of the passing of this Act all real and personal property whatsoever held by the present trustees under the Deed of
35 Conveyance shall be vested, without conveyance, transfer, or assignment, in the Board subject to all debts, liabilities, and charges (if any) affecting the same and the Board shall satisfy all debts and liabilities of the present trustees existing at the date of the passing of this Act,

6. Registration of title to land, etc—(1) Upon the passing of this Act all District Land Registrars and all other persons having charge of any register showing the ownership of any property shall, on written application under the seal of the Board, register the Board as proprietor or owner of all lands or other property vested in the Board by virtue of this Act. 5

(2) The lands which by virtue of this Act are vested in the Board are more particularly described in the Second Schedule hereto.

7. Property to be subject to trusts set forth in this Act— 10
The real and personal property vested in the Board by virtue of this Act shall be held by the Board upon the trusts and with the powers set out in the Deed of Conveyance as varied or added to by this Act.

8. Deed to refer to New Zealand—The Deed of Conveyance 15
shall be deemed from the date of the passing of this Act to have the words “New Zealand” inserted after the word “Scotland”.

9. Powers of Board—Subject to the consent of a majority of the Lodges for the time being using the hall the Board 20
shall have in addition to any other powers by the said Deed of Conveyance or otherwise vested in it the following powers and authorities—

- (a) To sell, exchange, partition, lease, or otherwise dispose of the same: 25
- (b) To borrow money on mortgage of the property or any part thereof for the purpose of erecting buildings on the said land and for any other purpose which may to the said Board appear desirable:
- (c) To apply the proceeds of any lands and premises sold, exchanged, or leased in or towards the purchase of other lands and premises and such lands and premises so purchased shall be subject to the like trusts as the property sold: 30
- (d) To purchase and from time to time sell or exchange such plant and equipment as may be reasonably necessary in connection with the use of the said land and the buildings erected thereon. 35

10. Membership of Board—The Board shall comprise two members appointed by each Lodge for the time being holding 40
its regular meetings in the hall. At its first regular meeting

after the passing of this Act each of such Lodges shall appoint two of its members to be members of the Board and the members so appointed shall hold office until the following 31st day of August or until their successors are duly appointed.

5 **11. Appointment of members of Board**—Each Lodge for the time being holding its regular meetings in the hall shall at its regular meeting in the month of August in each year appoint two of its members to be members of the Board and such members shall take office on the 1st
10 day of September following their appointment and shall continue as members until the 31st day of August in the following year or until their successors are duly appointed. Any casual vacancy in the membership of the Board shall be filled by the Lodge whose appointee shall have ceased
15 to be a member of the Board.

12. Vacation of office—(1) A member shall cease to be a member of the Board in each of the following cases in addition to death, that is to say if he—

- 20 (a) By notice in writing to the Trust Board resigns his office:
- (b) Refuses to act further:
- (c) Becomes of unsound mind or becomes a protected person under the Aged and Infirm Persons Protection Act 1912:
- 25 (d) Becomes bankrupt or enters into a composition with or assignment for the benefit of his creditors:
- (e) Is absent without leave for three consecutive meetings of the Trust Board:
- 30 (f) **(If he)** Is removed from office by a resolution duly carried by the Lodge by which he was appointed.

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(g) If the Lodge appointing him or them ceases to hold its regular meetings in the hall.

New

35 (2) A member shall also cease to be a member of the Board if the Lodge appointing him ceases to hold its regular meetings in the hall.

40 **13. Quorum**—The quorum shall be not less than two-thirds of the members for the time being constituting the Board but otherwise the Board shall regulate its own procedure.

14. Report and accounts—The financial year of the Board shall end on the 31st day of March in each year or at such other time as the Board may determine. The Board shall cause proper books of account to be kept for all matters relating to its affairs and at the end of each financial year shall cause to be prepared a report and financial statement showing the assets and liabilities of the Board and receipts and payments of the Board and an income and expenditure account for the financial year. A copy of such report and financial statement shall be forwarded to each Lodge for the time being represented on the Board.

15. Appointment of secretary and provision of common seal—The Board shall appoint a secretary and shall provide a common seal and arrange for its custody. The common seal shall not be affixed to any document except with the authority of a resolution of the Board and shall be affixed only in the presence of three members of the Board or of two members and the secretary who shall affix their signatures to every document so sealed.

16. Minute book—The Board shall provide a minute book and a record of all proceedings of the Board shall be entered therein. The minute book shall be open for inspection by any member of the Board at any time.

17. Alteration of rules and regulations—The Board may from time to time make amend alter and rescind the rules and regulations for the use of the hall by the Lodges represented on the Board and for the management of the affairs of the Board but such rules and regulations shall not be inconsistent with this Act or the Deed of Conveyance.

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

SCHEDULES

FIRST SCHEDULE

ALL that piece or parcel of land in the Provincial District of Wellington in the Colony of New Zealand containing by admeasurement one rood and two perches, more or less, being part of the Reserve marked E on the plan of the Town of Wanganui bounded towards the north-east by other part of the said Reserve 203 links towards the north-east by Harrison Place 123 links towards the south-east by other part of the said Reserve 165 links and towards the south-west by Reserve marked K 170 links be all the aforesaid linkages, more or less, as the same is delineated on the plan in the Office of the Chief Surveyor at Wellington.

SECOND SCHEDULE

ALL that piece of land situate in the City of Wanganui containing thirty-eight decimal five nine perches, more or less, being part of Reserve E Town of Wanganui and being the whole of the land in certificate of title, Volume 427, folio 135, Wellington Registry, limited as to parcels.