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Waitangi Tribunal
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Waikato 46, 363-364.
Wai 898, #A64(c)(iv)
Wai 898, #A76(g)(iv)

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HAMILTON THURSDAY 28th NOVEMBER 1968

PRESENT M.A. BROOK, ESQUIRE, JUDGE

46 REWI MANIAPOTO MEMORIAL TRUST S.50 NATIVE PURPOSES ACT 1931

D E C I S I O N

This application to the Court "to consider and approve the terms upon which the Trustees may proceed to arrange a lease of" part of "the block known as Lot 112 Town of Kihikihi" was heard on 14 November, after being amended by the Court at the request of Counsel from an application under S.15 of the Native Land Claims Adjustment Act 1915 (which clearly had no application). Counsel for the Kihikihi Town Council (and the Waipa County Council) and Mr T.P. Maniapoto, for some members of the Ngati Maniapoto Tribe, were heard as objectors and written submissions from the New Zealand Historic Places Trust and the Te Awamutu Historical Society (Inc.) were accepted by the Court for consideration.

Section 50 of the Native Purposes Act 1931 is partly quoted and partly summarised as follows:-

"50 (1) For the purpose of administering and managing the land hereinafter mentioned there shall be constituted a corporate body with perpetual succession and a common seal having the same powers and functions as a body corporate constituted under Part XVII of the principal Act, to be called the Rewi Maniapoto Memorial Committee and in respect of which the following provisions shall apply:-"

(a) Court shall appoint Committee of Management:

(b) Court may remove any member therefrom:

(c) Court may appoint another person in place of any member who dies, resigns or is removed from office:

"(d) All the provisions of Part XVII of the principal Act as to the execution of instruments by a Committee of Management and as to the confirmation and effect of instruments executed by the members of a Committee of Management, shall apply to instruments executed by the Committee of Management appointed under this section."

(e) Court may make by-laws prescribing practice and procedure of the Committee of Management.

(2) Lot 112 Town of Kihikihi was vested in the Corporate body known as the Rewi Maniapoto Memorial Committee and the District Land Registrar was directed to issue a Certificate of Title under the Land Transfer Act 1915 for the said land in the name of the said corporate body.

"(3) The corporate body shall hold the said land in trust primarily for the purpose of protecting,

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improving, maintaining and repairing, and replacing, if necessary, the Memorial erected thereon to the memory of Rewi Maniapoto (deceased) and for such other purpose for the benefit "of the said Ngati-Maniapoto Tribe as the Court shall from time to time determine"

(4) (Not relevant).

The "principal Act" was the Native Land Act 1931; Part XVII thereof bore the heading "Incorporation of owners of Native Lands"; this is now Part XXII/1953 headed "Incorperation of Owners of Maori Land" which will on 1 April 1969 be repealed and replaced by Part IV of the Maori Affairs Amendment Act 1967, which Part IV is headed "Maori Incorporations".

The Court's powers under S.50 of the Native Purposes Act 1931 are specified under (1) and (3) above and do not include the power "to consider and approve the terms upon which the Trustees may proceed to arrange a lease "of Lot 112 or of portion thereof; S.50(1)(a)(b)(c) and (e) relate to the appointment etc of members of the Committee of Management; S.50(1) (d) provides that Part XVII Part XVII/1953 (now Part XXII/1953) shall apply as to the confirmation and effect of instruments executed by the Committee of Management; and the Court's power under S.50(3) has nothing to do with alienation of the land but merely empowers the Court to add another purpose or other purposes to those expressed as the purposes for which the body corporate holds the land in trust.

The Committee of Management will no doubt consider the powers of the body corporate (which was constituted by S.50 of the Native Purposes Act 1931 and called the Rewi Maniapoto Memorial Committee) under Part XXII/1953; it is in the Court's opinion clear that neither the Lot nor any portion thereof can be sold.

The Court has no power under that section to do what the application requests it to do and the application is dismissed.

Copies to Mr Phillips
Mr Bennetts
Mr Maniapoto
The Te Awamutu Historical Society (Inc.)
Mr H.C.M. Norris (for N.Z. Historic Places Trust)
File 1413/W

WA Brown

EXTRACT FROM NATIVE PURPOSES ACT 1931 SECTION 50

REWI MANIAPOTO MEMORIAL TRUST

(1) For the purpose of administering and managing the land hereinafter mentioned there shall be constituted a corporate body with perpetual succession and a common seal having the same powers and functions as a body corporate constituted under Part XVII of the principal Act, to be called the Rewi Maniapoto Memorial Committee, and in respect of which the following provisions shall apply:-

(a) The Court shall, by order, appoint a committee of management consisting of not less than five and not more than seven members as the Court may determine, being persons of the Ngati Maniapoto Tribe, and all the powers and functions of the body corporate hereby constituted shall be exercised on its behalf by a majority of the members for the time being in office of a committee of management so appointed, and no act of the committee of management shall be questioned or invalidated on the ground of any vacancy in the membership thereof.

(b) The Court may at any time, whether on application made or on its own motion and for any reason which it thinks sufficient, remove from office any member of the committee of management.

(c) If any member of the committee of management dies, or resigns, or is removed from office the Court may appoint another person in his place.

(d) All the provisions of Part XVII of the principal Act as to the execution of instruments of a committee of management, and as to the confirmation and effect of instruments executed by the members of a committee of management, shall apply to instrument s executed by the committee of management appointed under this section.

(e) The Court may from time to time, by order, make by-laws (consistent with this section) prescribing the practice and procedure of the committee of management. Subject to this section and any by-laws so made, the committee may regulate its own proceedings.

(2) The land known as Lot 112 of the Town of Kihikihi, being the land referred to and described in section fifteen of the Native Land Claims Adjustment Act, 1911, is hereby vested in the corporate body known as the Rewi Maniapoto Memorial Committee, and the District Land Registrar is hereby directed to issue a certificate of title under the Land Transfer Act, 1915, for the said land in the name of the said corporate body.

(3) The corporate body shall hold the said land in trust primarily for the purpose of protecting, improving, maintaining and repairing, and replacing, if necessary, the memorial erected thereon to the memory of Rewi Maniapoto (deceased), and for such other purpose for the benefit of the said Ngati-Maniapoto Tribe as the Court shall from time to time determine.

(4) Any committee of management already appointed shall be deemed to have been appointed under this Act.

Vesting Lot 112, Kihikihi, in a corporate body for special purposes. 1929, No.19, s 53.