

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives, *October*
2nd ~~September~~, 1906.

Hon. Mr. Carroll.

SOUTH ISLAND LANDLESS NATIVES.

ANALYSIS.

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A BILL INTITULED

AN ACT to make Provision for Landless Natives in the South Island. Title.

BE IT 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 South Island Landless Natives Act, 1906." Short Title.
2. In this Act, if not inconsistent with the context,— Interpretation.
 The "South Island" means the Islands known as the Middle and Stewart Islands:
 The persons designated "landless Natives" shall be deemed to mean aboriginal Natives of New Zealand, and include half-castes and their descendants:
 "Land" means all land set apart heretofore to make provisions for landless Natives and which may subsequently be set apart for a similar purpose:
 The "Court" means the Native Land Court as constituted by "The Native Land Court Act, 1894."
3. (1.) For the purpose of providing land for landless Natives in the South Island the Governor may from time to time by Proclamation declare that any Crown land shall, whether the same has been surveyed or not, be set aside temporarily for such purpose. Temporary reserves for landless Natives.
 (2.) Notice of all such temporary reservations shall be published in the *Kahiti*.
4. At the expiration of one month, but not later than six months, after the publication of the aforesaid Proclamation the lands described therein may by Proclamation be permanently reserved, and notice of such permanent reservation shall be published in the *Kahiti*, and failing such permanent reservation any such temporary reservation shall be void. Permanent reserves.

Effect of
Proclamation.

5. On the publication of the Proclamation permanently reserving the aforesaid Crown lands, such lands shall become and be dedicated to the purpose for which they were set apart, and may at any time thereafter be granted as hereinafter provided.

Proclamations may
be amended.

6. Where there has been any error of description made in the Proclamation of any intended reserve, or where there appears to be a great discrepancy in the area of any intended reserve after the same has been surveyed, the Governor may cancel any Proclamation made in respect of such reserve, and issue a fresh Proclamation in respect thereof with amended particulars and descriptions. All such amended Proclamations shall be published in the *Kahiti*. 5 10

Lands may be
granted to landless
Natives.

7. For the purpose of carrying out the intention of this Act, or in fulfilment of any contract, promise, agreement, or understanding in connection with the setting-apart of lands for landless Natives in the South Island, the Governor may from time to time execute warrants for the issue of Land Transfer certificates to all or any parts of the land heretofore selected and allocated in favour of any such landless Natives, or which may be subsequently selected for such purpose, to any person or persons whose names have been ascertained either in severalty or as tenants in common, and may fix the terms and conditions and the dates on which the legal estate therein shall respectively vest. 15 20

Particulars to be
published and to
form basis of title.

8. The names of the persons deemed to be entitled to such instruments of title, together with the respective areas allotted them, shall be published in the *Kahiti*, together with the name of the locality and the sectional number; and such publication shall form the basis of title, and shall operate provisionally as such for the purpose of exchange, subdivision, or the reduction of areas as hereinafter provided. 25

Restriction on
alienation.

9. Every certificate of title to be granted under the authority of this Act shall contain a restriction to the effect that the land shall be absolutely inalienable except by way of exchange or a lease for any term not exceeding twenty-one years amongst the persons only or their descendants who have been found to be entitled. 30

Powers of Court.

10. (1.) The Court shall have power to determine inheritance, exchanges, and subdivisions of any part or parts of the land set apart as aforesaid or which may hereafter be set apart, and in cases where it appears to the Court, on the application of any person concerned, that the allocation made in favour of any person or persons in consequence of the uncertainty of the age of any individual is in excess of the quantity such person or persons should have received, the Court is authorised to reduce the area allotted to a quantity commensurable with the acreage which such persons would have received had their age been accurately known at the time the award was made—that is to say, on the basis of fifty acres each or a lesser area in the case of adults and twenty acres each or a lesser area for non-adults under the age of fourteen years allotted to all persons found to be entitled to the territory south of the northern boundary of the Provincial District of Canterbury, and on the basis of forty acres each or a lesser area in the case of adults and twenty acres each or a lesser area in the case of non-adults under fourteen years old allotted to all persons found to be entitled in the Provincial 35 40 45 50

Districts of Nelson and Marlborough (saving and except in the case of Whakapoai, in the Provincial District of Nelson, which for this purpose shall be treated as if south of the northern boundary of Canterbury).

5 (2.) Any surplus lands which may be created through any reduction made by the Court shall revert to the Crown, and shall be set apart as an endowment for the recreation or education of Natives.

10 11. The Governor is authorised, after consultation with the Natives entitled to any of the sections or parcels of land allotted as aforesaid or which may be allotted hereafter, to lease any such lands on behalf of the Natives concerned to Europeans for any period not exceeding twenty-one years in possession and not in reversion, at the best improved rent obtainable at the time, subject to the payment of the value of any timber standing or growing thereon, the proceeds and rents to be paid and divided amongst the persons to whom such lands have been specially allotted in proportion to their respective acreage.

Land may be leased
by Governor.

15 12. The Governor may from time to time, by Order in Council gazetted, make regulations for any purpose deemed expedient or
20 necessary in connection with carrying out any of the provisions of this Act.

Regulations.