

EAST COAST MAORI LAND AND SPECIAL SETTLEMENT.

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A BILL INTITULED

AN ACT to provide for the Settlement of Maori Lands on the East Coast. Title.

WHEREAS certain lands owned by Natives and included within the district hereinafter defined are at the present time inalienable for a greater estate than a term of twenty-one years, and it is expedient that such restriction should be removed: And whereas Native owners of land within the said district desire and

5 it is expedient that facilities should be afforded for the opening up for settlement, and for the settlement by suitable settlers, of certain large areas of land held by such Native owners, and situated within the said district: And whereas great difficulties at present exist in accomplishing the said object in consequence of community of title and the very large number of persons having rights and interests

10 in common and in unequal shares, which difficulties it is desirable should be obviated: And whereas the construction of certain public works and other works of utility within the said district would promote the speedy settlement of the said land, and it is expedient that powers should be given or confirmed for the construction 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 East Coast Maori Land and Special Settlement Act, 1880."

Interpretation.

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

"District" means the portion of country defined in the *First* Schedule, or any part thereof :

"The Board," or "Board," or "Boards," means a Board or Boards of Trustees appointed in accordance with the provisions of this Act :

"Committee" means a committee of Maori or half-caste owners of land within the district appointed in accordance with the provisions of this Act :

"Natives" or "Native owners" mean respectively persons of the Maori race or half-castes owning land or interests in land within the district :

"Public works" means any breakwater, harbour, dock, bridge, railway, tramway, road, or drain authorized by Native owners to be made or constructed within the district :

"Useful works" means and includes schools and schoolhouses, churches, cemeteries, and such other buildings and works as the said Native owners may authorize to be constructed or completed for the benefit of themselves or of the district :

"Reserves" means and includes lands and privileges set apart for the special use, occupation, and enjoyment of Native owners.

All trust deeds to be valid though some executed by minors or married women without consent.

3. All deeds conveying land or interests in land in the district made by Native owners heretofore, or hereafter to be made by such Native owners, although some of such Native owners may at the time have been or may hereafter be infants or under coverture, shall be good, valid, and effectual for all purposes, and that notwithstanding anything contained in any Act or Acts of the General Assembly of New Zealand relating to Native lands or to the Native Land Court of New Zealand : Provided always that such deeds convey the land therein described, or the right, title, and interest of the conveying parties therein, to trustees in trust for the use and benefit of the conveying parties, although the interests of such conveying parties in the land may be either unequal or equal ; and any such deeds made by infants or married women shall be unchallengeable on the grounds of nonage or coverture, though executed by infants or married women without consent of guardians or husbands.

Trusts to come under operation of Act.

Trusts to be registered by making return to Registrar of Joint-Stock Companies at Wellington.

4. All such trusts shall come under the operation of this Act, and the trustees thereof shall have all the powers and privileges, and be subject to all the provisions, liabilities, and duties hereinafter specified. And within after the passing of this Act all trustees of such existing trusts shall be bound, and all trustees of such trusts to be hereafter created shall, immediately on the execution of any deed or deeds creating such trust, be also bound to register the said trusts administered by them by delivering to the Registrar of Joint-Stock Companies, at Wellington, a return in the form of the *First* Schedule to this Act, containing the particular information thereby required, and by depositing with the said Registrar an attested copy on parchment of every deed or conveyance in trust by Native owners to them. And for every such registration

Fees for registration, &c.

there shall be payable to the said Registrar a fee of pounds, upon payment of which he shall issue to such trustees a certificate of registration in the form specified in the *First* Schedule to this Act. And all persons may inspect all returns made and deeds or conveyances in trust deposited upon payment of a fee of *five* shillings for each return, and the deed or deeds deposited therewith, and other documents relating to the trust ; and the Registrar shall be

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bound to furnish certified copies of all such deeds or documents to any person requiring the same, upon payment of a fee at the rate of *sixpence* for every folio copied.

5 5. Upon every election of a new Board, and upon every election of a new member or members of a Board in consequence of the death, resignation, or incapacity of any member (and it shall be the duty of the Board immediately after such death, resignation, or incapacity occurring to take steps to have the vacancy in the Board filled), such election shall, within twenty-one days thereafter, be notified to the said Registrar, by forwarding to him a copy of the minute of meeting, so far as relating to such election, certified by the chairman and clerk of such meeting.

Election of Board or member to be certified to Registrar.

