

MAORI PURPOSES BILL

EXPLANATORY NOTES

PART I

THE whole of this Part of the Bill is devoted to the substitution of the term "Maori" for the term "Native" in all statutes, regulations, by-laws, &c., it being considered that the former term is more appropriate and more acceptable to the Maori people.

Clause 2 is couched in general terms, and the subsequent clauses deal with specific designations, offices, and statutes to remove any doubts which may otherwise arise as to the correct designation.

PART II

Clause 12: The purpose of this clause is to enable subsidies to be paid to Tribal Committees as distinct from Tribal Executives. The Tribal Committee is the body which is principally concerned with the performance of the functions prescribed by the Act, and, as such, will have the greater need for finance.

Clause 13: The purpose of this clause is to enable any person charged with an offence against the by-laws of a Tribal Executive to elect whether he is to be tried by the Tribal Committee or by a Magistrate or Justices, and, secondly, to provide for all fines imposed by a Tribal Committee or a Magistrate or Justices in respect of offences against the by-laws of a Tribal Executive to be paid to the appropriate Tribal Committee. This latter provision formerly existed in the Maori Councils Act, 1900 (which was the precursor to the Maori Social and Economic Advancement Act, 1945), in the case of fines imposed by Committees. Provision is made for the deduction of 5 per cent. of the fines imposed by a Magistrate or Justices, as is the case with fines refunded to local bodies in respect of by-law offences.

Clause 14: The purpose of this clause is to enable a Tribal Committee to deal with offences under section 41 of the Maori Social and Economic Advancement Act, 1945, if the Committee so desires and the offender elects to be so dealt with. The offences relate to intoxicated persons entering meeting-houses, churches, or other places where Maoris are assembled and refusing to leave when so requested.

Clause 15: By section 11 of the Rotorua Borough Act, 1922, the Rotorua Borough Council was empowered to Act as a Maori Council within the Borough. By section 50 (4) of the principal Act the Borough Council was given the powers of a Tribal Executive. This meant that the Tribal Committees within the Borough had no direct representation on their Tribal Executive, and the Borough Council has agreed that such representation should be given. The purpose of this clause is to enable the three Tribal Committees to be represented on the Tribal Executive by two members each and to provide for the appointment of a Welfare Officer to the Executive in conformity with the provisions relating to other Tribal Executives.

Clause 16: Where a Maori within the meaning of the principal Act has died leaving interests in land, the Court has power to make succession orders in favour of persons who are not Maoris within the meaning of the Act. The Court has no power,

however, to appoint trustees for any such successors who may be under age or incapable of managing their affairs, nor has it power, once the succession order has been made, to make exchange orders which may be required to adjust the interests of the deceased to the advantage of the successors. At the present time these matters can only be dealt with by the Supreme Court and it seems desirable that the Court which appoints the successors should have power to deal with incidental matters at the same time.

Cases have occurred where the Court has, on appointing successors, made orders of the types mentioned above and it has transpired that the successors were legally Europeans and that the orders were made without jurisdiction. With increased intermarriage between the two races this type of case is becoming more common.

The purpose of this section is to extend the jurisdiction of the Court to cover such cases and to validate orders which have been made without jurisdiction.

Clause 17 : Although the Maori Land Court has power within certain limits to lay off road-lines over Maori or European lands to provide access to either Maori or European land, its power does not extend to Crown land.

Cases have arisen where a road-line cannot be completed by the Court owing to the intervention of a piece of Crown land, and in such cases the legalization of the road, at the present time, requires two separate operations, one by the Court and one by the Lands Department.

The purpose of this clause is to enable the whole operation to be carried out by the Court in such cases where the Court and the Commissioner of Crown Lands deem it desirable.

Clause 18 : By section 26 of the Maori Land Amendment Act, 1936, the Board of Maori Affairs has no power to grant to a settler a lease of Maori land for a longer period in the aggregate than fifty years.

Doubts have arisen as to whether or not this limitation applies to Crown land which has been declared subject to Part I of the Act to be developed for Maori settlement, although in such case the necessity for protecting the interests of Maori owners does not arise.

The purpose of this clause is to clear up such doubts and to enable a lease of such Crown lands to be granted for a longer aggregate term, including a lease with a perpetual right of renewal.

Clause 19 : The principal need for the power conferred by this clause arises in the same circumstances as are set out in the explanatory note to clause 16 of this Bill. It may be desirable, in some cases when the Court has appointed successors to a deceased Maori who are not themselves Maoris within the meaning of the principal Act, for the Maori Trustee to be empowered to lease or sell the lands of the deceased in order to wind up the estate, or to make the lands revenue-producing when some of the successors cannot be found, or for some other reason in the interests of the successors.

Provision is also made for the validation of orders made under section 540 of the principal Act which have been made without jurisdiction because the owners have been found to be less than half-Maori.

Clause 20 : Under the existing law the Maori Trustee has no general power to make contributions from the annual profits of the Maori Trust Office towards objects which are in the interests of the Maori people, and any such contribution requires special legislative authority. The purpose of this clause is to empower the Maori Trustee, with the consent of the Minister of Maori Affairs, to make donations of this nature up to a maximum of £250 in any financial year.

PART III

The lands referred to in this Part of the Bill were vested in the East Coast Commissioner for the purpose of replacing them on a sound financial footing. The blocks are now in a position which should enable the Maori owners to reassume control, and the purpose of this Part is to remove them from the control of the East Coast Commissioner and vest the whole area in a corporate body comprising all of the beneficial owners of the three blocks.

Provision is made for the incorporation of the owners and for the appointment of a committee of management to exercise the powers of the corporate body. The procedure of the committee is also laid down.

PART IV

Clause 46 : The purpose of this clause is to validate certain partition orders and a road-line order made a number of years ago by the Maori Land Court. It has now transpired that the owners of the land are legally Europeans, and the Court had therefore no jurisdiction to make the orders. Many of the subdivisions have been sold, and to preserve the existing state of the titles it is desired to validate the Court's orders.

Clause 47 : As the result of the closing of a railway-crossing, Ranfurly Street, in Otorohanga Township, has become a cul-de-sac, and the Town Board desires to diminish the width of the street, now $1\frac{1}{2}$ chains wide, to 1 chain. It is proposed to add the half-chain strip thus closed to the two sections fronting upon it. These sections are vested in the Waikato-Maniapoto District Maori Land Board under the Maori Townships Act, 1910, and under the existing legislation the Board has no power to purchase the strip and include it in the leases affecting the adjoining sections. The purpose of this clause is to empower the Board to do so.

Clause 48 : At the time of the cession to the Crown by the Maoris of whatever rights they had in Lake Taupo it was agreed between the Crown and the Maoris that the fishing in Lake Rotoaira would be reserved to the Maoris. Section 22 of the Maori Purposes Act, 1938, is the current provision giving effect to the arrangement. In respect of breaches of that section, a fine not exceeding £2 can be imposed, but it has been found that the penalty is not sufficiently burdensome to act as a deterrent. This clause increases the maximum penalty to £50, bringing it into line with the penalty under the ordinary fishing regulations.

As such offences directly infringe the rights of the tribe it is considered reasonable that fines recovered as a result of proceedings against offenders should be paid to the Tuwharetoa Trust Board, a statutory body set up to administer moneys payable to the Tribe in respect of Lake Taupo. This clause empowers the Minister of Finance to pay the fines to the Board in the same way as fines for breaches of local-body by-laws are paid to the local body concerned.

