

Mr. McDonald.

MOHAKA AND WAIKARE NATIVE CLAIMS SETTLEMENT.

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A BILL INTITULED

AN ACT for the Settlement of Native Claims in the Mohaka and Waikare District. Title.

WHEREAS by an Order in Council dated the twelfth day of January, Preamble.

5 one thousand eight hundred and sixty-seven, and made in pursuance of "The New Zealand Settlements Act, 1863," and the Acts amending the said Act, a certain district called the Mohaka and Waikara District was declared to be a district within the provisions of "The New Zealand Settlements Act, 1863": And whereas a certain agreement

10 was entered into by or on behalf of the Government of the colony, of the one side, and certain claimants to land within such district, of the other side, for the settlement of the claims of such persons to land within such district, and a copy of such agreement is deposited in the office of the Secretary for Crown Lands: And whereas, by an Act of

15 the General Assembly of New Zealand, being dated the twelfth day of September, one thousand eight hundred and seventy, intituled "The Mohaka and Waikare District Act, 1870," the said agreement was declared to be and to have been valid since the thirteenth day of June, one thousand eight hundred and seventy, and to be binding on the

20 Government of New Zealand, and all the persons whose names are stated in the said agreement and in the Schedule thereto, and further that a copy of such agreement with such Schedule, authenticated by the Secretary for Crown Lands, should be deposited in the office of the Colonial Secretary, and a copy thereof should also be laid before

25 Parliament in the then next session: And whereas, by an Act of the General Assembly of New Zealand, bearing date the twenty-ninth day of October, one thousand eight hundred and seventy-eight, intituled "The Repeals Act, 1878," the said "Mohaka and Waikare District Act, 1870," was repealed: And whereas, by an Act of the General

30 Assembly of New Zealand intituled "The Native Land Acts Amend-

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ment Act, 1881," it is enacted that, on the application of the Native Minister, the Native Land Court may, in its ordinary course of procedure, inquire and determine who are the persons entitled to the residue of the lands in the said Act mentioned, and may issue certificates in accordance with such determination, and may affix therein the dates on which the legal estate therein should respectively vest: And whereas complaints have been made by various Natives that their names were improperly omitted from the said agreement, and that the names of other than loyal Natives have been inserted therein, and it is expedient to reopen the inquiry as to the Natives who should have been made parties to the said agreement: And whereas, upon the faith of the before-mentioned Acts, many persons have dealt with the presumed Native owners for the lease of the parcels of land intended by "The Mohaka and Waikare District Act, 1870," to be returned to the Native owners, and it is expedient that the rights of such tenants should not be prejudiced by this Act: And whereas the Native Minister has not applied to the Native Land Court, in its ordinary form of procedure, to inquire and determine who are the persons entitled to the said lands so to be returned to the Natives: And whereas no certificates have been issued under the said "Native Lands Acts Amendment Act, 1881," and it is expedient that such should be done without delay: And whereas, at a sitting of the Native Land Court held at Napier on the sixth day of July and subsequent days, certain proceedings with reference to the lands mentioned in the said agreement were taken, but no investigation as provided by "The Native Lands Acts Amendment Act, 1881," was made:

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 Mohaka and Waikare Native Claims Settlement Act, 1882."

Native Minister shall apply to Native Land Court to determine who are Natives entitled to lands, and issue certificates therefor.

2. The Native Minister shall make application to the Native Land Court, in its ordinary form of procedure, to inquire and determine who are the loyal Natives entitled by right of ancestry or otherwise to the said lands in the said agreement hereinbefore mentioned so to be returned to the Natives, and, upon such determination, to issue certificates in accordance with such determination, and fix the dates on which the legal estates therein should vest respectively.

Crown grants may issue.

3. On receipt thereof the Governor may cause Crown grants of the pieces of land in such certificates described or referred to to be issued in favour of the persons therein respectively named, their heirs and assigns, as tenants in common, and may therein fix the date at which the legal estate therein shall vest as set forth in the several certificates, subject nevertheless to the following restrictions and conditions:—

Restrictions and conditions.

(1.) The land shall not be alienated save by lease as hereinafter mentioned, nor charged or encumbered in any manner whatsoever, and all deeds, wills, or other instruments purporting to transfer, charge, or encumber the said land, or any part thereof, except as aforesaid, shall be ineffectual except for such purpose: Provided, however, that it shall be lawful for the Governor in Council at any time to

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remove the restrictions upon such lands mentioned in the said agreement or any part thereof.

5 (2.) The said land shall not be liable to be sold, charged, or taken under any decree, judgment, or other process of any Court or otherwise, save under any law for the compulsory taking of lands for roads or other public works.

10 (3.) The said land may be let for any term not exceeding twenty-one years from the making of the lease without fine, premium, or foregift, and without any covenant for renewal or valuation at the expiry thereof.

(4.) All existing leases of the said lands shall be and remain in full force and authority as if the same had been made with the persons lawfully entitled to the possession of the said land.

15 4. The rents receivable under existing leases of the said lands shall henceforth be payable and paid to the persons who, upon such investigation and determination as aforesaid, shall be found to be the true owners of the said lands.

Rents payable to true owners.

20 5. The proceedings of the Native Land Court which sat at Napier on the sixth day of July, one thousand eight hundred and eighty-two, and subsequent days, in so far as they relate to lands mentioned in the said agreement, are hereby annulled.

Proceedings of Native Land Court of 6th July, 1882, relating to lands, annulled.