

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Conduct of elections and expenses thereof.</p> <p>4. Existing Trustees continued in office.</p> <p>5. Trustees to retire by rotation.</p> <p>6. Casual vacancies.</p> <p>7. Qualification of voters.</p> <p>8. Objections to voters' list.</p> <p>9. Hearing of objections.</p> <p>10. Roll to be printed.</p> <p>11. Voters may vote at all elections.</p> <p>12. Qualification of Trustees.</p> <p>13. Disqualification of Trustees.</p> <p>14. Ouster of office.</p> <p>15. Appointment of officers, &c.</p> <p>16. Regulations for conduct of business.</p> <p>17. Trustee not to vote when interested.</p> <p>18. Trustees incorporated.</p> | Fines | <p>19. Trust lands vested in present Trustees.</p> <p>20. Trust lands, &c., to be held for purposes of education and public library. Exception.</p> <p>21. Trustees may lease lands under "The Public Bodies' Powers Act, 1887."</p> <p>22. Trustees to keep books, &c.</p> <p>23. Balance-sheet to be prepared, audited, and published.</p> <p>24. Meeting to be held to receive yearly report and balance-sheet.</p> <p>25. Auditor.</p> <p>26. Liability of Trustees.</p> <p>27. Trustees may convey lands for widening streets in Masterton.</p> <p>28. Lands vested in Masterton Borough for roads.</p> <p>29. Land not required for public library may be leased.</p> <p>30. Deeds validated.</p> <p>31. Repeal.</p> <p>Schedules.</p> |
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1889, No. 13.—*Local.*

- Title.** 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. [16th September, 1889.]
- Preamble.** 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 six 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:—
- Short Title.** 1. The Short Title of this Act is "The Masterton Trust Lands Act, 1889."
- Interpretation.** 2. In this Act, if not inconsistent with the context,—
"District," or "Masterton District," means the Small-farm Settlement of Masterton, and the Borough of Masterton:

“Public notice” means a notice published in some newspaper 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” means the lands described in the First Schedule 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 elected under this Act and their successors, in whom are vested the trust lands as defined by this Act.

3. All elections under this Act shall be conducted under “The Regulation of Local Elections Act, 1876,” which is hereby incorporated with this Act for such purpose. Conduct of elections and expenses thereof.

The Trustees shall, for the purposes of all such elections, be deemed to be a local body within the meaning of the aforesaid Act.

All the costs attending any election under this Act shall be paid by the Trustees out of any funds, save and except the funds derived from town acres numbered forty-two, one hundred and six, and one hundred and eleven, which may come into their possession as such Trustees.

4. The six persons who at the time of the commencement of this Act hold office respectively under the Acts hereby repealed as Trustees of the aforesaid trust lands shall continue in office under this Act for the residue of their term of office, and shall retire respectively from office in rotation according to seniority from the date of their election under the said repealed Acts. Existing Trustees continued in office.

5. On the last Thursday in May next after the commencement of this Act, and on the same day in every subsequent year thereafter, 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 Trustees in their place, who shall hold office until the election of their successors. Trustees to retire by rotation.

6. 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 become bankrupt, or execute a deed of composition with his creditors, or 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. Casual vacancies.

Thereupon 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.

But if an extraordinary vacancy is created in the office of a Trustee within three months previous to the time when such Trustee would have vacated his office by rotation, then and in every such case the remaining Trustees shall, within one month from the occurrence of such vacancy, appoint another Trustee in his place, to hold office until the next annual election of Trustees.

Any retiring Trustee may be re-elected.

Qualification of voters.

7. 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 such names the place 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 for inspection at such office.

Objections to voters' list.

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

- (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;
- (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.

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 all office hours, from the sixteenth to the twenty-first day of February inclusive.

Hearing of objections.

9. The Trustees shall hold a meeting upon a day between the twenty-second and twenty-eighth days 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 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.

Roll to be printed.

10. As soon as possible after the voters' list has been compiled and certified the roll shall be printed with the names inserted in alphabetical order, and annually revised. Any person shall be entitled to a copy of the printed roll at a price to be fixed by the Trustees.

Voters may vote at all elections.

11. Every person whose name is entered on the voters' list, and who is not disqualified, shall be entitled to vote at all elections in the 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 Trustees.

12. Every person resident within the Masterton District as herein defined, whose name is entered on the voters' list of the said district, and no other person, shall, if not disqualified, be eligible for the office of Trustee.

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

- (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 ;
- (4.) Any person convicted of felony, perjury, or of any infamous crime ;
- (5.) Any person being concerned or participating (other than as a shareholder in an incorporated company, or in an association or partnership consisting of more than twenty persons) in any contract with, or work to be done for, the Trustees, if the payment of such contract or such work exceeds five pounds for any one contract or work, or ten pounds altogether in any year, if more than one contract or work : Provided that the leasing of land to or from the Trustees shall constitute a disqualification under this subsection ;
- (6.) Any person who shall cease for a period of six months to be *bonâ fide* resident within the district.

14. Upon *primâ 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. Ouster of office.

- (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 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 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 shall be removable into the Supreme Court by *certiorari* or otherwise.

