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Hon. Mr. Carroll.

NATIVE RESERVES ACT AMENDMENT.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Short Title.</p> <p>(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>(2.) <i>Ngatitooa Burial-ground.</i></p> <p>4. Land in Second Schedule vested in Public Trustee.</p>	<p>5. Portion to be set apart as public recreation-ground, and residue leased. Conditions as to leases.</p> <p>6. Power to enter on lands leased, for removal of bodies.</p> <p>7. Application of rents.</p> <p>8. Control of recreation-ground.</p> <p>9. Original trusts modified. Schedules.</p>
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A BILL INTITULED

AN ACT to amend the Law relating to the Administration of Native Reserves. Title.

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, with their concurrence, the said Wi Parata Kakakura desires that other provision should be made for the burial of the dead, and 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:—

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:

Saving.

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 "~~The Native Reserves Act, 1873,~~" or of any of the Acts referred to in *the Third Schedule A* to ~~that~~ *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. 5

Application of proceeds.

3. The Public Trustee shall ~~apply the proceeds of the said lands in such manner as he thinks fit,~~ *annually or at such other periods as may be found expedient apply the proceeds of the said lands, or so much of such moneys as may from time to time be available for the purpose,* for 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 :* 10 15

New paragraph.

But in distributing the available proceeds the persons who have not participated in moneys expended for the purposes referred to shall be entitled to be paid their shares of the net rental in full: Provided always that the amount expended for other purposes shall not exceed fifty per cent. of the net annual income, and that the moneys appropriated in such manner shall be expended only for the behoof of the Natives who are beneficially entitled: 20

Provided *further* that if any such Native 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 Minister of Native Affairs and the Chief Judge of the Native Land Court, and in such case their decision shall be binding on the Public Trustee: 25 30

New proviso and clause.

Provided also, 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. 35

3a. All the lands enumerated and defined in the subsection to section 3 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 8 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. 40 45

(2.) Ngatittoa Burial-ground.

Land in Second Schedule vested in Public Trustee.

4. 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. 50

5. The Public Trustee shall set apart portion of the said land, to wit, ~~three acres~~ *one acre* thereof, as a ~~public-recreation~~ *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:

Portion to be set apart as public recreation-ground and residue leased

Provided that with respect to every such lease—

Conditions as to leases.

(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:—

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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.

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6. 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 elsewhere as hereinafter provided.

Power to enter on lands leased, for removal of bodies.

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7. 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—

Application of rents.

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(1.) ~~First~~, In disinterring and removing all bodies at present buried in any part of the land described in the ~~Second Schedule hereto~~, *comprised in such lease*, and interring them afresh in such ~~suitable Native~~ *the said* burial-ground as is available for the purpose; and also

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(2.) ~~Secondly~~, In planting and otherwise beautifying the ~~place of re-interment~~ *said burial-ground*, and erecting therein and from time to time renovating a suitable monument thereon; ~~and also bearing the names of all Ngatitua Natives there buried.~~

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(3.) ~~In fencing, planting, and beautifying the said public recreation-ground.~~ *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.*

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8. The said ~~recreation~~ *burial-ground* shall be administered in such manner as the Governor from time to time prescribes, ~~and for that purpose he may place it under the control of any local authority or other body of local trustees as he thinks fit.~~

Control of recreation-ground.

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9. 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.

Original trusts modified.

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.

Rural Sections.