15 6. The trustees of such deeds shall be personally liable to a penalty of pounds for every week after the expiry of the period for registration during which the return and deposit of deeds required by this Act shall remain undelivered to the said Registrar; and the members of the Board shall be individually liable to a penalty of pounds for every week after the expiry of twenty-one days during which the elections specified in the last section shall remain unnotified to the said Registrar.

Liability of trustees and Board for omitting to register.

20 7. All lands or interests in lands conveyed by such trust deeds shall, where necessary, be conveyed and transferred by the trustees of such deeds to the Board to be appointed as hereinafter mentioned, and any number of such trusts and the trustees thereof or any of them may be combined to form one trust and one Board upon such terms and subject to such conditions as may be agreed upon between the trustees of the different trusts. And the Board, as soon as conveniently may be after being appointed, shall take such steps as may be necessary to have the legal estate to the said lands, or interest in lands, and to all other lands or interests in lands belonging to Native owners within the district or to so much thereof as possible, vested in it. And the said whole lands and interests in lands vested in it shall be held by the Board in trust for the use and benefit of the Native owners having right and interest therein respectively, with the powers conferred by and subject to the provisions of this Act.

Lands, &c., to be vested in Boards.

30 8. All such trust deeds and all conveyances by the trustees thereof to the Board, or by the Native owners to the Board, shall be exempt from all stamp duties save the duty on deeds as such of ten shillings, and from the duty imposed by "The Native Land Duties Act, 1873," and the duties thereby imposed shall be due and payable only in respect of instruments executed by Boards for effectuating first sales or other dispositions by Boards.

Trust deeds to be exempt from land duty, and from part of stamp duty.

40 9. The first Board or Boards and committees shall consist of the trustees and committees named in such trust deeds, and subsequent Boards and committees shall consist of such number of persons, not exceeding five for Boards and nine for committees, as shall be chosen by the Native owners interested, at meetings to be held for the purpose as herein provided. All meetings of Native owners for the election of members of the Board and committee shall be called and held, and the proceedings thereat be conducted, in accordance with the regulations applicable thereto contained in the *Second* Schedule to this Act.

Formation of first and subsequent Boards.

50 10. Every Board and committee shall remain in office for such period as the Native owners interested shall in meeting fix, but not less than two and not more than five years, and all members of Boards and Committees shall be eligible for re-election; and the period so resolved on shall be entered in the minutes of the meeting. Every Board shall continue in office until the election of the succeeding Board has been completed, and all acts of any Board so continuing in office shall be valid and effectual as if done during the period fixed.

Tenure of office of Boards to be fixed by Native owners in meeting.

- Boards to be corporate bodies.** 11. Every Board shall be a body corporate by such name as the trustees of the said trust deeds or conveyances may think proper, and shall have perpetual succession and a common seal, with power to hold lands.
- Meetings of Boards, and transaction of business.** 12. The meetings of the Board shall be held and its business conducted in accordance with the regulations contained in the *Third* Schedule annexed to this Act and such other or further regulations as shall be agreed to at any special meeting of Native owners interested. 5
- Boards may call special meetings of Native owners, and shall do so upon requisition.** 13. Every Board may call special meetings of Native owners for any purpose which the Board may consider proper and necessary upon giving not less than fourteen days' notice, which notice shall specify the business to be considered; and they shall be bound to call such special meetings when required to do so, in writing, by not less than Native owners interested, in which requisition the business to be considered shall be specified; and the regulations of the fourth head of the *Second* Schedule shall apply to such meetings. 10
- Borrowing powers to pay off debt secured on land.** 14. Any Board may borrow upon the security of a mortgage or of mortgages of the lands vested in it, or any part thereof, always excepting reserves, such sums of money as the Board may require for the purpose of paying off and discharging any encumbrances affecting these lands, or any part thereof, and may consolidate loan and mortgage debts upon such terms as the Board can obtain. 15
- Construction of public works or useful works, and borrowing powers for such works.** 15. Any Board, with the consent of the Native owners interested given at a special meeting, may contract or arrange for the construction of public works or useful works, and, with like consent, may borrow upon the security of the land vested in it, or any part thereof, always excepting reserves, such sum or sums of money as such Native owners shall at such meeting have resolved to borrow for public works or useful works: Provided that, in regard to any harbour or dock for the construction or part construction of which a Board may provide funds, the Board shall be entitled to receive from any harbour authority with whom the Board may arrange to provide such funds such share of the profits of the harbour or dock as the Board and the harbour authority may agree upon. 20
- Borrowing powers to acquire other lands for purpose of consolidation, and to pay Maori debts.** 16. Any Board, with the consent of Native owners interested, given at a special meeting, may acquire, by exchange or purchase, or partly by exchange and partly by purchase, any lands adjoining to or connected with the land vested in the Board, or which it would be beneficial for the Native owners to acquire in order to the consolidation of the lands held in trust, and may borrow upon the security of the land vested in it or any part thereof, always excepting reserves, such sums of money as may be necessary to enable the Board to acquire by exchange or purchase such lands, and may also borrow such sums of money as may be required to pay off debts contracted by the Native owners interested and remaining unpaid. 25
- Borrowing powers for survey, &c.** 17. Any Board, with consent of the Native owners interested, given in special meeting, may borrow upon the security of said lands or any part thereof, always excepting reserves, such sum or sums of money as the Native owners resolve to borrow for the purpose of covering costs of titles, surveys of lands, establishment of special settlements, and other costs and expenses, including payment of officers and servants of the Board. All funds belonging to any Board shall be paid into a bank account to be kept in the name of the Board, and all sums of money paid by the Board over the sum of one pound shall be paid by cheque, sealed with the seal of the Board, and signed by the chairman and treasurer. 30
- Mortgagees or lenders not to inquire as to Boards' authority to borrow,** 18. Mortgagees or person or persons lending money to any Board shall not be bound to inquire into the sufficiency of the authority to borrow given to the Board at a special meeting, nor as to the validity of the proceedings at any such 40 45 50

