

*Native Trust.*SCHEDULE B.
SCALE OF FEES, &c.

	On Debts not exceeding 40s.	Exceeding 40s. but not exceeding £5.	Exceeding £5 but not exc. £10.	Exceeding £10.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CLERK'S FEES :—				
Every summons	0 1 0	0 1 6	0 2 0	0 3 0
Every hearing	0 1 0	0 2 0	0 3 0	0 6 0
Entering notice of special defence ...	0 0 6	0 1 0	0 1 6	0 3 0
Entering any judgment or order ...	0 0 6	0 1 0	0 1 6	0 3 0
Every warrant of execution	0 1 0	0 2 0	0 3 0	0 6 0
Certifying costs of witnesses	0 0 6	0 1 0	0 1 6	0 3 0
BAILIFF'S FEES :—				
Serving summons or subpoena if within one mile of the office	0 0 6	0 1 0	0 1 6	0 2 0
For every mile extra (one way) ...	0 0 6	0 0 6	0 0 6	0 0 6
For execution of any warrant against the goods or body, 1s. in the pound upon the sum levied or received, or for which the body is taken in execution.				
If beyond one mile from the office, per mile (one way)	0 0 6	0 0 6	0 0 6	0 0 6
For conveying any person to prison (including all expenses), for every mile	0 1 0	0 1 0	0 1 0	0 1 0
Bailiff when in possession, per diem, 2s. 6d.				
ALLOWANCE TO WITNESSES :—				
For every witness residing within one mile of the office	0 2 0	0 2 0	0 2 0	0 2 0
For every extra mile (one way) ...	0 0 6	0 0 6	0 1 0	0 1 0

No. IX.

NATIVE TRUST.

AN ORDINANCE for appointing a Board of Trustees for the Management of Property to be set apart for the Education and Advancement of the Native Race.

[29th June, 1844.]

Preamble.

WHEREAS the Native people of New Zealand are by natural endowment apt for the acquirement of the arts and habits of civilized life, and are capable of great moral and social advancement: And whereas large numbers of the said people are already desirous of being instructed in the English language and in English arts and usages: And whereas great disasters have fallen upon uncivilized nations on being brought into contact with Colonists from the nations of Europe, and in undertaking the colonization of New Zealand Her Majesty's Government have recognized the duty of endeavouring by all practicable means to avert the like disasters from the Native people of these Islands, which object may best be attained by assimilating as speedily as possible the habits and usages of the Native to those of the European population: And whereas provision hath been made for the appropriation of certain lands and moneys for the purposes aforesaid, and it is expedient, for the better administration of the said

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said lands and moneys, that Trustees should be appointed in whom the same shall be vested with the powers and under the restrictions hereinafter expressed :

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows :—

I.—TRUSTEES AND THEIR POWERS.

1. For the purpose of effecting the objects hereinbefore mentioned, the persons hereinafter named shall be and are hereby appointed Trustees, that is to say,— Who to be Trustees.

His Excellency the Governor and Commander-in-Chief in and over the Colony of New Zealand and its Dependencies for the time being, or the Officer for the time being Administering the Government thereof.

The Right Reverend the Lord Bishop of New Zealand for the time being.

The Attorney-General for New Zealand for the time being, or the person for the time being lawfully acting in that capacity.

William Spain, Esquire, so long as he shall be a Commissioner of Land Claims.

The Chief Protector of Aborigines for the time being, or the person for the time being lawfully acting in that capacity.

2. In case any person who by virtue of his office or otherwise would be a Trustee under the provisions of this Ordinance shall be unwilling to act as such Trustee or be desirous of being discharged from such trust, and in case the said William Spain shall cease to hold the office of Commissioner of Land Claims, His Excellency the Governor shall forthwith by warrant under his hand appoint provisionally, subject to Her Majesty's confirmation, some fit person to be a Trustee in the place of the person so declining to act or desiring to be discharged, or of the officer whose office shall so have ceased to exist. Vacancies how to be supplied.

3. Upon every such appointment, all the trust property real and personal shall vest without any conveyance or assignment in the continuing Trustees and such new Trustees as joint tenants thereof, as fully and in the same manner in all respects as in the original Trustees. Trust property to vest in new and old Trustees.

4. The said Trustees shall be styled "The Trustees for Native Education and Improvement in New Zealand." Trustees how to be styled.

