

Mr. Beetham.

MASTERTON TRUST LANDS.

ANALYSIS.

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A BILL INTITULED

AN ACT to consolidate and amend the Laws relating to the Management of certain Trust Lands in the Masterton Small-farm Block, in the Wairarapa. Title.

5 WHEREAS the lands described in the *First* Schedule hereto were set apart for public purposes for the services of a settlement formed upon the principle of a small-farm association, and were vested in one Charles Rooking Carter for such purpose: And whereas various provisions relating to such lands and the appointment of Preamble.

10 Trustees for the management thereof have from time to time been made, and it is expedient to consolidate the said provisions, and to give further powers to the Trustees aforesaid for the management thereof:

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

1. The Short Title of this Act is "The Masterton Trust Lands Act, 1887." Short Title.

## Interpretation.

2. In this Act, if not inconsistent with the context,—

“District,” or “Masterton District,” means the Small-farm Settlement of Masterton, comprising the Borough of Masterton, and other lands outside of the said borough :

“Public notice ” means a notice published in some newspaper 5  
having general circulation within the district as herein defined :

“Trust ” means the objects for which the trust lands as defined in this Act are held by the Trustees thereof :

“Trust lands ” mean the lands described in the *First* Schedule 10  
hereto, and includes all lands which may be acquired in addition thereto or in substitution thereof by the Trustees for the objects of the trust as herein respectively defined :

“Trustees ” means the Trustees appointed under this Act and 15  
their successors, in whom are vested the trust lands as defined by this Act.

## Trustees to retire by rotation.

3. On the last *Thursday* in *April* in each year the two Trustees who have been longest in office without re-election shall go out of office, and the voters of the district shall elect two persons to be 20  
Trustees in their place, who shall hold office until the election of their successors, and such election shall be conducted under “The Regulation of Local Elections Act, 1876,” which is hereby incorporated with this Act for such purpose.

The Trustees shall, for the purposes of such election and of all 25  
other elections under this Act, be deemed to be a local body within the meaning of the aforesaid Act.

## Casual vacancies.

4. Any Trustee may resign his office, by writing under his hand delivered to the Secretary, and in such cases, or in case of the death, incapacity, or ouster from office of any Trustee, or if any Trustee 30  
absent himself without leave of the Trustees from three consecutive ordinary meetings of the Trustees, his office shall become vacant, and such vacancy shall be deemed to be an extraordinary vacancy.

Thereupon the remaining Trustees may, if they shall think it necessary to do so, within one month from the occurrence of such 35  
vacancy, appoint another Trustee in his place, to hold office until the next annual election of Trustees, otherwise an election shall be held to supply such vacancy, in which case the person elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office. 40

Any retiring Trustee may be re-elected.

## Voters' list.

5. On or before the thirty-first day of January in each year, the Trustees shall make out a list to be called the “voters' list,” containing the names of all persons of full age of twenty-one years, who have resided six months in the district, and shall enter against 45  
such names the places of abode of such persons, and shall keep such list in the office of the Trustees, and allow it to be inspected without fee by all persons interested therein, during all office hours, until the fifteenth day of February, and shall on, or as soon as possible after, the first day of February, publicly notify that such list is open 50  
for inspection at such office.

## Objections to voters' list.

6. Any person interested may object to the voters' list on any of the following grounds :—

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- (1.) That his name is not entered thereon, whereas he is entitled to vote at the election of Trustees;
- (2.) That the name of any person who is entitled to vote is omitted therefrom;
- 5 (3.) That the name of any person not entitled to vote is entered thereon;
- (4.) That the name or place of abode of any person is incorrectly described in the voters' list.

10 All such objections must be in writing under the hand of the objector, and must be addressed to the Trustees, and delivered at the office of the Trustees on or before the fifteenth day of February; and a copy of every such objection must be served on every person affected thereby, and the list of objections shall be open for inspection at the aforesaid office by all persons interested therein, during  
15 all office hours, from the sixteenth to the twenty-first day of February inclusive.

