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1953, No. 112

Title.

AN ACT to amend the law relating to Maoris and Maori land, to confer jurisdiction upon the Maori Land Court, and for other purposes. [27 November 1953]

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

Short Title.

1. This Act may be cited as the Maori Purposes Act 1953.

PART I

WINDING UP OF EAST COAST MAORI TRUST

Interpretation.

2. In this Part of this Act, unless the context otherwise requires,—

1931, No. 32

“Commissioner” means the East Coast Commissioner appointed under Part IV of the Maori Purposes Act 1931;

1949, No. 46

“Court” means the Maori Land Court;

1951, No. 75

“Council” means the East Coast Maori Trust Council constituted by section twenty-eight of the Maori Purposes Act 1949;

Beneficial owners of trust estates incorporated.

“Trust estate” means a separate trust estate vested in the Commissioner and referred to in Part III of the First Schedule to the Maori Purposes Act 1951.

See Reprint of Statutes, Vol. VI, p. 250

3. (1) The equitable and beneficial owners of the land comprised in each trust estate, other than the Maraetaha No. 2, Section 4, Trust Estate (the assets of which are comprised exclusively of property other than land), are hereby constituted a body corporate under Part XVII of the Maori Land Act 1931 from the first day of July, nineteen hundred and fifty-three, as if an order of incorporation had been made by the Court in that behalf, and, except as otherwise provided in this Part of this Act, all the provisions of the said Part XVII and the regulations made thereunder shall apply to every such body corporate accordingly.

1951, No. 75

(2) Every body corporate constituted by this section shall bear the name “The Proprietors of [Name of the land as set out in Part III of the First Schedule to the Maori Purposes Act 1951]”:

Provided that the body corporate of the beneficial owners of the land comprised in the Mangaotane Trust Estate shall bear the name "The Proprietors of Mangatu Nos. 5 and 6".

(3) On application by the Commissioner, the Court, at any time after the commencement of this Act, shall, in accordance with Rules of Court, fix a time and place for the holding of a general meeting of the members of any body corporate constituted by this section, for the purpose of electing a committee of management therefor.

(4) Notwithstanding the provisions of Part XVII of the Maori Land Act 1931, the fee simple of the land comprised in any trust estate shall not, by reason of the constitution of the beneficial owners thereof as a body corporate by this section, vest in the body corporate, but every such body corporate shall be entitled to have transferred to it all land and all personal property comprised in the trust estate in accordance with and subject to the provisions of this Part of this Act.

(5) Notwithstanding the constitution by this section of the bodies corporate aforesaid, the Commissioner shall continue to hold so much of the trust estates as have not been transferred by him under this Part and to conduct the business thereof in accordance with the powers and authorities vested in him as trustee and agent for the bodies corporate hereby constituted until such time in each case as he has, in accordance with the provisions of section four of this Act, transferred and delivered to the body corporate the assets for the time being held by him in respect thereof, and the committee of management appointed for the body corporate shall have no power to deal with any such assets so held by the Commissioner until they are so transferred and delivered.

4. (1) Subject to the provisions of this section, the Commissioner is hereby authorized and directed, as soon as conveniently may be after the commencement of this Act, to transfer and assure to each of the bodies corporate constituted by section three of this Act the title to all land and interests in land comprised in the trust estate in respect of which the body corporate is constituted, and to transfer, set over, and deliver all livestock, plant, implements, stores, and farming chattels

Commissioner
to transfer
trust estates
to bodies
corporate.

comprised in and allocated exclusively to the trust estate, freed and discharged from any liability to the Commissioner except the general liability to contribution and the liability to indemnify the Commissioner imposed by this Part of this Act.

(2) Before any transfer in accordance with subsection one of this section is made of any property comprised in any trust estate for the time being indebted to the Commissioner, the body corporate constituted in respect of that trust estate shall make arrangements with the Commissioner for the payment of the following amounts:

(a) The amount owing by the trust estate to the Commissioner as at the thirtieth day of June, nineteen hundred and fifty-three, as recorded in the books of account of the Commissioner:

(b) Such further amount as may be owing by the trust estate to the Commissioner in respect of advances made in the course of the conduct of the business of the trust estate on and after the first day of July, nineteen hundred and fifty-three:

(c) Any sum ascertained in accordance with subsection four of this section as chargeable to the trust estate in respect of the charges, expenses, and liabilities incurred or to be incurred by the Commissioner in carrying out the duties prescribed for him under this Part of this Act.

(3) Upon the payment, or, as the case may be, upon the making of arrangements satisfactory to the Commissioner for the payment, of the amounts referred to in subsection two of this section, the Commissioner shall contemporaneously transfer and assure to the body corporate the farming assets of the trust estate in respect of which the body corporate is constituted.

(4) The sum referred to in paragraph (c) of subsection two of this section shall be the sum ascertained by the Commissioner, with the approval and concurrence of his duly appointed auditors, as the proportion fairly and justly chargeable to the trust estate in respect of which it is ascertained, of the total existing liabilities and losses of the Commission not chargeable directly

to any one or more of the trust estates, and of the total estimated contingent liabilities, costs, and expenses arising out of the winding up of the Commissioner's business and assets generally.