5. All property real or personal which shall from time to time be granted conveyed devised bequeathed or given to "The Trustees for Native Education in New Zealand," shall be holden by them upon the trusts hereinafter declared, that is to say,—Upon trust that the said Trustees shall apply and expend the rents issues and proceeds thereof in the establishment and maintenance of schools for the instruction of the Native people in the English language, and for a systematic course of industrial and moral training in English usages and English arts, and in providing for the relief of the sick, and generally in such a way as may be most conducive to the bodily and spiritual welfare of the Native race and to their advancement in the scale of social and political existence; such schools, provision for the relief of the sick, religious instruction or other advantages, not being exclusively confined to persons of one particular religion. Trusts on which property to be holden.

6. And whereas it is desirable that all property real or personal which shall be at any time granted or conveyed devised bequeathed or given Property not to be sold or encumbered.

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given to the said Trustees upon the trusts hereinbefore declared, shall remain vested in the said Trustees for the time being free from any charge or encumbrance whatsoever, and be managed laid out and invested by them in such manner as that the best yearly income which can be reasonably made to arise therefrom may be available for the purposes of this Ordinance: Be it therefore enacted as follows, that is to say,—The said Trustees shall not mortgage charge or encumber the said property real or personal or any part thereof, or the rents issues or proceeds thereof or any part thereof, nor shall they alienate or dispose of such real property as aforesaid or any part thereof except as hereinafter mentioned, that is to say:—

Power to Trustees to grant leases.

7. It shall be lawful for the Trustees for the time being to let the same or any part thereof upon lease of any nature and upon any such conditions as to the Trustees may seem fit, for any term not exceeding ninety-nine years, to take effect in possession, at the best yearly rent that can reasonably be gotten for the same, without taking any fine or premium for the making of such lease.

And to exchange.

8. It shall also be lawful for the Trustees for the time being to exchange the said real property or any part thereof for other property of the like nature and tenure situated within the Colony, and which shall appear to them to be of equal value with the land so given in exchange by them. The property so received in exchange shall be subject to all the trusts powers and provisions hereinafter contained.

All encumbrances &c. to be void.

9. All mortgages charges and encumbrances of or upon the trust property or any part of the same, and all conveyances and alienations (excepting such as shall be made by virtue of the powers of leasing and exchanging as hereinbefore given), shall be void and of none effect whatsoever.

Trusts of property set apart for half-caste children.

10. And whereas there are and may be within the Colony many children of whose parents one only is or may be of the Native race, for the benefit of which children their relations of the Native race may desire to appropriate portions of lands: And whereas the lands so from time to time to be appropriated may be advantageously managed by the Trustees appointed for the general purposes of this Ordinance: Be it therefore enacted as follows:—Every such portion of land which shall have been lawfully vested in the said Trustees, and the rents issues and proceeds thereof, shall be holden by them upon trust for the education maintenance and advancement of the persons for whose benefit the same shall have been originally appropriated, and their descendants, in such shares and proportions and in such manner in all respects as to the Trustees shall seem meet, with all the powers and subject to all the restrictions and provisions hereinbefore particularly mentioned as to other lands holden by the said Trustees for the general purposes of this Ordinance: Provided always that nothing herein contained shall be held to prevent the said Trustees from letting any such portions of land as aforesaid or any part thereof to any person beneficially interested therein, at a nominal rent or such rent as to the Trustees in their discretion may seem meet, or from making an absolute conveyance of the said portions of land or any part thereof to the children or descendants or any of them of the persons in whose favour such lands shall have been originally appropriated, in such manner as to the said Trustees in their discretion may seem meet.

On failure of their descendants, property to be holden on general trusts of this Ordinance.

11. In case there shall be at any time no person entitled to any beneficial interest in any lands so appropriated as last mentioned, the Trustees shall hold such lands upon trust for the general purposes of this Ordinance, with and subject to all the trusts powers and provisions herein contained.

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12. All persons of whose parents one only shall be of the Native race, and for whom no lands shall have been appropriated as aforesaid, shall be deemed and taken to be Native people within the provisions of this Ordinance. Certain half-caste children to be deemed Native people.

13. The said Trustees are hereby empowered to appoint from time to time such persons as they may think fit to be agents for the management of the trust property in such places and in such manner as the said Trustees may direct, and to remove such agents or any of them at their discretion, and to invest such agents for the time being with such powers and authorities as may be deemed necessary for the efficient and profitable management of the trust property aforesaid, and to allow to such agents out of the trust funds such reasonable remuneration for their services and in such manner as to the Trustees may seem fit. Power to Trustees to appoint agents.

14. The said Trustees are also hereby empowered to appoint from time to time such persons as they may think fit to be Masters or Mistresses of schools to be established under the provisions of this Ordinance, and to remove such Masters or Mistresses or any of them at their discretion, and to allow such Masters and Mistresses out of the trust fund such remuneration and in such manner as to the Trustees may seem fit, and from time to time to prescribe the system of instruction to be pursued in such schools, and to make rules for the regulation and government thereof. Schoolmasters &c.

