

New Zealand.



ANALYSIS.

<p>Title. Preamble.</p> <p>1. Short Title.</p> <p style="padding-left: 40px;">(1.) <i>Reserved "Tenths."</i></p> <p>2. Lands in First Schedule deemed vested in Public Trustee. Saving.</p> <p>3. Application of proceeds.</p> <p>4. Application of proceeds accruing after 31st March, 1896.</p> <p style="padding-left: 40px;">(2.) <i>Ngatitooa Burial-ground.</i></p> <p>5. Land in Second Schedule vested in Public Trustee.</p> <p>6. Portion to be set apart as burial-ground, and residue leased. Conditions as to leases.</p>	<p>7. Power to enter on lands leased for removal of bodies.</p> <p>8. Application of rents.</p> <p>9. Administration of burial-ground.</p> <p>10. Original trusts modified.</p> <p style="padding-left: 40px;">(3.) <i>General.</i></p> <p>11. Certain lands enumerated in section 3 of principal Act deemed to have been vested in Public Trustee.</p> <p>12. Section 3 of "The Natives Reserves Act Amendment Act, 1895," amended.</p> <p>13. Court may determine relative interests.</p> <p>14. Payment of survey charges.</p> <p>15. Discharge and authority to receive given by Native void. Schedules.</p>
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1896, No. 41.

Title. AN ACT to amend the Law relating to the Administration of Native Reserves. [16th October, 1896.]

Preamble. WHEREAS doubts have arisen as to the position of certain Native reserves, generally known as the New Zealand Company's reserved "tenths," and described in the First Schedule hereto, and also as to other lands described in subsections one to six of section three of "The Native Reserves Act, 1882," and as to the powers and duties of the Public Trustee in the administration thereof, and it is expedient to settle such doubts in manner hereinafter appearing :

And whereas the parcel of land described in the Second Schedule hereto is now vested in Wi Parata Kakakura upon trust for a burial-ground for the Ngatitooa Tribe, but only part thereof has heretofore been used for that purpose, and the surviving members of that tribe are few in number : And whereas, in the interests of all concerned, it is expedient that the said land should be utilised in manner hereinafter appearing :

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 is "The Native Reserves Act Amendment Act, 1896," and it shall form part of and be read together with "The Native Reserves Act, 1882" (hereinafter called "the principal Act").

(1.) *Reserved "Tenths."*

2. All the lands enumerated in the First Schedule hereto shall, from the date of the coming into operation of the principal Act, be deemed to have been vested in the Public Trustee under section eight of that Act :

Lands in First Schedule deemed vested in Public Trustee.

Provided that every transaction in respect of any of the said lands, whether by way of sale, exchange, or lease, heretofore made or completed by any Commissioner of Native Reserves, or by the Governor or his delegate, under the provisions of any of the Acts referred to in the Third Schedule to this Act, shall be deemed and taken to have been valid and of full force and effect, in the same manner as if such lands had been vested as trust lands for the benefit of the aboriginal natives in such Commissioner, Governor, or delegate respectively at the date of the completion of any such transaction.

Saving.

3. With respect to all moneys which, on the thirty-first day of March, one thousand eight hundred and ninety-six, were in the hands of the Public Trustee as accumulated rents and proceeds of the said lands, he shall distribute three-fourths of the same amongst the Native beneficiaries entitled thereto, in such relative shares as has been determined by the Native Land Court; the remaining fourth of the said accumulated rents and proceeds shall be held by the Public Trustee to be distributed by him for the physical, social, and moral benefit of the Natives individually or collectively interested therein, and the relief of such of them as are poor or distressed :

Application of proceeds.

Provided that if any beneficiary is at any time aggrieved with the manner in which the Public Trustee exercises the power conferred upon him by this section, such Native may appeal to the Governor, who, in his discretion, may refer the matter to the Chief Judge of the Native Land Court, and in such case his decision shall be binding on the Public Trustee.

4. With respect to the annual rents and proceeds of the said lands accruing after the said thirty-first day of March, the following provisions shall apply :—

Application of proceeds accruing after 31st March, 1896.

- (1.) A part not exceeding one-half thereof shall be annually or from time to time distributed by the Public Trustee amongst the same beneficiaries, and in the same relative shares, as in the case of the aforesaid accumulations.
- (2.) The residue thereof shall be applied by the Public 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, and the relief of such of them as are poor or distressed.

(2.) *Ngatitoo Burial-ground.*

5. The parcel of land described in the Second Schedule hereto is hereby transferred from the said Wi Parata Kakakura and vested in the Public Trustee for an estate of inheritance in fee-simple as a Native reserve, subject nevertheless to the hereinafter-mentioned provisions of this Act.

Land in Second Schedule vested in Public Trustee.

Portion to be set apart as burial-ground, and residue leased.

6. The Public Trustee shall set apart portion of the said land, to wit, one acre thereof, as a burial-ground, and may lease the residue thereof, either together or in lots, for such term not exceeding forty-two years, in such manner, and subject to such covenants and conditions, as he thinks fit:

Conditions as to leases.