(5) On the transfer to any body corporate of the land and chattels of the trust estate, in accordance with subsection one or subsection three of this section, all book debts (whether for advances to beneficiaries or otherwise) and all choses in action the property of the trust estate shall vest in the body corporate, and the Commissioner, at the request of the body corporate made at the time of transfer or at any time thereafter, shall formally assign and transfer any such book debt or chose in action accordingly.

(6) On the transfer as aforesaid to a body corporate of the land and chattels comprised in any trust estate, the Commissioner shall pay over to the body corporate all moneys appropriated and held by him to the credit of individual beneficial owners in the trust estate, and all such moneys shall be held by the body corporate upon the same trusts and subject to the same liabilities and encumbrances as they were subject to in the hands of the Commissioner.

5. Subject to the provisions of section eight of this Act, the Commissioner shall distribute the assets of the Maraetaha No. 2, Section 4, Trust Estate (which assets are comprised exclusively of money or securities for money) to the person beneficially entitled thereto, in their respective shares.

Maraetaha
No. 2,
Section 4,
Trust Estate.

6. (1) The Commissioner shall continue to hold in trust the property comprised in the Mangaotane Trust Estate until such time as the persons beneficially entitled thereto have been determined and a committee of management has been duly appointed for the body corporate constituted by section three of this Act in respect thereof.

Mangaotane
Trust Estate.

(2) Notwithstanding the provisions of this Part of this Act, if no committee of management has been appointed in respect of the Mangaotane Trust Estate on or before the first day of July, nineteen hundred and fifty-four, the full costs of management and administration of that trust estate as from that date shall be paid and borne solely by that trust estate.

Contributions
by bodies
corporate
towards
expenses and
liabilities of
Commissioner.

See Reprint
of Statutes,
Vol. VI, p. 103

Disposition by
Commissioner
of liquid assets.

7. (1) Until such time as the Commissioner is discharged from office in accordance with section sixteen of this Act, every body corporate constituted by section three of this Act shall be and remain liable to contribute towards the liabilities and expenses of the Commissioner in relation to his general business and arising out of the duties prescribed for him by this Part of this Act.

(2) The Court, on the application of the Commissioner, or of any body corporate constituted by section three of this Act, may make orders for the payment by any of such bodies corporate to the Commissioner or to any other of such bodies corporate of any moneys found by the Court to be payable in accordance with subsection one of this section; and may similarly make orders charging any such moneys upon the real property of any one or more of those bodies corporate. Any such order for payment or charging order shall be enforceable in all respects as if it were an order made within the jurisdiction of the Court under the Maori Land Act 1931.

8. (1) The Commissioner may from time to time, in the course of the exercise of his functions under this Part of this Act, make from moneys retained by him under subsection two of this section interim distributions to bodies corporate to which land and other property has been transferred in accordance with section four of this Act, to provide for reasonable working expenses in respect of the farming operations of the bodies corporate, if he is satisfied that any such payments will not prejudice his financial arrangements for liquidation.

(2) Subject to the provisions of subsection one of this section, all moneys or securities for money held by the Commissioner, and all property other than that expressly referred to in section four of this Act (whether the same are held as part of a trust estate or not), shall be retained by the Commissioner until such time as the whole of any moneys required to be paid to the Commissioner under that section have been paid and until the completion of the winding up and liquidation of the business of the Commissioner.

9. (1) Upon the commencement of this Act the Commissioner shall proceed with all diligence to wind up and liquidate the general business conducted by him as part of the corporate administration of all the trust estates and shall realize all assets and liquidate all liabilities arising by reason of the corporate administration as aforesaid not being the exclusive concern of any one trust estate.

Commissioner
to wind up
general
business of
East Coast
Trust.

(2) After providing therefrom for any costs or liability incurred in the winding up and realization directed by subsection one of this section, the Commissioner shall allocate the net balance of the proceeds of the realization among the several trust estates constituted by this Part of this Act.

(3) The proceeds of realization shall be allocated and the general costs incurred by the Commissioner shall be apportioned on the same basis as that applicable in respect of the annual division among the several trust estates of profits for the year ended on the thirtieth day of June, nineteen hundred and fifty-three.

(4) In the realization of assets under subsection one of this section, the Commissioner may sell any real or personal property by public auction or tender or by private treaty, and in particular, but without limiting the general authority conferred by this subsection, may sell any such property to any company incorporated under the Companies Act 1933 of which a majority of the bodies corporate constituted by section three of this Act are shareholders and accept payment therefor in fully paid up shares in the capital of any such company.

1933, No. 29

(5) Where any property is sold by private treaty, whether to a company as provided in subsection four of this section or otherwise, the consideration may be assessed, in the case of real property, by a special valuation under the Valuation of Land Act 1951 to be made by the Valuer-General, and, in the case of other property, by valuations made for the purpose by competent valuers approved by the Council.

1951, No. 19

(6) Where any property is sold to a company in accordance with subsection four of this section, the Commissioner shall require any shares allotted as consideration therefor to be allocated among the bodies corporate constituted by section three of this Act which

are shareholders in the company, in manner directed by the Commissioner, and any such shares shall be brought into account as part of the distribution or allocation among the trust estates of the proceeds of the liquidation of the Commissioner's general assets in accordance with this section.

