

Hon. Mr. Carroll.

LANDLESS NATIVES.

ANALYSIS.

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A BILL INTITULED

AN ACT to make Provision for Landless Natives.

Title.

Preamble.

5 WHEREAS in consequence of numerous petitions received from the Natives of the South Island relative to the non-fulfilment of promises made them on the cession of their territory in that Island to the Crown that additional land sufficient for their future wants should be set apart for them and their descendants : And whereas several inquiries have been made under Royal Commission for the purpose of ascertaining their actual requirements : And whereas a Joint Committee of both Houses of Parliament was appointed in the year one thousand eight hundred and eighty-eight, and again in the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, to report on the aforesaid claims : And whereas these several inquiries eventually resulted in the setting-apart of various areas of land in the said Island, and Commissioners were appointed on the thirteenth day of October, one thousand eight hundred and ninety-three, to allocate such lands and other areas subsequently set apart for a similar purpose : And whereas, after lengthened inquiries relative to the various matters pertaining to the appropriation and allocation of such lands to the persons intended, the said Commissioners have reported to the Minister of Lands that the allocation is now complete, and the results embodied in a register and index showing the allocations of such land to the persons entitled thereto, it is now therefore advisable that the persons in whose favour such allocations have been made should be clothed with a title, and it is expedient that the issue of instruments of title for such purpose should be authorised :

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 Landless Natives Act, 1906.” 5
- Interpretation.** 2. In this Act, if not inconsistent with the context,—
 The “South Island” means the Islands known as the Middle and Stewart Islands:
 The persons designated “landless Natives” shall be deemed to mean aboriginal Natives of New Zealand, and include 10
 half-castes and their descendants:
 “Land” means all land set apart heretofore to make provisions for landless Natives and which may subsequently be set apart for a similar purpose:
 The “Court” means the Native Land Court as constituted 15
 by “The Native Land Court Act, 1894.”
- Temporary reserves for landless Natives.** 3. (1.) For the purpose of providing land for landless Natives in the South Island the Governor may from time to time by Proclamation declare that any Crown land recommended in that behalf by the said Commissioners shall, whether the same has been 20
 surveyed or not, be set aside temporarily for such purpose.
 (2.) Notice of all such temporary reservations shall be published in the *Kahiti*.
- Permanent reserves.** 4. At the expiration of one month, but not later than six months, after the publication of the aforesaid Proclamation the 25
 lands described therein may by Proclamation be permanently reserved, and notice of such permanent reservation shall be published in the *Kahiti*, and failing such permanent reservation any such temporary reservation shall be void.
- Effect of Proclamation.** 5. On the publication of the Proclamation permanently reserv- 30
 ing the aforesaid Crown lands, such lands shall become and be dedicated to the purpose for which they were set apart, and may at any time thereafter be granted as hereinafter provided.
- Proclamations may be amended.** 6. Where there has been any error of description made in the Proclamation of any intended reserve, or where there appears to be a 35
 great discrepancy in the area of any intended reserve after the same has been surveyed, the Governor may cancel any Proclamation made in respect of such reserve, and issue a fresh Proclamation in respect thereof with amended particulars and descriptions. All such amended Proclamations shall be published in the *Kahiti*. 40
- Lands may be granted to landless Natives.** 7. For the purpose of carrying out the intention of this Act, or in fulfilment of any contract, promise, agreement, or understanding in connection with the setting-apart of lands for landless Natives in the South Island, the Governor may from time to time execute warrants for the issue of Land Transfer certificates to all or any 45
 parts of the land heretofore selected and allocated in favour of any such landless Natives, or which may be subsequently selected for such purpose, to any person or persons whose names have been ascertained either in severalty or as tenants in common, and may fix the terms and conditions and the dates on which the legal estate 50
 therein shall respectively vest.

8. The names of the persons deemed to be entitled to such instruments of title, together with the respective areas allotted them, shall be published in the *Kahiti*, together with the name of the locality and the sectional number; and such publication shall form the basis of title, and shall operate provisionally as such for the purpose of exchange, subdivision, or the reduction of areas as hereinafter provided.

Particulars to be published and to form basis of title.

9. Every certificate of title to be granted under the authority of this Act shall contain a restriction to the effect that the land shall be absolutely inalienable except by way of exchange or a lease for any term not exceeding twenty-one years amongst the persons only or their descendants who have been found to be entitled.

Restriction on alienation.

10. The Court shall have power to determine inheritance, exchanges, and subdivisions of any part or parts of the land set apart as aforesaid or which may hereafter be set apart, and in cases where it appears to the Court, on the application of any person concerned, that the allocation made in favour of any person or persons in consequence of the uncertainty of the age of any individual is in excess of the quantity such person or persons should have received, the Court is authorised to reduce the area allotted to a quantity commensurable with the acreage which such persons would have received had their age been accurately known at the time the award was made—that is to say, on the basis of fifty acres each or a lesser area in the case of adults and twenty acres each or a lesser area for non-adults under the age of fourteen years allotted to all persons found to be entitled to the territory south of the northern boundary of the Provincial District of Canterbury, and on the basis of forty acres each or a lesser area in the case of adults and twenty acres each or a lesser area in the case of non-adults under fourteen years old allotted to all persons found to be entitled in the Provincial Districts of Nelson and Marlborough (saving and except in the case of Whakapoai, in the Provincial District of Nelson, which for this purpose shall be treated as if south of the northern boundary of Canterbury). Any surplus lands which may be created through any reduction made by the Court shall revert to the Crown as fully and effectually as if such surplus land was duly reconveyed.

Powers of Court.

11. The Governor is authorised, after consultation with the Natives entitled to any of the sections or parcels of land allotted as aforesaid or which may be allotted hereafter, to lease any such lands on behalf of the Natives concerned to Europeans for any period not exceeding twenty-one years in possession and not in reversion, at the best improved rent obtainable at the time, subject to the payment of the value of any timber standing or growing thereon, the proceeds and rents to be paid and divided amongst the persons to whom such lands have been specially allotted in proportion to their respective acreage.

Land may be leased by Governor.

12. The Governor may from time to time, by Order in Council gazetted, make regulations for any purpose deemed expedient or necessary in connection with carrying out any of the provisions of this Act.

Regulations