

(*Mr. Bunny.*)

Masterton and Greytown Lands Management.

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A BILL INTITULED

AN ACT to provide for the Management of certain Lands in the Townships of Masterton and Greytown in the Wairarapa District.

WHEREAS certain lands in the Townships of Greytown and Masterton whereof the lands described in the First and Second Schedules to this Act form part were vested in one Charles Rooking Carter for the formation of a settlement upon the principle of a Small Farm Association: And whereas the lands described in the Schedules to this Act were set apart for public purposes for the service of the said settlement: And whereas certain moneys arising from the said lands have from time to time been received and paid into the Bank of New Zealand at Wellington and there is now lying in the said Bank a sum of four hundred and eighty-three pounds three shillings and threepence or thereabouts to the credit of Charles Rooking Carter Robert Hare and Henry Humphrey Jackson: And whereas the said moneys ought to be applied for the same purposes as the rents and profits of the said lands hereafter to accrue but the same cannot be so applied without the authority of an Act of the General Assembly: And whereas the said Charles Rooking Carter executed the several deeds mentioned in the first column of the Third Schedule hereto whereby certain lands vested in him for public purposes for the service of the

said settlement were respectively conveyed to the persons mentioned in the second column of the said Third Schedule for the purposes and upon the trusts mentioned in the said deeds and shortly described in the third column of the same Schedule: And it being doubted whether the said deeds were valid it is expedient that the said deeds should be declared valid: 5

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 shall be "The Masterton and Greytown Lands Management Act 1871." 10
- Repeal of Acts. 2. "The Wairarapa Town Lands Management Act 1870" and two Acts of the Superintendent and Provincial Council of the Province of Wellington in the twenty-first Session of the said Council intituled respectively "An Act to declare the Trusts of certain Lands in the Township of Masterton in the Wairarapa District and to provide for the appointment of Trustees therein" and "An Act to declare the Trusts of certain Lands in the Township of Greytown in the Wairarapa District and to provide for the appointment of Trustees therein" are hereby respectively repealed: Provided that all acts done under any of the Acts hereby repealed before the passing of this Act shall be as valid as if this Act had not been passed. 15 20
- Greytown Trustees. 3. With respect to the lands and hereditaments mentioned in the First Schedule all the estate and interest therein which was by "The Wairarapa Town Lands Management Act 1870" vested in the persons mentioned in the second section of the said Act shall cease to be vested in those persons and shall on the passing of this Act vest without conveyance in Henry Humphrey Jackson Samuel Moles and Moritz Hirschberg all of Greytown as joint tenants in fee-simple all of whom as well as any future Trustees of the said lands and hereditaments under the provisions of this Act are in this Act called "the Greytown Trustees." 25 30
- Meeting for election of Trustees. 4. On some day in the month of April next after the passing of this Act and at a place and time to be fixed by the Greytown Trustees a meeting shall be held of the persons residing or having land either leasehold or freehold within the town of Greytown and the suburban sections of the Township of Greytown as delineated on the official plan of such town and township. 35
- Manner of election. 5. At such meeting the persons present shall first elect a Chairman and then elect six persons being residents in such town or township to be Trustees of the lands mentioned in the First Schedule hereto in the place of the Greytown Trustees hereby appointed. 40
- Lands &c. to be held for educational purposes. 6. The lands vested in the Greytown Trustees under this Act shall be held by them upon trust for the purpose of maintaining educational establishments and a library in connection therewith and for other purposes of public utility and the yearly rents and profits already accrued and accruing from the said lands shall be paid and applied in such manner in connection with the purposes aforesaid as the Greytown Trustees for the time being shall in their sole discretion think fit. 45 50
- Trustees to let lands. 7. The Greytown Trustees may let the lands so vested in them from year to year or for any number of years not exceeding twenty-one years in possession at such rent and on such conditions as to them or a majority of them may appear advisable and a lease signed by any four of them shall be as valid as if all of them had signed the same. 55
- Trustees to appoint officers. 8. The Greytown Trustees shall appoint a treasurer to whom all moneys derivable from the trust property shall be paid and also a collector and auditor who shall be paid by the Greytown Trustees out of the trust funds in their hands such sums of money for their services as the said Greytown Trustees may think fit. 60

9. Entries of all proceedings of the Greytown Trustees with the names of the members who attend each meeting shall be made in books to be provided and kept for that purpose under the direction of the Greytown Trustees and shall be signed by the members present or any three of them and all entries purporting to be so signed shall be received as evidence without proof of any meeting having been duly summoned or held or of the presence at any such meeting of the persons named in such entry as being present thereat or of the signature of any person by whom such entry purporting to be signed all which matters shall be presumed until the contrary be proved.

Minutes of meetings to be kept.