special meeting ; and any mortgage or other security, deed, or document signed and sealed by or on behalf of the Board in writing shall be unchallengeable on any such ground ; nor shall any such mortgagee, person, or persons lending money as aforesaid be bound to see to or have any concern with the application of any moneys borrowed by a Board.

or as to validity of meetings and proceedings.

19. Every Board shall set aside such portions of the lands vested in it as the Native owners interested therein shall desire as reserves, which shall be inalienable, and shall not be in any way mortgaged or encumbered for any purpose whatsoever, but shall be reserved for the use and occupation of the Native owners solely.

Reserves to be set aside.

20. Any Board may form special settlements, lay off townships, and may sell at such prices and upon such terms of payment, or may lease, with or without a purchasing clause, for such period and upon such terms as the Board may agree upon, all or any part or parts of the lands vested in it, other than reserves :

Sales of lands may be made, leases given, special settlements formed, &c.

21. Provided always that no land shall be sold nor any purchasing clause agreed to by any Board without the consent in writing to such sale or purchasing clause of the majority of the committee interested in the land to be affected having been first obtained.

22. Every Board shall keep a head office in Gisborne, and shall appoint a secretary and treasurer and any other clerks and officers which may be found necessary for conducting the business of the Board.

Boards to keep head offices.

23. Every Board shall cause a complete set of business books to be kept at the head office, in which shall be entered the whole transactions of the Board ; and the whole proceedings of the Board shall be recorded in a minute book to be also kept at the head office. The said business books shall be balanced once in every year upon the *thirty-first* day of *December*, and a balance-sheet shall be made up showing correctly the state of the funds under the management of the Board, and the Board shall annually prepare a report of its proceedings and management for the year. Such report and balance-sheet shall be printed and circulated in Maori among the Native owners interested immediately after the balance-sheet is examined and reported upon by the auditor or auditors hereinafter mentioned, and all such business books and minute books shall be open for inspection by any Native owner interested.

Business books and minute books of proceedings to be kept by Boards.

24. The Governor of the colony shall appoint one or more auditors, but not exceeding three, for the purpose of examining the books, vouchers, and accounts of Boards, and it shall be the duty of such auditor or auditors once every three months to examine the said books, vouchers, and accounts, and also to examine and report upon the annual accounts and balance-sheets of Boards. A copy of every report and balance-sheet shall be deposited with the Registrar of Joint-Stock Companies at Wellington as soon as reported on by the auditor or auditors.

Balancing of accounts annually, and Board to report.

Books, &c., may be inspected.

25. Native owners interested in any trust shall appoint a committee of their number in accordance with the regulations applicable thereto in the *Second* Schedule to this Act ; and it shall be the duty of such committee to take whatever means or proceedings it may consider necessary to ascertain and settle the shares and interests of the different families and individuals in each trust property respectively, and in what measure and how the free revenues and funds of the trust are to be apportioned and distributed among the persons beneficially entitled, and Boards shall pay over and distribute such free revenues in accordance with the instructions of the committees appointed. Such payment and distribution shall in every case be made in cash or by cheque on a bank, and no Native owner shall be entitled to mortgage, charge, assign, or in any way to anticipate any share of or interest in such property, revenues, and funds, and the same shall

Auditor to be appointed by Governor.

