

Hon. Mr. Coates.

NATIVE TRUSTEE AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Native Trustee Act, 1920.

Title.

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

Short Title.

1. This Act may be cited as the Native Trustee Amendment Act, 1924, and shall be read together with and deemed part of the Native Trustee Act, 1920 (hereinafter referred to as the principal Act).

Certificate by Native Trustee that he has been appointed to administer any estate to be sufficient evidence of fact.

10 is by law authorized to administer the estate of any deceased person, or to act under section four of the Native Trustee Amendment Act, 1922, 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
15 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
20 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
25 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 order to administer with will annexed, and it shall not be necessary to register the probate, order, or will.

Exemption of certain lands in Native reserves from provisions as to limitation of area.

3. 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. 5

In special cases Native Trustee may dispose of Native reserve for benefit of beneficial owners.

4. 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 the principal 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, either 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 Native Land 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 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. 10 15 20

Native Trustee may accept chattel security or assignment of rent by way of collateral security.

5. 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 twenty-one of the principal Act 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 conferred thereby on the grantee, mortgagee, submortgagee, payee, or other person entitled to repayment, as the case may be. 25 30

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

6. (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) accruing after the thirty-first day of March, nineteen hundred and twenty-five, the following provisions shall apply:— 35

(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. 40

(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. 45

(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 50

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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
5 of the Native Trustee, may approve.

7. (1.) Nothing in the principal Act 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,
10 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.

Legalizing assignments of rents of Native reserves or other Native lands to Native Trustee.

(2.) This section is in substitution for section five of the Native Trustee Amendment Act, 1922, and that section is hereby accordingly
15 repealed.

Consequential repeal.

8. (1.) Section twelve of the Native Trustee Amendment Act, 1921-22, is hereby amended by omitting from subsection one the words "six per centum per annum," and substituting the words
20 "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."

As to interest payable on advances from Native Trustee's Account.

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

(3.) In respect of any advance so made in respect of any Native estate the Native Trustee may sign and seal a memorial
30 of charge against the 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
35 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 Property Law Act, 1908, or the Land Transfer Act, 1915, as the case may
40 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.

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