

1881, No. 20.

AN ACT to provide for the Settlement of the Thermal-Springs Districts of the Colony. [24th September, 1881.]

THERMAL-SPRINGS
DISTRICTS.

WHEREAS it would be advantageous to the colony, and beneficial to the Maori owners of land in which natural mineral springs and thermal waters exists, that such localities should be opened to colonization and made available for settlement: And it is expedient that powers should be given to the Governor enabling him to make arrangements for effecting that object:

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 Thermal-Springs Districts Act, 1881.”

Short Title.

2. The Governor may issue Proclamations from time to time defining districts of the colony to be subject to this Act, being localities in which there are considerable numbers of the ngawha, waiariki, or hot or mineral springs, lakes, rivers, or waters, and from time to time may vary the boundaries or abolish any of such districts.

Springs districts may be proclaimed.

3. After the publication in the *Gazette* of any Proclamation defining a district as aforesaid, this Act shall be in force therein, and it shall not be lawful for any person other than Her Majesty to acquire any estate or interest in Native land therein, except by virtue of or through the means prescribed or permitted by this Act.

No land may be acquired in district except under this Act.

4. Any such Proclamation shall supersede the operation within the district of any statute at variance with this Act, or with any Act incorporated or partly incorporated herewith, or with any regulations made thereunder.

Other Acts superseded in districts.

5. As soon as may be after the issue of any Proclamation under this Act, and after the land has passed through the Native Land Court, the Governor may make arrangements with the Native proprietors for rendering available the territory of the district for settlement by Europeans, and he may from time to time exercise any of the powers following within the district:—

Governor may provide for settlement of districts.

- (1.) Treat and agree for the gratuitous cession, or for the purchase, or for the lease of any land which he may deem necessary for the purposes of this Act, and enter into any contract which he may think fit;
- (2.) Act as agent for the Native proprietors in dealing with intending lessees;
- (3.) Treat and agree with the Native proprietors for the use and enjoyment by the public of all mineral or other springs, lakes, rivers, and waters;
- (4.) Lay out and survey towns, suburban allotments, and farms;
- (5.) Make, stop up, divert, widen, or alter any bridges, ways, or watercourses;
- (6.) Exercise powers of compulsorily taking land under “The Public Works Act, 1876,” for purposes of water-supply, or for providing outlet for sewage;
- (7.) Exchange any reserve or public land for other land to be dedicated to the same or different public objects;

- (8.) Execute all deeds and assurances that may be necessary for effectually executing the powers by this Act conferred upon him, and such deeds and assurances shall be valid and effectual against Her Majesty and all persons whomsoever.

And for setting apart reserves therein for public uses.

6. The Governor also may, with the consent of the Native proprietors, to be ascertained in such manner as he may think fit, do any of the following things:—

- (1.) From time to time set apart and dedicate any of the land within a district for a park or domain, or for any specific purpose of public amusement or recreation, and annul any such setting apart and dedication;
- (2.) Set apart land as sites for schools and places of worship;
- (3.) Set apart cemeteries, and close burying-places already existing;
- (4.) Build any lodge, museum, or other ornamental building;
- (5.) Appropriate any of the land for squares, gardens, or open places, and leave any part thereof for yards or courts to be attached to any houses agreed to be leased;
- (6.) Enclose and plant any of the aforesaid places;
- (7.) Manage and control the use of all mineral springs, hot springs, ngawha, waiariki, lakes, rivers, and waters, and fix and authorize the collection of fees for the use thereof;
- (8.) Erect pump-rooms, baths, bath-rooms, and other buildings for the convenient use of the baths, springs, and lakes.

And regulate the management of such reserves.

7. By Order in Council the Governor may from time to time make and enforce orders and regulations for the management, preservation, disposition, and care of land so set apart as aforesaid, and the government of all persons using or frequenting the same, and impose a penalty not exceeding five pounds for a breach of any such order or regulation.

Payment of fees and appropriation thereof.

8. A person authorized by the Governor shall receive the license fees, fees for springs or baths, and all other revenue, and shall expend the same in the improvement and maintenance of the town or district whence the fees and revenue arise.

Rural police regulations.

9. "The Native Districts Regulation Act, 1858," is incorporated with and forms part of this Act.

Municipal police law.

10. Until any town established under this Act shall come under the operation of the ordinary municipal law of the colony, the Governor may appoint a Board, not exceeding five in number, to administer its affairs, and may delegate to it all the powers and authorities vested in him by this Act (except the power of appointing an agent or attorney for the execution of deeds). The accounts of the aforesaid Board shall be forwarded every half-year to the Native Minister, and shall be audited by the Auditor-General.

Lease, not exceeding 21 years, of land in which lessee was in occupation on 25th November, 1880, may be validated by Native owners.

11. Any lease, not exceeding twenty-one years from its commencement, of land of which the lessee was in actual occupation on the twenty-fifth day of November, one thousand eight hundred and eighty, may, notwithstanding anything in this Act contained, be validated by the Native owners, although such lease was made before a title to such land was obtained by the Native owners through the Native Land Court.

This section shall only apply to the land at Ohinemutu situate between the Lake Rotorua on the North and the road from the Utuhina River to Mrs. Morrison's house on the South, and between the Utuhina River on the West and a line from Mrs. Morrison's house due North to the said lake on the East.

12. If the terms of any arrangement with the Native proprietors are such that the land for the use of settlers is to be disposed of by lease, the Governor may, with the assent of the Native proprietors, to be ascertained as he may think fit, do the following things:—

May make acquisition to be subject to conditions.

- (1.) Manage and administer such letting or disposal, but always by public auction or tender:
- (2.) By writing under his hand authorize any person to sign deeds on behalf of Native proprietors, or a Native tribe, found by the Native Land Court to be owners of the land dealt with; and his execution of any deed on behalf of such proprietors or tribe shall vest in the lessee the estate described in his deed;

Deeds shall be translated into Maori before execution, and a copy given to the Native proprietors or one of them:

- (3.) For the convenience of lessees, appoint one or more receivers of rents, whose receipts shall be effective discharges:
- (4.) Make regulations for the payment of the expenses of the management of the property and the collection of the rents, and for the payment or division of such rents, and for the places, times, and manner of payment to the Native proprietors:
- (5.) Do any other thing necessary for conferring a valid and peaceful title upon a lessee in conformity with the terms of his lease.

13. Nothing in this Act shall abridge or affect the duties, powers, or jurisdiction of the Native Land Court, or the liability of lessees of land, within a district constituted under this Act, to the payment of stamp or other duties payable in respect of land whereof the title is derived through the Native Land Court.

Land so acquired to be subject to Native land duties.

14. Until otherwise ordered by the General Assembly, this Act shall be in force within the Counties of Tauranga and East Taupo only.

Act in force only in Tauranga and East Taupo Counties.