10. The Greytown Trustees shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid for or on account of the purposes of this Act and of all liabilities incurred by them for such purposes and of the several purposes for which such sums are paid and such liabilities incurred.

Trustees to keep accounts.

11. The Greytown Trustees shall within one calendar month after the close of every year cause a balance sheet to be prepared containing a true statement of the receipts and payments on account of the lands during the past year and of all sums of money which may be due to or by the Greytown Trustees and shall lay such balance sheet with all needful vouchers before the Auditor appointed by them and all such accounts shall be audited and published in the Government Gazette of the Province of Wellington.

Accounts of Trustees to be audited and published.

12. The Greytown Trustees shall not be answerable or accountable for the other or others of them but each and every of them only for his and their own acts receipts neglects or defaults respectively and the said Greytown Trustees or any of them shall not be answerable or accountable for any banker broker or other person with whom or in whose hands or custody any part of the moneys of such lands shall or may be deposited or lodged for safe custody or otherwise in execution of the trusts hereby in them reposed nor for any other misfortune loss or damage which may happen in the execution of the aforesaid trusts or in relation thereunto except the same shall happen by or through their own wilful default respectively.

Liability of Trustees.

13. The Greytown Trustees shall go out of office by rotation in the following manner that is to say on the first Thursday in the month of April in the year one thousand eight hundred and seventy-three one third of their number shall go out of office and on the first Thursday in April in the following year another third of their number shall go out of office and on the first Thursday in April in the year following the remainder shall go out of office and on the first Thursday in the month of April in every subsequent year one-third of the Greytown Trustees being those who have been longest in office shall go out of office and in each instance the places of the retiring Trustees shall be supplied by the election of a like number of Trustees in the manner herein provided.

Past acts of Trustees validated.

14. Every Greytown Trustee going out of office by rotation or otherwise ceasing to be a Trustee may be re-elected and after such re-election he shall with reference to going out by rotation be considered as a new Trustee.

How new Trustees are to retire.

15. If any of the Greytown Trustees die or by writing under his hand delivered to the Greytown Trustees at a meeting resign his office or cease for six calendar months to reside in the township of Greytown or become bankrupt or executes a deed of composition with his creditors or cease to be a Trustee from any other cause than that of going out of office by rotation the remaining Trustees shall within one month from the happening of such vacancy elect another Trustee in his place and every Trustee so elected shall continue in office so long as the person in whose place he is elected would have been entitled to continue in office.

Power of new Trustees.

Vacancies how to be filled.
Rotation List.

16. In order to determine the rotation by which the Greytown Trustees first elected under this Act shall go out of office the said Trustees at their first meeting after their election shall cause their Clerk or some person to be then appointed for that purpose by the Greytown Trustees to write the names of all the Greytown Trustees on separate slips of paper all as nearly as may be of equal size and having folded them up in the same manner he shall put them into a box and shall in the presence of the meeting draw out such slips of paper in succession and the names upon the slips so drawn shall be written by the Clerk or other person in a list in the order in which they are drawn and the Greytown Trustees shall go out of office according to the order of their names in such list.

How Trustees going out in rotation are to be elected.

17. For the purpose of electing Trustees from time to time in the place of those of the Greytown Trustees who go out by rotation a meeting of the persons of full age not being married women residing in the town of Greytown and the suburban sections of the township of Greytown shall be held at a place to be appointed by the Greytown Trustees and if no place be prescribed at the school-house in Greytown on the first Friday in the month of April in the year one thousand eight hundred and seventy-three and on the first Friday in the month of April in each succeeding year or if any such day be Good Friday then on the following day of which meeting and the time and place of holding the same public notice shall be given by the Greytown Trustees by advertisement and also by placards affixed on the principal doors of the school house or some other public place in the town of Greytown seven clear days at least before the day of election and at such meeting the persons present thereat having first elected a Chairman shall proceed as herein provided to elect new Trustees in the room of those who shall have gone out of office.

Chairman to preside.

18. The Chairman of such meeting shall ascertain the determination of the meeting by a show of hands or in such other manner as he shall think fit and shall declare the same which declaration shall be final unless a poll be then demanded in writing signed by any three voters present.

If poll demanded.

19. When such poll shall be demanded the Chairman shall adjourn the meeting to some convenient day not later than nine clear days from the day of the demand direct the same to be proceeded in at such place or places and on such day not exceeding seven clear days from the day of the demand as he shall appoint and the polling shall commence at nine of the clock in the forenoon and close at four o'clock in the afternoon of the so appointed day.

Chairman to provide &c.

20. The Chairman shall appoint the necessary poll-clerks and prepare a necessary poll-book in which book shall be inserted the situation of the premises in which such voter resides and for whom he votes.

How poll to be declared &c.

