

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE.]

Hon. Mr. Ballance.

WEST COAST SETTLEMENT RESERVES ACT 1881
AMENDMENT.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Date of expiry of leases. 3. Amended provision as to granting new leases on surrenders. 4. Gazette notice of apportionment of rents to be conclusive.</p>	<p>5. Transfer or assignment otherwise than by mortgage or charge. Proviso. 6. Stay of proceedings to recover rent in arrear. 7. Lease to J. S. Caverhill of part Pukekohatu Block. 8. Person surrendering lease with consent of Public Trustee competent to become lessee of new lease.</p>
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A BILL INTITULED

AN ACT to amend "The West Coast Settlement Reserves Act 1881
Amendment Act, 1884." Title.

WHEREAS by "The West Coast Settlement Reserves Act 1881
5 Amendment Act, 1884" (herein referred to as "the said Act"), the Preamble.
consent of all Native owners is required to admit of the granting a
new lease under the said Act in place of one which has been sur-
rendered, and it is in many cases difficult if not impossible to obtain
10 such consent owing to the absence of some of such owners and the
passive refusal of others to express their wishes in the matter, and
it would facilitate the operation of the said Act, without injuring any
one, if a Native Assessor were appointed to act in accordance with the
interests of the Native owners of the land :

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

1. The Short Title of this Act is "The West Coast Settlement Short Title.
Reserves Act 1881 Amendment Act, 1887."

2. Any lease under the said Act which is required to be granted Date of expiry of
leases.
20 so as to expire on the thirtieth day of June in any year may be
granted so as to expire either on the aforesaid day or on the thirty-first
day of December, as may be most convenient.

3. On the surrender of a lease under section thirteen of the said Amended provision
as to granting new
leases on surrenders.
25 Act, a new lease thereunder may be granted at a rental to be com-
puted on the value of the land comprised in the lease, and the im-
provements thereon, less the value of any substantial dwelling-house
or permanent farm-buildings thereon, and on such terms, subject as
in the said Act mentioned, as may be agreed upon between the Public
No. 12—2.

Trustee, the lessees, and a *two* Native Assessors to be appointed by the Governor ~~for the purpose as far as may be of acting in accordance with the interests of the Native owners of the land.~~

New Paragraph.

and one Native Assessor to be appointed by the Native owners of the land; and if any of the said Native owners neglect or refuse, for one month, to join in such appointment, the said Native Assessor shall be appointed by the majority of those who shall consent to join or act in making such appointment. But if none of such Native owners consent or join in consenting to make such appointment the same shall be made by the Governor.

The Governor in Council may from time to time make regulations and revoke and amend the same to enable effect to be duly given to the intention of this section, and such regulations shall have the same force as if enacted in this Act.

The provisions of this section shall be construed retrospectively, and be deemed to have been in force as from the first day of February in the year one thousand eight hundred and eighty-six.

4. When the rents of any land are apportioned amongst the persons entitled thereto by the Public Trustee as required to be done by section fifteen of the said Act, a notice of such apportionment may be gazetted, and any such gazetted notice shall be conclusive proof that the said rents have been properly and definitely apportioned.

Gazette notice of apportionment of rents to be conclusive.

New clauses.

5. Whereas by regulation twenty-two of the regulations made on the thirteenth day of February, one thousand eight hundred and eighty-three, by the Governor, in pursuance and exercise of the powers conferred on him by "The West Coast Settlement Act, 1881," it is provided that no lessee, or any person claiming by, through, under, or in trust for him, shall transfer, charge, sub-lease, or otherwise part with the possession or occupation of the land leased to him, or any part thereof, without, amongst other things, the previous consent in writing of the lessor: Now, be it enacted that when and so often as any transfer or assignment (otherwise than by mortgage or charge, which latter are expressly excepted from this provision) shall be consented to in writing by the lessor, such consent shall *ipso facto* release and discharge the transferor, assignor, or other person parting with his leasehold interest, and whether the privity created by such leasehold interest be of estate or of contract, from all liability accruing and to accrue due in respect of the said leasehold interest from and after the date of such consent, but such release shall in nowise prejudice or affect the rights of the lessor to receive and recover from such transferor, assignor, or other person all rent then accruing and accrued due, and the transferee, assignee, or other person taking such leasehold interest shall, on and after the date of such consent being given as aforesaid, be bound by all and singular the covenants, conditions, and provisoes, and whether expressed or implied, as are contained in the original lease, as if he had been named therein as lessee. But this provision shall not apply to any consents heretofore given, nor to any proceedings now pending against any person for past defaults in payment of rents due.

Transfer or assignment otherwise than by mortgage or charge.

Proviso.

297

6. Notwithstanding anything contained in any lease now existing or hereafter to be created under "The West Coast Settlement Reserves Act, 1881," or any Act passed in amendment thereof, it shall be lawful for the Public Trustee, if, and whenever he shall think fit to delay instituting and commencing proceedings in any Court or Courts of competent jurisdiction, for the payment and recovery of any rent reserved in any lease as aforesaid, or for the purpose of enforcing any rights of re-entry for non-payment of any rents reserved as aforesaid, given by or implied in any lease as aforesaid for a period not exceeding twelve months from the time when the first payment or portion of rent so in arrear as aforesaid shall have become due and payable according to the tenor and provisions of any such lease as aforesaid. And the Public Trustee, whenever he shall exercise the discretion hereby conferred on and given to him, shall be and he is hereby indemnified for any loss resulting therefrom.

Stay of proceedings to recover rent in arrear.

But he shall not exercise the said discretion in any case unless the applicant for relief under this section has annexed to his application a statutory declaration made under "The Justices of the Peace Act, 1882," to the effect that the relief applied for is indispensably necessary to the applicant by reason of his limited means.

Proviso.

7. Whereas the Native Affairs Committee of the House of Representatives, in the second session of the said House in the year one thousand eight hundred and eighty-four, by their report published in the Appendix to the Journals of the said House for the said year (Vol. II., I.-2, page 13), on the petition of J. S. Caverhill, did recommend that a lease should be made to him of lands in the Opunake South Block Reserve, in the Opunake District, in satisfaction of his claim for a lease which he had been promised, but was unable to take up on account of the unsettled state of the district; and it is expedient to give effect to the said recommendation:

Lease to J. S. Caverhill of part Pukekohatu Block.

Be it therefore further enacted as follows:—

The Public Trustee may grant a lease to J. S. Caverhill, of Hawera, of five hundred and sixty acres, more or less, of land in the Opunake South or Pukekohatu Block of Native reserves, in the Opunake District, on the terms and conditions mentioned in the Committee report hereinbefore recited; and the said lease shall be made to the said J. S. Caverhill in substitution of the lease he was unable to take up as above recited, and shall be deemed to be made by the Public Trustee as if the last-mentioned lease had originally been issued and surrendered to the said Trustee.

8. Notwithstanding anything in "The West Coast Settlement Reserves Act, 1881," or any Act amending the same, or any regulations made thereunder, any person who has surrendered his lease with the consent of the Public Trustee shall be competent to become the lessee of the new lease either originally, or by transfer or sub-lease.

Person surrendering lease with consent of Public Trustee competent to become lessee of new lease.