New Zealand.

ANALYSIS.

Title.
1. Short Title.
2. Interpretation.

Constitution.

3. Establishment of Native Trust Office.
4. Appointment of Native Trustee and of Deputy Native Trustee.
5. Powers and functions of Deputy Native Trustee.
6. Incorporation of Native Trustee.
7. Courts to take judicial notice of appointment of Native Trustee and of official seal.
8. Contracts of Native Trustee.
9. Delegation of powers of Native Trustee.
10. Appointment of officers of Native Trust Office.
11. Native Trust Office Board.
12. Acts of Board not invalidated by reason of vacancy in membership.
13. Conduct of business of Native Trust Office Board.

Powers of Native Trustee.

14. Saving of orders under section 172 of Native Land Act, 1909.
15. Native Trustee may, with the consent of Governor-General in Council, accept special trusts in favour of Natives.
16. Deposit in Common Fund may be accepted from Natives.
17. Native Trustee may act as trustee of person under disability until other trustee appointed.
18. Extension of powers of Native Trustee with respect to administration of Native estates.
19. Certificate by Native Trustee that he has been appointed to administer any estate to be sufficient evidence of fact.
20. Enabling Native Trustee to acquire land for roading or other purposes.
21. Sections 71 and 72 of the Property Law Act, 1908, not to apply to mortgages in favour of the Native Trustee.
22. Native Trustee not required to comply with provisions of Native Land Act, 1909, as to limitation of area.
23. Native Trustee may be appointed trustee, executor, agent, or attorney.
24. Native Trustee to have power to sell deceased person's estate.
25. Minister may authorize Native Trustee to administer lands.
26. Custody of securities.

Native Reserves.

27. Transfer of Native reserves to Native Trustee.
28. References to Public Trustee in relation to Native reserves to be construed as references to Native Trustee.
29. Registration of title of Native Trustee.
30. Powers of Board under Native Reserves Act, 1882, vested in Native Trustee.
31. Mode of fixing rent to be reserved on renewal of leases of Native reserves.
32. Authorizing Native Trustee to lease Native reserves for periods not exceeding twenty-one years.
33. Powers of leasing Poukawa Native Reserve.
34. Exemption of certain lands in Native reserves from provisions as to limitation of area.
35. In special cases Native Trustee may dispose of Native reserve for benefit of beneficial owners.
36. Special provisions relative to accumulations of revenues from "New Zealand Company's Reserved Tenths."
37. Authorizing Native Trustee to grant to any local authority easements in respect of drainage or sewerage operations.
38. Transfer from Public Trustee to Native Trustee of rights and liabilities under contracts.
39. Native Trustee deemed to be leasing authority.

Financial.

40. Native Trustee's Account.
41. Common Fund.
42. Deficiency in Native Trustee's Account to be met by payment out of Consolidated Fund.
43. Salaries, &c., to be charged on Native Trustee's Account.
44. Transfer of moneys from Public Trustee to Native Trustee's Account.
45. Other moneys payable into Native Trustee's Account.
46. Native Trustee to hold moneys on trust for beneficiaries.
47. Investment of moneys in Native Trustee's Account.
48. Native Trustee to furnish annual balance-sheet.
49. Application of profits of Native Trust Office.

50. Advances from Native Trustee's Account.
51. Native Trustee may accept chattel security or assignment of rent by way of collateral security.
52. Legalizing assignments of rents of Native reserves or other Native lands to Native Trustee.
53. Funds accepted for special investment otherwise than in Common Fund not guaranteed.

Regulations.

54. Regulations.
55. Acts repealed. Savings. Schedules.

1930, No. 33.

AN ACT to consolidate and amend certain Enactments of the General Assembly relating to the Native Trustee, the Native Trust Office, and the Administration of Native Reserves. [*25th October, 1930.* Title.

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

1. This Act may be cited as the Native Trustee Act, 1930. Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation. 1920, No. 21, s. 2

"Court" means the Native Land Court:

"Native" and "European" have the same meanings respectively as in the Native Land Act, 1909:

"Native reserve" means any Native reserve vested in or administered by the Native Trustee pursuant to the Native Trustee Act, 1920, being all lands which prior to the first day of April, nineteen hundred and twenty-one (being the date of the coming into operation of the Native Trustee Act, 1920), were vested in the Public Trustee under the Native Reserves Act, 1882, or the West Coast Settlement Reserves Act, 1892, or the Westland and Nelson Native Reserves Act, 1887, or under any amendment of any of those Acts, or under any other Act in force prior to such date as aforesaid, whereby any land was expressly vested in the Public Trustee as a Native reserve, and any reserve which, though not vested in the Public Trustee, was prior to the date aforesaid being administered by the Public Trustee for the benefit of Natives:

"Native Trust Office Board" or "Board" means the Native Trust Office Board constituted by this Act.

Constitution.

3. There shall be an office called the Native Trust Office, which shall be the same office as that existing under the same name at the passing of this Act, and which shall be charged with the administration of this Act, and shall be under the control of the Native Minister. Establishment of Native Trust Office. 1920, No. 21, s. 3 1921, No. 29, s. 2

4. (1) For the purposes of this Act there shall be appointed an officer of the Public Service to be called the Native Trustee and also an officer to be called the Deputy Native Trustee. Appointment of Native Trustee and of Deputy Native Trustee.

(2) The persons holding office as Native Trustee and Deputy Native Trustee respectively at the passing of this Act shall be deemed to have been appointed under this Act. 1920, No. 21, s. 4

5. (1) The Deputy Native Trustee shall, under the control of the Native Trustee, perform such general official duties in respect of the administration of this Act as he is called upon to perform by the Native Trustee. Powers and functions of Deputy Native Trustee. Ibid., s. 5

(2) On the occurrence from any cause of a vacancy in the office of the Native Trustee (whether by reason of death, resignation, or otherwise) and in case of the absence from duty of the Native Trustee (from whatever cause arising), and so long as such vacancy or absence continues, the Deputy Native Trustee shall have and may exercise all the powers, duties, and functions of the Native Trustee.

(3) The fact of the Deputy Native Trustee exercising any power, duty, or function as aforesaid shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorizing him so to do.

Incorporation of Native Trustee.
1920, No. 21, s. 6

6. The Native Trustee is hereby constituted a corporation sole with perpetual succession and a seal of office.

Courts to take judicial notice of appointment of Native Trustee and of official seal.
Ibid., s. 7

7. All Courts shall take judicial notice of the appointment of the Native Trustee and the Deputy Native Trustee, of their respective signatures, and of the official seal.

Contracts of Native Trustee.
Ibid., s. 8

8. (1) Any contract which, if made between private persons, must be by deed shall, if made by the Native Trustee, be in writing signed by him and sealed with his official seal.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Native Trustee, be in writing signed by the Native Trustee or by some person duly authorized by him in that behalf.

(3) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of the Native Trustee.