Clause 49 : At the request of the owners, the Maori land referred to in this clause has been set aside as a park and recreation-ground for the residents of Tikitiki Township. The purpose of the clause is to constitute a Board of Trustees to administer the park on the same lines as was done in the case of the Whakarua Park at Ruatoria by section 41 of the Maori Land Amendment and Maori Land Claims Adjustment Act, 1928.

Clause 50 : A number of the blocks of Maori land vested in the East Coast Commissioner by virtue of section 27 of the Maori Purposes Act, 1931, have now attained a financial position which should enable them to be re-vested in the beneficial owners in the near future.

Before revesting can be effected, however, some adjustment of internal liabilities may be necessary as between the various blocks comprised in the Trust. The purpose of this clause is to empower the East Coast Commissioner to create and maintain a general reserve from which funds will be available to effect such adjustments as may be found necessary.

Subclauses (2) and (3) provide for the apportioning by the Maori Appellate Court of moneys accumulated in such general reserve fund.

Subclause (4) empowers the Appellate Court, if satisfied that any block has attained a sufficiently sound financial position, to make an order revesting the block in the beneficial owners.

Subclause (5) requires the Court, when making such an order, to make an apportionment of any outstanding liabilities which may affect the block proposed to be revested.

Subclause (6) requires the consent of the Minister of Maori Affairs to be given in writing before any order under subclauses (4) or (5) becomes effective.

Clause 51 : The Ngatiporou Co-operative Dairy Company, Limited, is a company principally comprising Maori shareholders and Maori directors. The shareholders at the last annual meeting approved of a contribution of £250 being made by the company towards the Uepohatu War Memorial Hall at Ruatoria, which is the principal Maori war memorial on the East Coast. As the articles of association contain no power to make such a donation, the purpose of this clause is to confer such power on the company.

Clause 52 : The Whakarua Park Board was constituted by section 59 of the Maori Purposes Act, 1931, to administer a block of Maori land which had been gifted by the owner as a park and recreation-ground at Ruatoria. As the law stands at present the administration of the park can only be carried out by the Board itself without power to delegate any of its functions. The purpose of this clause is to enable the Board to set up committees to attend to matters of routine and thus simplify its administration.

Clause 52A : Section 15 of the Maori Purposes Act, 1943, empowers the Court to inquire into and, if necessary, to readjust certain shares in the Paremata Nos. 3, 4, 64, 73, and 73A Blocks. When the matter came before the Court it was found that the scope of the inquiry was not wide enough. This is to give effect to a recommendation of the Maori Affairs Committee that the scope of the inquiry be extended.

Clause 53 : Section 15 of the Maori Purposes Act, 1946, which made certain changes in the ownership of the Palmerston North reserves, provided that any person wishing to dispute such changes could apply to the Court within six months of the passing of that Act. It now appears that it would be desirable to allow a further period within which such applications may be made.

Right Hon. Mr. Fraser

MAORI PURPOSES

Title.	ANALYSIS
1. Short Title.	12. Section 23 of Maori Social and Economic Advancement Act, 1945 (as to subsidies), amended.
PART I	
ALTERATION OF TERM "NATIVE" TO "MAORI"	13. Amendments of section 47 of Maori Social and Economic Advancement Act, 1945, authorizing persons charged with breach of by-laws to elect summary trial and providing for penalties for breaches of by-laws to be paid into funds of Tribal Committees.
2. Alteration of term "Native" to "Maori".	14. Proceedings may be taken under section 47 of Maori Social and Economic Advancement Act, 1945, for an offence against section 41 of that Act.
3. Appointment of Minister of Maori Affairs.	15. Appointment of Tribal Executive under Maori Social and Economic Advancement Act, 1945, for Rotorua Borough. Repeal.
4. Alteration of Short Title of Native Land Act, 1931, and consequential amendments.	16. Extending power of Court to make exchange, partition, and trusteeship orders in respect of land in respect of which a succession order has been made in favour of Europeans.
5. Alteration of Short Title of Native Trustee Act, 1930, and consequential amendments.	17. Court may make order laying off roads or ways over adjoining Crown land.
6. Alteration of Short Title of Board of Native Affairs Act, 1934-35, and consequential amendment.	18. Lease of Crown land declared to be subject to Part I of Maori Land Amendment Act, 1936, may be granted for term exceeding fifty years.
7. Alteration of Short Title of Native Townships Act, 1910.	
8. Alteration of Short Title of Native Housing Act, 1935.	
9. General provisions relating to changes in description.	
10. Foregoing provisions not to apply to Cook Islands Act, 1915, or Samoa Act, 1921.	
PART II	
AMENDMENT OF LAWS	
11. Provisions of Maori Land Act, 1931, to apply to Parts II, III, and IV of this Act.	

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| <p>19. Extending powers of Maori Trustee to act for absentee owners.</p> <p>20. Authorizing Maori Trustee to expend amount for benefit of Maoris from net profits of Maori Trust Office.</p> | <p>40. Body corporate may acquire shares in companies.</p> <p>41. Body corporate may promote and hold shares in timber-milling companies.</p> <p>42. Bank account.</p> <p>43. Accounts and audit.</p> <p>44. Travelling-expenses.</p> <p>45. Appointment of manager and financial adviser.</p> |
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PART III

INCORPORATION OF OWNERS OF MANGATU BLOCKS

21. Incorporation of owners of Mangatu Nos. 1, 3, and 4 Blocks.
22. Cancellation of deeds of trust and Court orders affecting said land.
23. Property to be held in trust by body corporate for owners.
24. Equitable owners to be members of body corporate.
25. Affairs of body corporate to be managed by Committee.
26. Annual meetings of equitable owners.
27. Vacation of office by member.
28. Validity of order of appointment.
29. Meetings and procedure of Committee.
30. Powers and functions of Committee.
31. Certain provisions of principal Act applied to body corporate.
32. General powers of body corporate.
33. Body corporate may lease land.
34. Body corporate may alienate land for school-site.
35. Body corporate may donate funds for certain purposes.
36. Borrowing powers of body corporate.
37. Body corporate may acquire land.
38. As to transfers of interests between equitable owners.
39. Applications to Court to be made by Committee.

PART IV

MISCELLANEOUS POWERS

Wairariki District

46. Validating certain partitions and roadline orders.

Waikato-Maniapoto District

47. Authorizing Waikato-Maniapoto District Maori Land Board to purchase part of closed street in Otorohanga Town District and lease it to adjoining lessees.

Aotea District

48. Increasing penalty for illegal fishing in Lake Rotoaira.

Tairarwhiti District

49. As to the administration of Tikitiki Memorial Park.
50. Authorizing East Coast Commissioner to create a reserve fund, to apportion the same, and to make orders revesting land in equitable owners.
51. Authorizing Ngatiporou Co-operative Dairy Co., Ltd., to contribute to cost of Uepohatu War Memorial Hall.
52. Authorizing Whakarua Park Board to delegate powers to committees.

Ikaroa District

53. Extending time for making and hearing of applications under section 15 of Maori Purposes Act, 1946.
54. Chief Judge may refer petitions in Schedule to Court for report.
- Schedules.

A BILL INTITULED

Title.

AN ACT to provide for the Alteration of the Statutory Description of Persons belonging to the Maori Race from Native to Maori, to make Consequential Amendments to various Enactments relating to the Maori People, to amend the Law relating to Maoris and Maori Land, to confer Jurisdiction upon the Maori Land Court, and for other Purposes.

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

1. This Act may be cited as the Maori Purposes Short Title.
 5 Act, 1947.

PART I

ALTERATION OF TERM "NATIVE" TO "MAORI"

2. (1) Except as otherwise provided by this Act, all references to a Native in any Act, regulation, rule, Alteration of term "Native" to "Maori".
 10 by-law, Order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever, shall, unless inconsistent with the context, be hereafter read as references to a Maori.