7. The Trustees shall hold a meeting upon a day between the twenty-second and twenty-eighth day of February, both inclusive, to be appointed by the Trustees, and of which not less than three days' public notice shall be given, and shall at such meeting or at an adjourned meeting hear and determine all such objections, and amend the voters' list by correcting any error set forth in such objection and proved to the satisfaction of the Trustees to exist therein, and the Chairman of the Trustees shall initial every such  
20 alteration, and the list so corrected shall be signed by three Trustees, and shall come into force on the first day of April, and continue in force until a new voters' list comes into force in like manner.

Hearing of objections.

8. Every person whose name is entered on the voters' list, and is not disqualified, shall be entitled to vote at all elections in the  
30 district for the purposes of this Act, and at any such election shall exercise only one vote in respect of each person to be then elected.

Qualification of voters.

9. Every person whose name is entered on the voters' list of the district, and whose name appears at the same time either on the bur-  
35 gess-roll of the Borough of Masterton, or on the valuation-roll of any subdivision of a road district which comprises any part of the Masterton District as herein defined, and no other person, shall, if not disqualified, be eligible for the office of Trustee.

Qualification of Trustees.

10. The following persons shall be incapable of being or of being elected Trustees, that is to say,—

Disqualification of Trustees.

- 40 (1.) Any person not having the qualification prescribed by this Act;
- (2.) Any person of unsound mind;
- (3.) A bankrupt or insolvent, who has not obtained his final order of discharge;
- 45 (4.) Any person convicted of felony, perjury, or of any infamous crime;
- (5.) Any person participating in any contract or work to be done for the Trustees, or holding office or place of profit under or in the gift of the Trustees: Provided that the  
50 leasing of land to or from the Trustees shall not constitute a disqualification.

Ouster of office.

11. Upon *prima facie* proof by affidavit or otherwise that any Trustee is or has become incapable under the provisions of this Act of holding his office, the Resident Magistrate's Court in the district may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same. 5

- (1.) If upon the return of such summons it appears to the Court, upon affidavit or oral evidence upon oath, that such person is incapable under the provisions of this Act of holding the said office, the Court may adjudge such person to be ousted of the same, and such person shall be ousted of 10 such office accordingly. In any such proceeding the Resident Magistrate's Court may exercise all the powers and authorities which such Court may exercise in its ordinary jurisdiction in civil cases.
- (2.) No matter in relation to a disputed election shall be heard 15 by the Resident Magistrate's Court under the powers given in this section.
- (3.) No question which may be tried under the provisions of this section shall be tried in the Supreme Court, and no proceedings in the Resident Magistrate's Court hereunder 20 shall be removable into the Supreme Court by *certiorari* or otherwise.

Regulations for conduct of business.

12. The Trustees may make regulations for the conduct of business, and of keeping minutes thereof, and also for fixing a quorum, appointing a Chairman, Secretary, and other officers, with the salaries 25 of each, times of meetings, and the management of the lands under their control, and generally as they may think fit for giving effect to the provisions of this Act, and may from time to time amend, revoke, and make anew any such regulations.

Trustee not to vote when interested.

13. No Trustee shall vote upon or take any part in the discussion of any matter before the Trustees in which he has directly or indirectly, by himself or his partners, any interest; and any Trustee who knowingly offends against this section shall be liable to a penalty not exceeding *fifty* pounds for every such offence, which may be recovered in a summary manner before any two Justices of the Peace or 35 a Resident Magistrate.

Trustees incorporated.

14. The aforesaid Trustees and their successors shall be a body corporate, by the name of "The Masterton Trust Lands Trustees," with perpetual succession and a common seal, and with full power and authority by that name to sue and be sued in all Courts whatsoever, and shall be capable in law for the purposes of and subject to 40 this Act to do and suffer all such acts and things as bodies corporate may do and suffer, with power to take and hold all lands, tenements, or hereditaments.

Present Trustees continued in office.