Report and balance-sheet to be deposited with Registrar of Joint-Stock Companies.

Committee of Native owners' meetings and proceedings.

Distribution of revenue and funds.

not be attachable for debts, and the Board shall not take notice of or give effect to any such mortgage, charge, assignment, or attachment.

Remuneration of
Boards.

25. Every Board shall be remunerated for its services by a commission of two pounds ten shillings per centum upon all sums of money which it shall receive, and also on all sums of money which it shall disburse; and such commission shall be retained annually, and each member of the Board shall receive a share thereof in proportion to the number of meetings which he shall have attended within the period; and every Board shall be entitled to receive one pound per centum upon the value of the respective properties to defray the costs and charges of preparing the several deeds of trust, and obtaining their completion.

Former conveyances
by minors and
married women to
become valid.

26. Where any Native persons being minors or married women have, prior to the coming into operation of this Act, conveyed, jointly with other Native persons or otherwise, their interests in any lands which are or may be subject to the provisions of this Act, the interests in which lands either in whole or in part subsequently to the date of such conveyances have been assigned to trustees by the said Native persons who have so conveyed, or by others having interests in the same, which trustees are a Board in terms of this Act in all cases where interests so conveyed shall be conveyed to such trustees for valuable consideration, such conveyances so made as aforesaid shall be held good, valid, and of full effect to all intents and purposes whatsoever: Provided nevertheless that in all such cases the trustees shall hold for such minors and married women as if such minors and married women had conveyed in the first instance direct to the trustees.

Quarterly sittings of
Native Land Court.

27. Sittings of the Native Land Court shall be held at intervals of not more than three months. The time and place of such sittings to be fixed by the Chief Judge: Provided that the first of such sittings shall be held within three months after the coming into operation of this Act: Provided also that such periodical sittings shall not be required to be held at

or either of them after the *thirty-first* day of *December*, one thousand eight hundred and eighty-one.

Majority of three-
fourths to bind
minority.

28. In all cases where three-fourths in number of the living owners of any lands, whether of an entire block or of any portion of a block after subdivision, to be affected by this Act have executed a deed or deeds of trust to trustees, all the living owners and representatives of deceased owners, whether already appointed or not, shall be bound, and the whole property shall be and be deemed to be vested in the trustees as though the whole of the owners had duly executed the deed of trust: Provided always that the trustees of such land shall reserve from sale a portion or portions of the said land equal to twice the shares of the persons who shall not have signed the said deed, reckoning for this purpose each share as equal: And the certificate of the Resident Magistrate of the district, or Trust Commissioner, or any Judge of the Native Land Court that three-fourths in number of the living owners of any lands to be affected by this Act have executed a deed or deeds of trust to trustees of such lands shall be conclusive proof to all intents and purposes that the requisite majority have so executed the said deed or deeds: Provided always that all lands so subdivided shall bear their fair and equal share of all costs, expenses, percentages, and other charges whatsoever, and the same shall be paid to the trustees or the Board before the power and title of such trustees or Board shall cease over such lands.

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29. In all such cases the trustees shall have power to lease the lands so reserved from sale for any period not exceeding twenty-one years, and shall render all assistance to any or all of such persons neglecting or declining to execute such deed to have his or their portions of such lands subdivided in the Native Land Court, and upon such subdivision the power and title of the trustees shall cease over the parts so subdivided and declared to be the property of such persons as have not executed the trust deed, but all prior dealings by the trustees in and with the said land so subdivided shall be valid to all intents and purposes, if they are within the powers herein contained.

Trustees may lease lands reserved from sale.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

I.—DESCRIPTION OF DISTRICT.

THE following land in the North Island of New Zealand—viz.: The whole of the County of Cook, and also that portion of the County of Wairoa bounded on the West by a straight line from Puketapu to the mouth of the River Wairoa, on the North or North-west by the County of Cook, and on the other side by the sea at high-water mark.

II.—REGISTRATION RETURNS.

To the Registrar of Joint-Stock Companies, Wellington.