15 (2) Except as otherwise provided by this Act, wherever the term "Native" appears in any Act, regulation, rule, by-law, Order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, or other document as descriptive of any
 20 person, body, corporation, office, purpose, land, building, reserve, or place, that term shall, unless inconsistent with the context of the enactment or document, be hereafter read as the term "Maori".

3. (1) The Governor-General may from time to Appointment of Minister of Maori Affairs.
 25 time appoint a member of the Executive Council to hold office during his pleasure as the Minister of Maori Affairs.

(2) All references to the Native Minister in any Act, regulation, rule, by-law, Order, or other enactment,
 30 or in any contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever, shall, unless inconsistent with the context, be hereafter read as references to the Minister of Maori Affairs.

35 4. (1) The Native Land Act, 1931, may hereafter be cited as the Maori Land Act, 1931. Alteration of Short Title of Native Land Act, 1931, and consequential amendments.

(2) The Native Land Court constituted under the Maori Land Act, 1931, shall hereafter be called the Maori Land Court.

40 (3) The Native Appellate Court constituted under the Maori Land Act, 1931, shall hereafter be called the Maori Appellate Court. See Reprint of Statutes, Vol. VI, p. 103

(4) The Native Department shall hereafter be called the Department of Maori Affairs.

Alteration of Short Title of Native Trustee Act, 1930, and consequential amendments.

See Reprint of Statutes, Vol. VI, p. 373

Alteration of Short Title of Board of Native Affairs Act, 1934-35, and consequential amendment.
1934, No. 44

Alteration of Short Title of Native Townships Act, 1910.
See Reprint of Statutes, Vol. VI, p. 358

Alteration of Short Title of Native Housing Act, 1935.
1935, No. 34

General provisions relating to changes in description.

5. (1) The Native Trustee Act, 1930, may hereafter be cited as the Maori Trustee Act, 1930.

(2) The office established under the Maori Trustee Act, 1930, known as the Native Trust Office, shall hereafter be called the Maori Trust Office. 5

(3) The Native Trustee and the Deputy Native Trustee appointed under the Maori Trustee Act, 1930, shall hereafter be called the Maori Trustee and the Deputy Maori Trustee respectively.

6. (1) The Board of Native Affairs Act, 1934-35, 10 may hereafter be cited as the Board of Maori Affairs Act, 1934-35.

(2) The Board of Native Affairs established under the Board of Maori Affairs Act, 1934-35, shall hereafter be called the Board of Maori Affairs. 15

7. The Native Townships Act, 1910, may hereafter be cited as the Maori Townships Act, 1910.

8. The Native Housing Act, 1935, may hereafter be cited as the Maori Housing Act, 1935.

9. (1) The Short Title of— 20

(a) Every Act passed in amendment of any Act the Short Title of which has been altered by this Act:

(b) Every Native Purposes Act:

(c) Every Native Land Claims Adjustment Act: 25

(d) Every Native Land Amendment and Native Land Claims Adjustment Act—

shall be deemed to be amended by the substitution of the word " Maori " for the word " Native ", and each of those Acts may hereafter be cited accordingly. 30

(2) Where the name of any Court, office, Department, functionary, Board, or Corporation has been changed by this Act or by virtue of this Act,

(a) All references to any such Court, office, Department, functionary, Board, or Corporation in 35 any Act, regulation, rule, by-law, Order, or

5 other enactment, or in any contract, agree-
ment, deed, instrument, application, licence,
notice, or other document whatsoever, shall,
unless inconsistent with the context, hereafter
be read as references to the particular
Court, office, Department, functionary, Board,
or Corporation as it or he will be called after
the passing of this Act:

10 (b) Any such change of name shall not affect any
of the rights, powers, jurisdiction, functions,
duties, or obligations of any such Court,
office, Department, functionary, Board, or
Corporation.

15 10. Nothing in the foregoing provisions of this Act
shall apply to the Cook Islands Act, 1915, or the Samoa
Act, 1921.

Foregoing
provisions not
to apply to
Cook Islands
Act, 1915, or
Samoa Act,
1921.

See Reprint
of Statutes,
Vol. II,
pp. 658, 791

PART II

AMENDMENT OF LAWS

20 11. Words and expressions used in Parts II, III,
and IV of this Act shall, unless the contrary intention
appears, have the same meaning as in the Maori Land
Act, 1931 (in those Parts referred to as the principal
Act), and the provisions of the principal Act, so far as
applicable, shall extend and apply to the cases herein-
25 after provided for by this Act in as full and ample a
manner as if Parts II, III, and IV of this Act had been
incorporated with and formed part of the principal Act.

Provisions of
Maori Land
Act, 1931, to
apply to Parts
II, III, and IV
of this Act.

30 12. Section twenty-three of the Maori Social and
Economic Advancement Act, 1945, is hereby amended
as follows:—

Section 23 of
Maori Social
and Economic
Advancement
Act, 1945, (as
to subsidies),
amended.

(a) By inserting, after the words “ Tribal Execu-
tive ”, the words “ or a Tribal Committee ”:

1945, No. 43

(b) By adding the following proviso:—

35 “ Provided that no application for a sub-
sidy under this section shall be made by a
Tribal Committee without the prior consent in
writing of the Tribal Executive for the district
in respect of which the Tribal Committee has
been appointed.”:

(c) By adding the following subsection:—

“(2) Fines paid to a Tribal Committee pursuant to section forty-seven of this Act shall not be revenue of that Committee within the meaning of this section.”

13. Section forty-seven of the Maori Social and Economic Advancement Act, 1945, is hereby amended as follows:—

(a) By omitting from subsection two all words after the words “whichever is the less”, and substituting the following proviso—

“Provided that no penalty shall be imposed by the Committee under this subsection if the person charged elects to be dealt with summarily under the Justices of the Peace Act, 1927, and, before imposing any penalty, the Committee shall make known to the offender his right of election.”

(b) By adding the following subsections:—

“(6) The amount of any penalty imposed by a Committee under this section shall be paid by the offender to the Committee and shall form part of its funds.

“(7) The amount of any penalty imposed under the Justices of the Peace Act, 1927, pursuant to proceedings authorized in that behalf under this section, and the amount of any penalty so imposed on a person who has elected under this section to be dealt with summarily, shall be paid into the funds of the Committee of the Tribal Committee area within which the offence was committed:

“Provided that there shall be deducted from the amount of any such penalty and credited to the Ordinary Revenue Account of the Consolidated Fund an amount equal to five per centum of the penalty.”

14. For the purposes of section forty-seven of the Maori Social and Economic Advancement Act, 1945, an offence against section forty-one of that Act shall be deemed to be a breach of a by-law that has been duly made and has come into force in accordance with the provisions of the said Act and for the breach of which a fine not exceeding *five* pounds has been prescribed.