Delegation of powers of Native Trustee.
1921, No. 29, s. 7

9. (1) Any officer of the Native Trust Office who is authorized by the Native Trustee in writing in that behalf may make any oath or declaration required to be made by the Native Trustee under the rules of any Court or otherwise, or verify any account and give personal attendance in any Court in lieu of the Native Trustee so acting.

(2) The Native Trustee may authorize in writing any officer of the Native Trust Office to execute transfers and assurances of any real or personal property, to sign any documents to be filed in any Court requiring the Native Trustee's signature, or give consents or sign any other documents or instruments requiring the signature of the Native Trustee.

(3) Such officer shall sign his personal name, adding the words "acting under the authority of the Native Trustee pursuant to section nine of the Native Trustee Act, 1930," and shall affix the Native Trustee's seal of office in cases requiring the use of such seal.

(4) Such authority may either be general or apply to a particular case and may at any time be revoked.

(5) Any such transfer, assurance, consent, document, or instrument executed as aforesaid by an officer so authorized shall have the same effect as if the same were duly executed by the Native Trustee.

(6) No person shall be concerned to inquire whether such officer is duly authorized, and such officer's signature shall be judicially taken notice of without further proof.

Appointment of officers of Native Trust Office.
1920, No. 21, s. 9

10. (1) There shall be appointed from time to time such inspectors, clerks, workmen, and other officers as may be required for the administration of any Native reserve under this Act, and generally for the purpose of carrying on the business of the Native Trust Office.

(2) All appointments to the Native Trust Office shall be made in the manner prescribed by the Public Service Act, 1912, and all persons so appointed shall be officers of the Public Service, and subject accordingly to the provisions of that Act.

Native Trust Office Board.
1920, No. 21, s. 10

11. (1) There shall be a Board to be called the Native Trust Office Board, which shall be the same Board as that existing under the same name at the passing of this Act.

(2) The Board shall consist of—

(*a*) The Native Minister;

(*b*) One other member of the Executive Council, being a Native or half-caste, to be appointed by the Governor-General;

(*c*) The Native Trustee;

(*d*) The Under-Secretary of Native Affairs;

(*e*) The Under-Secretary for Lands;

(*f*) The Financial Adviser to the Government; and

(*g*) One other person to be appointed by the Governor-General.

(3) The member appointed under paragraph (*g*) of the last preceding subsection shall be appointed for a term of two years, but shall be eligible for reappointment from time to time, and may be removed at any time by the Governor-General for inefficiency, disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Governor-General.

Acts of Board not invalidated by reason of vacancy in membership.
Ibid., s. 11

12. No act done by the Board shall be invalid because of any vacancy in the membership of the Board, or because of any person continuing to act as a member of the Board after having vacated his seat thereon, or because of any defect or irregularity in the appointment of any member of the Board.

Conduct of business of Native Trust Office Board.
Ibid., s. 12
1922, No. 54, s. 3

13. (1) Meetings of the Board shall be held at such times and places as the Board or the Chairman may from time to time appoint, or as may from time to time be prescribed.

(2) At all meetings of the Board three members shall form a quorum, and no business shall be transacted at any meeting of the Board unless a quorum is present thereat.

(3) The Native Minister shall be the Chairman of the Board, and shall preside at all meetings of the Board at which he is present.

(4) In the event of the absence of the Chairman from any meeting of the Board the members present may elect one of their number to be chairman of that meeting.

(5) At any meeting of the Board the decision of a majority of the members present shall be the decision of the Board.

(6) On all questions before the Board the Chairman shall have a deliberative vote, and, in case of an equality of votes, shall have a casting-vote also.

(7) All proceedings and resolutions of the Board shall be recorded in a minute-book in English, and, if and when so directed by the Board, shall be recorded in Maori also.

(8) A resolution of the Board shall bind the Native Trustee.

(9) All minutes or resolutions of any meeting of the Board, or a copy thereof purporting to be signed by the Chairman of the meeting, shall be *prima facie* evidence of such minutes or resolutions.

(10) Subject to the provisions of this Act, or of regulations thereunder, the Board may regulate its own procedure.

Powers of Native Trustee.

Saving of orders under section 172 of Native Land Act, 1909.

1920, No. 21, s. 23

14. All orders made under section one hundred and seventy-two of the Native Land Act, 1909, for the appointment of the Public Trustee as the trustee of any persons under disability, which by virtue of section twenty-three of the Native Trustee Act, 1920, have heretofore operated as if the appointment were the appointment of the Native Trustee and not of the Public Trustee, shall, in so far as they are subsisting at the passing of this Act, continue so to operate.

Native Trustee may, with the consent of Governor-General in Council, accept special trusts in favour of Natives.

Ibid., s. 24

1929, No. 20, s. 3

15. (1) The Native Trustee may, with the precedent approval of the Governor-General in Council, accept and hold in trust for any person or persons of the Native race any land or other property that may be transferred to him by the owners or other persons lawfully entitled to create such trust.

(2) No alienation of property to the Native Trustee made in pursuance of this section shall require confirmation under the Native Land Act, 1909, but confirmation of the same may be applied for and granted, and, if granted, shall have the same effect as in the case of alienations requiring confirmation. Where any such alienation has not been confirmed as aforesaid the Native Land Court shall have power to determine or vary the trust if in its opinion it is at any time necessary or expedient so to do.

(3) The trustees (whether appointed before or after the coming into operation of this Act, and however appointed) of any land or other property held in trust for any person or persons of the Native race, may, unless expressly prohibited by the terms of the trust, and notwithstanding the terms of the trust as to the number of trustees, appoint the Native Trustee (if he consents thereto) sole trustee in their place without obtaining the consent of any Court or Judge.

Deposit in Common Fund may be accepted from Natives.

1921, No. 29, s. 10

16. (1) The Native Trustee may, subject in each case to the approval of the Native Trust Office Board, accept from any person of the Native race any moneys for deposit in the Common Fund of the Native Trust Office, for such period as may be agreed on between the Native Trustee and the depositor.

(2) All such moneys shall bear interest at the rate for the time being determined by the Governor-General in Council pursuant to this Act, and such interest shall be payable at such times as may be agreed on in each case.

(3) The last preceding section shall not apply to deposits under this section.

Native Trustee may act as trustee of person under disability until other trustee appointed.

1922, No. 54, s. 4

17. (1) On receipt of notice in writing that a reception order under the Mental Defectives Act, 1911, has been made in respect of any Native, or in respect of any European entitled at law or in equity to any undivided share in Native freehold land, or on receipt of notice in writing that any Native or European as aforesaid is in prison, and, unless a trustee other than the Native Trustee has been duly appointed under Part X of the Native Land Act, 1909, the Native Trustee shall have in respect of such person or his property the same powers, duties, functions, and liabilities as if he had been duly appointed trustee under Part X of the Native Land Act, 1909.

