

Hon. Mr. McKenzie.

NATIVE TOWNSHIPS.

ANALYSIS.

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A BILL INTITULED

An Act to promote the Settlement and Opening-up of the Interior of the North Island.

5 WHEREAS, for the purposes of promoting the settlement and opening-up of the interior of the North Island, it is essential that townships should be established at various centres: And whereas in many cases the Native title cannot at present be extinguished in the ordinary way of purchase by the Crown, and other difficulties exist by reason whereof the progress of settlement is impeded:

10 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 Townships Act, 1895." Short Title.

15 2. In this Act, if not inconsistent with the context,— Interpretation.  
"Commissioner" means the Commissioner of Crown Lands of the land district in which the land being dealt with is situated:

20 "Encumbrance" includes lease, mortgage, lien, and charge:  
"Native land" means land owned by Natives, whether the same has passed through the Native Land Court or not, or whether the title thereto has been otherwise determined; and includes land purchased or in course of purchase from Natives by the Crown:

“Native Land Court” means the Native Land Court constituted by “The Native Land Court Act, 1894”:

“Prescribed” means prescribed by regulations to be made by the Governor in Council under this Act:

“Surveyor-General” means the Surveyor-General of the colony, or the officer for the time being performing his duties. 5

Governor may set apart sites for Native townships.

3. The Governor may from time to time, by Proclamation published in the *Gazette* and *Kahiti o Niu Tirenī*, declare any parcel of Native land to be set apart as a site for a Native township, and shall by the same Proclamation assign a name to such township: 10  
Provided,—

(1.) That in no case shall the area of any such site exceed five hundred acres; and also

(2.) That in no case shall any two such sites be situate within ten miles of one another. 15

Upon gazetting, land to be subject to this Act.

4. (1.) Upon the gazetting of any such Proclamation, the land therein referred to shall be subject to the provisions of this Act.

(2.) If any question or dispute arises as to the situation or identity of the land referred to in any Proclamation, the Chief Judge of the Native Land Court shall decide, and his decision shall be final. 20

Sites to be surveyed and laid off with streets.

5. (1.) The Surveyor-General shall cause each site to be surveyed and laid off into a Native township, with such streets, allotments, and reserves as he thinks fit, and for that purpose may adopt in whole or in part any survey already made. 25

(2.) Sections ninety-six and ninety-seven of “The Public Works Act, 1894,” are hereby incorporated with this Act.

“Native allotments” for use of Native owners.

6. In every Native township there shall be reserved and laid off for the use of the Native owners, for purposes of residence and cultivation, such allotments, hereinafter called “Native allotments,” not exceeding in the whole an area of ten per centum of the total area of the township, as on the representations of the Native owners the Surveyor-General thinks reasonable. 30

Native owners to be consulted.

7. In the selection of such Native allotments the wishes of the Native owners shall be complied with in so far as, in the opinion of the Surveyor-General, such compliance does not interfere with the survey, or the direction, situation, and size of the streets, allotments, or reserves of the township. 35

Plan of township to be exhibited.

8. As soon as the survey is completed, a plan of the township shall be exhibited for the period of one month, in accordance with the rules of the Native Land Court. 40

Objections as to reserves or Native allotments to be heard by Chief Judge.

9. During such period any Native owner who objects to the sufficiency, size, or situation of the reserves or the Native allotments, as shown on the plan, may in the prescribed manner lodge such objection with the Chief Judge of the Native Land Court, who shall hear and determine the same, and may direct such alterations to be made in the number, size, or situation of such reserves and Native allotments as he thinks just. 45

Surveyor-General to certify plan correct, and township constituted.

10. (1.) Upon the expiration of the aforesaid period of one month, and upon all such alterations as aforesaid having been duly made, the Surveyor-General shall, by writing under his hand on 50

a copy of the plan of the township, certify that such plan is correct and has been duly made, and that such township has been duly constituted under this Act.

5 (2.) Such certificate shall be conclusive evidence that the plan and township whereto it purports to refer have been respectively made and constituted under this Act. Effect thereof.

(3.) If the land comprised in any such township forms part of a block the title to which has been determined, such certificate shall operate as a partition order in favour of Her Majesty under the provisions of "The Native Land Court Act, 1894."

10 11. Such plan, or a certified copy thereof, shall be deposited in the office of the District Land Registrar of the district in which the township is situate, and the land shall thereupon be deemed to be under the provisions of "The Land Transfer Act, 1885." Plan to be deposited with District Land Registrar.

15 12. With respect to every Native township brought under the Land Transfer Act as aforesaid, the following provisions shall apply:— Provisions to apply to Native townships brought under Land Transfer Act.

20 (1.) All streets shown on the deposited plan shall be deemed to be vested in Her Majesty for an estate in fee-simple in possession, free from encumbrances, and shall be roads within the meaning of "The Public Works Act, 1894."

25 (2.) All reserves (other than Native allotments) shown on the said plan shall be deemed to be similarly vested in Her Majesty for the purposes specified on the plan, and shall be dealt with as reserves under "The Public Reserves Act, 1881."