15. The said Trustees are also hereby empowered to appoint from time to time (whenever the business of the trust shall require such appointment to be made) some fit person to be Secretary to the said Trustees, and to remove any such Secretary at their discretion, and to allow to such Secretary out of the trust funds such reasonable remuneration for his services as to the Trustees may seem fit. And Secretary.

II.—PROCEEDINGS OF TRUSTEES.

16. For the purpose of carrying this Ordinance into execution, the said Trustees or any four of them shall, in the month of October in every year, or as soon thereafter as conveniently may be, hold a meeting to be called the "Annual Meeting." Annual Meeting.

17. The said Trustees or any four of them may also hold meetings at such times as they may deem expedient, which shall be called "Special Meetings." Special Meetings.

18. The said Trustees or any three of them shall hold a meeting which shall be called an "Ordinary Meeting" at least once in every quarter of a year, and at such other times as they may deem expedient. Ordinary Meetings.

19. At every meeting of the said Trustees, His Excellency the Governor, or in his absence the Senior Trustee then present, shall preside. Senior member to preside.

20. All questions proposed for the decision of any meeting shall be decided by a majority of votes of the Trustees then present: Provided that the Trustee presiding at such meeting shall in addition to his original vote have also a casting vote, if upon any question the votes shall be equally divided. And to have a casting vote.

21. At every such Annual Meeting as aforesaid there shall be laid before the Trustees, by the Secretary or person acting as such, a general statement of the affairs of the trust made up to and including the last day of the month preceding that in which such Annual Meeting shall be holden, and of the then existing property effects debts contracts and liabilities, together with an estimate of the probable gross income of the trust for the ensuing year. Business of the Annual Meeting, general statement of affairs of trust.

22. The Trustees shall then appropriate what shall appear to them the probable amount of such income for such specific purposes, and in such Estimate and appropriation of income.

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such shares and proportions and in such manner as shall appear to them best calculated for promoting the objects of this Ordinance. It shall not be lawful for the Trustees at any time or in any manner to incur any expense or liability in respect of the said trust other than such as shall have been so sanctioned by such appropriation as aforesaid at the Annual Meeting, then last preceding.

Business of Special Meetings &c., Agents &c. to be appointed.

23. At such Annual Meeting or at such Special Meeting as aforesaid, but at no other time, the Trustees may exercise the powers hereinbefore given to them, touching the appointment removal authority and payment of the Secretary, Agents, Masters and Mistresses of schools, the system of instruction to be pursued in such schools, and the rules to be made for the regulation and government thereof.

Terms of leases &c. to be prescribed.

24. The said Trustees may also from time to time at any such Annual Meeting or Special Meeting as aforesaid, but at no other time settle and prescribe the terms and conditions on which leases of the trust lands shall be granted, and the manner in which the property of the trust shall be administered, and make such rules and regulations as they may think fit respecting the mode, of convening any of the meetings to be holden under the authority of this Ordinance and of transacting business thereat.

Ordinary Meetings.

25. At any such Ordinary Meeting as aforesaid, the Trustees then present may consider applications for leases and grant leases, and generally transact all such business and do all such acts (other than such as are hereinbefore forbidden to be done except at an Annual or Special Meeting,) as may be necessary for the carrying into effect the provisions of this Ordinance.

Leases to be sealed with Seal of Trust.

26. The said Trustees shall have and use a common Seal, and all leases to be made by them shall be sealed therewith in the presence of three Trustees at the least. Every lease so stamped with the said Seal shall be as good and valid in all respects as if it had been executed and attested as by law required, and the party producing any such lease in any Court shall not be bound to offer any proof that the said Seal was set thereto in such presence as aforesaid.

Trustees to make annual report to Secretary of State.

27. The said Trustees shall once in every year submit to His Excellency the Governor, for transmission to Her Majesty's Principal Secretary of State for the Colonies, copies of the general statement and estimate which shall have been so laid before the then last Annual Meeting as aforesaid, together with a statement of the appropriation then made of the income for the year next ensuing, and copies of all general rules whatsoever made by the said Trustees since the date of the last yearly report, and such further information as may be necessary to show the working and results of the trust hereby created. And the said Trustees shall furnish copies of such general statement and estimate, with the appropriation of the annual income, to be laid before the Legislative Council at their next meeting; and the Trustees shall also publish the same in the Government *Gazette*, and in one or more of the newspapers which may be published in the Colony.

Commencement of Ordinance.

28. This Ordinance shall not come into operation until it shall have received the Royal confirmation, and until such confirmation shall have been notified accordingly in the New Zealand Government *Gazette* by order of His Excellency the Governor of New Zealand for the time being.