Amendments of section 47 of Maori Social and Economic Advancement Act, 1945, authorizing persons charged with breach of by-laws to elect summary trial and providing for penalties for breaches of by-laws to be paid into funds of Tribal Committees. 1945, No. 43 See Reprint of Statutes, Vol. II, p. 351

Proceedings may be taken under section 47 of Maori Social and Economic Advancement Act, 1945, for an offence against section 41 of that Act. 1945, No. 43

15. (1) For the purposes of the Maori Social and Economic Advancement Act, 1945, the Rotorua Borough shall constitute a tribal district to be known as "the Rotorua Borough Tribal District".
- 5 (2) The tribal executive committee for the Rotorua Borough Tribal District shall be known as "the Rotorua Borough Tribal Executive" and shall consist of—
- 10 (a) Two representatives (who for the purposes of section eight of the said Act shall be deemed to be elected members) of each of the Ohinemutu, Whakarewarewa, and Tarewa Tribal Committees, who shall be appointed by the Minister upon the recommendation of the Tribal Committee of which they are members:
- 15 (b) The members for the time being of the Rotorua Borough Council:
- (c) A Welfare Officer, who shall be appointed as a member by the Minister.
- 20 (3) Except as otherwise provided by this section, the provisions of the Maori Social and Economic Advancement Act, 1945, shall apply to the Rotorua Borough Tribal District and the Rotorua Borough Tribal Executive.
- 25 (4) Subsection four of section fifty of the Maori Social and Economic Advancement Act, 1945, is hereby repealed.
- (5) Section eleven of the Rotorua Borough Act, 1922, is hereby repealed.
- 30 16. (1) Where any Maori has died, whether before or after the passing of this Act, and whether testate or intestate, possessed of a beneficial freehold interest in land, the Court may, at the time of making any succession order or orders in favour of any persons who
- 35 are not Maoris and who are entitled to succeed to the interest, or at any time thereafter, if it thinks fit, exercise with respect to the interest acquired by those persons by virtue of the succession order or orders the same powers and jurisdiction as are vested in the Court
- 40 by Parts VII and X of the principal Act in respect of Maoris.

Appointment of Tribal Executive under Maori Social and Economic Advancement Act, 1945, for Rotorua Borough. 1945, No. 43

Repeal.

Repeal.

1922, No. 9

Extending power of Court to make exchange, partition, and trusteeship orders in respect of land in respect of which a succession order has been made in favour of Europeans.

(2) Any final order heretofore made by the Court which would have been valid if this section had been in force at the time of the making of the order is hereby validated and shall be deemed to be and at all times to have been of full force and effect according to the tenor thereof. 5

Court may make order laying off roads or ways over adjoining Crown land.

17. (1) In addition to the powers conferred upon it by Part XX of the principal Act the Court, in order to give access or better access to land in respect of which the Court is empowered by the said Part XX to make 10 an order for either of those purposes, may, with the prior consent in writing of the Commissioner of Crown Lands for the district in which the land is situated and of any other person or persons having any estate or interest therein, make an order laying off any road or 15 right-of-way over any adjoining Crown land.

(2) The provisions of Part XX of the principal Act shall, with the necessary modifications, apply to any order made under the provisions of this section.

Lease of Crown land declared to be subject to Part I of Maori Land Amendment Act, 1936, may be granted for term exceeding fifty years. 1936, No. 53

18. Notwithstanding the provisions of section 20 twenty-six of the Maori Land Amendment Act, 1936, or of any other enactment, a lease of any Crown land that has been declared to be subject to Part I of the said Act, may, pursuant to a direction of the Board of Maori Affairs in that behalf, be granted under the 25 said Part I for any term not exceeding thirty-three years, with a right of renewal for the same or any shorter term, or with a perpetual right of renewal for the same or any shorter term.

(2) A lease of any such land that has heretofore 30 been granted by a Maori Land Board pursuant to a direction of the Board of Maori Affairs in that behalf or that may hereafter be granted shall be deemed to have been validly granted notwithstanding that the duration of any such lease together with any renewed 35 term or terms provided for therein may exceed fifty years.

Extending powers of Maori Trustee to act for absentee owners. 1932, No. 25

19. (1) Section five hundred and forty of the principal Act as amended by paragraph (a) of section four of the Maori Land Amendment Act, 1932, is hereby 40 further amended by omitting from subsection one the words "land owned by Natives", and substituting the words "land owned by Maoris or the descendants of Maoris".

(2) Any final order heretofore made by the Court which would have been valid if this section had been in force at the time of the making of the order is hereby validated and shall be deemed to be and at all times to have been of full force and effect according to the tenor thereof.

20. Notwithstanding the provisions of section forty-nine of the Maori Trustee Act, 1930, the Maori Trustee, with the approval of the Minister of Maori Affairs, may, from time to time, out of the net profits of the Maori Trust Office expend or apply for any purpose having for its object the promotion of the health, education, or welfare of any Maori or Maoris, or for any other appropriate purpose approved by the Minister of Maori Affairs, such amount or amounts as he thinks fit: Provided that the total expenditure under this section in any one financial year shall not exceed the sum of two hundred and fifty pounds."

Authorizing Maori Trustee to expend amount for benefit of Maoris from net profits of Maori Trust Office.

See Reprint of Statutes, Vol. VI, p. 395

PART III

20 INCORPORATION OF OWNERS OF MANGATU BLOCKS

21. (1) The owners of the land described in the *First* Schedule to this Act, known as Mangatu No. 1 Block, Mangatu No. 3 Block, and Mangatu No. 4 Block (in this Part of this Act referred to as the said land), are hereby incorporated as a body corporate under the name of "The Proprietors of the Mangatu Nos. 1, 3, and 4 Blocks (Incorporated)" (in this Part of this Act referred to as the body corporate) with perpetual succession and a common seal.

Incorporation of owners of Mangatu Nos. 1, 3, and 4 Blocks.

30 (2) The owners of the said land who are incorporated by this section shall be those persons whose names appear in the records of the Court at the date of the passing of this Act as the equitable owners of the said land in accordance with the respective rights, shares, or interests of those persons in the land determined and recorded by the Court.

35 (3) The said land shall be deemed to be and always to have been Maori freehold land within the meaning of the principal Act.

- (4) On the date of the passing of this Act the said land shall vest in the body corporate for a legal estate in fee-simple, subject to all leases, mortgages, charges, licences, or other interests to which the title of the East Coast Commissioner appointed under the Maori Purposes Act, 1931, or of the owners, or of any of them, is subject at that date. 5
- 1931, No. 22
- (5) All property, other than the said land, vested in the East Coast Commissioner on behalf of the equitable owners by virtue of his administration of the said land under Part IV of the Maori Purposes Act, 1931, shall, on the date of the passing of this Act, vest in the body corporate, subject to all charges, licences, liens, or other interests affecting the property at that date. 10 15
- (6) The provisions of Part IV of the Maori Purposes Act, 1931, shall, on the passing of this Act, cease to have any application to any property to which subsections *four* and *five* of this section relate.
- (7) The District Land Registrar for the Gisborne Land Registration District is hereby authorized and directed to make such entries in the Register Books and to do all such things as may be necessary to give effect to this Part of this Act. 20
22. The deed of trust dated the eighteenth day of May, eighteen hundred and ninety-nine, affecting the Mangatu No. 1 Block, the deed of trust dated the eighteenth day of December, nineteen hundred, affecting the Mangatu No. 3 Block, the deed of trust dated the eighteenth day of December, nineteen hundred, affecting the Mangatu No. 4 Block, whereby, in each case, the land affected was, pursuant to the provisions of section three of the Native Land Laws Amendment Act, 1897, vested in the Commissioner of Crown Lands for the District of Hawke's Bay, Henry Cheetham Jackson, and Wiremu Pere as trustees for the owners of the land affected, and the respective orders of the Court made pursuant to the provisions of section one hundred and twenty-two of the Native Land Court Act, 1894, under which the owners of Mangatu No. 3 Block and the owners of Mangatu No. 4 Block were constituted bodies corporate, are hereby respectively cancelled, revoked, and declared to be of no further force or effect. 25 30 35 40
- Cancellation of deeds of trust and Court orders affecting said land.
- 1897, No. 25
- 1894, No. 43