15. The lands mentioned in the *First* Schedule to this Act shall, on the passing of this Act, vest without conveyance in Edwin Feist, Walter Perry, Edmund Edinborough Chamberlain, Robert Hare, Thomas Parsons, and William Lowes, all of Masterton, the present Trustees of the said lands, and their successors duly elected under the provisions of this Act, as joint tenants in fee-simple upon the 50 trusts mentioned in this Act. This shall not be construed as making a new appointment of the aforesaid Trustees, who shall retire from

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office respectively in rotation according to seniority from the date of their election, as provided in this Act.

16. The lands vested in the Trustees shall be held by them upon trust for the purposes of assisting establishments for the promotion of *primary* education, a public library, and other purposes of public utility in the district; and the rents and profits accruing from the said lands shall be expended in such manner for the purposes aforesaid as the said Trustees shall, in their sole discretion, see fit.

Trust lands, &c., to be held for purposes of primary education.

17. Excepting always that the net revenue derived from year to year from the leasing of town acres numbered forty-two, one hundred and six, and one hundred and eleven shall be applied by the Trustees in founding scholarships or providing annual prizes for the children attending the Masterton and Fernridge Schools.

Exception.

18. For the purpose of widening any of the streets of the Borough of Masterton the Trustees may at any time convey to the Council thereof any portion of the trust lands abutting on any such street, on such terms or for such equivalent as they may think fit: Provided that the width of such land shall not exceed thirty-three feet on any given point.

Trustees may convey lands for widening streets in Masterton.

(1.) The resolution to convey such land shall only be passed at a special meeting of the Trustees, of which meeting not less than seven clear days' notice shall be given to each Trustee, and such notice shall set forth the business to be brought before the meeting.

(2.) After the execution of any such conveyance the land shall vest in the Corporation of the Borough of Masterton in the same manner as if it had been taken under the provisions of "The Municipal Corporations Act, 1886."

19. The several pieces of land enumerated in the *Second* Schedule shall, on the passing of this Act, vest without conveyance in the Corporation of the Borough of Masterton for road purposes.

Lands vested in Masterton Borough for roads.

20. The Trustees shall be deemed to be a leasing authority within the meaning and for the purposes of "The Public Bodies' Leaseholds Act, 1886," which, excepting sections thirteen to seventeen thereof, both inclusive, is hereby incorporated with this Act, and the Trustees shall have all the powers of a leasing authority under such Act, and may lease the lands vested in them in manner as provided in such Act and the Schedule thereto, or any Act passed in amendment or substitution thereof; saving always that it shall be at the option of the Trustees whether or not, in any future lease, they shall insert the provisions set forth in the Schedule to any such Act, or insert them in any such lease in any modified form.

Trustees may lease lands under "The Public Bodies' Leaseholds Act, 1886."

21. The Trustees shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid for, or on account of the purposes of this Act, and of all liabilities incurred by them for such purposes, and of the several purposes for which such sums are paid and such liabilities incurred.

Trustees to keep books, &c.

22. The Trustees may invest from time to time any surplus funds in their hands in the purchase of real estate or on mortgage of freehold property, and all rents, profits, and moneys accruing from such investments shall be the property of the Trustees, to be dealt with as provided by this Act.

Application of surplus funds.

Balance-sheet to be prepared, audited, and published.

22. On or before the fourteenth day of April in each year the Trustees shall cause to be prepared a balance-sheet showing the receipts and expenditure of the Trust during the year ending on the thirty-first day of March previous, together with a statement of all moneys due to or owing by the Trustees, and shall lay such balance-sheet, with all needful books, vouchers, and other documents explaining and supporting the same, forthwith before the Auditors, and such Auditors shall return the balance-sheet as soon thereafter as possible, with their certificate and report thereon, and such balance-sheet and Auditors' report shall be published in some newspaper circulating in the district, and in the *New Zealand Gazette*.

Meeting to be held to receive yearly report and balance-sheet.

