

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. No land to be disposed of by a beneficiary. 3. Jurisdiction of Native Land Court restricted. 4. Public Trustee not liable as to land disposed of. 5. Governor may declare land vested in Public Trustee. | <ol style="list-style-type: none"> 6. Public Trustee may grant new lease of certain lands now leased. 7. Provisions to apply to every such new lease. 8. Restriction as to confirmed leases. 9. Native over sixteen years of age may give discharges for money received from Public Trustee. 10. "The West Coast Settlement Reserves Act, 1892," amended. |
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1895, No. 53.

AN ACT to amend the Law relating to the Administration of Native Reserves. Title.
[31st October, 1895.]

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

1. The Short Title of this Act is "The Native Reserves Act Amendment Act, 1895," and it shall be read with "The Native Reserves Act, 1882" (hereinafter called "the principal Act"). Short Title.

2. No land which by the principal Act is vested in the Public Trustee shall be disposed of by sale, lease, or otherwise by the persons beneficially entitled thereto: Provided that nothing herein contained shall prevent the Public Trustee from disposing of such land by lease or otherwise under any powers conferred upon him by the principal Act or by this Act or otherwise. No land to be disposed of by a beneficiary.

3. (1.) The Native Land Court shall only have jurisdiction to ascertain who are the beneficial owners of such land, and to determine their respective rights and interests therein, but no order made by the Native Land Court shall be deemed to confer upon any owner the power to in any way dispose of such right or interest, nor shall any such order divest the Public Trustee of any such land. Jurisdiction of Native Land Court restricted.

(2.) Before the Native Land Court makes any order under this section it shall obtain the consent of the Public Trustee thereto.

(3.) With respect to orders made by the Native Land Court before the passing of this Act directing certificates of title to issue to the beneficial owners of such land, it is hereby declared that such certificates of title shall not be deemed to have conferred or to confer any right to dispose of the land comprised therein:

Provided always that nothing herein contained shall be deemed to invalidate any dispositions made under such certificates of title

prior to the passing of this Act, nor to affect any proceedings pending in any Court at the time of the passing of this Act in which the validity of any such order of the Native Land Court is in question.

Public Trustee not liable as to land disposed of.

4. Where, before the passing of this Act, land vested in the Public Trustee under the principal Act has been disposed of by any other authority than the Public Trustee by sale or otherwise, no liability shall be or be deemed to have been incurred by him by reason of such disposition, although such disposition may be contrary to the provisions of the principal Act.

Governor may declare land vested in Public Trustee.

5. If any question arises whether any land is vested in the Public Trustee under the principal Act, the Governor may by Order in Council declare that such land is so vested, and such Order in Council shall be final and conclusive.

Public Trustee may grant new lease of certain lands now leased.

6. Where land vested in the Public Trustee under the principal Act or "The West Coast Settlement Reserves Act, 1892," was, on the first day of September, one thousand eight hundred and ninety-five, subject to a valid lease for a term of more than fourteen years from the date of the commencement of such lease (hereinafter called "the original lease"), without any right in the lessee to a renewal or to valuation for improvements, the Public Trustee, at his discretion, and subject to such conditions as he thinks fit, may grant to such lessee a new lease of such land.

Provisions to apply to every such new lease.

7. With respect to any such new lease the following provisions shall apply :—

- (1.) The new lease shall commence from the date of the expiration by effluxion of time of the original lease.
- (2.) The lessee shall not be entitled to such new lease unless,—
 - (a.) In the case of an original lease which expires by effluxion of time before the first day of April, one thousand eight hundred and ninety-six, he makes and delivers to the Public Trustee the application for a new lease before the first day of February, one thousand eight hundred and ninety-six; nor unless,
 - (b.) In the case of an original lease which expires by effluxion of time on or after the first day of April, one thousand eight hundred and ninety-six, he makes and delivers to the Public Trustee the application for a new lease two months before the date of such expiration as aforesaid of the original lease; nor unless, in either case,
 - (c.) He duly pays to the Public Trustee all rent under his original lease, and fulfils all the covenants thereof up to the date of the commencement of the new lease.
- (3.) The rent under the new lease shall be five per centum per annum on the value of the land, including the improvements thereon; such value to be ascertained by the Public Trustee at such time and in such manner as he thinks fit, and his valuation, howsoever arrived at, to be conclusive.
- (4.) The costs of and incidental to the new lease shall be paid by the lessee.
- (5.) The new lease shall be for twenty-one years, and shall be renewable in same manner, and subject as far as practi-

cable to the same conditions, as provided by "The West Coast Settlement Reserves Act, 1892," except that sections fifty to fifty-five inclusive of the Schedule to that Act shall not apply.

8. The last two preceding sections of this Act shall not apply to confirmed leases as defined by "The West Coast Settlement Reserves Act, 1892."

Restriction as to confirmed leases.

9. Any Native over the age of sixteen years, whether under coverture or not, may from time to time give good and valid discharges for any moneys which he or she is entitled to receive from the Public Trustee under the principal Act or this Act, or may, by writing under his or her hand, attested by a Justice of the Peace, solicitor of the Supreme Court, or Postmaster, authorise any other Native beneficiary under the principal Act to receive and give discharges for any such moneys, if actually due and payable when such authority is given; but every such authority shall be absolutely void if it relates to moneys which are not actually due and payable at the time when the authority is given.

Native over sixteen years of age may give discharges for money received from Public Trustee.

10. "The West Coast Settlement Reserves Act, 1892," is hereby amended by substituting the words "four years" for the words "twelve months" where the same occur in paragraph (k) of subsection three of section eight; and by the addition to section ten of the following words: "Provided that any insurance under the lease shall be as provided by the Fourth Schedule of "The Land Transfer Act, 1885."

"The West Coast Settlement Reserves Act, 1892," amended.