30 (3.) All Native allotments shown on the said plan shall be deemed to be similarly vested in Her Majesty in trust for the use and enjoyment of the Native owners according to prescribed regulations.

(4.) All other allotments shown on the said plan shall be deemed to be similarly vested in Her Majesty, in trust for the Native owners according to their relative shares or interests therein.

35 (5.) The District Land Registrar shall issue all such certificates of title as may be necessary for the purposes of this section.

(6.) No fee shall be payable by way of contribution to the Assurance Fund.

40 13. (1.) In all cases where by the operation of this Act any person is deprived of the benefit of his encumbrance over the land comprised in any Native township, he shall be entitled to compensation for the damage he thereby sustains. Compensation to person having encumbrance over land.

(2.) Such compensation shall be claimed and adjusted in the prescribed manner.

45 (3.) No compensation shall be payable in respect of any encumbrance created after the gazetting of the Proclamation under which the land affected by such encumbrance is set apart as a site for a Native township.

50 14. (1.) The Commissioner may lease in the prescribed manner, and on prescribed terms and conditions, all allotments other than Native allotments. Lease of allotments.

(2.) Every lease shall be subject to the condition that the Commissioner may determine it if he is satisfied that the land comprised therein is being held unused and to the hindrance of the trade and progress of the township.

Conditions of lease.

15. With respect to every such lease,—

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(1.) The term shall not exceed forty-two years ;

(2.) The rent shall be the best obtainable, and to that end every lease shall be offered either by public auction or public tender, as the Commissioner thinks fit ;

(3.) The instrument of lease shall be in the prescribed form, and shall be executed by the Commissioner on behalf of Her Majesty.

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Leases to be registered under Land Transfer Act.

16. (1.) Every such lease shall, after the execution thereof, be registered by the Commissioner under "The Land Transfer Act, 1885," in like manner, *mutatis mutandis*, as a Crown grant is registered.

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(2.) The copy of the lease which is retained in the office of the District Land Registrar shall form a folium of the register-book in such office, and on it all dealings therewith shall be registered.

(3.) No fee shall be payable by way of contribution to the Assurance Fund on the registration of any such lease.

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Commissioner's powers.

17. The Commissioner shall have in respect of every Native township all the powers which are conferred upon him in respect of Crown lands by section twenty-eight of "The Land Act, 1892."

Native owner may sell his interests.

18. (1.) Any Native owner may in the prescribed manner sell his interest in any Native township to Her Majesty, on such terms as may be agreed, and any such interest when so purchased shall be dealt with under such provisions of the Land Act for the time being in force as the Minister of Lands thinks fit.

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(2.) From the purchase-money of each such interest there shall be deducted an equitable share of all sums payable for compensation as aforesaid and for costs of survey as hereinafter mentioned, and the residue shall be paid to the Native owner entitled thereto.

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(3.) The amount of every such equitable share shall be determined in each instance by the Chief Judge of the Native Land Court.

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Rents to be paid into Public Account.

19. Subject to the provisions of the *last preceding* section, all rents accruing from leases of allotments in any Native township, and all equitable shares so deducted as aforesaid, shall be paid into the Public Account, and be credited to a separate account to be called "The Native Township of \_\_\_\_\_ Account."

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Division amongst Native owners.

20. (1.) Such account shall be charged with all sums payable for compensation as aforesaid, and also with the costs of surveying and constituting the township, and the surplus shall be divided amongst the Native owners in proportion to their relative shares and interests therein.

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(2.) Such division shall be made in the prescribed manner half-yearly on the thirty-first day of March and the thirtieth day of September.

Copy of account to be laid before Parliament.

(3.) A copy of every such account for each half-year, certified by the Controller and Auditor-General as correct, shall be laid before Parliament forthwith if sitting, and, if not sitting, then within thirty days after the beginning of the session.

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21. Subject to the prescribed regulations, all Natives shall have the free use of all baths or thermal springs existing on any reserve in such township. Natives to have free use of baths.

22. Upon the application of the Minister of Lands, or of any Native owner or other person claiming interest, the Native Land Court shall have jurisdiction to hear and determine all questions affecting the share or interest of Her Majesty or of any Native owner in any Native township, or in the proceeds of the sale to Her Majesty of any such share or interest or otherwise howsoever. Native Land Court to determine all questions.

23. Any Proclamation made under this Act may from time to time be amended, varied, or revoked, as the Governor thinks fit. Proclamation may be amended.

24. The local government of Native townships shall be such as the Governor in Council prescribes, and for that purpose he may apply to any Native township such of the provisions of any Act for the time being in force relative to local authorities and the management of municipal affairs as he thinks fit. Local government of Native townships.

25. The Governor in Council may from time to time make such regulations as he thinks fit as to the mode in which shall be done anything by this Act expressed to be prescribed, and generally for the purpose of giving full effect to the provisions of this Act. Regulations.