Commissioner
to advertise
for claims.

10. (1) The Commissioner shall fix a date, being not earlier than the thirty-first day of January, nineteen hundred and fifty-four, and not later than the thirtieth day of April, nineteen hundred and fifty-four, as the latest day for the lodging of claims and the proving of debts owing by the Commissioner in respect of his general business and assets or in respect of any trust estate.

(2) The Commissioner shall, in a daily newspaper published respectively in each of the cities of Auckland, Wellington, Napier, Christchurch, and Dunedin, and the towns of Gisborne, Hastings, and Wairoa, notify the date fixed under subsection one of this section. The first such advertisement shall be published not less than three months before the date so fixed, and it shall thereafter be repeated at fortnightly intervals; and published finally on the day immediately preceding the date so fixed.

(3) Every advertisement published as aforesaid shall specify the Commissioner's intention to distribute the assets held by him after the date fixed under subsection one of this section, having regard only to the claims of which he then has notice.

(4) The Commissioner shall not be liable for any claim of which he has not had notice on or before the day fixed under subsection one of this section:

Provided that nothing in this subsection shall affect the right of any creditor or claimant whose claim relates exclusively to any particular trust estate to follow the assets thereof into the hands of the body corporate receiving the same.

(5) Each body corporate constituted by section three of this Act shall indemnify and at all times keep indemnified the Commissioner against all claims brought against him in relation to the business or property of the trust estate in respect of which the body corporate is constituted.

11. (1) Any loss arising on the liquidation and winding up of the enterprise conducted by the Commissioner under the separate account recorded in the Commissioner's books of account as The Mangapoike 2A 3 and 2D Joint Venture Mill Account shall be borne by all the trust estates in such relative proportions as may be determined by the Council after due investigation by the Council and the Commissioner.

Mangapoike
2A 3 and 2D
Joint Venture
Mill Account.

(2) Any determination by the Council under subsection one of this section shall be final and binding on the Commissioner and on the beneficiaries of the several trust estates and the bodies corporate constituted in respect of those trust estates.

12. Every memorandum of transfer and other assurances of real or personal property from the Commissioner to a body corporate constituted by section three of this Act shall be and be deemed to be for all purposes a transfer from a trustee to the beneficiaries personally entitled in possession under the trusts administered by him, and, notwithstanding that any land transferred to a body corporate as aforesaid may be Maori land, no such transfer shall be subject to confirmation by the Maori Land Court.

Instruments
transferring
property to
bodies
corporate.

13. All land vested in the Commissioner, whether or not the same is Maori land, shall upon transfer to a body corporate constituted by section three of this Act become Maori land subject to the Maori Land Act 1931.

Land
transferred to
bodies
corporate to be
Maori land.
See Reprint
of Statutes,
Vol. VI, p. 103

14. (1) The Commissioner shall, as soon as conveniently possible after the thirtieth day of June, nineteen hundred and fifty-four, and after the same day in each year during which the winding up and distribution of the assets of the Commissioner remain uncompleted, report to the Court on the progress made in respect of the distribution and winding up.

Reports by
Commissioner.

(2) Every report made under subsection one of this section shall include statements showing—

- (a) The property distributed, sold, or otherwise disposed of, and the manner of disposition;
- (b) The consideration received for any property sold as aforesaid:

(c) The allocation of the costs incurred by him in the course of the winding up and liquidation as aforesaid:

(d) Such other matters as the Commissioner deems material.

(3) A copy of every report made by the Commissioner under this section shall be supplied by him to each of the bodies corporate constituted by section three of this Act and to each member of the Council.

(4) The Court, after giving to each body corporate, and to the Council, and to any other person or body interested an opportunity to be heard, if they so desire, shall consider any report made under this section, and may either confirm the report or require alterations to be made therein, and in doing so shall have the same powers as are given to it by section forty-one of the Maori Purposes Act 1931 in relation to the annual accounts of the Commissioner, and the provisions of that section, as far as they are applicable and with the necessary modifications, shall apply accordingly as if the report being dealt with were the annual accounts referred to in the said section forty-one.

(5) On the completion by the Commissioner of the winding up and liquidation of his business and the distribution of the trust estates in accordance with the provisions of this Part of this Act, he shall submit to the Court his final report and accounts for confirmation in manner provided by subsection one of this section, and the foregoing provisions of this section shall apply accordingly to any such report and accounts and to the powers of the Court in relation thereto.

15. (1) Where any doubt, difficulty, or dispute arises in the course of or in relation to the distribution and winding up of the business and property of the Commissioner under this Part of this Act, the Commissioner may apply to the Court to determine the same, and the Court shall make such order or give such directions as it considers necessary and equitable in the circumstances. Any order or direction given by the Court under this subsection shall be binding upon the Commissioner and all other persons interested or concerned in the matter in question.

1931, No. 32

Court may
determine
disputes.

(2) In dealing with any matter in respect of which application is made under subsection one of this section the Court shall have regard to, but shall not necessarily be bound by, any relative provisions of the Trustee Act 1908 or, in so far as the provisions of that Act relate to the winding up of a company in voluntary liquidation, of the Companies Act 1933.