23. For the purpose of receiving the yearly report and balance-sheet of the Trustees, and of appointing two Auditors for the ensuing year, a meeting of voters shall be held at a place and on a day to be appointed by the Trustees, not later than the sixteenth day of April, of which meeting and the time and place of holding the same not less than seven clear days' public notice shall be given by advertisement in some newspaper circulating in the district, and at such meeting the Chairman of Trustees shall preside, or in his absence another Chairman shall be appointed by the meeting, and the report and balance-sheet for the past year shall be read and submitted to the meeting.

Election of Auditors.

24. At the meeting last aforesaid, after considering the balance-sheet, the meeting shall proceed to the election of two properly-qualified persons to be Auditors for the ensuing year as herein provided.

(1.) If any two persons are proposed, the Chairman shall declare such persons to be duly elected, but if more than two persons are proposed the Chairman shall ascertain the determination of the meeting by show of hands or in such other manner as he thinks fit, and shall declare the same, and his declaration shall be final, unless a poll is demanded in writing signed by any three voters present.

(2.) When any such poll shall be demanded, it shall be proceeded with as in the case of an election under the provisions of "The Regulation of Local Elections Act, 1876."

Liability of Trustees.

25. The Trustees shall not be answerable or accountable the one for the other or others of them, but each and every of them only for his and their acts, receipts, neglects, or defaults respectively, and the said Trustees or any of them shall not be answerable or accountable for any banker, broker, or other person with whom or in whose hands or custody any part of the moneys of such lands shall or may be deposited or lodged for safe custody or otherwise in execution of the trusts hereby in them reposed, nor for any other misfortune, loss, or damage which may happen in the execution of the aforesaid trusts or in relation thereunto, except the same shall happen by or through their own wilful default respectively.

Conveyance of town-  
acre to Roman  
Catholic Church to  
be void if trusts  
departed from.

26. The Masterton Trustees for the time being duly appointed under the enactments hereby repealed, in exercise of the powers conferred on them by section three of "The Masterton and Greytown Lands Management Act 1871 Amendment Act, 1876," having, by deed of conveyance dated the twenty-second day of March, one

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thousand eight hundred and seventy-nine, conveyed to the then Roman Catholic Bishop of Wellington and his successors town acre number forty-seven, in the Township of Masterton, with certain exceptions for road-widening purposes as in the said deed mentioned, to be held in trust for the purposes of the Roman Catholic Church as in the aforesaid deed is also mentioned, it is hereby declared that the aforesaid deed shall be null and void if the land thereby conveyed shall be used for any other purpose than upon the trusts in such deed mentioned.

- 10 27. The Masterton Trustees for the time being duly appointed under the enactments hereby repealed, in exercise of the powers conferred on them by section eight of "The Masterton and Greytown Lands Management Acts Amendment Act, 1883," having sold their interest in the reserve of forty-eight acres in Greytown for the sum of 15 two hundred and fifty pounds, and such proceeds being required to be invested in real property, the said Trustees contracted for the purchase at a total cost of four hundred pounds of four acres two roods and nineteen perches of land, forming part of rural section number six on the plan of the Masterton Small-farm Block, and the 20 above moneys being insufficient for the purpose, they supplemented the same with a sum of one hundred and fifty pounds out of the rents and profits of the lands vested in them to complete such purchase, and the application of the said sum of one hundred and fifty pounds not being authorised by law, it is hereby declared that the aforesaid 25 purchase is validated, and the Trustees who so applied the sum of one hundred and fifty pounds as aforesaid are hereby collectively and individually indemnified for so doing.

Appropriation of £150 for purchase of land by Trustees validated.

28. The Act and enactments mentioned in the Third Schedule hereto are hereby repealed. Repeal.

## SCHEDULES.

Schedules.

### FIRST SCHEDULE.

#### RURAL AND TOWN RESERVES, MASTERTON.

Town Acres Nos. 42, 43, 44, 46, 48, 49, 51, 53, 55, 56, 58, 60, 69, 70, 71, 72, 84, 85, 87, 88, 89, 102, 103, 106, 111, 119, and 120.