23. The body corporate shall hold the said land and all other property vested in it by this Part of this Act in trust for the persons entitled thereto as the equitable owners thereof on the passing of this Act, and in
- 5 trust for their successors in title in accordance with their several respective interests in the said land and property, and shall administer and deal with the said land and property in accordance with this Part of this Act.
- 10 24. Every person who for the time being is entitled to an equitable interest in the said land shall be a member of the body corporate, and all such persons are in this Part of this Act referred to as the equitable owners:
- 15 Provided that if any such equitable interest is vested in any trustee the trustee shall be deemed to be one of the equitable owners and a member of the body corporate to the exclusion of the beneficiary:
- 20 Provided further that the owner of an equitable interest for life, or any other freehold interest less than the fee-simple in any share in any of the lands so vested in the body corporate, shall be deemed to be one of the equitable owners, but not to the exclusion of the person entitled in remainder.
- 25 25. (1) The affairs of the body corporate shall be managed by a Committee of Management (in this Part of this Act referred to as the Committee).
- (2) The Committee shall consist of seven members, each of whom shall be a member of the body corporate
- 30 by virtue of his ownership of an estate in fee-simple in some part of the said land.
- (3) The first Committee shall consist of the following persons—namely, Rongo Halbert, Hetekia te Kani te Ua, Ben Brown, George Brown, Kohi Kerekere, Eru
- 35 Ruru, and Kitini Taihuka, who were appointed by the equitable owners at a general meeting held on the twenty-ninth day of January, nineteen hundred and forty-seven.

Property to be held in trust by body corporate for owners.

Equitable owners to be members of body corporate.

Affairs of body corporate to be managed by Committee.

(4) Except as otherwise provided by this section, the members of the Committee shall be elected by each of the recognized hapus into which the equitable owners as a tribe are divided—namely, Ngariki, Wahia, Taupara, and Whakauaki. The Ngariki Hapu shall elect one member of the Committee, the Whakauaki Hapu shall elect one member, the Taupara Hapu shall elect two members, and the Wahia Hapu shall elect three members. 5

(5) On the thirtieth day of June, nineteen hundred and forty-eight, three members of the Committee shall retire, on the thirtieth day of June, nineteen hundred and forty-nine, two members shall retire, on the thirtieth day of June, nineteen hundred and fifty, two members who have been in office until that date shall retire and, subject to the provisions of this section, on the thirtieth day of June in each succeeding year the members who have been three years in office shall retire. 15

(6) The members to retire on the thirtieth day of June, nineteen hundred and forty-eight, and on the thirtieth day of June, nineteen hundred and forty-nine, shall be decided by lot. 20

(7) If a vacancy occurs in the office of a member of the Committee during his term of office, the Committee shall appoint a member of the hapu to which the member being replaced belonged to fill the vacancy. 25

(8) Any person appointed under the *last preceding* subsection shall hold office only for the unexpired portion of the term of office of his predecessor.

(9) Where any member of the Committee retires in accordance with subsection *five* of this section, the vacancy so created shall be filled by the election, by members of the hapu of the retiring member, of an equitable owner belonging to that hapu. 30

(10) Any member who retires from office and is still a member of the body corporate shall be eligible for re-election, and for the purpose of determining the order of rotation for retirement, a retiring member who is re-elected shall be deemed to be a new member from the date of his re-election. 35 40

(11) Only members of the body corporate shall be entitled to vote at an election held under this section.

(12) The election or appointment of any member of the Committee under this section shall be confirmed by order of the Court. 45

26. The first annual meeting of equitable owners shall be held in the month of October, nineteen hundred and forty-eight, upon a date to be fixed by the Committee and thereafter annual meetings shall be held in the month of October in each year upon a date to be fixed by the Committee. A special general meeting of the equitable owners may be convened by the Committee at any time.
27. The office of a member of the Committee shall be vacated if the member dies, or resigns his office by notice in writing to the Committee, or is absent without leave from four consecutive meetings of the Committee, or becomes a bankrupt, or is received or detained as a mentally defective person in any institution under the Mental Defectives Act, 1911, or becomes a protected person under the Aged and Infirm Persons Protection Act, 1912, or is convicted of any crime punishable by imprisonment for a term of one year or upwards.
28. No order confirming any person as a member of the Committee shall be questioned or invalidated on the ground of any error or irregularity in the mode of his election or appointment, and no act of the Committee shall be questioned or invalidated on the ground of any vacancy in the membership thereof.
29. (1) Meetings of the Committee or of the body corporate shall be held at such times and places as the Committee or the Chairman thereof determines. At any meeting of the Committee, five members shall form a quorum. In the case of a general meeting of the equitable owners, fifteen members shall form a quorum.
- (2) The Committee shall from time to time appoint a Chairman who shall preside at all meetings of the Committee, or of the equitable owners, at which he is present. In the absence of the Chairman, the members present shall select a Chairman out of their number for the purposes of the meeting, and the person so selected may exercise and perform all the powers and duties of the Chairman accordingly.
- (3) At any such meeting the Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall have a casting vote. All questions before any such meeting shall be decided by a majority of valid votes recorded thereon.

Annual meetings of equitable owners.

Vacation of office by member.

See Reprint of Statutes, Vol. V. p. 743
Ibid., Vol. II p. 887

Validity of order of appointment.

Meetings and procedure of Committee.

(4) The Committee shall have full power to make by-laws and regulations for the election of members of the Committee, the management of the said lands, the custody of the seal of the body corporate, and the summoning and conduct of meetings of equitable owners, and from time to time to revoke, amend, or add to the same. 5

(5) Except as otherwise provided by this Part of this Act, the Committee shall regulate its own procedure.

Powers and functions of Committee.

30. (1) All the powers and functions of the body corporate shall be exercised on its behalf by the Committee. 10

(2) The powers of the Committee may be exercised by a majority of the members thereof for the time being in office. 15

(3) The seal of the body corporate shall not be affixed to any instrument except in the presence of at least two members of the Committee pursuant to a resolution of the Committee.

(4) A contract made by the Committee on behalf of the body corporate, other than an alienation of land, need not be under seal, but may be made in the same manner as the like contract made between individuals. 20

Certain provisions of principal Act applied to body corporate.

31. (1) The body corporate shall have the powers conferred on bodies corporate by sections three hundred and ninety-nine, four hundred, four hundred and one, four hundred and four, and four hundred and eleven of the principal Act, and, except as otherwise provided by this Part of this Act, the provisions of those sections shall, with the necessary modifications, apply to the body corporate as if it were incorporated under Part XVII of the principal Act, and to the Committee as if it were a Committee of Management constituted under the said Part XVII: 25 30

Provided that for the purposes of section three hundred and ninety-nine of the principal Act a contract of sale of timber, flax, minerals, or other valuable thing attached to or forming part of the said land shall not be deemed to be an alienation of that land. 35

(2) Subject to this Part of this Act, all the provisions of Part XIII of the principal Act (relating to the alienation of Maori land by a Maori) shall extend and apply to an alienation of Maori land by the body corporate under this Part of this Act. 40

32. (1) The body corporate may sue and be sued and may do and suffer all that bodies corporate may do and suffer and shall have all the powers expressly conferred on it by this Part of this Act.

General powers of body corporate.

5 (2) The body corporate may do all such things as are deemed necessary or expedient for the administration, improvement, protection, management, and settlement of the said land and of all other property
10 vested in it or for any purpose beneficial to the body corporate, or the equitable owners, or to the Maori people generally.

33. The body corporate, with the approval of the Minister, may from time to time set apart any land vested in it for occupation by equitable owners and may
15 let or lease to equitable owners allotments in the land so set apart upon such terms and conditions as the Committee may approve.