See Reprint
of Statutes,
Vol. VIII,
p. 873
1933, No. 29

16. (1) On the confirmation by the Court of the final report and accounts of the Commissioner in accordance with subsection five of section fourteen of this Act, the Commissioner shall make application to the Maori Appellate Court for his discharge from office, and the Appellate Court, if satisfied that the Commissioner should be so discharged, shall report to that effect to the Minister of Maori Affairs.

Discharge of
Commissioner.

(2) The Governor-General, upon the recommendation of the Minister of Maori Affairs given after the receipt from the Appellate Court of the report referred to in subsection one of this section, may issue a Warrant revoking the appointment of the Commissioner, and on the publication of the Warrant in the *Gazette* the appointment of the Commissioner shall be revoked.

17. (1) The provisions of this section shall apply in the case of all general meetings of the incorporated owners of the bodies corporate constituted by section three of this Act held prior to the first day of April, nineteen hundred and fifty-four (being the date of the commencement of the Maori Affairs Act 1953). Except as expressly provided by this section, every such meeting shall be conducted in the manner provided in Part XVII of the Maori Land Act 1931 and the regulations thereunder.

General
meetings of
incorporated
owners.

1953, No. 94

See Reprint
of Statutes,
Vol. VI, p. 250

(2) The Court may from time to time fix the quorum for any general meeting of incorporated owners. Unless and until a quorum has been so fixed, the quorum for any such meeting shall be twenty persons (whether members or proxies for members) or a number of persons equal to two-thirds of the total number of members (whichever is the less). For the purposes of this subsection, where the total number of members is not a multiple of three, two-thirds of the number of members shall be deemed to be two-thirds of the next highest number which is a multiple of three.

(3) Whether the quorum is fixed by the Court or in accordance with subsection two of this section, no general meeting shall be deemed to be properly constituted unless at least three owners are present in person throughout the meeting.

(4) Unless on any question submitted at a general meeting to a vote of the owners a poll is demanded by not less than two persons present thereat, every owner present in person or by proxy shall have one vote only, and a resolution shall be carried if a majority of the votes is in favour thereof.

(5) If on any question submitted to a vote of the owners a poll is demanded in accordance with subsection four of this section, the voting powers of the owners shall be in direct proportion to their relative interests in the land and other assets of the incorporation.

(6) A person acting as proxy for more than one owner, or a trustee or his proxy acting for a person under disability, shall be entitled to vote separately for each person for whom he so acts.

(7) No member of a committee of management shall be competent to act at a general meeting of owners as the proxy of any owner, and no person holding a proxy at a general meeting at which any member of the committee of management is elected shall be elected as a member of the committee.

18. Nothing in this Part of this Act shall be construed to affect the provisions of any other enactment except so far as the provisions of any such other enactment are inconsistent with the provisions of this Part.

Other
enactments
not affected
unless
inconsistent
with this
Part.

Provisions of
Maori Land
Act 1931 to
apply to this
Part.

See Reprint
of Statutes,
Vol. VI, p. 103

PART II

MISCELLANEOUS POWERS

19. Words and expressions used in this Part of this Act shall, unless the contrary intention appears, have the same meaning as in the Maori Land Act 1931 (in this Part referred to as the principal Act), and the provisions of the principal Act, as far as applicable, shall extend and apply to the cases provided for by this Part of this Act in as full and ample a manner as if this Part had been incorporated with and formed part of the principal Act.

Tokerau District

20. Section eight of the Maori Purposes Act 1939 is hereby repealed.

Repealing provisions as to Kororipo Pa. 1939, No. 28

21. (1) Notwithstanding anything contained in section ten of the Maori Purposes Act 1946, the Governor-General may, by Order in Council, constitute a Board to be called the Aupouri Trust Board (in this section referred to as the Board).

Establishment of Aupouri Trust Board. 1946, No. 37

(2) The purposes for which the Board shall be constituted shall be—

(a) To administer the income from the moneys held by the Maori Trustee, being the proceeds of the sale of certain of the communal business and undertakings at Te Kao and referred to in subsection one of section ten of the Maori Purposes Act 1946:

(b) To administer the income derived from the lands at Te Kao and elsewhere, referred to in subsection three of this section, and the income from the purchase money of any part or parts thereof in the event of the sale of any of the said lands.

(3) The lands to which subsection two of this section refers are more particularly described as follows:

(a) Two thousand eight hundred and forty acres, more or less, situate in Blocks IV and VIII, Muriwhenua Survey District, and known as Parengarenga 5B 1, now vested in the Maori Trustee under section eight of the Maori Purposes Act 1943 by an order of the Court dated the eleventh day of December, nineteen hundred and forty-seven:

1943, No. 24

(b) One acre three roods sixteen perches, more or less, being part of Te Kao No. 71, vested in the Maori Trustee under section ten of the Maori Purposes Act 1946 by an order of the Court dated the twenty-third day of September, nineteen hundred and fifty-two:

(c) Eight hundred and sixty-five acres three roods thirty-two perches, more or less, being Sections 4, 5, 6, 7, and 8, Block XVI, Muriwhenua Survey District, known locally as part

of "Wairahi", vested in trustees by an order of the Court under section twenty-nine of the principal Act dated the thirtieth day of April, nineteen hundred and fifty-three.