(2) The powers, duties, functions, and liabilities of the Native Trustee under this section shall cease—

(*a*) When the person for whom he is acting as such trustee dies ; or

(*b*) When a trustee for that person is appointed under Part X of the Native Land Act, 1909 ; or

(*c*) When that person is discharged under the Mental Defectives Act, 1911, and it appears from the notice of discharge that he is able to manage his own affairs ; or

(*d*) When that person ceases to be subject to the Prisons Act, 1908.

Extension of powers of Native Trustee with respect to administration of Native estates.
1922, No. 54, s. 8

18. (1) When any Native dies, or has heretofore died, whether testate or intestate, and notwithstanding that some person other than the Native Trustee has been appointed executor or is entitled to letters of administration, the Native Trustee may, if he thinks fit, until probate or letters of administration are granted, exercise with respect to the estate of the deceased person all such powers and authorities and do all such acts and things as he would have or could exercise or do if the deceased person had died intestate and the Native Trustee had obtained administration :

Provided that the Native Trustee shall not have power to alienate any portion of the real estate of a deceased Native pending the grant of probate or letters of administration or the making of a succession order, as the case may require.

(2) All costs, charges, and expenses incurred by the Native Trustee under this section shall be a first charge upon the property of the deceased Native.

(3) Any person who afterwards takes out probate or letters of administration of the estate of any such deceased person shall, before he is entitled to act thereon, pay any costs, charges, commissions, and expenses incurred by or payable to the Native Trustee.

(4) The Native Trustee, acting under this section, shall not be deemed to be or to be liable as an executor or administrator *de son tort.*

(5) When the Native Trustee is the administrator of a testate or intestate estate, then, as to the shares of infants, the Native Trustee shall, subject to the terms of any will or to any order which the Native Land Court may make, hold the shares of such infants as trustee for such infants until such infancy expires, and such shares shall be dealt with and administered in accordance with the provisions of Part X of the Native Land Act, 1909.

(6) Where the Native Trustee is appointed executor, administrator, or trustee under the provisions of section one hundred and forty-six of the Native Land Act, 1909, as amended by section eight of the Native Trustee Amendment Act, 1922, all property, rights, powers, authorities, functions, and discretions vested in or conferred by the trust instrument on the executor, administrator, or trustee appointed thereunder shall, on such appointment and without any conveyance or assignment, become vested in and exercisable by the Native Trustee as fully and effectually as if he had been named as such executor, administrator, or trustee under such instrument.

Certificate by Native Trustee that he has been appointed to administer any estate to be sufficient evidence of fact.
1924, No. 43, s. 2

19. (1) Where the Native Trustee is executor or administrator or is by law authorized to administer the estate of any deceased person or to act under section seventeen of this Act, a certificate under his hand and sealed with his corporate seal certifying that he has taken out

probate or letters of administration or is authorized to administer or act as aforesaid, and stating the date when such probate or letters of administration were granted or when and how he became authorized to administer or act, and the name, residence, and description of the deceased person or person under disability, shall for all purposes be sufficient evidence of such death or disability, and of the appointment of the Native Trustee, and of his authority to administer or act pursuant to such appointment.

(2) In respect of the estate of a deceased Native such certificate shall be sufficient for the purpose of registering the Native Trustee as proprietor of any estate or interest in any land under the Land Transfer Act, 1915, or of any shares, stock, or other property; and if any land is subject to the provisions of the Deeds Registration Act, 1908, such certificate may be registered against such land as in the case of probate or letters of administration, and shall have the same force and effect and shall be equivalent for registration purposes to the probate or letters of administration with will annexed, and it shall not be necessary to register the probate or letters of administration.

Enabling Native Trustee to acquire land for roading or other purposes.
1924, No. 43, s. 7

20. (1) If and whenever the Native Trustee shall deem it expedient for the better administration of any land, the fee-simple or control whereof has been vested in him by any Act, deed, will, or other instrument, to acquire other land required in connection therewith, either for the purposes of a road or for any other purpose, he may acquire the same by purchase or otherwise out of the revenues of the land so vested in or controlled by him, or he may exchange any part of the land vested in or controlled by him for the land so required, with or without payment out of the aforesaid revenues by way of equality of exchange.

(2) The Native Trustee may dedicate the land so acquired, or any part of the land so vested in or controlled by him, for the purpose of a public road.

(3) Where for the time being there is no revenue as aforesaid, or such revenue is insufficient, the Native Trustee may advance moneys out of the Common Fund of the Native Trust Office to pay the cost and expenses of acquiring any land as aforesaid or of laying out or dedicating any portion as a public road, and all such advances, together with interest thereon at the current rate charged by the Native Trustee on advances, shall be a charge in favour of the Native Trustee upon the land affected, and may be recovered accordingly.

Sections 71 and 72 of the Property Law Act, 1908, not to apply to mortgages in favour of the Native Trustee.
1926, No. 65, s. 2

21. Notwithstanding the provisions of sections seventy-one and seventy-two of the Property Law Act, 1908, the Native Trustee shall not be compelled to assign a mortgage debt in any case where he has good reason to believe that to do so would be assisting in an evasion of the provisions of the Native Land Act, 1909, with regard to confirmation of alienation by Natives of Native freehold land.

Native Trustee not required to comply with provisions of Native Land Act, 1909, as to limitation of area.
Ibid., s. 4

22. Where the Native Trustee in the administration of any trust acquires or seeks to acquire any land or estate or interest therein for the benefit of such trust it shall not be necessary for him to comply with the provisions of the Native Land Act, 1909, and the amendments thereof relating to limitation of area; and, in particular, sections seventy-two, seventy-three, seventy-four, and seventy-five of the Native Land Amendment Act, 1913, shall not apply to any purchase, lease,

or other acquisition by the Native Trustee for the purpose aforesaid; and a certificate under the hand of the Native Trustee to the effect that any such transfer, lease, or other alienation is within the terms of this section shall be accepted by all Courts, Maori Land Boards, and District Land Registrars as sufficient evidence thereof.

Native Trustee may be appointed trustee, executor, agent, or attorney.
1926, No. 65, s. 5

23. (1) Where any Court or a Judge thereof, or any Native, now or hereafter can appoint a trustee, executor, administrator, agent, or attorney, any such appointment may be made of the Native Trustee if he consents thereto.

(2) Subject to the express provisions of the Native Land Act, 1909, and its amendments, or of this Act, the duties and rights of the Native Trustee under any such appointment shall be the same as if the appointment had been of a private person.

Native Trustee to have power to sell deceased person's estate.

24. Where the Native Trustee is executor or administrator of an estate or is otherwise authorized to act in the management or winding-up of a Native's estate, then, unless prohibited by or under an instrument in writing binding upon him, the Native Trustee may at his discretion sell or concur with any other person in selling personal property of such estate by public auction or private contract, altogether or in parts, and subject to such conditions as the Native Trustee shall think fit.

Minister may authorize Native Trustee to administer lands.