SIR,—On behalf of [*name of Board, e.g., "The Tologa Bay Maori Land Board"*], I request you to register the said Board in accordance with the provisions of "The East Coast Maori Land and Special Settlement Act, 1880." I annex particulars of information required, and I send you herewith for deposit copy [*or copies*] of deed(s) of trust as noted on the back hereof.

I am, Sir,

Your obedient Servant,

A.B.,

Secretary of the Board.

(Place and Date.)

1. Name of Board :
2. Names, occupations, and addresses of all the members of the Board :
3. Term of office of Board :
4. Situation of head office of Board.

A.B.,
Secretary.

III.—CERTIFICATE OF REGISTRATION.

I HEREBY certify that [*name of Board, e.g., "The Tologa Bay Maori Land Board"*] is duly registered in conformity with the provisions of "The East Coast Maori Land and Special Settlement Act, 1880."

Dated this day of , 18 .

A.B.,

Registrar of Joint-Stock Companies for the
District of Wellington.

SECOND SCHEDULE.

I.—REGULATIONS FOR MEETINGS OF NATIVE OWNERS AND FOR CONDUCTING BUSINESS THEREAT.

1. Meetings for election of Boards, or any member or members thereof, shall be convened upon fourteen clear days' notice in writing given to Native owners interested, as follows: Upon registration by the trustees of the trust deeds; after registration by Boards.

2. Meetings for election of committees shall be held annually on the last Thursday of January, and at such hour and place as the Boards may fix; and Boards shall give at least clear days' notice in writing of meeting to such Native owners interested.

3. Special meetings of Native owners shall be convened by Boards by giving not less than fourteen days' notice in writing to each Native owner interested, which notice shall specify the hour and place of meeting, and the business to be considered.

4. At every meeting of Native owners the following rules for conducting the proceedings and business shall be observed: A chairman and clerk shall be chosen, and the proceedings shall be recorded in a minute book to be kept for the purpose, which shall be signed by the chairman and clerk.

Before proceeding to elect a Board, a resolution shall be passed fixing the number of members to be elected, and the time during which they shall hold office. Every meeting for election of a committee shall, by resolution, fix the number of persons of which the committee shall consist. Each candidate for appointment on a Board or committee shall be separately proposed and seconded, and, if the candidate or candidates are not unanimously elected, those persons shall be declared duly elected for whom the largest number of votes shall be given. A majority of votes of Native owners personally present shall in all cases determine questions submitted to a meeting.

The chairman shall have a deliberative vote and also a casting vote, in case of equality of votes. The declaration of the chairman entered in the minutes as to the members of a Board elected and their tenure of office, or that any resolution has been carried, shall be conclusive and final. A copy of such minutes of meeting, certified by the chairman and clerk, shall forthwith be delivered to the secretary of the Board, and such certified copy shall in every case be sufficient authority for the Board.

II.—PROCEEDINGS OF COMMITTEES.

Every Committee shall meet immediately after its election, or as soon as possible after the election, and shall choose a chairman, deputy-chairman, and clerk, who shall continue in office while the committees continue in office; and every committee shall remain in office until its successor has been appointed, and all acts of such committee shall be good, valid, and effectual though its fixed period of office shall have expired. Committees may meet for the transaction of business as often as they see proper, and may have fixed days for meeting, and may adjourn from time to time. In the absence of the chairman and deputy-chairman, a chairman of the meeting may be appointed from the members present. Notice of meetings shall be given by the clerk at least days previous to the meeting. Questions submitted to the vote of a meeting shall in all cases be determined by a majority of votes. The chairman shall have a casting vote, in case of equality of votes, and also a deliberative vote. The proceedings of every committee shall be entered in a minute book to be kept for the purpose, which shall be signed by the chairman and clerk; and a copy of the minutes of a committee certified by the chairman and clerk shall be sufficient authority for a Board.

THIRD SCHEDULE.

REGULATIONS FOR MEETINGS AND PROCEEDINGS OF BOARDS.

1. Every Board shall meet as soon as possible after being appointed, and shall choose a chairman, a secretary, and a treasurer. The Board may meet for transaction of business as frequently as it may deem proper, and may have fixed days for meetings. When there are more than two members, a majority of members of the Board shall always form a quorum for the transaction of business; when there are two members both must concur. The chairman shall have both a deliberative and a casting vote. A majority of votes shall settle all questions. Conveyances and deeds and instruments of all kinds shall only be executed by the Board in meeting; all expenditure of moneys shall be authorized by the Board, and all cheques on bankers, bills, notes, and orders, or other documents required in the course of business shall be signed by the chairman and treasurer.