(4) The Maori Trustee referred to in respect of the moneys in paragraph (a) of subsection two of this section and in respect of the lands described in paragraph (a) and paragraph (b) of subsection three of this section, and the trustees for the time being, in respect of the lands described in paragraph (c) of that subsection shall pay to the Trust Board the income derived from the said moneys and lands at any time after the thirty-first day of March, nineteen hundred and fifty-three.

(5) The Board shall be a body corporate with perpetual succession and a common seal.

(6) The Governor-General may, by Order in Council, make regulations prescribing the rights, powers, functions, and obligations of the Board, and providing for such matters not inconsistent with this section as are contemplated or required by this section or as may, in his opinion, be necessary or expedient for giving full effect to the provisions thereof.

(7) Without in any way limiting the generality of the provisions of subsection six of this section, regulations made under this section may provide for all or any of the following matters:

- (a) The number of members of the Board;
- (b) The qualification for membership of the Board;
- (c) The term of office of members of the Board;
- (d) The mode of filling vacancies on the Board;
- (e) The powers and functions of the Board, including the power to invest any moneys under the control of the Board; the power to purchase or otherwise acquire land with moneys under the control of the Board; the power to develop, farm, or otherwise administer any such land, and to sell, lease, or otherwise dispose of any such land; the power to borrow money on the security of a mortgage or charge upon any land or other property so purchased by the Board; and the power to lend money;

- (f) The expenditure by the Board of moneys under its control for the promotion of the health, social and economic welfare, or education of members of the Aupouri Tribe or their descendants:
- (g) The payment of administration expenses:
- (h) The keeping of accounts and the auditing thereof.

(8) Notwithstanding the provisions of any Act or of any rule of law or equity to the contrary, no member of the Board constituted under this section shall be debarred by virtue of his membership of the Board from receiving any benefit from any moneys administered by the Board:

Provided that no money shall be applied by the Board, whether by way of grant or loan or in any other manner, for the exclusive benefit of any member of the Board without the prior approval in writing of the Minister:

Provided also that no member of the Board shall take part in any discussion or vote on any resolution of the Board concerning the application of any such moneys for his exclusive benefit.

(9) Notwithstanding anything contained in this section, the Court, on the application of the Maori Trustee, may, from time to time, by order vest in the Board all or any of the property, either real or personal, to which this section applies, and the Board shall have power to administer any property so transferred in accordance with regulations made in that behalf pursuant to this section. The District Land Registrar is hereby authorized to make all such entries in or amendments to the register as may be necessary to give effect to any order made by the Court under this subsection.

Waikato-Maniapoto District

22. Whereas the block of land now known as Section 131, Parish of Waiuku West, but formerly known as Te Pukahu, was, by Crown grant dated the twenty-first day of October, eighteen hundred and sixty-five, granted to certain Maoris: And whereas by a certain deed of conveyance dated the twelfth day of September, eighteen hundred and sixty-seven, the said land was conveyed to one Mere Tupara: And whereas the said land is still in

Validating
certain
documents in
respect of
Section 131,
Parish of
Waiuku West.

the possession of the descendants of the said Mere Tupara: And whereas doubts have been raised as to the validity of certain of the documents by which title to the said land has been derived by the present owners thereof: And whereas the Court after due inquiry has recommended that these doubts be resolved by legislation: Be it therefore enacted as follows:

(1) The documents referred to in the Schedule to this Act are hereby declared to be valid and each of them is hereby declared to have taken effect according to its tenor as from the date thereof.

(2) The District Land Registrar for the Land Registration District of South Auckland is hereby authorized and directed to make all such entries in the register as may be necessary to give effect to this section.

Tairawhiti District

Incorporation
of proprietors
of Mangatu
Nos. 1, 3, and
4 Blocks.
1947, No. 59
1953, No. 94

23. (1) The body corporate constituted by Part III of the Maori Purposes Act 1947, under the name of "The Proprietors of the Mangatu Nos. 1, 3, and 4 Blocks (Incorporated)" (in this section referred to as the body corporate), shall be deemed to be a body corporate established under Part XXII of the Maori Affairs Act 1953, and the body corporate of owners established in respect of the body corporate shall be enabled to occupy and manage the land owned by or vested in the body corporate or any portion of that land as a farm or farms, to carry on any agricultural or pastoral business thereon, to engage in the felling of marketable timber trees standing on the said land, to establish and carry on timber mills, to grant licences to cut and remove timber, and to engage in any other operations for the production, utilization, or sale of timber.

(2) Subject to the provisions of this section, the provisions of the said Part XXII shall, as far as they are applicable and with any necessary modifications, apply to the said body corporate and to the committee of management thereof in all respects as if the body corporate had been incorporated pursuant to an order of incorporation made by the Court under that Part and the objects of the body corporate referred to in subsection one of this section were the objects defined by the Court.

(3) Notwithstanding the provisions of Part XXII of the Maori Affairs Act 1953, the committee of management established under Part III of the Maori Purposes Act 1947 shall be deemed to be the first committee of management of the body corporate established by this section, and each member of that committee in office on the commencement of this section shall remain in office until his successor is elected or appointed in accordance with regulations made under section two hundred and ninety-four of the Maori Affairs Act 1953.