25. (1) The Native Minister may from time to time, by a notice of his intention so to do published in the *Kahiti*, or the Court may, upon the application of the Native Minister, from time to time, by order, declare that the control and management of the land described in such notice or order, being Native land or any other land owned by Natives, or any part thereof, shall be vested in the Native Trustee, and thereupon the control and management of the land named in such notice or order shall vest in the Native Trustee for the benefit of the beneficial owners thereof. Any such notice or order under this section shall be subject to any alienation existing at the date of such notice or order.

(2) The Native Trustee may permit the Native owners of the said land, or any of such owners, to occupy any part or parts thereof upon such terms and conditions and with or without consideration as he thinks expedient.

(3) (*a*) The Native Trustee may, if and so long as he thinks fit, occupy the whole or any part or parts of the said land as a farm, and carry on any agricultural or pastoral business thereon for the benefit of the beneficial owners thereof; and where it is deemed expedient several areas may be occupied and farmed conjointly, notwithstanding that the several areas may be owned by different sets of owners under separate titles or otherwise.

(*b*) The Native Trustee may from time to time, with the approval of the Native Minister, appoint some fit person to be the manager of any such farm at such salary or remuneration (if any) as the Native Trustee, with the approval of the Native Minister, shall determine, and may at any time remove such manager and, with the approval of the Native Minister, appoint some other fit person in the place of the manager so removed. Such manager shall be deemed to be the servant of the Native Trustee, but shall not be deemed by reason of such employment to become an officer of the Public Service.

(4) The Native Trustee may, out of any moneys under his control, expend such sums as he shall think expedient for the purpose

of effectually carrying on farming operations in manner aforesaid, and may from time to time, for the purpose of such farming operations, buy and sell stock, chattels, and other personalty, and may by instrument executed in his own name raise such moneys as he thinks fit on the security of any such stock or other chattels owned by the Native Trustee.

(5) With the consent of the Native Minister, the Native Trustee may from time to time, for the purpose of the farming operations authorized to be carried on under this section, borrow moneys secured by the mortgage of any such land or any part thereof from any person or from any bank, either by way of overdraft on current account or otherwise; and the lenders of any moneys pursuant to the provisions of this subsection shall not be entitled to the protection afforded by section forty-two hereof.

(6) (*a*) Where it is necessary to grant a mortgage over any such land or any part thereof, the instrument of alienation shall be executed by the Native Trustee as the agent of the owners of the land mortgaged, and shall, without confirmation under Part XIII of the Native Land Act, 1909, when executed have the same force and effect, and may be registered in like manner, as if it had been lawfully executed by all the owners of the land affected by the mortgage or their trustees and as if those owners or trustees had been fully competent in that behalf. The production of any certificate of title issued in respect of the land affected by the instrument of alienation shall not be necessary for the registration of that instrument.

(*b*) Every instrument of alienation so executed by the Native Trustee shall contain a statement or recital that the Native Trustee is duly authorized to execute the same as the agent of the owners under this section, and every such statement or recital shall be accepted by District Land Registrars, and by all Courts as sufficient *prima facie* evidence of the fact so stated or recited.

(*c*) No person lending money to the Native Trustee upon the security of any such instrument of alienation shall, provided the Native Minister has given his consent under subsection five hereof, be concerned to see or inquire as to the authority of the Native Trustee to execute the instrument of alienation, or as to the necessity for the loan, or as to the application of the proceeds thereof by the Native Trustee; and every such instrument of alienation shall be as valid and effectual for the protection of the mortgagee and his assigns as if the Native Trustee had been entitled in his own right to the land comprised in such instrument of alienation.

(7) For the purpose of dividing any profits or adjusting any losses where several areas are being farmed conjointly, each of the beneficial owners of the land shall be deemed to be interested in the whole of the area farmed in the proportion which the value of his beneficial interest in the area farmed bears to the value of the whole of the area farmed, subject to any adjustment that may be required from the fact that some owners are in personal occupation to the exclusion of other owners.

(8) For the purpose of ascertaining the value of any area or any particular beneficial interest in relation to the value of the whole of the area farmed, the unimproved value of the land for the time being in force under the Valuation of Land Act, 1925, shall be taken as a guide:

Provided that where there were unexhausted permanent improvements upon any area prior to its being occupied and farmed jointly with any other area the value of such improvements shall be taken into account.

(9) The Native Trustee shall in respect of each of such farms cause full and accurate accounts to be kept of all moneys received and paid by him, and on the close of each year ending on the thirty-first day of May shall prepare a statement showing the profit and loss during that year, and shall, as soon as may be thereafter, submit copies of the same to the Native Minister, together with a balance-sheet showing the assets and liabilities of any property being administered by him under this section. The Native Trustee shall, upon payment to him of a reasonable charge therefor, supply a copy of any such statement to any beneficiary requiring the same.

(10) All moneys received under this section shall be applied by the Native Trustee as follows:—

(*a*) In paying all necessary costs and expenses incurred in and incidental to any such farming operations:

(*b*) In defraying the costs of administration by the Native Trustee, including a reasonable charge for commission:

(*c*) In paying all rates, taxes, and other assessments or outgoings payable by the Native Trustee in respect of any such land:

(*d*) In the discharge to such extent as the Native Trustee from time to time thinks fit of any mortgage or charge to which the land is subject:

(*e*) With the consent of the Native Minister, for any other purposes in connection with the administration, improvement, and settlement of any such land, or for any other purpose of general utility to the owners thereof:

(*f*) In paying at such time and in such manner as the Native Trustee shall think fit any profits to the Native owners or other persons having any interest in the land in accordance with their respective interests:

Provided that the Native Trustee may, if and so far as he thinks fit, and the Native Minister approves, retain any such moneys in his own hands as a reserve fund for expenditure in the management of any farm, and may from time to time as he thinks expedient either expend the reserve fund accordingly or distribute it amongst the persons entitled thereto.

(11) The Native Trustee may receive and give a good discharge to the extent of the amount so paid to him for any rents due to any Native owner remaining unpaid at the termination of any existing alienation of any such land, but shall accept no responsibility for the correctness or otherwise of any amount so paid.

(12) For the purpose of compelling the performance of the covenants and conditions in any existing alienation of any such lands the Native Trustee may, at his discretion, exercise, either in his own name or in the name of the lessors or other persons entitled to the proceeds of the alienation, all rights of action in as ample a manner as if he were the actual owner of the fee-simple, and as such had executed the instrument of alienation.

(13) The Native Trustee may, where he deems it expedient so to do, assist any Native owner in farming any particular portion of any such land, and the advances (if any) made to such Native for the purpose of so assisting him shall be deemed to be expenditure in connection with the farming operations authorized under this section.

(14) The Court may, on the application of the Native Minister, make an order releasing any land or any part thereof from the operation of the provisions of this section, and thereafter the land mentioned in such order shall be deemed to be no longer subject to the provisions of this section.