Body corporate may lease land.

34. Subject to the approval in writing of the Minister, the body corporate may from time to time,
20 with or without consideration, alienate to His Majesty the King, as a site for a school, any part of the said land, freed and discharged from any trust in favour of the equitable owners, and without the necessity of procuring the consent of the equitable owners.

Body corporate may alienate land for school-site.

25 **35.** The body corporate may, out of its funds, pay for patriotic, educational, or charitable purposes such amount and to such fund or such person as the body corporate shall deem fit. Before any amount is so paid, the approval of the Minister shall be obtained.

Body corporate may donate funds for certain purposes.

30 **36.** (1) With the precedent consent of the Minister the body corporate may, on the security of a mortgage or charge of the said land or of any part or parts of the said land, borrow moneys from any State loan Department, or from any bank or banks, or from any
35 person or body corporate, and whether upon current account, overdraft, or otherwise, for any of the following purposes:—

Borrowing-powers of body corporate.

40 (a) For the purpose of any business carried on by the body corporate or by the Committee on its behalf;

- (b) For the payment of any debts or liabilities of the body corporate:
- (c) For the discharge of any charge or encumbrance affecting any lands of the body corporate:
- (d) For the improvement, stocking, or settlement of the said land or any purpose pertaining thereto: 5
- (e) For any other purpose that the Minister may authorize.

(2) No such mortgage or charge shall require 10 confirmation by the Court.

Body
corporate may
acquire land.

37. With the consent of the Minister the body corporate may acquire any lands or any estate in lands, whether by way of purchase, lease, or otherwise.

As to
transfers of
interests
between
equitable
owners.

38. (1) Notwithstanding anything to the contrary 15 in this or any other Act, any equitable owner may transfer any share or interest held by him in any of the said land to any other Maori equitable owner of any interest in the same lands.

(2) Every such transfer having endorsed thereon 20 the approval under seal of the Committee shall, without the necessity of confirmation by the Court, be effectual to vest in the transferee the beneficial interest of the transferor expressed to be thereby vested, subject to the legal estate of the body corporate, and shall be 25 acted upon accordingly by the body corporate.

(3) The Committee shall not approve any such transfer until it is satisfied:—

- (a) That the price paid thereunder is the fair and reasonable value of the interest transferred: 30
- (b) That the purchase money has been paid or secured:
- (c) That the transferor has sufficient lands left for his support or maintenance or is not, in the opinion of the Committee, so far as regards 35 his support and maintenance, prejudiced by the transfer.

(4) The Committee may approve of any transfer of a beneficial interest, whether with or without consideration, if it is satisfied that it is in the interests 40 of the transferor or his family that such transfer should be approved.

(5) An equitable owner may, with the consent of the Minister, alienate to the body corporate, and the Committee on behalf of the said body corporate may accept, all or any part of his interest in the said land. In any such case the transferor shall, without the necessity for confirmation by the Court, pass the interest to the Committee to be held in trust for the remaining owners of the land affected in similar shares to which they theretofore were beneficially entitled.

10 **39.** Except in respect of the appointment of successors to the interest of any deceased equitable owner, or of trustees for any equitable owner, or of the making of orders of exchange of the interests of equitable owners, all applications to the Court affecting the body corporate or the land vested in it shall be made by the Committee.

Applications to Court to be made by Committee.

20 **40.** The body corporate may acquire, hold, and dispose of shares in any dairy company, freezing company, shipping company, stock and station agency company, produce company, transport company, or any other company, membership in which in the opinion of the Committee may assist in carrying on farming operations more cheaply or economically or be otherwise beneficial to the operations of the body corporate.

Body corporate may acquire shares in companies.

25 **41.** The body corporate may promote, and acquire and hold shares in, any limited-liability company for the purpose of milling any timber or timber-trees on the said land and adjoining lands:

Body corporate may promote and hold shares in timber milling companies.

30 Provided that this power shall not be exercised except with the precedent consent of the Minister.

42. All moneys received by the Committee from all or any of the property vested in the body corporate shall be paid into one banking account in the name of the body corporate.

Bank account.

35 **43.** The Committee shall once in each year submit to the equitable owners in general meeting an account of all the income, expenditure, assets, and liabilities of the body corporate and of every business carried on by it. The accounts shall be taken and made up to the thirtieth day of June in each year and shall be audited by a duly qualified public accountant and auditor appointed annually by the equitable owners in general meeting.

Accounts and audit.

Travelling-
expenses.

44. Members of the Committee shall be entitled to be paid usual and reasonable travelling-expenses incurred by attendance at meetings of the Committee and, in addition, such fee (if any) for their services as the equitable owners in general meeting shall determine in respect of their services for the past year. 5

Appointment
of manager
and financial
adviser.

45. There shall be appointed by the Committee a person to act in the capacity of farming and general manager of the business and affairs of the body corporate, and there may also be appointed another person to act in the capacity of financial adviser to the body corporate, and each such person shall be appointed for a term of not less than three years at any one time and be respectively paid such sum by way of salary or remuneration as the Committee shall deem fit. Neither of the persons appointed under this section need be a member of the body corporate. 10 15

PART IV

MISCELLANEOUS POWERS

Waiariki District

Validating
certain
partitions and
roadline
orders.

46. Whereas certain partition orders affecting the land described in subsection *two* hereof were made by the Court on the fourteenth day of December, nineteen hundred and ten: And whereas an order laying off a roadline affecting the said land was made by the Court on the fourteenth day of December, nineteen hundred and ten: And whereas partition orders affecting part of the said land were made by the Court on the seventeenth day of October, nineteen hundred and twenty-three: And whereas doubts have arisen as to the power and jurisdiction of the Court to have made the said orders and it is expedient that the said orders shall be validated: Be it therefore enacted as follows:— 25 30

(1) The said partition orders and the said order laying off a roadline are hereby validated and shall be as valid and effectual for all purposes as if the Court had had full power and jurisdiction to make the said orders. 35

(2) The land to which this section relates is particularly described as follows:—

All that piece of land situated in the Waiariki Native Land Court District known as Allotment 6B, Parish of Waimana, and being the whole of the land originally comprised and described in certificate of title, Volume 47, folio 161, Auckland Registry.

Waikato-Maniapoto District

47. Whereas the Otorohanga Town Board (in this section referred to as the Town Board) desires to diminish the width of part of Ranfurly Street in the Otorohanga Town District: And whereas the Otorohanga Town District is a Maori township constituted under the Maori Townships Act, 1910: And whereas part of the said street fronts and adjoins Sections 1 and 2, Block XXI, on the plan of the said township, being the block of land known as Waikowhitiwhiti K Number 2B1, which said sections are vested in the Waikato-Maniapoto District Maori Land Board (in this section referred to as the Board) and are at present leased by the Board by leases registered in the Lands Registry Office at Auckland under Numbers 20270 and 20209 respectively: And whereas it is desired that the Board shall purchase from the Town Board that part of Ranfurly Street adjoining the said Sections 1 and 2 which will no longer be required for public use as a result of the width of the said street being diminished (hereinafter in this section referred to as the said land): And whereas it is desirable that any doubts concerning the powers of the Board to acquire the said land should be resolved: Be it therefore enacted as follows:—

(1) The Board is hereby authorized and empowered to purchase, as agents for and on behalf of the owners of Waikowhitiwhiti K Number 2B1 Block, the said land from the Town Board, upon and subject to the conditions prescribed by the Municipal Corporations Act, 1933, and the Board shall be deemed to be the owner of the adjoining lands for the purposes of section one hundred and ninety-four of that Act.