Provided that with respect to every such lease—

- (1.) The rent shall be the best obtainable, and shall be payable half-yearly throughout the term; and also that
- (2.) The lease shall contain covenants by the lessee,—

To enclose with a good and substantial fence the land comprised in the lease, and at all times throughout the said term to well and sufficiently repair and keep in good condition all such fences, and also all other fences, buildings, and erections for the time being on the land comprised in the lease.

Power to enter on lands leased for removal of bodies.

7. Every such lease shall be subject to the condition that any person authorised by the Public Trustee in that behalf may from time to time freely enter on the land comprised in such lease, with all necessary appliances, for the purpose of disinterring bodies there buried before the coming into operation of this Act, and removing them for burial as hereinafter provided.

Application of rents.

8. The net proceeds of all rents received by the Public Trustee in respect of every such lease shall, as and when from time to time received, be applied by him—

- First, In disinterring and removing all bodies at present buried in any part of the land comprised in such lease, and interring them afresh in the said burial-ground; and also
- Secondly, In planting and otherwise beautifying the said burial-ground, and erecting therein and from time to time renovating a suitable monument bearing the names of all Ngatitooa Natives there buried.

And the residue of such net proceeds shall from time to time be divided by the Public Trustee amongst the Natives beneficially entitled to the land in sums proportioned to their respective interests as and when ascertained and determined by the Native Land Court.

Administration of burial-ground.

9. The said burial-ground shall be administered in such manner as the Governor from time to time prescribes.

Original trusts modified.

10. The trusts and restrictions to which the said land described in the Second Schedule hereto was subject at the time of the coming into operation of this Act are hereby modified in so far as they are inconsistent with any of the provisions of this Act, but not further or otherwise.

(3.) *General.*

Certain lands enumerated in section 3 of principal Act deemed to have been vested in Public Trustee.

11. All the lands enumerated and defined in the third subsection to section three of the principal Act which were subject to the Acts enumerated in the Third Schedule to this Act shall, from the coming into operation of the principal Act, be deemed to have been vested in the Public Trustee under section eight of that Act, and the rents and profits and proceeds of every such reserve shall be expended only for the benefit of any Natives, either individually or collectively, for whom such lands were originally set apart, or their legal representatives.

12. Section three of "The Native Reserves Act Amendment Act, 1895," is hereby amended by the addition of the words "or orders" after the words "certificates of title" wherever the last-mentioned words occur in the said section.

Section 3 of "The Native Reserves Act Amendment Act, 1895," amended.

13. The Court shall have jurisdiction, on the application of the Public Trustee, to determine the relative interests in any Native reserve of the persons beneficially interested therein.

Court may determine relative interests.

14. The Court shall have jurisdiction, on the application of the Surveyor-General, to make orders under section sixty-five of "The Native Land Court Act, 1894," for securing payment of survey charges due to the Crown in respect of any Native reserve, or of "reserves" within the meaning of "The West Coast Settlement Reserves Act, 1892," and such orders shall be valid and effectual for all intents and purposes, anything in any Act to the contrary notwithstanding, and shall be a first charge on the rents of the said lands in the hands of the Public Trustee.

Payment of survey charges.

15. Except as provided by section nine of "The Native Reserves Act Amendment Act, 1895," every discharge given by a Native for moneys payable to the Public Trustee, and every authority given by any Native to any other person to receive such moneys, shall be absolutely void.

Discharge and authority to receive given by Native void.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

PROVINCIAL DISTRICT OF WELLINGTON.

No. on Plan.	District.	Area.	No. on Plan.	District.	Area.
543*	City of Wellington	A. R. P. 0 1 13	90	City of Wellington	A. R. P. 1 0 0
864	"	1 0 0	988	"	1 0 0
893	"	1 0 0	989	"	1 0 0
972	"	1 0 0	995	"	1 0 0
973	"	1 0 0	996	"	1 0 0
974	"	1 0 0	997	"	1 0 0
975	"	1 0 0	998	"	1 0 0
976	"	1 0 0	999	"	1 0 0
977	"	1 0 0	1,000	"	1 0 0
978	"	1 0 0	1,001	"	1 0 0
979	"	1 0 0	1,002	"	1 0 0
980	"	1 0 0	1,003	"	1 0 0
981	"	1 0 0	1,004	"	1 0 0
982	"	1 0 0	1,005	"	1 0 0
983	"	1 0 0	1,081	"	1 0 0
984	"	1 0 0	1,082	"	1 0 0
985	"	1 0 0	1,098	"	1 0 0
986	"	1 0 0	1,099	"	1 0 0
987	"	1 0 0	1,100	"	1 0 0
89	"	1 0 0			

* Middle part only.

PROVINCIAL DISTRICT OF WELLINGTON—*continued.*
Rural Sections.