(15) Until and unless any order is made under the last preceding subsection, no owner shall be capable of making any alienation of the land mentioned in the notice or order referred to in subsection one hereof, other than through the Native Trustee as agent for the owners in accordance with the provisions of this section. Upon the making of an order under the last preceding subsection the restriction upon alienation imposed by this subsection shall cease to apply to the land described in such order.

(16) The provisions of section four hundred and twenty-four of the Native Land Act, 1909, shall apply to all moneys held by the Native Trustee in trust for any owner of any such land under the provisions of this section as fully and effectually as if such moneys were the proceeds of the sale or other alienation of Native land.

(17) (*a*) Where the value of any adjoining land owned by Natives has been appreciated by drainage or any other development works carried out under the provisions of this section the Native Trustee may, with the precedent consent of the Native Minister, apply to the Court for an order charging such land or any part thereof with the payment to the Native Trustee of the value of such appreciation with such interest and by such instalments and with such directions for giving effect to the charge as the Court thinks expedient.

(*b*) The Court may make a further order varying any former order by way of apportioning the charge in such manner as it thinks expedient, and every subsequent order shall supersede any prior charging-order as far as inconsistent therewith, and where any charge is so apportioned each portion shall be deemed to constitute a separate charge.

(*c*) Any charge constituted under this subsection may be registered under the Land Transfer Act, 1915, or the Deeds Registration Act, 1908, and may be enforced by the Court by the appointment of a receiver in respect of the land so charged.

Custody of securities.
1921, No. 29, s. 8

26. All documents of title to which section one hundred and two of the Public Revenues Act, 1926, does not apply shall be kept in safe custody in such manner as the Native Trustee directs, and may be produced or parted with by his authority as and when he thinks proper in the conduct of the business of the Native Trust Office.

Native Reserves.

Transfer of Native reserves to Native Trustee.
1920, No. 21, s. 13

27. All Native reserves which by section twenty of the Native Trustee Act, 1920, were transferred from the Public Trustee to and vested in the Native Trustee shall continue to be so vested for the same estate, upon the same trusts and with the same functions,

powers, and duties and with the same liabilities and engagements, as in the case of the Public Trustee, save as the same may be expressly altered by this Act.

References to Public Trustee in relation to Native reserves to be construed as references to Native Trustee.

1920, No. 21, s. 14

28. In all Acts and instruments whatsoever all references to the Public Trustee with respect to any Native reserve shall be construed, so far as may be necessary for the purpose of giving effect to this Act, as references to the Native Trustee, and all references to the Public Trust Office Board with respect to any such reserve shall be construed as references to the Native Trust Office Board constituted by this Act.

Registration of title of Native Trustee.

Ibid., s. 15

29. (1) It shall be the duty of the several District Land Registrars to make, without fee or other charge, all entries in their registers necessary for the purpose of registering the title of the Native Trustee in any Native reserve vested in him pursuant to this Act or to any Act hereby repealed.

(2) For the purposes of this section a certificate under the hands and seals of the Public Trustee and the Native Trustee that any land is a Native reserve within the meaning of this Act, and is or has been transferred to the Native Trustee pursuant to this Act or any such repealed Act shall, unless and until the contrary is proved, be sufficient evidence of that fact.

Powers of Board under Native Reserves Act, 1882, vested in Native Trustee.

1922, No. 54, s. 2

30. All powers and authorities vested in and all duties imposed upon the Board constituted and defined by the Native Reserves Act, 1882, by that Act or any other Act shall be deemed to be vested in and imposed upon the Native Trustee.

Mode of fixing rent to be reserved on renewal of leases of Native reserves.

1922, No. 54, s. 6

31. In any lease of any Native reserve or any portion thereof granted by the Native Trustee as lessor after the thirty-first day of October, nineteen hundred and twenty-two (being the date of the coming into operation of the Native Trustee Amendment Act, 1922), whether under the Native Reserves Act, 1882, the Westland and Nelson Native Reserves Act, 1887, the West Coast Settlement Reserves Act, 1892, the Native Land Amendment and Native Land Claims Adjustment Act, 1917, or the Public Bodies' Leases Act, 1908, or any amendments thereof, it shall be lawful to include a provision that the annual rental to be reserved on any renewal of such lease may be assessed at not more than five per centum per annum of the unimproved or capital value (as the case may require) of the leased property at the time of such renewal in lieu of by arbitration or otherwise, and where provision is so made such value shall be ascertained and determined by a special valuation under the Valuation of Land Act, 1925.

Authorizing Native Trustee to lease Native reserves for periods not exceeding twenty-one years.

1929, No. 20, s. 6

32. (1) Notwithstanding anything to the contrary in the Native Reserves Act, 1882, or the Westland and Nelson Native Reserves Act, 1887, or any amendments thereof, and in addition to the powers of leasing conferred by those Acts, the Native Trustee may lease any Native reserve or part thereof vested in or administered by him for any period or periods not exceeding twenty-one years, with or without compensation for improvements, and subject to such terms and conditions as he may in his discretion deem reasonable. Where any such lease is to a beneficial owner of the lands comprised therein it may be disposed of by private contract, but in every other case it shall be disposed of either by public auction or public tender.

(2) In this section the term "beneficial owner" shall be deemed to include a child of a beneficial owner.

(3) This section shall be deemed to have been in operation as from the seventh day of November, nineteen hundred and twenty-nine.

Powers of leasing Poukawa Native Reserve.
1929, No. 20, s. 7

33. The Native Trustee may, with the approval of the Native Minister, lease any portion of the Poukawa Native Reserve that is not required for occupation by the Native owners thereof for any term not exceeding, with any right of renewal, a period of forty-two years in all, with or without compensation for improvements, and subject to such terms and conditions as he may in his discretion deem reasonable.

Exemption of certain lands in Native reserves from provisions as to limitation of area.
1924, No. 43, s. 3

34. The provisions of sections seventy-two, seventy-three, seventy-four, and seventy-five of the Native Land Amendment Act, 1913, shall not apply to any Native reserve administered by the Native Trustee and leased by him under any Act, and such provisions shall be deemed never to have had any application to any such Native reserve.

In special cases Native Trustee may dispose of Native reserve for benefit of beneficial owners.
Ibid., s. 4

35. Notwithstanding anything to the contrary in any Act relating to Native reserves or to the Westland and Nelson Native Reserves or to the West Coast Settlement Reserves, the Native Trustee, on being satisfied that any land being a Native reserve or portion of a Native reserve within the meaning of this Act cannot be leased or otherwise utilized by him to the advantage of the beneficial owners thereof, may, with the consent in writing of the Native Minister, sell the said land by public auction or private contract and pay the purchase-money to the beneficial owners of the said land, or may apply to the Court for a vesting order in respect of the said land to be made under section one hundred and twenty-six of the Native Land Amendment Act, 1913, and if such order is made the provisions of that section shall thereupon apply to such land accordingly as if the circumstances constituted a termination of the trust affecting the said land.