15. The Trustees may from time to time appoint or remove a Secretary and such other officers as they think necessary, and may pay such persons such salaries or allowances for their services out of the Trust funds as they may think fit. Appointment of officers, &c.

All officers holding office at the commencement of this Act shall continue in office subject to the provisions of this Act.

16. The Trustees may from time to time make regulations for the conduct of business, and of keeping minutes thereof, and also for Regulations for conduct of business.

fixing a quorum, appointing a Chairman, and fixing his term of office, appointing the times of meetings, and for regulating 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.

17. 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 at the suit of any elector in a summary manner before any two Justices of the Peace or a Resident Magistrate.

Fines to go to funds of Trust.

All penalties shall be paid into the Masterton Town Lands Trust Account.

Trustees incorporated.

18. 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 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.

Trust lands vested in present Trustees.

19. The lands mentioned in the First Schedule to this Act shall, on the passing of this Act, vest without conveyance in the several persons who at the time of the said passing hold office as Trustees of the said lands, and their successors duly elected under the provisions of this Act, as joint tenants in fee-simple upon the trusts mentioned in this Act.

Trust lands, &c., to be held for purposes of education and public library.

20. The lands vested in the Trustees shall be held by them upon trust for the purposes of assisting general public educational establishments, and for a public library, and other purposes of public utility in the district; and the yearly rents and profits already accrued and 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.

Exception.

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 assisting the holders within the district from time to time of any scholarships, whether founded by the Trust or otherwise, in the progress of their education.

Trustees may lease lands under "The Public Bodies' Powers Act, 1887."

21. The Trustees shall be deemed to be a leasing authority within the meaning and for the purposes of "The Public Bodies' Powers Act, 1887," which (excepting sections six, twelve, fourteen, fifteen, and sixteen thereof) 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 or any Act passed in amendment or substitution thereof.

Trustees to keep books, &c.

22. 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.

23. On or before the fifteenth 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 Auditor, and such Auditor shall return the balance-sheet on or before the thirtieth day of April, or as soon thereafter as possible, with his certificate and report thereon, and such balance-sheet and Auditor's report shall be published in some newspaper circulating in the district.

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

24. For the purpose of receiving the yearly report and balance-sheet of the Trustees, 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 May, 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.

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

25. The Auditor-General shall be auditor after the expiry of the term of office of the present Auditors.

Auditor.

26. 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.

Liability of Trustees

27. 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."

28. The several pieces of land enumerated in the Second Schedule shall, on the passing of this Act, vest without conveyance in the

Lands vested in Masterton Borough for roads.

Corporation of the Borough of Masterton for road purposes, in case the same have not heretofore been conveyed to the said Corporation by the Trustees under any authority vested in them in that behalf.

Land not required
for public library
may be leased.

29. All the part of town acre numbered one hundred and four on the official map or plan of the Township of Masterton which, under the provisions of "The Masterton and Greytown Lands Management Acts Amendment Act, 1883," became vested in the Corporation of the Borough of Masterton for the purposes of a public library, with the powers mentioned in and subject to the provisions of "The Public Libraries Act, 1869," shall continue so vested, and the Council of the said borough shall have power to lease any portion of the land so vested in the Corporation as shall not be required for a public library or the uses thereof for any term not exceeding twenty-one years, subject that every such lease shall be disposed of by public auction or public tender after public notification thereof, as the said Council shall think fit, and the proceeds paid over to the Public Library Account.

Deeds validated.

30. The several deeds mentioned in the first column of the Third Schedule hereto shall be deemed to have been, from the respective dates thereof, valid and effectual for all intents and purposes.

Repeal.

31. The several Acts enumerated in the Fourth Schedule hereto are hereby repealed to the extent in the said Schedule mentioned.

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, excepting so much of the said section as is required for railway purposes.

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.

Town Acre.	Measurement.	Name of Street made or widened.
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.

DEEDS AFFECTING MASTERTON LANDS.

Nature and Date of Deed.	Parties taking thereunder.	Trusts.	Registered Number.
Conveyance of Town Acre No. 1. Date, 10th March, 1863	C. J. Abraham and others	For Church of England	3737.
Conveyance of part of Town Acre No. 21	...	For a Presbyterian church.	
Conveyance of Town Acre No. 105	...	For a Wesleyan church.	
Conveyance of part of Town Acre No. 2	...	For a telegraph office, post office, and courthouse.	2061.
Conveyance of Town Acre No. 89 Date, 3rd December, 1859	James Buller	For a public school-house	
Conveyance of Town Acre No. 47	...	For a Roman Catholic church.	

FOURTH SCHEDULE.

ACTS AND ENACTMENTS REPEALED.

- 1871, No. 25.—The Masterton and Greytown Lands Management Act, 1871. In part—namely, section 25 and the Second Schedule, and so much of sections 26 to 28, both inclusive, and of the Third Schedule as relates to the Masterton trust lands and the Trustees thereof.
- 1876, No. 19.—The Masterton and Greytown Lands Management Act 1871 Amendment Act, 1876. In part—namely, section three.
- 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, 9, and 10.
- 1885, Local, No. 21.—The Special Powers and Contracts Act, 1885. In part namely, paragraph 28 of the First Schedule thereof.