

NEW ZEALAND.

ANNO VICESIMO QUINTO ET VICESIMO SEXTO

VICTORIÆ REGINÆ.

No.

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BILL INTITULED :—

An Act for regulating the disposal of Native Lands. Title.

WHEREAS large tracts of land are held and owned by persons of the Native Race and it is expedient to give to such persons larger powers than they at present enjoy for dealing with and disposing of such lands ; Preamble.

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

I. The Short Title of this Act shall be "The Native Lands Act 1862." Short Title.

II. The term *Native Lands* shall mean and include lands over which the title of the Native inhabitants shall not have been extinguished. Interpretation.

The term *Native Proprietors* shall be construed to mean such persons as the Governor shall from time to time in manner hereinafter provided declare to be the proprietors of Native Land.

III. All the powers vested in the Governor by this Act shall be exercised with the advice of his Executive Council. Governor to exercise powers, with advice of Executive.

IV. The Governor may from time to time in such manner as he shall think fit, ascertain who according to Native Custom are the Proprietors of any Native Lands, and he may by Order in Governor may ascertain and declare who are Native Proprietors.

Council declare the persons tribes sub-tribes or hapus who are to be deemed to be the Native Proprietors thereof and such persons tribes sub-tribes or hapus so declared by the Governor in any such Order shall be deemed to be Native Proprietors of such lands accordingly for the purposes of this Act.

With co-operation of Natives.

V. In ascertaining the Native Proprietorship the Governor shall as far as possible and in such manner as he shall think fit obtain the assent and co-operation of the Natives interested therein.

Powers of Representatives.

VI. All rights conferred on and powers vested in any Body of Native Proprietors by this Act may be exercised on behalf of such body by such members or individuals thereof as the Governor shall in his judgment deem according to Native Custom to be entitled to act as the Representatives of or on behalf of such body and every act of such Representatives under this Act shall be deemed to be the act of the body which they shall represent or on whose behalf they shall act.

Natives may apply to bring Lands under Act.

VII. Whenever the Native Proprietors or persons claiming to be Native Proprietors of any Native Land shall be desirous of bringing such lands within the operation of this Act they may make application to the Governor to that effect.

Title to be fixed and declared.

VIII. Upon receiving any such application the Governor may in manner aforesaid inquire into and ascertain the Title of the persons claiming to be such Native Proprietors and may in manner aforesaid declare such Title accordingly.

Proprietors may propose Regulations for letting, &c.

IX. When by any Order in Council any persons shall have been declared to be the Native Proprietors of any Native Land or before any such Order shall have been made or simultaneously therewith such Native Proprietors or persons claiming to be Native Proprietors may make a proposal to the Governor for the issue of Regulations for the Sale Letting Occupation or other disposal of such Lands or any part thereof or for a plan of Partition Grant Lease appropriation or disposition thereof or of any part thereof to between or amongst themselves or any other person or persons or for granting licenses to mine or cut Timber or for any purpose of common use or benefit or of a Religious or eleemosynary nature. The Governor may assent to any such proposal or may propose to the Native Proprietors alterations or amendments therein.

Which may be authorized by Order in Council.

X. When any such proposal shall have been adopted by the Governor the Governor may by Order in Council declare such proposal to be adopted and may declare who are to be deemed Native Proprietors of the Lands included in such proposal and may give effect to the same accordingly.

Order shall be conclusive as to Lands and Proprietors affected.

XI. Every such Order in Council shall be conclusive as to the particulars limits and extent of the Land affected thereby and as to the Native Proprietors thereof and as to the persons capable of acting as Representatives of or on behalf of the Native Proprietors.

Force of Regulations.

XII. All Regulations for the Sale Letting Occupation and disposal of Native Lands and every plan for a partition Grant

Lease appropriation or disposition of Native Lands and for granting Licenses as aforesaid so adopted shall be good valid and binding on Her Majesty and all other persons and every Sale Lease partition grant License and Instrument of Disposition of or relating to such land made under or in accordance with such Regulations or Plan shall be deemed to be good and valid in law.

XIII. In any such Regulations or Plan lands may be reserved or set apart for Public Roads and Highways or for Schools Hospitals Churches Chapels or other eleemosynary institutions and for the endowment of such institutions and for any other purposes of public or common utility to the Native Proprietors or any of them and such reserved lands may be vested in any persons or bodies corporate to be nominated by the Governor in Council as Trustees for the proposed objects with such powers of management and disposition as the Governor shall deem right and as may be contained or specified in such Regulations or Plan.

Reserved Lands may be vested in Trustees.

XIV. The Governor may make and issue Grants Leases Licenses, or other instruments for giving effect to such Sales, Leases partitions Grants dispositions and Licenses in like manner as he is by law empowered to do as regards Waste or Demesne Lands of the Crown as effectually as if such land had been ceded by the Native Proprietors to Her Majesty and may cause the Public Seal of the Colony to be affixed to all Grants Leases Licenses and other instruments of disposition for giving effect to such Regulations or Plan.

Crown Grants may be issued.

XV. The Governor may at the request of the Native Proprietors cause Maps and Surveys to be made of any Native Lands and may defray the costs thereof out of and charge the same against the General Revenues of the Colony subject to such provisions as are herein contained for reimbursement of such costs.

Maps and Surveys may be made.

XVI. In any such Regulations or Plan to be adopted as aforesaid provision may be made for Raising upon the Sale Lease or disposal of any Land either by way of rent or annual payment and whether in perpetuity or for any limited period or by way of purchase money or in gross any sum or sums of money to be applied to the purposes hereafter specified that is to say:—

Powers and objects of borrowing.

For paying or reimbursing the cost of maps and surveys for making maintaining and repairing roads bridges ferries and other public works within the limits of such lands or by way of contribution to roads, bridges or ferries on trunk or main lines outside such limits, for building and repairing schools churches chapels or places of worship and for endowing the same, for maintaining scholars in such schools, for payment of stipends to school masters and ministers of religion, for erecting and repairing mills and other buildings of common use or benefit to the inhabitants for improving the lands of the district and for supplying the native inhabitants of such lands with grass and other seed and with stock and agricultural implements and generally for such purposes of social advancement of the native inhabitants as may be thought fit.

Custody of Money.

XVII. The custody management and expenditure of all monies raised under such Regulations or Plan shall be from time to time regulated in such manner as the Governor shall by Order in Council order or direct.

Regulation of Money.

XVIII. Provided that all regulations for the custody management and expenditure of such monies shall be framed with the consent of the native proprietors interested therein to be ascertained in such manner as the Governor from time to time with the advice as aforesaid may think fit.

Crown right of purchase reserved.

XIX. Provided also that nothing in this Act contained shall be construed to hinder or interfere with the acquisition of land by Her Majesty by purchase and cession from native proprietors subject to the laws and regulations in force relating to the sale and disposal of such lands as waste or demesne lands of the Crown.

Commencement of Act.

XX. This Act shall be reserved for Her Majesty's assent and shall come into operation on and from a day (after such assent given) to be fixed by the Governor by proclamation in the Government Gazette of the colony.