Special provisions relative to accumulations of revenues from "New Zealand Company's Reserved Tenths."
Ibid., s. 6

36. (1) With respect to the annual rents and proceeds of lands in the Provincial Districts of Wellington and Nelson known as "the New Zealand Company's Reserved Tenths" (being lands referred to in the First Schedule to the Native Reserves Act Amendment Act, 1896) the following provisions shall apply:—

(*a*) A part, not exceeding three-fourths thereof, shall be from time to time distributed by the Native Trustee amongst the Native beneficiaries entitled thereto in shares determined by the Native Land Court.

(*b*) The residue thereof shall be applied by the Native Trustee at such times, and in such manner as in his discretion he thinks fit, towards the physical, social, moral, and pecuniary benefit of the Natives individually or collectively interested therein, or their children, and the relief of such of them as are poor or distressed.

(2) The Native Trustee is hereby empowered to expend any moneys forming part of the accumulations of the residue of the annual rents and proceeds already accrued in respect of the said lands, or that may hereafter accrue, for completion of the titles of the said lands, or for bringing the same under the provisions of the Land Transfer Act, 1915, or for surveys necessary therefor, or for such other purposes as the Native Minister, on the recommendation of the Native Trustee, may approve.

37. The Native Trustee is hereby empowered, in respect of any Native reserve vested in or administered by him, to grant to any local authority, with or without payment, and on such terms and conditions as he thinks proper, any easement or other right in, upon, through, over, or under any land comprised in such reserve, for the purpose of enabling such local authority to undertake any public drainage, sewerage, or public services.

Authorizing Native Trustee to grant to any local authority easements in respect of drainage or sewerage operations.
1929, No. 20, s. 8

38. All contracts and engagements entered into and liabilities incurred with respect to any Native reserve by the Public Trustee which, by virtue of section twenty-two of the Native Trustees Act, 1920, were deemed to be transferred to and to have devolved upon the Native Trustee at the commencement of that Act, shall, in so far as the same are subsisting at the passing of this Act, continue to be contracts, engagements, and liabilities of the Native Trustee, and the Public Trustee shall not be liable in respect thereof.

Transfer from Public Trustee to Native Trustee of rights and liabilities under contracts.
1920, No. 21, s. 22

39. (1) With respect to the lands specified in the First Schedule hereto (being lands vested in the Native Trustee) the Native Trustee shall be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908, and may lease the same or any part thereof in accordance with the provisions of that Act.

Native Trustee deemed to be leasing authority.
1922, No. 54, s. 9

(2) Section twelve of the Public Bodies' Leases Act, 1908, shall apply with respect to leases heretofore granted by the Public Trustee of lands comprised in the said sections.

(3) The powers conferred upon the Native Trustee by this section are in addition to and irrespective of all other leasing powers exercisable by him in respect of the said lands under any other Act.

Financial.

40. (1) An account, to be called the Native Trustee's Account, shall be kept at the bank at which for the time being the Public Account of New Zealand is kept.

Native Trustee's Account.
1920, No. 21, s. 16
1921, No. 29, s. 3

(2) The Native Trustee's Account shall be operated on only by cheque signed by the Native Trustee, the Deputy Native Trustee, and such other person as may be appointed in that behalf by the Board, or by any two of such three persons.

(3) All moneys payable into the Native Trustee's Account are hereby declared to be public moneys within the meaning of the Public Revenues Act, 1926, and shall be subject to the provisions of Part X of that Act accordingly.

41. (1) All moneys for the time being in the Native Trustee's Account shall be one Common Fund.

Common Fund.
Ibid., s. 4

(2) All moneys forming part of the Common Fund shall be deemed to be invested therein, and shall bear interest at a rate to be from time to time determined by the Governor-General in Council, and such rate of interest shall be credited half-yearly on the thirty-first day of March and the thirtieth day of September in each year to the respective accounts kept in respect of such moneys.

(3) The investments made from the Common Fund shall be deemed to be made on behalf of the Common Fund, and shall not be made on behalf of or belong to any particular account represented in the Common Fund.

Deficiency in Native Trustee's Account to be met by payment out of Consolidated Fund.

1920, No. 21, s. 17

42. (1) If at any time the moneys in the Native Trustee's Account are insufficient to meet the lawful claims thereon, the Minister of Finance shall, without further appropriation than this Act, pay such sums out of the Consolidated Fund as may be necessary to meet the deficiency.

(2) Any such payment out of the Consolidated Fund may be made absolutely or by way of advance only, as the occasion may require.

Salaries, &c., to be charged on Native Trustee's Account.

1921, No. 29, s. 9

43. All salaries and other expenses incurred in connection with the administration of the Native Trust Office shall be a charge upon and be paid out of moneys in the Native Trustee's Account.

Transfer of moneys from Public Trustee to Native Trustee's Account.

1920, No. 21, s. 18
1921, No. 29, s. 5

44. (1) On the request in writing of the Native Trustee, the Public Trustee shall pay into the Native Trustee's Account—

(*a*) All moneys held by him in respect of any Native reserve:

(*b*) All moneys held by him on account of any Maori Land Board pursuant to the powers of investment conferred on Maori Land Boards by section thirty-five of the Native Land Amendment Act, 1913, or the corresponding provisions of the Native Land Act, 1909:

(*c*) All moneys held by him pursuant to the provisions of Part X of the Native Land Act, 1909, on account of any Native being a person under disability within the meaning of that Act:

(*d*) All moneys held by him on account of any Natives pursuant to the provisions of section two hundred and twenty-six of the Native Land Act, 1909, or of section ninety-two of the Native Land Amendment Act, 1913, or of sections two hundred and twenty-eight, three hundred and thirty-three, three hundred and thirty-five, three hundred and seventy-six, or four hundred and twenty-eight of the Native Land Act, 1909:

(*e*) All other moneys held by him in respect of Natives pursuant to any statute specifically relating to Natives.

(2) If any question arises as to the application of this section to any moneys held by the Public Trustee it shall be submitted to the determination of the Minister of Finance, whose decision shall be final.

(3) In lieu of payment into the Native Trustee's Account of any moneys as aforesaid, the Public Trustee may transfer or assign to the Native Trustee such mortgages, debentures, or other securities for moneys as may be agreed on between them as representing the said moneys, or any portion thereof, and with respect to such securities the following provisions shall apply:—

(*a*) It shall be the duty of the several District Land Registrars or Registrars of Deeds to make, without fee or other charge, all entries in their registers necessary for the purpose of registering transfers or assignments by the Public Trustee to the Native Trustee pursuant to this section of any memoranda or deeds of mortgage.

(*b*) A certificate under the hands and seals of the Public Trustee and the Native Trustee that any such transfer or assignment as aforesaid is made pursuant to this section shall, unless and until the contrary is proved, be sufficient evidence of that fact.

