

(Hon. Mr. Gisborne.)

# Native Reserves.

## ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Date of Act coming into force.</li> <li>3. Repeal of Acts.</li> <li>4. Repeal of sections of "Native Lands Act, 1867."</li> <li>5. Saving rights and liabilities.</li> <li>6. Certain powers under "Native Lands Act, 1867," to be exercised by Native Lands Court.</li> <li>7. Jurisdiction of the Court extended to reserves over which Native title is extinguished.</li> <li>8. Reserves under repealed Acts vested in public officer.</li> <li>9. Existing contracts, &amp;c., to be performed by him.</li> <li>10. Commissioners of Reserves &amp;c. to furnish accounts.</li> <li>11. Such accounts to be placed before Parliament.</li> <li>12. Trustee may cause reserves to be dealt with under this Act.</li> </ol> | <ol style="list-style-type: none"> <li>13. Trustee to furnish accounts for Parliament.</li> <li>14. Power to Native Reserves Trustee to appear in Court to support making of reserves for Natives or public purposes.</li> <li>15. Officer may appear in Court on behalf of the public.</li> <li>16. Grants may be ordered to Trustees.</li> <li>17. Powers of management.</li> <li>18. "Native Lands Act, 1865," incorporated.</li> <li>19. Limitation may be removed or changed.</li> <li>20. Effect of such removal or change.</li> <li>21. Fees.</li> <li>22. Native Reserves Trustee to be informed of all proceedings.</li> <li>23. Native Reserves Trustee may be removed.</li> <li>24. May appoint agents.</li> </ol> |
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## A BILL INTITULED

AN ACT to repeal the several Acts and parts of Acts relating to Native Reserves, and to make other provisions in lieu thereof. Title.

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

### PART I.

#### GENERAL PROVISIONS.

- 5           1. The Short Title of this Act shall be "The Native Reserves Act, 1870." Short Title.
2. This Act shall come into operation on the first day of November, one thousand eight hundred and seventy. Date of Act coming into force.
- 10          3. "The New Zealand Reserves Act, 1856," "The New Zealand Native Reserves Amendment Act, 1858," and "The Native Reserves Act, 1862," are hereby repealed, save as to rights acquired, and obligations incurred thereunder or under any of them. Repeal of Acts.

Repeal of sections of  
"Native Lands Act,  
1867."

4. The eleventh, twelfth, thirteenth, fourteenth, and fifteenth sections of "The Native Lands Act, 1867," are hereby repealed, except as to certificates and grants made and issued, and proceedings had and things done and completed thereunder or under any of them.

Saving rights and  
liabilities.

5. Provided always that this Act shall not render valid or invalid, or improve prejudice or in any way affect, any such things as are referred to as saved or excepted in the two preceding sections of this Act, nor shall this Act destroy the liability of any person acting or who has acted as Governor, or any other officer appointed by or under any of the repealed Acts, to answer in any Court for any act or thing by him respectively done neglected or omitted to be done as Trustee or in any other capacity under any of such repealed Acts, for which he respectively would have been liable to answer if this Act had not been passed; but for the purpose of preserving such liability and the rights of parties who may now have any remedies or rights at law or in equity thereunder or under any of them, the said repealed Acts shall remain in force.

Certain powers under  
"Native Lands Act,  
1867," to be  
exercised by Native  
Lands Court.

6. With respect to past transactions, all powers given to the Governor or the Governor in Council, by any of the repealed sections of "The Native Lands Act, 1867," shall hereafter be vested in the Native Lands Court or any Judge thereof, sitting in Court.

Jurisdiction of the  
Court extended to  
reserves over which  
Native title is  
extinguished.