No. on Plan.	District.	Area.	No. on Plan.	District.	Area.
Nos. 19 & 21	Ohiro	A. R. P. 175 0 0	132	Mangaroa	A. R. P. 100 0 0
" 12 & 13	*Ohariu	201 2 0	Nos. 2, 3, & 4	Pakuratahi	300 0 0

* The ungranted portions only.

PROVINCIAL DISTRICT OF NELSON.
New Zealand Company's Reserved "Tenths."

No. of Section on the Plan.	District.	Area.	No. of Section on the Plan.	District.	Area.
5	Town of Nelson	A. R. P. 1 0 0	733	Town of Nelson	A. R. P. 1 0 0
50	"	1 0 0	905	"	1 0 0
62	"	1 0 0	911	"	1 0 0
63	"	1 0 0	946	"	1 0 0
64	"	1 0 0	1,092	"	1 0 0
65	"	1 0 0	1,096	"	1 0 0
66	"	1 0 0	1,099	"	1 0 0
93	"	1 0 0	45	Moutere	50 0 0
144	"	1 0 0	69	"	50 0 0
148	"	1 0 0	71	"	50 0 0
152	"	1 0 0	73	"	50 0 0
159	"	1 0 0	75	"	50 0 0
162	"	1 0 0	84	"	50 0 0
177	"	1 0 0	85	"	50 0 0
198	"	1 0 0	137	"	50 0 0
227	"	1 0 0	138	"	50 0 0
229	"	1 0 0	144	"	50 0 0
231	"	1 0 0	145	"	50 0 0
233	"	1 0 0	147	"	50 0 0
241	"	1 0 0	148	"	50 0 0
244	"	1 0 0	151	"	50 0 0
248	"	1 0 0	201	"	50 0 0
261	"	1 0 0	202	"	50 0 0
263	"	1 0 0	205	"	50 0 0
265	"	1 0 0	206	"	50 0 0
267	"	1 0 0	213	"	50 0 0
283	"	1 0 0	1	Motueka	50 0 0
284	"	1 0 0	2	"	50 0 0
294	"	1 0 0	3	"	50 0 0
305	"	1 0 0	4	"	50 0 0
307	"	1 0 0	5	"	50 0 0
Part of 344	"	0 1 6	9	"	50 0 0
367	"	1 0 0	21	"	50 0 0
406	"	1 0 0	33	"	50 0 0
416	"	1 0 0	34	"	50 0 0
417	"	1 0 0	47	"	50 0 0
443	"	1 0 0	48	"	50 0 0
521	"	1 1 30	72	"	50 0 0
522	"		79	"	50 0 0
537	"	1 0 0	80	"	50 0 0
582	"	1 0 0	82	"	50 0 0
583	"	1 0 0	92	"	50 0 0
598	"	1 0 0	93	"	50 0 0
710	"	1 0 0	111	"	50 0 0

PROVINCIAL DISTRICT OF NELSON—*continued.*
New Zealand Company's Reserved "Tenths"—continued.

No. of Section on the Plan.	District.	Area.			No. of Section on the Plan.	District.	Area.		
		A.	R.	P.			A.	R.	P.
113	Motueka	50	0	0	Part of 165	Motueka	90	0	0
117	"	50	0	0	168	"	50	0	0
118	"	50	0	0	169	"	50	0	0
122	"	50	0	0	182	"	50	0	0
123	"	50	0	0	183	"	50	0	0
124	"	50	0	0	184	"	50	0	0
126	"	50	0	0	187	"	50	0	0
127	"	50	0	0	188	"	50	0	0
129	"	50	0	0	192	"	50	0	0
132	"	50	0	0	199	"	50	0	0
136	"	50	0	0	206	"	50	0	0
Part of 143	"	10	0	0	207	"	50	0	0
144	"	50	0	0	208	"	50	0	0
145	"	50	0	0	210	"	50	0	0
Part of 146	"	56	3	28	211	"	50	0	0
" 147	"				212	"	50	0	0
" 157	"	38	1	11	234	"	50	0	0
" 159	"				236	"	50	0	0
" 160	"	48	0	0	253	"	50	0	0
" 186	"				260	"	50	0	0
" 161	"	49	0	0	263	"	50	0	0
" 162	"				264	"	50	0	0
" 163	"				9	Takaka	150	0	0
" 164	"	124	3	16	58	Picton Sub-urban	46	0	2
" 181	"								

SECOND SCHEDULE.

ALL that parcel of land, containing 10 acres 2 roods 24 perches, more or less, known as Taupo No. 2. Bounded towards the north-east by Taupo No. 1, 1785 links; towards the east by Taupo No. 3, 761 links; and towards the south and west by a beach 278 links, 266 links, 172 links, 1225 links, and 754 links: being the whole of the land comprised in certificate of title under "The Native Land Court Act, 1880," registered in Volume 1, folio 2.

THIRD SCHEDULE.

"The New Zealand Reserves Act, 1856."

"The Native Reserves Act Amendment Act, 1862."