(*c*) No stamp duty shall be charged or payable upon the transfer or assignment of any such mortgage, debenture, or other security, or upon any mortgage taken in the name of the Native Trustee in the place of a mortgage previously taken in the name of the Public Trustee.

(*d*) Where before the passing of this Act any such certificate has been registered by a District Land Registrar or Registrar of Deeds as though having the effect of a transfer or arrangement under this section such certificate shall in such case be deemed to have had such effect.

Other moneys payable into Native Trustee's Account. 1920, No. 21, s. 19

45. There shall also be paid into the Native Trustee's account—

(*a*) All moneys payable in respect of any Native reserve, or in respect of any Native pursuant to any Act, that would be payable to the Public Trustee if the Native Trustee Act, 1920, and this Act had not been passed.

(*b*) All other moneys payable to the Native Trustee pursuant to any lawful authority.

Native Trustee to hold moneys on trust for beneficiaries. Ibid., s. 20

46. All moneys in the Native Trustee's Account shall be held by the Native Trustee in accordance with the trusts affecting the same.

Investment of moneys in Native Trustee's Account. Ibid., s. 21 1929, No. 20, s. 2

47. Any moneys in the Native Trustee's Account may be invested by the Board in any of the following classes of security, namely,—

(*a*) In securities of the Government of New Zealand; or

(*b*) In debentures lawfully issued by the governing body of any county, borough, road district, town district, river district, water-supply district, or drainage district, under any law now or hereafter in force, and secured upon general or special rates, or partly by rates and partly in some other manner; or

(*c*) In advances secured by the mortgage of any freehold or leasehold interest in any Native freehold land in respect of which a partition order has been duly made, or in any Native land vested in or administered by any Maori Land Board, or in any Native freehold land vested in the incorporated owners thereof, to an amount not exceeding in any case three-fifths of the estimated value of the security according to a valuation approved by the Board; or

(*d*) In advances secured by the first mortgage of any land held in fee-simple in New Zealand, to an amount not exceeding three-fifths of the estimated value thereof, according to a valuation approved by the Board; or

(*e*) On deposit in any bank lawfully carrying on the business of banking in New Zealand, or in the Post Office Savings-bank, or in the Common Fund of the Public Trust Office; or

(*f*) In advances secured by the mortgage of any freehold or leasehold interest in any Native land vested in or administered by the Native Trustee; or

(*g*) In advances secured by way of floating charge or otherwise in respect of the undertaking of any co-operative dairy company or other company of which a majority of the shareholders are Natives, or the assets of any other incorporated association of which a majority of the members are Natives; but no advances shall be made under the authority

of this paragraph except to a company or incorporated association approved for the purpose by the Native Minister; or

(*h*) In any other securities that may from time to time be authorized by the Governor-General in Council on the recommendation of the Board.

Native Trustee to furnish annual balance-sheet.
1921, No. 29, s. 6

48. (1) The Native Trustee shall, within sixty days after the close of each year ending on the thirty-first day of March, prepare—

(*a*) A balance-sheet showing the total liabilities and assets as at the thirty-first day of March, which balance-sheet shall incorporate the statement of accounts of Native reserves required to be furnished by section twelve of the Native Reserves Act, 1882, and the said section shall be read subject to the provisions of this section;

(*b*) A statement showing the total receipts and payments of or from the Native Trustee's Account during the financial year; and

(*c*) A Revenue Account for the financial year ending on the thirty-first day of March.

(2) The Native Trustee shall send such balance-sheet, statement, and Revenue Account to the Controller and Auditor-General, who shall forthwith transmit the same, together with such report thereon as he thinks fit, to the Native Minister, by whom it shall forthwith be laid before Parliament if sitting, or if not, then within fourteen days after the commencement of the next ensuing session.

Application of profits of Native Trust Office.
Ibid., s. 11
1929, No. 20, s. 4

49. (1) If in any year the balance in the profit and loss account of the Native Trustee's Account is more than sufficient to meet the charges thereon, the Native Trustee shall invest such portion thereof as the Native Trust Office Board considers proper, and shall retain the same with the accumulations thereof as an Assurance and Reserve Fund, out of which the deficiency of any subsequent year may be provided; and shall from time to time, at such times as the Minister of Finance directs, but subject to the provisions of the next succeeding subsection, pay the balance of profits into the Consolidated Fund as part thereof.

(2) Until the thirty-first day of March, nineteen hundred and thirty-six, the whole of the net profits of the Native Trust Office (accrued and to accrue) shall be added to the Assurance and Reserve Fund:

Provided that—

(*a*) The Native Trustee may, on the recommendation of the Native Trust Office Board, set aside out of those profits in each year such sum as he thinks proper as an Investment Fluctuation Account (being a reserve fund to meet unforeseen depreciation of investments).

(*b*) With the approval of the Native Minister, the Native Trustee may, from time to time, out of those profits, expend money in the acquisition for purposes of administration of land or premises, or in the furnishing of premises, or in the inspection of securities, or in the purchase of equipment, or otherwise in connection with the working of properties acquired by, vested in, or administered by the Native Trustee.

50. (1) The Native Trustee may make such advances as he shall deem fit, out of moneys standing to the credit of the Native Trustee's Account, in respect of payments necessarily or properly to be made by him in the administration or management of any Native estate or reserve, or on behalf of the owner or owners thereof, or in the administration or management of any property acquired by, vested in, or administered by him.

Advances from Native Trustee's Account.
1921, No. 29, s. 12
1924, No. 43, s. 9
1929, No. 20, s. 5

(2) The Native Trustee, in any case where there is to the credit of an estate in the Native Trust Office any real or personal property, whether capital or income, but there is no money or not sufficient money available to make payments required to be made on account of such estate, whether to the persons entitled to such estate or to a share or interest therein, or otherwise, may, out of the Native Trustee's Account, advance and pay, for or on account of such estate, any sum of money which it may be necessary to pay:

Provided that no greater amount shall be so advanced and paid than the value of the real and personal property.

(3) Until such advances or payments have been repaid out of the moneys of such reserve or estate the Native Trustee may charge such reserve or estate or the person or persons entitled thereto with interest at the rate chargeable by the Native Trustee on loans granted at the date of the advance on the security of a first mortgage of Native land.

(4) Every advance made by the Native Trustee pursuant to this section shall, with the interest thereon, be charged on the land comprised in the reserve, or on the rental or other income of the reserve, or on the real and personal property in the estate in respect of which the advance is made.

(5) In respect of any advance so made in respect of any Native reserve or estate the Native Trustee may sign and seal a memorial of charge against the reserve or estate in respect of which the charge is made. The said memorial of charge in so far as it relates to land may be registered by the District Land Registrar or Registrar of Deeds, as the case may require, and when so registered shall have the same force and effect as if it were a valid mortgage to the Native Trustee executed by the Native owner of all the lands therein described or referred to, to secure the repayment of the principal and interest moneys thereby expressed to be due; and the power of sale and all other powers expressed by the Land Transfer Act, 1915, or the Property Law Act, 1908, as the case may be, shall be implied in the memorial, and shall have the same effect and operation as if the same were a mortgage executed as aforesaid containing the said powers.