21. The Chairman shall openly declare the result of the poll at the said adjourned meeting. Any elector present at such adjourned meeting may then and there demand a scrutiny and on finding security to the satisfaction of the Chairman for the reimbursement of the expenses attending the same a scrutiny shall be made by the Chairman in such way and manner as he may deem proper and the result of such scrutiny shall be reported at another adjourned meeting to be appointed by the Chairman to be held on a day not later than the third day from such second adjourned meeting. If there shall be no scrutiny the result of the poll as originally declared or if there shall be a scrutiny the result whereof as declared by the Chairman shall be final. The party demanding the scrutiny shall pay the expenses thereof.

Costs how paid.

22. All costs attending the poll shall be paid by the Greytown Trustees out of any funds which may come to their possession as such Trustees.

- 23.** The Greytown Trustees may make regulations for the despatch of business at their meetings for determining who shall be Chairman and for fixing a quorum and may from time to time alter revoke amend and make anew any such regulations. Trustees may make regulations.
- 5 **24.** With respect to the lands and hereditaments mentioned in the Second Schedule hereto all the estate and interest therein which was by "The Wairarapa Town Lands Management Act 1870" vested in the persons mentioned in the second section of the said Act shall cease to be vested in those persons and shall on the passing of this Act
10 vest without conveyance in Alfred William Renall Joseph Masters and Robert Hare all of Masterton as joint tenants in fee-simple all of whom as well as any future trustees of the said lands and hereditaments under the provisions of this Act are in this Act called "the Masterton Trustees."
- 15 **25.** All the sections of this Act from the third to the last succeeding section both exclusive shall be deemed to be here re-enacted with the substitution of the term "Masterton" for Greytown and of the term "Masterton Trustees" for Greytown Trustees. Masterton Trustees.
Sections apply to Masterton Trustees.
- 20 **26.** The net yearly rents and profits hereafter accruing from the reserve of forty-eight acres mentioned in the First Schedule to this Act shall be divided annually into two equal shares whereof one shall be retained by the Greytown Trustees and the other shall be paid to the Masterton Trustees to be dealt with by them respectively in accordance with the trusts and for the purposes of this Act. Yearly rents from reserve.
- 25 **27.** The said moneys lying in the Bank of New Zealand shall be divided between the Greytown Trustees and the Masterton Trustees in the proportions following that is to say two-thirds thereof to the Greytown Trustees and one-third to the Masterton Trustees: And the persons to whose credit the said moneys are now standing at the said Bank
30 shall forthwith after the passing of this Act pay over the said moneys in the aforesaid proportions to the Greytown Trustees and the Masterton Trustees respectively and thereupon the said persons shall be discharged from all liability in respect of the moneys so paid over and in respect of their dealings with the same: All moneys received by the said
35 Trustees respectively under this section shall be dealt with by them in the same manner as if such moneys were part of the rents and profits of the lands hereby vested in them respectively. Distribution of funds in Bank of New Zealand.
- 28.** The several deeds mentioned in the first column of the Third Schedule hereto are hereby declared to be or to have been from the
40 respective dates thereof valid and effectual for all intents and purposes. Deeds mentioned in first column of Third Schedule.

SCHEDULES.

FIRST SCHEDULE.

Schedules.

RURAL AND TOWN RESERVES IN GREYTOWN.

Forty-eight acres Reserve near Greytown.

Town Acres Nos. 1 2 9 60 62 89 90 91 92 112 and one-half of 61 and 111. Town Acres Nos. 93 119 120.

SECOND SCHEDULE.

RURAL AND TOWN RESERVES IN MASTERTON.

Town Acres Nos. 43 44 46 47 48 49 50 51 52 53 54 55 56 58 60 69 70 71 72 84 85 87 88 102 103 104 106 111 119 120. Rural Section No. 29.

One-half of Town Acre No. 2 a piece of land adjoining to Town Acre No. 26 upon the district road from Masterton to the Upper Plain measuring 330 feet by 33 feet more or less also two pieces or parcels of land between Town Acres Nos. 85 and 87 and the Waipoa River.

THIRD SCHEDULE.

MASTERTON.

Nature and Date of Deed.	Parties taking thereunder.	Trusts.
Conveyance of Town Acre No. 1. Date	C. R. Carter to Trustees	For Church of England.
Conveyance part of Town Acre No. 21. Date	C. R. Carter to Trustees	For a Presbyterian Church.
Conveyance of Town Acre No. 105. Date	C. R. Carter to Trustees	For a Wesleyan Church.
Conveyance of part of Town Acre No. 2. Date	C. R. Carter to Superintendent	For a Telegraph, Post Office and Court House.
Conveyance of Town Acre No. 89. Date.	C. R. Carter to Superintendent and others	For a Public School House.