

New Zealand Law Society's Act 1869

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An Act to incorporate the Barristers and Solicitors of the Supreme Court of New Zealand under the style of "The New Zealand Law Society."

Preamble.

WHEREAS it is expedient to incorporate (for the purposes hereinafter declared) the Barristers and Solicitors of the Supreme Court of New Zealand

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 shall be "The New Zealand Law Society's Act 1869."

2 The Society incorporated. Name of the Corporation. The Society may sue and be sued.

All Barristers and Solicitors of the Supreme Court of New Zealand now lawfully practising within the Colony of New Zealand or who having voluntarily retired from such practice shall from time to time be elected members of the Society in the manner hereinafter directed and their respective successors shall for ever hereafter be and be called one body politic and corporate in deed and in law by the name and style of "The New Zealand Law Society" and by the name of "The New Zealand Law Society" they and their successors may sue and be sued plead and be impleaded defend and be defended in any Court of Judicature in the Colony of New Zealand in all actions and suits plaints matters and things of what kind or quality soever in the same manner and form and as fully and effectually as any person in the Colony of New Zealand may or can do.

3 May use a common seal.

"The New Zealand Law Society" may have and use a common seal for the affairs and business of the Society and it may be lawful for the Society and its successors the same common seal from time to time at its will and pleasure to break change alter or make new as to the Society shall seem expedient.

4 To have perpetual succession. May purchase land &c. to a limited extent.

By the name of "The New Zealand Law Society" the said Society shall have perpetual succession and at all times hereafter shall be able and capable in law to purchase acquire have take hold receive and enjoy to the Society and its successors in perpetuity or for any terms of lives or years or other estate any lands messuages buildings rents possessions or hereditaments of what nature or kind soever the yearly value of which shall not exceed in the whole at any one time the sum of five hundred pounds computing the same respectively at the rack rent which might have been had or gotten for the same respectively at the time of the purchase or acquisition thereof and also all manner of

goods chattels and things whatsoever of what nature or value soever which the Society may think necessary for its purposes.

5 And dispose of same.

The said Society may also from time to time sell convey demise exchange and dispose of or mortgage any of the same lands messuages buildings rents possessions and hereditaments wherein it shall have any estate or interest or which it shall so acquire as aforesaid but so that no sale mortgage encumbrance or other disposition of any lands messuages buildings or hereditaments belonging to the said Society shall be made except with the approbation and concurrence of a general meeting to be held as in manner hereinafter mentioned.

6 Bodies politic and corporate empowered to give lands to the Society.

It shall be lawful for any person or persons bodies politic or corporate their heirs and successors respectively to sell give convey assign dispose or devise in perpetuity or otherwise to or to the use and benefit or in trust for "The New Zealand Law Society" and its successors any lands messuages buildings rents and hereditaments not exceeding (with the lands so purchased or previously acquired and then held by the said Society) such yearly value as aforesaid and also any sum or sums of money goods chattels securities for money Government securities and other personal estate to be laid out and disposed of in the purchase of any lands messuages buildings or hereditaments not exceeding the like yearly value for the purposes of the Society.

7 Members rendered incapable of practising to cease to be members.

In case any member of the Society shall in consequence of the order of any Court of competent jurisdiction be rendered incapable by reason of malpractice professional misconduct or any other matter or thing of practising in the Supreme Court of New Zealand or in any of the Supreme Courts of Justice in any other part of the British Dominions such person shall forthwith cease to be a member of the Society.

8 Number of members of the Society to be unlimited.

The number of members of the Society shall be unlimited.

9 The Society to be governed by a President Vice-President and Council to consist of not more than fifteen nor less than nine.

And for the better rule and government of the Society and for the better direction and management of the concerns thereof there shall be a Council of the Society to be elected from among such of the members as shall be Barristers or Solicitors practising in New Zealand and a President and Vice-President of the Society shall be elected from the Council and such Council including the President and Vice-President shall consist of not more than fifteen nor less than nine.

10 Appointment of President Vice-President and Council.

It shall be lawful for the Governor by warrant under his hand to appoint the first President and the first Vice-President of the Society and the Members of the said Council until the first general meeting of the Society for the election of the President Vice-President and the Council shall be held.

11 Council to elect members.

The Society shall have power from time to time at its meetings to be held at the times and places to be directed by the bye-laws of the Society to appoint and elect in the manner to be directed by such bye-laws such persons as it shall think fit being Barristers or Solicitors practising within the Colony of New Zealand or being persons who shall have practised as Barristers or Solicitors and shall have voluntarily retired from such practice to be Members of the Society.

12 Powers of the Council.

Subject and without prejudice to the powers hereinafter vested in the general meetings of the Society the Council shall have the sole and entire management of the Society and of the income and property thereof for the uses purposes and benefit of the Society and shall have the sole and exclusive right of nominating and appointing such officers as it may deem necessary or useful to the Society and of removing them if it shall think fit and shall prescribe their respective duties And it shall be lawful for the Council or any five or more members thereof to assemble and meet together when and as often as they shall think fit until the passing of the bye-laws of the Society and from and after the passing of such bye-laws at such times and places as shall be directed by the said bye-laws and from time to time to do all such acts as shall appear to them or the majority of the Council then present necessary or fitting to be done in order to carry into full operation and effect the object and purposes of the Society so always that the same be not inconsistent with or repugnant to this Act or the Laws and Statutes of New Zealand.

13 General meetings may make bye-laws. With reasonable penalties. And to alter bye-laws.

At any general meeting it shall be lawful for the members of the Society or such of them as shall be then present to ordain and make such and so many bye-laws rules and orders as to them or the majority of them shall seem necessary convenient and proper for the regulation and good government of the Society and of the members and affairs thereof and for fixing and determining the number of members of which the Council shall consist and the manner of electing the President and Vice-President and other Members of the Council and also the period of their continuance in office and the manner and time in which any vacancy in the office of President or Vice-President or any vacancies in the Council by death resignation disqualification or otherwise

shall be supplied and for regulating the times and places at which meetings of the Council shall be held and the manner of appointing and admitting persons to be members of the Society and of removing or expelling members from the Society and the convening the ordinary or any special meetings of the members and generally for carrying the objects for which the Society is formed into full and complete effect with reasonable penalties fines and amercements to be contained in such bye-laws on the offenders for non-performance of or for disobedience to the same And the said bye-laws rules and orders penalties fines and amercements or any of them from time to time to alter change or annul as the said general meeting shall think requisite and to mitigate the same as they shall find cause so as all and singular such bye-laws rules and orders penalties fines and amercements be reasonable and not repugnant or contrary to the Laws and Statutes of New Zealand.

14 General meeting to be held within six calendar months and annual meeting in the month of October. And other general meetings as appointed.

A general meeting of the members of the Society shall be held within the space of six calendar months after the passing of this Act for the making and ordaining bye-laws rules and orders for the government of the Society and that an annual meeting shall thereafter be held in the month of October in every year or as soon thereafter as conveniently may be for the election of the President Vice-President and the Council and for the other purposes of the Society and that other general meetings may be held from time to time as occasion shall require and as the bye-laws shall direct.

15 At general meetings the President or the Vice-President or one of the Council or one of the Members to be appointed Chairman.

At all meetings the President of the Society if he shall be present and if not then the Vice-President and in the absence of the President and Vice-President some one of the members of the Council to be chosen by the Council and in the absence of the President Vice-President and all the members of the Council then some member of the Society to be chosen at the meeting shall preside as Chairman.