Nos. 19 & 21	Ohiro	175 0 0	132	Mangaroa	100 0 0
" 22 & 24	Makara	200 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	205	Town of Nelson	A. R. P. 1 0 0
50	"	1 0 0	227	Town of Nelson	1 0 0
62	"	1 0 0	229	"	1 0 0
63	"	1 0 0	231	"	1 0 0
64	"	1 0 0	233	"	1 0 0
65	"	1 0 0	241	"	1 0 0
66	"	1 0 0	244	"	1 0 0
93	"	1 0 0	248	"	1 0 0
144	"	1 0 0	261	"	1 0 0
148	"	1 0 0	263	"	1 0 0
152	"	1 0 0	265	"	1 0 0
159	"	1 0 0	267	"	1 0 0
162	"	1 0 0	283	"	1 0 0
177	"	1 0 0	284	"	1 0 0
198	"	1 0 0	294	"	1 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.
305	Town of Nelson	1	0	0	82	Motueka	50	0	0
307	"	1	0	0	92	"	50	0	0
Part of 344	"	0	1	6	93	"	50	0	0
367	"	1	0	0	111	"	50	0	0
406	"	1	0	0	113	"	50	0	0
416	"	1	0	0	117	"	50	0	0
417	"	1	0	0	118	"	50	0	0
443	"	1	0	0	122	"	50	0	0
521	"	1	1	30	123	"	50	0	0
522					124	"	50	0	0
537	"	1	0	0	126	"	50	0	0
582	"	1	0	0	127	"	50	0	0
583	"	1	0	0	129	"	50	0	0
598	"	1	0	0	132	"	50	0	0
710	"	1	0	0	136	"	50	0	0
733	"	1	0	0	Part of 143	"	10	0	0
905	"	1	0	0	144	"	50	0	0
911	"	1	0	0	145	"	50	0	0
946	"	1	0	0	Part of 146	"	56	3	28
1,092	"	1	0	0	" 147	"			
1,096	"	1	0	0	" 157	"	38	1	11
1,099	"	1	0	0	" 159	"	48	0	0
45	Moutere	50	0	0	" 160	"			
69		50	0	0	" 186	"			
71		50	0	0	" 161	"			
73		50	0	0	" 162	"			
75		50	0	0	" 163	"			
84		50	0	0	" 164	"			
85		50	0	0	" 181	"			
137		50	0	0	" 165	"			
138		50	0	0	168	"			
144		50	0	0	169	"			
145	50	0	0	182	"				
147	50	0	0	183	"				
148	50	0	0	184	"				
151	50	0	0	187	"				
201	50	0	0	188	"				
202	50	0	0	192	"				
205	50	0	0	199	"				
206	50	0	0	206	"				
213	50	0	0	207	"				
1	Motueka	50	0	0	208	"	50	0	0
2		50	0	0	210	"	50	0	0
3		50	0	0	211	"	50	0	0
4		50	0	0	212	"	50	0	0
5		50	0	0	234	Motueka	50	0	0
9		50	0	0	236	"	50	0	0
21		50	0	0	253	"	50	0	0
33		50	0	0	260	"	50	0	0
34		50	0	0	263	"	50	0	0
47		50	0	0	264	"	50	0	0
48	50	0	0	9	Takaka	150	0	0	
72	50	0	0	58	Picton	46	0	2	
79	50	0	0		Suburban				
80	50	0	0						

Struck out.

New Zealand Company's Reserves.

Situation.		Index Letter.	Area.			Situation.		Index Letter.	Area.		
			A.	R.	P.			A.	R.	P.	
Collingwood	...	E	6	3	0	Takaka	...	C	11	2	22
"	...	F	5	1	21	Ditto	...	E	11	3	5
"	...	G	8	3	27	Ditto	...	F	1	3	38
"	...	H	11	1	6	Poharo	...	L	9	0	4
"	...	I	10	3	32	Ligar Bay	...	O	3	2	15
"	...	K	7	2	24	Wainui	...	T	200	0	0
"	...	L	12	0	17	Taupo Head	...	V	5	0	5
Tukurua	...	T	15	2	14	Torrent Bay	...	E	0	1	27
"	...	U	0	1	30	Fisherman's Island	...		2	1	1
Parewhakaho	...	W	3	0	21	Sandy Bay	...	L	0	0	22
"	...	X	5	2	31	Ditto	...	M	0	2	10
"	...	Y	0	3	24	Ditto	...	N	0	2	24
"	...	Z	59	3	35	Kaiteretere	...	O	5	0	4
Takaka	...	A	35	0	0						

SECOND SCHEDULE

ALL that parcel of land containing 10 acres 2 roods and 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."