

## New Zealand.



### ANALYSIS.

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1883, No. 23.

AN ACT to provide for the Management of the Native Reserves in  
the South Island of the Colony. Title.

[8th September, 1883.]

WHEREAS by the terms of the Arahura deed of purchase, dated the twenty-first day of May, one thousand eight hundred and sixty, the land specified in the Second Schedule hereto, and known as the Greymouth Native Reserve, was, *inter alia*, set apart for the benefit of certain members of the Ngaitahu tribe: And whereas promises have been made on the part of the Government of the colony that the said reserve should be granted by the Crown to the Native owners thereof: And whereas, by an Order in Council, dated the third day of February, one thousand eight hundred and sixty-six, the assent of the Native owners was declared to have been ascertained to bringing the said reserve under the operation of "The Native Reserves Act, 1856," whereupon the said land became vested in Her Majesty, subject to the provisions of the said Act as amended by "The Native Reserves Amendment Act, 1862": And whereas a system of leasing thereupon commenced, under which the present lessees now hold, and it is both just and reasonable that arrangements should be made to protect the interests that have grown up under such system: Preamble.

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 South Island Native Reserves Act, 1883." Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

“Public Trustee” means the Public Trustee appointed under “The Public Trust Office Act, 1872”:

“Board” means the Board constituted under the said Act:

“Improvements” includes buildings, fencing, planting, draining, reclamation of land, laying down in grass or pasture, and any other improvement that has been made upon and added value to the land.

Governor may grant  
Greymouth Reserve.

3. It shall be lawful for the Governor, for and in the name of Her Majesty, to grant to the several Maoris whose names are set forth in the First Schedule to this Act the Native reserve described in the Second Schedule hereto, hereinafter called “the said reserve,” to hold as from the first day of February, one thousand eight hundred and seventy-nine, as tenants in common in the several proportions or shares set forth in the said First Schedule to this Act.

The grant to be made under this Act shall set forth that the several shares and interests of the grantees are inalienable by sale, exchange, mortgage, lease, or other disposition, and every such alienation shall be null and void.

The legal estate in the several lands granted under this Act shall be deemed to have been vested in the several grantees respectively on the day to be set forth in the grant.

Reserves to be  
managed by the  
Public Trustee.

4. The said reserve, notwithstanding such grant, shall be under the control and management of the Public Trustee, and, subject to the special provisions of this Act, shall be managed and leased, or otherwise dealt with, under and in accordance with the law for the time being in force in relation to Native reserves, and not otherwise.

The Public Trustee  
to offer reserves for  
lease by auction or  
tender.

5. The Public Trustee shall, twelve months at least before the expiration of the several leases now outstanding, offer the same for lease, by auction or tender, subject to the following terms and conditions, together with such others as the Board may prescribe:—

Terms and conditions.

(1.) The reserve shall be divided into as many lots as there now are holdings:

(2.) The leases shall be for twenty-one years, at a rent without fine, premium, or foregift, except as hereinafter mentioned:

(3.) The improvements on each lot made by the lessee or his tenant shall be valued in such manner as the Board shall direct:

(4.) The upset price of each lot shall be fixed by the Board at a fair annual rent, without reference to the improvements thereon made before the passing of this Act by the lessee or his tenant:

(5.) The purchaser of the lease shall pay as a premium or foregift the value of the improvements to be fixed as aforesaid.

Premiums to be  
paid to lessees, &c.

6. The money to be paid as premium or foregift shall be paid to the several persons who have made the said improvements respectively, or their assigns or legal representatives.

Provision in case of  
dispute.

7. In case any dispute shall arise as to the right of any person to receive any premium or foregift, or any part thereof, the Board shall appoint one or more competent person or persons to hear and determine the same in such manner as the Board shall direct, and the award made by such person or persons, in writing, shall be final and conclusive on all persons concerned,

**8.** The Public Trustee shall in his own name execute the leases to be granted under this Act over the land described in the Second Schedule, and the same shall be valid and effectual against Her Majesty and all persons whomsoever.

Public Trustee to execute leases, &c.

And whereas there are other Native reserves, herein called South Island reserves, in different parts of the South Island, in respect of which a similar system of leasing has been carried out, and it is just and reasonable that a similar protection should be given to the interests that have sprung up thereunder :

Preamble.

Be it therefore enacted as follows :—

**9.** The provisions of “The Native Reserves Act, 1882,” shall, so far as applicable, apply to the South Island reserves, subject to the following provisions :—

Provisions of Native Reserves Act to apply.

**10.** When any such reserve now under lease shall, on the expiration or determination thereof, be again leased, the subsections following shall be acted on :—

Grant of future leases.

(1.) The improvements made by the lessee or his tenant on the land comprised in any such lease shall be valued in such manner as the Board shall direct :

(2.) The upset price of each lot shall be fixed by the Board without reference to the improvements thereon made by the lessee or his tenant before the passing of this Act :

(3.) The purchaser of the lease shall pay, as a premium or foregift, the value of the improvements, to be so fixed as aforesaid.

**11.** The foregoing sections six and seven of this Act shall apply to leases of South Island reserves made under this Act.

Foregoing sections 6 and 7 to apply.

**12.** The Public Trustee, in his corporate name of “Public Trustee,” has and shall have full power and authority to commence and carry on any action, suit, or other proceeding which he may think fit in relation to or connected with any contract, tort, or offence heretofore or hereafter to be made, done, or committed in respect of any land, subject to the provisions of any former Act or this Act.

Public Trustee power to carry on action, &c.

**13.** Such of the said South Island Reserves as are situated in a mining district constituted under “The Mines Act, 1877,” shall be deemed to be private lands within the meaning of the thirty-first section of “The Mines Act, 1877.”

Water rights and races on reserves within mining district.

**14.** Nothing in this Act shall be deemed to imply that the Public Trustee shall be compelled to pay for any improvements erected, built, or made upon any leasehold, or take over any such improvements at a valuation at the expiration of any of the subsisting leases or of any future lease.

Public Trustee not compellable to pay for improvements on leasehold.

## Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

		Acres.			Acres.
1	Werita Tainui	30	14	Tini Tarapuhi	30
2	Ihaia Tainui	30	15	Hira Makarini	25
3	Wikitoria Mutu	25	16	Riaki Tauhare	25
4	Hoani Tainui	14	17	Teoti Pita Mutu	25
5	Metapare Wepu	14	18	Hira Mutu	14
6	Makarini Tohi	25	19	Pita Mutu	14
7	Wikitoria Waipapa	20	20	Inia Tauhare	14
8	Amiria Tainui	14	21	Wakena Kokorau	14
9	Hakiaha te Horo	11	22	Hinepakia	14
10	Ripeka te Horo	10	23	Wakatau Pakapaka	16
11	Aperahama te Aika...	20	24	Ihaia Tuhuru	20
12	Hori Kerei Taiaroa	25	25	Inia Tuhuru	25
13	Ripini Waipapa	12	26	Riki Mairaki Taiaroa	14

## SECOND SCHEDULE.

ALL that piece or parcel of land situate at the River Grey, in the County of Westland, containing by admeasurement five hundred acres, more or less, and known as the Greymouth Native Reserve. Bounded towards the North by the River Grey; towards the East, four thousand and fifty links or thereabouts, by freehold land; towards the South, nine thousand eight hundred links or thereabouts, by the Town Belt; and towards the West by a tidal creek: saving and excepting thereout so much and such parts thereof as may have been acquired by the Government either by purchase or for public purposes under the provisions of "The Public Works Act, 1876," and amending Acts.