Authorizing Waikato-Maniapoto District Maori Land Board to purchase part of closed street in Otorohanga Town District and lease it to adjoining lessees.

See Reprint of Statutes, Vol. VI, p. 358

(2) The said land, when so purchased by the Board, shall be transferred to and be thereupon vested in the Board as Maori Land, and shall be held by it in trust for the owners of Waikowhitiwhiti K Number 2B1 Block, and shall be administered by the Board in accordance with the provisions of the Maori Townships Act, 1910, and all the provisions of that Act shall, from the date of the vesting, apply to the said land. 5

(3) In order to provide the purchase-money for the said land and any costs, charges, and expenses incidental to the purchase thereof the Board may advance out of its account the whole or any part of the moneys required, and any moneys so advanced shall become a charge upon Waikowhitiwhiti K Number 2B1 Block, in favour of the Board, and shall bear interest at such rate as the Board shall from time to time decide. 10 15

(4) The Board may execute a memorandum of charge in respect of the moneys advanced, and the provisions of section one hundred and nine of the principal Act shall apply to the memorandum. 20

(5) In addition to the powers conferred upon it by the Maori Townships Act, 1910, the Board is hereby authorized and empowered to lease by private treaty and without complying with the requirements of the Public Bodies' Leases Act, 1908, to the registered lessees under the said leases numbered 20270 and 20209, respectively, such portions of the said land as respectively adjoin the lands comprised in the said leases, at such rent as the Board may decide, for a term or terms which shall expire respectively on the date or dates of expiration of the said leases, and any leases which may be so granted by the Board shall contain all the covenants, conditions, and provisions that are contained in the said leases numbered 20270 and 20209, including the provisions for renewal thereof. 25 30 35

See Reprint
of Statutes,
Vol. VI, p. 145

Ibid., Vol. IV,
p. 1031

Aotea District

48. (1) Section twenty-two of the Maori Purposes Act, 1938, is hereby amended by omitting from subsection four the words "of two pounds" and substituting the words "not exceeding fifty pounds." 40

Increasing
penalty for
illegal fishing
in Lake
Rotoaira.
1938, No. 23

(2) The amount of any penalty imposed on any person for an offence against section twenty-two of the Maori Purposes Act, 1938, shall be paid to the Tuwharetoa Trust Board constituted under section fifty-five of the Maori Purposes Act, 1931, and shall form part of its funds: 1931, No. 32

Provided that there shall be deducted from the amount of any such penalty and credited to the Ordinary Revenue Account of the Consolidated Fund an amount equal to five per centum of the penalty.

Tairāwhiti District

49. Whereas the parcel of Maori land described in subsection *fourteen* of this section has been set aside for the purpose of a sports-ground: And whereas it is desired to make provision for the administration and management thereof: Be it therefore enacted as follows:—

As to the
administration
of Tikitiki
Memorial
Park.

(1) The Court shall have and be deemed to have had power to make an order vesting the land described in subsection *fourteen* of this section in trust for the purposes of a park and recreation-ground in the persons named in the order as trustees.

(2) The Court may make an order incorporating the said trustees, and thereupon the trustees and their successors in office shall be deemed to be incorporated as a Board under the name of the "Tikitiki Memorial Park Board".

(3) The Board incorporated under this section shall have perpetual succession and a common seal, and may acquire and hold real and personal property of whatsoever nature, sue and be sued in all proceedings, criminal or civil, and do and suffer all that corporate bodies may do and suffer.

(4) All property, real or personal, held by the Board shall be deemed to be vested in the Board upon and subject to all trusts, powers, and equities affecting the same.

(5) With respect to the alienation of land to which this section relates the following provisions shall apply:—

(a) The Board shall have the same power of alienating land so vested in it as is conferred by the principal Act upon a Maori owning Maori land in severalty: 5

(b) Every such alienation shall require confirmation by the Court in the same cases and in the same manner as if it were an alienation by a Maori owning land in severalty: 10

(c) Every instrument of alienation shall be under the seal of the Board, attested by not less than three of the trustees for the time being constituting the Board: 15

(d) Where any Maori signs any such instrument of alienation, the provisions of section two hundred and sixty-eight of the principal Act (relating to the formalities of execution) shall extend and apply to the execution of that instrument in the same manner as if it were an instrument of alienation of Maori land by that Maori. 20

(6) The Court may from time to time, on the application of any person claiming to be interested, by order appoint a new trustee or trustees, either in substitution for, or in addition to, any existing trustees, and whether or not there is any existing trustee at the time of the making of the order. 25

(7) All the powers and functions of the Board shall be exercised on its behalf by a majority of the trustees for the time being. 30

(8) A contract made by the Board other than an alienation of land need not be under seal, but may be made in the same manner as the like contract made between individuals. 35

(9) The Board may from time to time delegate any of its powers and functions (except the power to alienate land and the power of delegation contained in this subsection) to one or more committees consisting of such persons, whether trustees or not, as the Board may from time to time appoint. 40

See Reprint
of Statutes,
Vol. VI, p. 199

(10) All acts or deeds of any person acting *bona fide* as a trustee shall be valid notwithstanding any defect that may afterwards be found in his appointment, and the signature of any person purporting to act as a trustee shall be *prima facie* evidence of his being a trustee.

(11) All land vested in the Board shall be held upon such trusts as the Court shall from time to time by order determine.

10 (12) All land vested in the Board shall, when so vested, be deemed to be Maori land within the meaning of the principal Act.

(13) All land vested in the Board shall be exempt from the provisions of the Rating Act, 1925, and shall not be liable to be rated thereunder.

See Reprint of Statutes, Vol. VII, p. 977

(14) The land referred to in subsection *one* hereof is particularly described as follows:—

All that land situated in Block VI, Waiapu Survey District, containing fifteen acres one rood and twenty-six perches, more or less, called or known as Tikitiki A 20 (Matakupenga Sports Ground) Block, and being the whole of the land comprised in an Order of the Court on consolidation made on the eighth day of November, nineteen hundred and forty.

25 50. (1) The East Coast Commissioner appointed under Part IV of the Maori Purposes Act, 1931, is hereby authorized and empowered, and shall be deemed at all times since the thirtieth day of June, nineteen hundred and thirty-nine, to have been authorized and empowered, to create and maintain, in the manner adopted by the Commissioner in accumulating moneys in the account known as the Bad Debts Reserves Account prior to that date, or in such other manner as the Minister may approve, a reserve fund, which shall hereafter be known as the General Reserve, and to add annually to the General Reserve such sum or sums as the Minister shall approve.

Authorizing East Coast Commissioner to create a reserve fund, to apportion the same, and to make orders revesting land in equitable owners 1931, No. 32

(2) Not later than the thirty-first day of October, nineteen hundred and forty-eight, and not later than the thirty-first day of October in each year thereafter, the East Coast Commissioner shall make application to the Chief Judge for an apportionment of the moneys accumulated in the General Reserve at the

end of the immediately preceding financial year, and the Chief Judge shall as soon as may be after the receipt of the application appoint a special sitting of the Appellate Court at Gisborne to consider the application.

5

(3) The Appellate Court is hereby authorized and empowered to make an order or orders requiring the East Coast Commissioner to transfer from the moneys accumulated in the General Reserve such sums as it thinks fit to the credit of such accounts as that Court shall consider necessary for the purpose of adjusting or apportioning the rights and liabilities among the various blocks which now are or have at any time been vested in the said Commissioner.