(6) The principal moneys secured under any such memorial of charge shall be due on a date to be named therein, and interest thereon shall be payable half-yearly on days to be specified therein.

51. The Native Trustee is hereby authorized to take any sub-mortgage, assignment of rent or purchase-money, chattel security, promissory note, or bill of exchange, whether by way of collateral security for moneys invested or to be invested by him in any of the classes of security enumerated in section forty-seven hereof and interest on such moneys, or by way of security for further advances and interest thereon, and may exercise all the powers, authorities, and remedies

Native Trustee may accept chattel security or assignment of rent by way of collateral security.
1924, No. 43, s. 5

conferred thereby on the grantee, mortgagee, sub-mortgagee, payee, or other person entitled to repayment, as the case may be.

Legalizing assignments of rents of Native reserves or other Native lands to Native Trustee.
1924, No. 43, s. 8

52. Nothing in this or any other Act shall prevent or invalidate any assignment, charge, or other disposition (whether made before or after the passing of this Act) in favour of the Native Trustee (whether by way of anticipation or otherwise) of any rent, purchase-money, or compensation or other money which is, or may become, receivable in respect of any interest, legal or equitable, in any Native reserve or other Native land, or in respect of any alienation thereof.

Funds accepted for special investment otherwise than in Common Fund not guaranteed.
1926, No. 65, s. 3

53. (1) Moneys expressly directed to be invested otherwise than in the Common Fund created by this Act shall not form part of such Common Fund, and the Native Trustee may accept such moneys from any Native or incorporation of owners of Native land, and may invest the same in accordance with such direction; but such investments shall not be entitled to the protection afforded by section forty-two hereof, and any loss or deficiency in respect of any such investments, or of the money received therefrom or realized thereby, shall be borne by the depositor or estate or incorporation to which such moneys belong, or, if received or realized, would belong.

(2) Section fifteen of this Act shall not apply to deposits under this section.

(3) Forthwith upon the receipt by the Native Trustee of any such moneys he shall make reasonable effort to find an investment therefor in accordance with the special directions contained in the trust instrument (if any), and if the whole of such moneys cannot be so invested within one calendar month from the date of the receipt thereof the Native Trustee may, until such moneys can be so invested, temporarily appropriate and allocate as investment for such moneys, or any part thereof, one or more existing investments of the Common Fund of the same nature and kind as is required by the trust instrument. Any Common Fund investment while so appropriated and allocated as a special investment shall not be entitled to the protection afforded to Common Fund investments.

Regulations.

Regulations.
1920, No. 21, s. 25
1921, No. 29, s. 4 (4)

54. The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes, namely :—

(*a*) Prescribing the respective duties and functions of the Native Trustee, the Deputy Native Trustee, and the Native Trust Office Board :

(*b*) Prescribing the accounts to be kept by the Native Trustee :

(*c*) For the investigation and audit of the accounts of the Native Trustee :

(*d*) For the investment of moneys in the Native Trustee's Account in assistance of persons in occupation of Native lands under any of the tenures referred to in paragraph (*c*) of section forty-seven hereof, and generally for the investment, subject to the provisions of this Act, of moneys in that account :

(*e*) For the inspection of Native reserves :

(*f*) Prescribing all such matters and things as may be required to enable the Native Trustee effectively to administer any trust accepted by him pursuant to this Act:

(*g*) Prescribing the rate of commission to be charged by the Native Trustee in respect of the collection of rents and other moneys, and prescribing other fees and charges in respect of his duties under this Act:

(*h*) For the payment or non-payment of interest on moneys belonging to any account and as to the period from which interest, if allowed, is to be computed:

(*i*) Generally, for the purpose of giving effect to the intent of this Act.

Acts repealed.

55. (1) The Acts mentioned in the Second Schedule hereto are hereby repealed, and with respect to those Acts the following provisions shall apply:—

Savings.

(*a*) All Orders in Council, orders, offices, appointments, regulations, accounts, records, instruments, and generally all acts of authority which originated under any of the said Acts or any enactment thereby repealed, and are subsisting or in force at the passing of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(*b*) Property, rights, powers, duties, functions, and remedies which were under any of the said Acts vested in or belonged to the Native Trustee, or any person whomsoever, shall continue to be vested in and belong to the Native Trustee as constituted by this Act and such persons respectively.

(*c*) All matters and proceedings commenced under any such Act and pending or in progress at the passing of this Act may be continued, completed, and enforced under this Act.

(2) Where any provision in any Act other than the Acts mentioned in the Second Schedule hereto has heretofore been amended or modified by any of those Acts, and such amendment or modification is subsisting at the passing of this Act, the repeal of those Acts by this Act shall not operate to repeal such amendment or modification, and the same shall continue to have effect as if this Act had not been passed.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

(1) All those parcels of land situate in the Town of Tauranga, being—

Allotment No.	Section.	Area.			Allotment No.	Section.	Area.		
		A.	R.	P.			A.	R.	P.
3	2	0	1	0	608	2	1	0	0
4	2	0	1	0	609	2	1	0	0
193	2	0	1	0	610	2	1	0	0
72	1	0	0	25	611	2	1	0	0
140	1	0	0	32	612	2	1	0	0
141	1	0	0	32	613	2	1	0	0
604	2	1	0	0	702	2	1	0	0
605	2	1	0	0	703	2	1	0	0
606	2	1	0	0	714	2	1	0	0
607	2	1	0	0	715	2	1	0	0

(2) All that parcel of land, situate in the Suburbs of Tauranga, being Allotment No. 50, Section 2, containing 5 acres.

(3) All that parcel of land, situate in the Parish of Te Papa, in the Tauranga Survey District, containing 100 acres, more or less, being the residue of Section 114, Block X, of that district, after excepting therefrom an area 3 acres, more or less: bounded on the north by Section 455, 655·7 links; on the east by a public road, 587 links; on the south by the other portion of the said Section 114, 439·7 links; and on the west by the other portion of the said Section 114, 547·7 links.

(4) All that parcel of land, situate in the Parish of Te Papa, in the Tauranga Survey District, containing 58 acres, more or less, being Section 14, Block X, of that district.

SECOND SCHEDULE.

Enactments repealed.

1920, No. 21.—The Native Trustee Act, 1920.
1921–22, No. 29.—The Native Trustee Amendment Act, 1921–22.
1922, No. 54.—The Native Trustee Amendment Act, 1922.
1924, No. 43.—The Native Trustee Amendment Act, 1924.
1926, No. 65.—The Native Trustee Amendment Act, 1926.
1929, No. 20.—The Native Trustee Amendment Act, 1929.