

**Reprint  
as at 27 September 1946**



**Provincial Grand Lodge of New  
Zealand (Irish Constitution)  
Trustees Act 1946**

Private Act    1946 No 1  
Date of assent    26 September 1946  
Commencement    26 September 1946

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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**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 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**

**1 Short Title**

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

**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:

**authorised representative** of Provincial Grand Lodge means the Provincial Grand Secretary appointed by the Provincial Grand Master and for the time being holding office; and **acting authorised representative** means such person as may be appointed to such office by the Provincial Grand Master for the time being

**Craft Lodge** means any one of the lodges under the authority of the Provincial Grand 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 Grand Lodge or any Craft Lodge, together with all rights, easements, and appurtenances whatsoever relating thereto, and also includes chattels real

**Provincial Grand Lodge** means the Provincial Grand Lodge of the Province of New Zealand of the Antient Fraternity of Free and Accepted Masons under the Grand Lodge of Ireland. The words **legal proceedings** shall include all proceedings 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 Irish Provincial Grand Lodge in trustees**

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 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 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 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 subject 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 Authorising the vesting of Masonic lands and other property of any Craft Lodge in trustees**

Upon the passing of a resolution by any Craft 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 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 trust affecting the same respectively, become vested in trustees who shall be appointed by such Craft Lodge in accordance with the bylaws or rules for the time being governing such Craft 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 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 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**

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.

**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 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.

**7 Majority of trustees may act for all the trustees in connection with releases of mortgages, etc**

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 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 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 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; 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 Provincial Grand Lodge or bylaws or rules of Craft Lodges 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 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 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 proprietors had therein, and 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 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 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 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 Provincial Grand Lodge or by any Craft Lodge, the vesting provisions contained in sections 9 and 10 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 occurring in the office of trustee.

**12 As to provisions in any trust deeds relating to appointment, etc, of trustees**

The provisions contained in this Act and in the laws of Provincial Grand Lodge or the bylaws 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 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.

**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 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, 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 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 recorded therein in pursuance of section 8, 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 Provincial Grand Lodge, shall be received and taken in all legal proceedings and in all dealings with Masonic lands before any Dis-

trict 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 money, debentures, shares in 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 authorised representative or acting authorised representative to every such extract and of such seal of Provincial Grand Lodge.

**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 Provincial Grand Master for the time being of Provincial Grand Lodge to act in the place of such authorised 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 authorised representative of Provincial Grand Lodge; 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 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 Provincial 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 authorised representative, or of such acting authorised representative as aforesaid, or a certificate under the hand of the Provincial Grand Master and bearing what purports to be the seal of the Provincial Grand Lodge, as to the appointment of such authorised representative, or of such acting authorised representative as aforesaid, shall be sufficient evidence of the

due 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 annual meeting of the Provincial Grand Lodge following the appointment has been held.

**15 Private Act**

This Act is hereby declared to be a private Act.

**Schedule**  
**The Provincial Grand Lodge of New**  
**Zealand (Irish Constitution) Register of**  
**Trustees**

Folio 1

*Words of description, such as “[specify] Lodge Room, [specify] Road, Auckland,” comprised in conveyance registered in the Deeds Registration Office, at [location] as Number [specify]. If under the Land Transfer Act, “Comprised in certificate of title entered in Register Book, Vol [specify], folio [specify]”. Held on behalf of: [insert “the Provincial Grand Lodge”, or “the [name] 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 new trustee herein	Signature of authorised representative	How vacancy occurred in trust, such as death or the like	Signature of authorised representative
AB	Queen Street, Auckland C 1				Deceased	
CD	Queen Street, Auckland C 1				Resignation	
EF	Queen Street, Auckland C 1				Incapacitated	
GH	Queen Street, Auckland C 1				Refusal to act	
IJ	Queen Street, Auckland C 1				Withdrawal from Provincial Grand Lodge (or Craft Lodge, as the case may be)	
KL	Queen Street, Auckland C 1	31 January 1947	1 February 1947			

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## Notes

### 1 *General*

This is a reprint of the Provincial Grand Lodge of New Zealand (Irish Constitution) Trustees Act 1946. The reprint incorporates all the amendments to the Act as at 27 September 1946, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### 2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### 3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the

enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

**4** *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)

- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

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