10

(4) If the Appellate Court, when dealing with an application under this section, is satisfied that the financial position in respect of any block or blocks of land vested in the East Coast Commissioner is such that any such block or blocks ought to be re-vested in the equitable owners thereof and that the re-vesting would not prejudicially affect the financial position in respect of any other land which may remain vested in the East Coast Commissioner, the said Court may, notwithstanding anything to the contrary in any other enactment, make an order or orders re-vesting any such block or blocks in the beneficiaries ascertained by the Maori Land Court to be entitled thereto and, upon any such order taking effect, the East Coast Commissioner shall be discharged of his trust in respect of the block or blocks.

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(5) By the same or any subsequent Order the Appellate Court shall apportion, as between the block of land affected by its Order and any other blocks of land vested in the East Coast Commissioner, all rights, obligations, or liabilities arising from any lease, licence, mortgage, or charge or in any other manner whatsoever to which the said block so affected is subject at the date of the making of the order re-vesting the said block.

35

(6) No order made under the provisions of subsections *four* or *five* hereof shall have any force or effect unless and until the Minister has signified in writing his approval thereof.

40

51. The Ngatiporou Co-operative Dairy Company, Limited, a duly incorporated company having its registered office at Ruatoria, is hereby empowered to pay to the Whakarua Park Board, constituted by section fifty-nine of the Maori Purposes Act, 1931, a sum not exceeding two hundred and fifty pounds as a contribution towards the cost of the building in Ruatoria known as the Uepohatu War Memorial Hall.

Authorizing Ngatiporou Co-operative Dairy Co., Ltd., to contribute to cost of Uepohatu War Memorial Hall.
1931, No. 32

52. Section fifty-nine of the Maori Purposes Act, 1931, is hereby amended by adding the following subsection:—

Authorizing Whakarua Park Board to delegate powers to committees.
1931, No. 32

“(8) The Board may from time to time delegate any of its powers and functions (except the power to alienate land and the power of delegation contained in this subsection) to one or more committees consisting of such persons, whether trustees or not, as the Board may from time to time appoint”.

New

52A. (1) Section fifteen of the Maori Purposes Act, 1943, is hereby amended as follows:—

Section 15 of Maori Purposes Act, 1943, amended.
1943, No. 24

(a) By omitting from subsection one the words “persons whose rights are alleged to be, according to Native custom, *mataotao*, and the other”:

(b) By omitting from subsection one the words “persons aforesaid and the other”.

(2) This section shall be deemed to have come into force on the twenty-sixth day of August, nineteen hundred and forty-three (being the date of the coming into force of the Maori Purposes Act, 1943).

Ikaroa District

53. (1) Section fifteen of the Maori Purposes Act, 1946, is hereby amended as follows:—

Extending time for making and hearing of applications under section 15 of Maori Purposes Act, 1946.
1946, No. 37

(a) By omitting from subsection five the words “six months”, and substituting the words “one year and nine months”.

(b) By omitting from subsection six the words “one year”, and substituting the words “two years and six months”.

(2) This section shall be deemed to have come into force on the twelfth day of October, nineteen hundred and forty-six (being the date of the coming into force of the Maori Purposes Act, 1946).

Chief Judge may refer petitions in Schedule to Court for report.

54. (1) The Chief Judge is hereby authorized to refer to the Maori Land Court or to a judge thereof, for inquiry and report, the claims and allegations made by the petitioners in the petitions mentioned in the *Second* Schedule hereto. 5

(2) The Chief Judge may, upon such inquiry and report, make to the Minister of Maori Affairs such recommendation as appears to him just and equitable. 10

(3) The report and recommendation under this section shall be laid before Parliament on as early a date as possible, and shall stand referred to the Maori Affairs Committee of the House of Representatives. 15

Schedules.

SCHEDULES

FIRST SCHEDULE

Description of Land.	Area.	Certificate of Title. (Gisborne Registry.)	
		Volume.	Folio.
MANGATU No. 1			
Lots 1, 2, 3, 4, 5, and 6 on D.P. 1170, Lots 7 and 8 on D.P. 1171, Part Mangatu No. 1 Block	19,893 0 05	80	172
Subdivision 3 on D.P. 1141, and Part Subdivision 4 on D.P. 1142, and Part Mangatu No. 1 Block and Sections 1R, Block XI, 2R, 3R, Block VII, 2R, 3R, and 4R, Block VIII, Mangatu Survey District	10,298 1 14.5	88	288
Sections 5, 6, and 7, Block VII, Mangatu Survey District	8 0 34.1	92	223
Section 8, Block VII, Mangatu Survey District	4 1 04.6	92	89
Subdivisions 13 and 14 on D.P. 1212 and 16 on D.P. 1238, Part Mangatu No. 1 Block	10,742 2 16	79	246

FIRST SCHEDULE—continued

Description of Land.	Area.		Certificate of Title. (Gisborne Registry.)	
			Volume.	Folio.
MANGATU No. 1—continued				
	A.	B. P.		
Subdivisions 6 and 7, Part 7, on D.P. 2704, Part Mangatu No. 1 Block	5,465	3 28	79	247
Section 17 on D.P. 1292 and Section 18 on D.P. 1293, Part Mangatu No. 1 Block	3,147	0 00	79	248
Part Subdivision 4 of Mangatu No. 1 Block and being all the land on D.P. 3413, situated in Block XI, Mangatu Survey District	495	3 03	88	287
Lot 5 on D.P. 1173 and Subdivision 9 on D.P. 1167 and Subdivision 10 on D.P. 1289, Part Mangatu No. 1 Block	9,888	2 04	82	236
Part of Lot 2 on D.P. 1439 and Part Lot 1 on D.P. 1438, Part Subdivision 2 of Mangatu No. 1 Block	1,223	3 38·4	90	273
“Northern Portion” on D.P. 1550 and Lot 21 on D.P. 1516, Part Mangatu No. 1 Block	16,160	2 12	61	40
Subdivisions 19 and 20 on D.P. 1516, Part Mangatu No. 1 Block	5,608	0 10	61	41
Lots 11, 12, and 15 on D.P. 1212, Part Mangatu No. 1 Block	4,019	0 00	64	211
“Western Portion” on D.P. 1551, Part Mangatu No. 1 Block	11,942	1 00	61	42
Lots 30, 31, and 32 on D.P. 1730, Part Whatatutu B 3A 3, Block XII, Mangatu No. 1 Block	3	0 03·1	50	122
Total area of Mangatu No. 1 Block: 98,900 acres 2 roods 12·7 perches.				
MANGATU No. 3				
Mangatu No. 3 Block	..	3,680 0 00	37	224
MANGATU No. 4				
Mangatu No. 4 Block	..	5,994 2 00	61	44

*SECOND SCHEDULE*PETITIONS TO BE REFERRED TO THE MAORI LAND COURT, OR A
JUDGE THEREOF

1. Petition No. 15 of 1947, of Raureti te Huia, praying for an inquiry in relation to certain lands in Mangapiko and Puniu Parishes.
 2. Petition No. 19 of 1947, of Nellie Haua, concerning the will of Maea Rakapurua, deceased.
 3. Petition No. 29 of 1947, of Karena Tamaki and others, praying for an inquiry in relation to certain lands in Ngaroto Parish.
 4. Petition No. 30 of 1947, of Maniairangi Paora, concerning the will of Mou te Hapuku, deceased.
 5. Petition No. 51 of 1947, of Taunatapu Rimene and others, and Petition No. 70 of 1947, of Ngaone te Teira and others, praying that the Wellington Tenths Benefit Fund be abolished.
- New*
6. Petition No. 107 of 1947, of Paora Waina, concerning relative interests in Lake Waikaremoana.
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