(4) Part III of the Maori Purposes Act 1947, the ~~Repeals~~
First Schedule to that Act, and section sixty-one of the 1950, No. 98
Maori Purposes Act 1950 are hereby repealed.

(5) This section shall come into force on the first day of April, nineteen hundred and fifty-four.

Ikaroa District

24. (1) Section sixty-two of the Maori Purposes Act 1950 is hereby amended by omitting from subsection three the words "as the beneficiaries shall agree upon", and substituting the words "as the Court shall determine".

As to costs of claims in respect of Aorangi Block.
1950, No. 98

(2) The Court is hereby empowered, upon application made by the Maori Trustee in that behalf, to inquire into all claims which may be made by any person or persons to any portion of the sum of five thousand pounds referred to in subsection three of section sixty-two of the Maori Purposes Act 1950 and to determine to what person or persons the said sum ought to be paid and in what proportions.

25. Whereas an area of land commonly known as Ngatahira and containing one hundred and sixty-three acres was erroneously included in a Crown grant issued on the fourteenth day of July, eighteen hundred and sixty-six, under the Native Lands Act 1865 for an area of land therein described as the Omarunui Block and containing three thousand five hundred and seventy-three acres: And whereas, by reason of the erroneous inclusion, the Maoris who, according to Maori custom and usage, were theretofore the owners of Ngatahira aforesaid were without their consent deprived of their rights and interests in the said Ngatahira: And whereas it is desirable that compensation should be made to those

Settlement of Omarunui claim.

1865, No. 71

Maoris or their representatives in respect of the deprivation so suffered: Be it therefore enacted as follows:

(1) In settlement of all claims and demands which have heretofore been made or which may hereafter be made upon Her Majesty's Government in New Zealand in respect of, or arising out of, the erroneous inclusion in the Crown grant made on the fourteenth day of July, eighteen hundred and sixty-six, for the Omarunui Block of the area of land known as Ngatahira, there shall be paid to the Maori Trustee, from moneys appropriated by Parliament for the purpose, a sum of four thousand pounds to be dealt with by him in accordance with subsection two of this section.

(2) The Maori Trustee shall distribute the said sum of four thousand pounds to the persons to be determined in the manner provided by this section who would have been, on the commencement of this Act, the owners according to Maori custom and usage of the area of land formerly known as Ngatahira aforesaid if that land had continued to be Maori customary land and had not been granted by the Crown to any person.

(3) The Maori Land Court is hereby empowered and authorized, upon application made in that behalf by any person claiming to be interested, to determine who are the persons who would have been the owners of Ngatahira as aforesaid in accordance with Maori custom and usage on the commencement of this Act and to determine what would have been their relative shares or interests in the land.

(4) In the exercise of the jurisdiction conferred by subsection three of this section the Court shall, subject to the provisions of this section, proceed as nearly as may be as if it were exercising jurisdiction under Part IV of the principal Act and as if the said Ngatahira were Maori customary land, and the provisions of that Part of that Act shall, as far as they are applicable and with the necessary modifications, apply accordingly:

Provided that nothing in this subsection shall be deemed to authorize the Court to make a freehold order in respect of any land or any other order in derogation of the existing title to that land.

(5) In the exercise of the jurisdiction conferred by subsection three of this section the Court, subject to the foregoing provisions of this section, shall proceed as if

no determination or purported determination by the Court of the owners of Ngatahira had in fact been made.

General

26. (1) Notwithstanding anything contained in section twenty-three of the Appropriation Act 1925 or in any other enactment, or in any instrument, the Maori Trustee is hereby authorized and empowered to set aside out of moneys now held in the fund referred to in that section (in this section referred to as the principal fund) such sum as the Minister of Maori Affairs shall approve for the purpose of establishing a scholarship fund (in this section referred to as the scholarship fund).

(2) The Maori Trustee is hereby further authorized and empowered to pay into the scholarship fund in any financial year any balance of the net income of the principal fund received during, and remaining unexpended at the end of, the last preceding financial year.

(3) The Maori Trustee shall pay into the scholarship fund any sums which may from time to time be contributed by any person or body for the purpose.

(4) The Maori Trustee shall administer the scholarship fund for the purpose of assisting in the higher education of Maoris or descendants of Maoris, whether within or outside New Zealand.

(5) Out of the moneys in the scholarship fund the Maori Trustee may, in his discretion, make grants to any individual or to the Education Department or to any school or other institution for the purpose of furthering the higher education of Maoris or descendants of Maoris.

(6) The Maori Trustee is hereby authorized and empowered to delegate any of his powers and functions under section twenty-three of the Appropriation Act 1925 or this section to a district committee to be established in each Maori Land Court district, each such committee to comprise the representative of the Maori Trustee for the district, who shall be the chairman of the committee, and not more than four other persons appointed by the Maori Trustee, being Maoris who served with the First New Zealand Expeditionary Force:

Provided that any such delegation shall be limited to a power to approve grants not exceeding fifty pounds in any one case:

Authorizing
Maori Trustee
to use portion
of Maori
Soldiers' Fund
for educational
purposes.