7. Subject to this Act, the Native Lands Court shall have the same jurisdiction over any Native Reserve to which the Native title has been or shall be extinguished, and may take all such proceedings and make such orders with respect to any such Native Reserve which comes before it for investigation, or for any other purpose as it has and may do with respect to any land which is Native land within the meaning of "The Native Lands Act, 1865," and for this purpose and the other purposes of this Act, the term "Native Reserves" shall include—

- (1.) Lands which have been or shall hereafter be excepted or reserved by Aboriginal Natives on the cession or surrender of lands to the Crown and specified as so excepted or reserved in the deed of conveyance cession or surrender.
- (2.) Lands which have been or shall hereafter be reserved or excepted for the benefit of Aboriginal Natives upon the sale by them to the Crown of any lands, including all lands which by virtue of the provisions of the fourteenth section of "The New Zealand Native Reserves Act, 1856," or the seventh section of "The Native Reserves Amendment Act, 1862," may have been subject to the provisions of "The New Zealand Native Reserves Act, 1856."
- (3.) Lands comprised in blocks, guaranteed to or set apart for the benefit of Aboriginal Natives by Colonel McCleverty, or according to the directions of any Commissioner appointed to investigate purchases of land made from Aboriginal Natives by the New Zealand Company.
- (4.) Lands reserved for the benefit of Aboriginal Natives by the New Zealand Land Company or New Zealand Company.
- (5.) Lands appropriated by the Governor for the use or benefit of any Aboriginal Natives.
- (6.) Lands vested in the Native Reserves Trustee under this Act.

## PART II.

### RESERVES HERETOFORE MADE.

Reserves under  
repealed Acts vested  
in public officer.

8. All real and personal estate now vested in the Governor under the said repealed Acts or any of them shall, from the date of this Act coming into operation and by force hereof, vest in an officer and his successors to be from time to time appointed for this purpose by

the Governor, which officer and his successors, shall, so far as is necessary for this purpose, be a Corporation sole with perpetual succession, under the name of "The Native Reserves Trustee," who shall hold his office during his good behaviour: Provided always that all land so vested in the Native Reserves Trustee shall be subject to the orders of the Native Lands Court when brought therinto by the Native Reserves Trustee under the provisions hereof, and may be dealt with by the said Court, and may be granted by the Crown, as if the same were, and always had been Native land within the meaning of "The Native Lands Act, 1865."

9. Any contract, lease, mortgage, obligation, or engagement heretofore duly made or entered into, or to be observed under any of the said repealed Acts by the Governor, or any Commissioner or Delegate heretofore appointed, under or by virtue of any of the repealed Acts, shall be deemed to have been made by and with the Native Reserves Trustee, and be binding upon, and be exercised, performed, and carried out by him and his successors as aforesaid, according to the intent and meaning of the several instruments by which such contracts, leases, mortgages, obligations, or engagements are evidenced.

Existing contracts, &c., to be performed by him.

10. All such Commissioners and Delegates shall, within two months from this Act coming into operation, furnish to the said Native Reserves Trustee a full and true statement and account of each estate and matter in their hands, or under their management and control, and such Native Reserves Trustee shall examine the same and take such proceedings in the Supreme Court, in reference thereto, as he shall deem requisite.

Commissioners of Reserves, &c., to furnish accounts.

11. Before the month of May, in the year one thousand eight hundred and seventy, the said Native Reserves Trustee shall furnish to the Colonial Secretary a full statement of all such accounts, with such remarks appended to the account of each estate as he may think fit to make, and such accounts shall be placed by the Colonial Secretary before each House of the General Assembly as soon as may be thereafter.

Such accounts to be placed before Parliament.

12. The said Native Reserves Trustee may, at his discretion, bring any such estate into the Native Lands Court, to be dealt with under the provisions of this Act, and for the purpose of commencing proceedings therein, his application shall be sufficient, and shall be deemed to be a claim on behalf of the persons interested; but before any final order of the Court is made, the consent of such persons to the application shall be proved to its satisfaction.

Trustee may cause Reserves to be dealt with under this Act.

13. So long as any estate shall remain in his management or control under this Act, the said Native Reserves Trustee shall annually furnish such account thereof as aforesaid to the Colonial Secretary, who shall place it before each House of the General Assembly as soon as may be after the receipt thereof by him.

Trustee to furnish accounts for Parliament.