Part Town Acre No. 47, measuring 16ft. 6in. by 99ft. in Dixon Street.

Part Town Acre No. 47, measuring 33ft. by 330ft. in Princess Street.

Part Town Acre No. 50, measuring 33ft. in Queen Street by 330ft. in Russell Street, and 16ft. 6in. by 99ft. in Chapel Street.

Part Town Acre Nos. 52 and 54, measuring 16ft. 6in. each by 132ft. each on Chapel Street.

Part Town Acre No. 2, measuring 75ft. to Hall Street by 132ft. on Chapel Street.

A piece of land part of Town Acre No. 24, adjoining Town Acre No. 26, upon the district road from Masterton to the Upper Plain, measuring 33ft. by 330ft., more or less.

Two pieces of land between Town Acres Nos. 85 and 87 and the Waipoua River.

Part of Rural Section No. 6 on the plan of the Small-farm Block, being Subdivisions 27 and 29, containing together 4 acres 2 roods 19 perches.

Rural Section No. 29.

An education reserve containing 10 acres, being part of Rural Section No. 104 on the plan of the Small-farm Block.

## SECOND SCHEDULE.

Town Acre.	Measurement.	Name of Street made or widened.
Part 84 ... ..	66ft. by 330ft. ... ..	King Street.
Part 85 ... ..	66ft. by 330ft. ... ..	Bruce Street.
Part 103 ... ..	66ft. by 330ft. ... ..	Archer Street.
Part 102 ... ..	66ft. by 330ft. ... ..	Archer Street.
Part 119 ... ..	66ft. by 330ft. ... ..	Trustee Street.
Part 120 ... ..	33ft. by 330ft. ... ..	Perry Street.
Part 69 ... ..	66ft. by 330ft. ... ..	Cannon Street.
Part 70 ... ..	66ft. by 330ft. ... ..	Crayon Street.
Parts 48, 50 ... ..	66ft. by 330ft. ... ..	Russell Street.
Parts 47, 49 ... ..	66ft. by 330ft. ... ..	Princess Street.
Part 24 ... ..	30ft. by 330ft. ... ..	Renall Street.
Parts 47, 49, 51, 53, 55 ... ..	594ft. by 16ft. 6in. deep ... ..	Dixon Street.
Part 69 ... ..	66ft. by 16ft. 6in. deep ... ..	Dixon Street.
Part 43 ... ..	132ft. by 16ft. 6in. deep ... ..	Dixon Street.
Part 89 ... ..	330ft. by 10ft. deep ... ..	Dixon Street.
Parts 42, 44, 46, 48, 50, 52, 54 } 56, 58 ... ..	1,254ft. by 16ft. 6in. deep ... ..	Chapel Street.
Part 111 ... ..	132ft. by 16ft. 6in. deep ... ..	Albert Street.
Part 119 ... ..	66ft. by 16ft. 6in. deep ... ..	Albert Street.

## THIRD SCHEDULE.

## ACTS AND ENACTMENTS REPEALED.

- 1871, No. 25.—The Masterton and Greytown Lands Management Act, 1871. In part, namely, sections 24 to 27, both inclusive, and the Second Schedule.
- 1876, No. 19.—The Masterton and Greytown Lands Management Act 1871 Amendment Act, 1876. The whole.
- 1877, Local, No. 62.—The Masterton and Greytown Lands Management Act 1871 Amendment Act, 1877. The whole.
- 1879, Local, No. 15.—The Masterton and Greytown Lands Management Act 1871 Amendment Act, 1879. In part, namely, section 13.
- 1881, Local, No. 8.—The Masterton and Greytown Lands Management Act 1871 Amendment Act, 1881. The whole.
- 1883, Local, No. 17.—The Masterton and Greytown Lands Management Act 1871 Amendment Act, 1883. In part, namely, sections 3, 4, 7, 8, and 9.
- 1885, Local, No. 21.—The Special Powers and Contracts Act, 1885. In part, namely, paragraph 28 of the First Schedule thereof.