1925, No. 52

Provided also that any such committee shall have power to recommend to the Maori Trustee that a grant exceeding fifty pounds should be made in any particular case.

**Maori
Trustee
authorized to
abate charges
for
improvements
on lands
comprised in
Hoia Station.**

27. (1) Subject to the provisions of subsection two of this section, the Maori Trustee may, with the approval of the Board of Maori Affairs, write off in respect of the several amounts which were payable to the Maori Trustee as compensation for improvements, and which were constituted as charges on the several blocks of land referred to in subsection three of this section, such amounts as to him seem equitable, and, to the extent that the several amounts are so written off, the charges in respect of the blocks to which they relate shall be deemed to have been discharged accordingly.

(2) No greater amount shall be written off under the authority of this section than the amount by which the amount charged on the appropriate block exceeds the value of the improvements for which the Maori Trustee was entitled to compensation as disclosed by a valuation made under the Valuation of Land Act 1951, and adjusted as nearly as may be to the date of the expiry of the lease by which a right to compensation for improvements was conferred on the Maori Trustee.

(3) The several blocks of land to which this section relates are the blocks known as Wharekahika No. 8A, Wharekahika No. 8D, Wharekahika No. 18J, Wharekahika No. 18K, and Wharekahika No. 18L, situated in the Tairawhiti Maori Land Court District, and comprising portion of the property controlled and managed by the Maori Trustee under the name of Hoia Station.

1951, No. 19

**Settlement
of surplus
lands claims.**

28. Whereas by Warrant under the hand of the Governor-General dated the fifth day of October, one thousand nine hundred and forty-six, a Commission of Inquiry was appointed to inquire into and report upon certain Maori claims touching certain lands commonly known as surplus lands of the Crown: And whereas the members of the Commission in the report of the Commission which is reproduced in paper G-8 of the Appendices to the Journals of the House of Representatives for the year nineteen hundred and forty-eight, came to the conclusion that certain Maori tribes had suffered injustice by reason of the fact that certain

lands had become surplus lands of the Crown: And whereas the majority of the members of the Commission recommended that a sum of sixty-one thousand three hundred and seven pounds ought to be paid to the said Maori tribes as compensation: And whereas the Maori tribes concerned have by their representatives agreed to accept payment of the said sum in full settlement and discharge of their claims: And whereas it is desirable to make provision for a settlement accordingly and for the control and administration of the moneys paid thereunder: Be it therefore enacted as follows:

(1) In settlement of all claims and demands which have heretofore been made or which may hereafter be made upon Her Majesty's Government in New Zealand in respect of or arising out of the acts, transactions, and dealings, or purported dealings, whereby certain lands became surplus lands of the Crown as more particularly set forth in the report of the Commission of Inquiry aforesaid, there shall be paid to the Maori Trustee, from moneys appropriated by Parliament for the purpose, a sum of sixty-one thousand three hundred and seven pounds.

(2) The said sum shall be distributed by the Maori Trustee in accordance with the following provisions:

(a) To the Whakatohea Trust Board constituted under section twenty-six of the Maori Purposes Act 1949, the sum of four thousand six hundred and forty-eight pounds fourteen shillings:

1949, No. 46

(b) To the Tainui Trust Board constituted by the Waikato-Maniapoto Maori Claims Settlement Act 1946, the sum of four thousand one hundred and fifty-five pounds eighteen shillings, to be administered by that Board for the benefit of the subtribes within whose boundaries were situated the respective areas of surplus lands in respect of which the said sum is payable:

1946, No. 19

(c) To the Taitokerau Maori Trust Board to be constituted under this section, the sum of forty-seven thousand one hundred and fifty pounds four shillings:

(d) The sum of eighty-two pounds twelve shillings, being compensation in respect of surplus lands situated on Whanganui Island, in Coromandel Harbour; the sum of five hundred and thirty-four pounds two shillings, being compensation in respect of the surplus lands situated on Waiheke Island; and the sum of four thousand seven hundred and thirty-five pounds ten shillings, being compensation in respect of surplus land situated on Great Barrier Island, shall be paid by the Maori Trustee to such Trust Board or Boards, body or bodies, or group or groups of persons, and in such proportions, as the Court shall decide pursuant to subsection three of this section.

(3) The Court is hereby authorized and empowered, upon application being made in that behalf by the Maori Trustee, to determine to what Trust Board or Boards, body or bodies, group or groups of persons, and in what proportions, the compensation payable in respect of surplus lands situated on the said Whanganui Island, Waiheke Island, and Great Barrier Island ought to be paid.

(4) The Governor-General may, by Order in Council, constitute a Trust Board to be known as the Taitokerau Maori Trust Board (in this section referred to as the Taitokerau Board) for the purpose of administering the compensation moneys payable under this section to the Taitokerau Board on behalf of the members of the Maori tribes of North Auckland known as Ngati Whatua, Ngapuhi, Te Rarawa, Ngati Kahu, and Te Aupouri.

(5) The Taitokerau Board shall be a body corporate with perpetual succession and a common seal.