### PART III.

#### RESERVES HEREAFTER TO BE MADE.

14. And whereas it is a matter of public concern that the Aboriginal Natives shall not so far divest themselves of their land as to retain insufficient land for their support and maintenance: Be it further enacted, that it shall be the duty of the Native Reserves Trustee, or his agent, to be appointed as hereinafter provided, to appear in the Native Lands Court, and to produce evidence to show why any land being adjudicated upon by the said Court, or any part thereof, should be rendered subject to any such restrictions or conditions as are mentioned in section twenty-eight of "The Native Lands Act, 1865." Provided that no such person shall appear until the title to such land shall have been decided by the said Court.

Power to Native Reserves Trustee to appear in Court to support making of Reserves for Natives or public purposes.

Officer may appear  
in Court on behalf of  
the public.

15. And whereas it is necessary that the proper authorities should have power to show cause why any parcel of land should be made inalienable to any person other than Her Majesty, or other proper authority, if the same is required for the purpose of a road, wharf, landing-place, or any other object of public utility or convenience: 5  
Be it further enacted, that it shall be lawful for any person, appointed for this purpose by the Governor, to appear in the Native Lands Court on behalf of Her Majesty, or other proper authority, and to produce evidence to show cause why any land, being adjudicated upon by the said Court, or any part thereof, shall be rendered subject to 10  
any such restrictions or conditions as aforesaid, for such public objects: Provided as in the last preceding section is provided.

Grants may be  
ordered to Trustees.

16. It shall be lawful for the said Court in any case before it, under this Act, to order that the grant to be made in pursuance of its certificate shall be made to the Native Reserves Trustee hereinafter 15  
mentioned, or to Trustees, stating in such order the names of the Trustees, the objects of the trust or the names of the *cestuique* trusts, and the estates or interest to be created by the grant to be made in pursuance thereof.

Powers of manage-  
ment.

17. Subject to this Act, the Native Reserves Trustee, and all 20  
Trustees appointed by the Native Lands Court, under the provisions hereinbefore contained, shall have general power to manage and administer all reserves under their control respectively, but according to the several objects of their dedication, if there is any special object expressed in the instrument creating them respectively, and with 25  
respect to such special reserves, and all others vested in him under this Act, shall have and may exercise all the powers, and shall be subject to the legal incidents of a Trustee appointed and acting under and by virtue of "The Maori Real Estate Management Act, 1867," except sub-section eight of section eight: Provided always that "the 30  
Governor" therein shall, for the purposes of this Act, be construed to mean any Judge of the Supreme Court or of the Native Lands Court. And provided further, that no leases shall be made until the land comprised therein shall, after due advertisement, be offered at public 35  
auction.

#### PART IV.

##### PROVISIONS APPLICABLE TO BOTH CLASSES OF RESERVES.

"Native Lands Act,  
1865," incorporated.

18. All the provisions of "The Native Lands Act, 1865," and the other Acts amending the same, shall, so far as the same are applicable, and are necessary for the carrying into execution of this Act, be deemed 40  
to be incorporated herewith, and the fees, rules, and forms of procedure thereof shall, subject to this Act, be applicable to all proceedings in the said Court under this Act.

Limitation may be  
removed or changed.

19. Whenever any Crown Grant shall have contained therein, or annexed thereto, or indorsed thereon, or resulting from the operation of 45  
the said clauses of "The Native Lands Act, 1867," any restrictions, limitations, or conditions, other than such as are in favour of Her Majesty or other public authority, for public uses or benefit, it shall be lawful for the persons named therein, or any of them, their or any of 50  
their successors, to be appointed under "The Native Lands Act, 1865," or for the Native Reserves Trustee, or for any trustee appointed under this Act, their heirs and assigns, to apply to the Native Lands Court to have such restrictions limitations or conditions, or any of them, annulled and removed, and it shall be lawful for the Court—proof in 55  
all cases being made of the cognizance of the application by the Native Reserves Trustee, or his agent appointed as hereinafter provided, and such other appointed Trustee (if any), and of the consent of the persons interested respectively—to hear and determine the application in manner provided by the said "Native Lands Act, 1865," and the amendments