(6) The members of the Taitokerau Board shall be appointed by the Governor-General in Council, and the Governor-General in Council may by regulation prescribe the number of members, the method of nomination of such members, the qualification for membership, the term of office, the mode of filling vacancies on the Taitokerau Board, the administration of the funds of the Taitokerau Board, the payment

of administration expenses, the keeping and auditing of accounts, and generally such other matters as may be necessary to give effect to this section.

(7) The Taitokerau Board shall administer the funds held by it for such general purposes as are set out in the Order in Council constituting the Board or in any other Order in Council varying the purposes which may be made from time to time, and, subject to such general purposes, it shall be within the power of the Taitokerau Board to determine finally what may be a proper object for which a payment may be made out of the funds.

(8) The Taitokerau Board shall have power to buy and sell property, subject to such limitations and restrictions as may be prescribed by regulations made under this section, to erect, maintain, and improve buildings, to farm or otherwise administer land owned by it, to lend money, to borrow money on the security of property owned by it, to act as guarantor for Maoris or their descendants, and generally to do and suffer all things that a body corporate may do and suffer.

(9) Notwithstanding the provisions of any Act or of any rule of law or equity to the contrary, no member of the Taitokerau Board shall be debarred by virtue of his membership of the Taitokerau Board from receiving any benefit from any moneys administered by the Taitokerau Board:

Provided that no moneys shall be applied by the Taitokerau Board, whether by way of grant or loan or in any other manner, for the exclusive benefit of any member of the Taitokerau Board without the prior approval in writing of the Minister of Maori Affairs:

Provided also that no member of the Taitokerau Board shall take part in any discussion or vote on any resolution of the Taitokerau Board concerning the application of any such moneys for his exclusive benefit.

29. Section thirteen of the Maori Purposes Act 1948 as amended by section eight of the Maori Purposes Act 1950, section nine of the Maori Purposes Act 1951, and section six of the Maori Purposes Act 1952 is hereby amended as follows:

(a) By omitting the words "thirty-first day of December, nineteen hundred and fifty-three" wherever they occur in subsections one, two,

Extension of
terms of
certain
leases.
1948, No. 69
1950, No. 98
1951, No. 75
1952, No. 70

and three, and substituting in each case the words "thirtieth day of September, nineteen hundred and fifty-four":

- (b) By repealing subsection four, and substituting the following subsection:

"(4) Notwithstanding anything contained in any lease the term of which is hereby extended, any valuation required to be made for the purpose of determining the value of the improvements for which the lessee is entitled to compensation shall be lawfully and validly made if it is made at any time between the thirty-first day of March, nineteen hundred and fifty-four and the thirtieth day of September, nineteen hundred and fifty-four; and the period in which application to the Court for the appointment of a receiver is required to be made, in accordance with section two hundred and eighty-seven of the principal Act, for the purpose of enforcing any charge for improvements, shall not commence to run until the thirtieth day of September, nineteen hundred and fifty-four":

- (c) By adding thereto the following subsection:

"(6) Notwithstanding anything in the foregoing provisions of this section or in any lease to which this section applies, it shall not be lawful for any lessee holding under any such lease to cut or remove, after the thirty-first day of December, nineteen hundred and fifty-three, or after that date to authorize or permit any other person to cut or remove from the land comprised in the lease any timber or timber trees; and if any lessee cuts or removes or authorizes or permits any timber or timber trees to be cut or removed in contravention of the provisions of this section, the Maori Trustee may exercise in respect of the lease and the lessee the same remedies that he could have exercised if it had been a term of the lease that the lessee should not cut or remove or authorize or permit any timber or timber trees to be cut or removed and that he should be

liable, at the suit of the lessor, for damages to the extent of the market value of the timber or timber trees so cut or removed. For the purposes of this subsection, "lessee" includes the successors, executors, administrators, or assigns of the lessee."

SCHEDULE

Schedule.
Section 22 (1)

1. Deed of conveyance dated the 12th day of September 1867 made between Aihepene Kaihau and Hori Tauroa of the one part and Mere Tupara of the other part of all that piece or parcel of land in the Province of Auckland, containing by admeasurement 29 acres, more or less, Lot Number 23, being the land known as Te Pukahu, situated in the Maioro Block, West Waiuku, bounded towards the north by the Te Pukahu Creek, towards the east by a public road 280 links, 350 links, 600 links, and 400 links, towards the south by Lot Number 26 of the Maioro Block 1995 links and 1285 links, and towards the north-west by Lot Number 24 of the Maioro Block 204 links.

2. Probate of the will of Mary Codlin, deceased, granted by the Supreme Court at Auckland on the 12th day of June 1896 to Cleatus Codlin as sole executor.

3. Deed of conveyance made on the 14th day of October 1910 between Cleatus Codlin of the one part and Alice Mary Codlin, wife of Charles Codlin, of Dargaville, Labourer, of the other part conveying all that piece or parcel of land in the Province of Auckland, containing 29 acres, more or less, being Lot 23, being the land known as Te Pukahu, situated in the Maioro Block, West Waiuku, bounded on the north by the Te Pukahu Creek, towards the east by a public road 280 links, 350 links, 600 links, 400 links, towards the south by Lot 26 of the Maioro Block 1995 links, 1285 links, and towards the north-west by Lot 24 of the Maioro Block 204 links.
