

New Zealand.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Governor in Council may confirm leases in certain cases on report of any Commissioner under "The West Coast Settlement (North Island) Act, 1880." Rent to be paid to Public Trustee.</p> <p>4. Awards made by Compensation Court within the confiscated territory merged in subsequent grants. Scrip issued on such awards null and void.</p> <p>5. Provisions of section 13 of said Act extended.</p> <p>6. Provision in case no Native entitled to rents of reserve.</p> | <p>7. Public Trustee, before offering lands for lease or paying rents, to require a majority of grantees to state proportion of interest of each grantee. Rent to be paid according to such statement. Power for any grantees to appoint one or more of their number to receive shares of persons so appointing.</p> <p>8. Terms of leases under subsection (1) of section 11 of the said Act extended. Provision as to granting compensation for improvements.</p> <p>9. Section 8 of the said Act amended.</p> <p>10. Validation of grants of reserves or portions of a reserve issued under "The West Coast Settlement (North Island) Act, 1880."</p> |
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1883, No. 24.

AN ACT to amend "The West Coast Settlement Reserves Act, 1881." Title.
[8th September, 1883.]

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 West Coast Settlement Reserves Act 1881 Amendment Act, 1883." Short Title.

2. "The said Act" means "The West Coast Settlement Reserves Act, 1881." Interpretation.

"Commission" means any Commission appointed under "The West Coast Settlement (North Island) Act, 1880."

"Confiscated territory" means the confiscated territory as defined by the last-mentioned Act.

3. Notwithstanding anything contained in subsection one of the eighteenth section of the said Act, the Governor in Council, on being satisfied by the report of any Commissioner under "The West Coast Settlement (North Island) Act, 1880," that, at the time any lease of land, being a reserve or portion of a reserve granted under the last-mentioned Act, was made, the lessors were the leading chiefs of the tribe or hapu interested in the land in question, and in accordance with Maori usage were entitled to represent, or in the habit of representing, the tribe or hapu in such a transaction, may confirm such lease for the term for which it has been made, and such confirmation Governor in Council may confirm leases in certain cases on report of any Commissioner under "The West Coast Settlement (North Island) Act, 1880."

by the Governor in Council shall be final and conclusive: Provided that a correct plan of any land so leased has been made and delineated on the lease by an authorized surveyor to the satisfaction of the Commissioner. If any such plan has to be made before the lease can be confirmed it shall be so made at the cost of the lessee.

Rent to be paid to Public Trustee.

But, in case of any lease being confirmed under the said Act and this Act, the rent shall be paid in future to the Public Trustee, who shall distribute it to the persons to whom the land is granted, subject to the provisions herein contained.

Awards made by Compensation Court within the confiscated territory merged in subsequent grants.

4. All awards heretofore made by the Compensation Court of lands within the confiscated territory in favour of any Natives whose tribal or hapu lands have since been or shall be granted to the tribe or hapu of which such Natives are members, or for whose tribe or hapu reserves have been granted or set apart within such confiscated territory under the provisions of "The West Coast Settlement (North Island) Act, 1880," shall be held to have merged and been absorbed by such subsequent grant or setting apart.

Scrip issued on such awards null and void.

And all scrip which may have been issued in respect of any such awards shall be null and void.

Provisions of section 13 of said Act extended.

5. And whereas doubts have arisen as to the extent of the power conferred on the Commission to investigate and decide the right of succession to any lands the property of deceased Natives within the confiscated territory:

Be it enacted that the provisions of section thirteen of the said Act shall be held to have included and shall extend to and may be exercised in respect of lands for which Crown grants have been executed or issued before the date of such investigation and decision.

Provision in case no Native entitled to rents of reserve.

6. In case there shall be at any time no Native entitled to the benefit of the rents or proceeds of any reserve or portion of a reserve administered under the said Act and this Act, the Public Trustee shall hold such rents or proceeds upon trust for such purposes as the Governor in Council may direct.

Public Trustee, before offering lands for lease or paying rents, to require a majority of grantees to state proportion of interest of each grantee.

7. In order to facilitate the payment of rents reserved by leases granted or confirmed under the provisions of the said Act the Public Trustee, before offering any lands for lease, or, if already leased, before payment of such rents, shall require a majority of the grantees interested in the land so leased or about to be leased to make a statement in writing of the proportion of interest of each of the grantees in the land contained in the grants under which such lease is made.

Rent to be paid according to such statement.

And the Public Trustee shall, from time to time, pay such proportion of the rent accrued to each grantee as by such statement he or she shall be entitled to receive; and, in case any Native entitled to receive any rent or share of rent shall be dead, absent, or not forthcoming, the Public Trustee may retain the share of rent due to such Native, and, in case of death, shall pay such share of the deceased Native to the successor (if any) on production of a succession order issued by any Commissioner or other person authorized by law; and no receipt for rent duly given under the provisions of this Act shall be impugned.

And it shall be lawful for any grantees of reserves administered under the said Act and this Act, or any number of such grantees, whether or not of adult age or under coverture, by a writing under his or their hand signed in the presence of the West Coast Settlement Reserves Trustee, to appoint any one or more of such grantees to receive the share or shares of the rents due to the person or persons making such appointment, and the receipt of the person or persons so appointed shall be a sufficient discharge for the payment of such share or shares as aforesaid.

Power for any grantees to appoint one or more of their number to receive shares of persons so appointing.

8. All leases hereafter issued under the provisions of subsection one of section eleven of the said Act may be for a term fixed so as to expire on the thirtieth day of June which shall first ensue after the expiration of thirty years from the date of the commencement of the term, subject to such covenants and conditions as the Public Trustee may deem fair and equitable.

Terms of leases under subsection (1) of section 11 of the said Act extended.

And it shall be lawful for the Governor in Council, in and by any regulations to be made as to the granting or issuing of such leases, to provide what shall be the nature and extent of compensation for improvements (if any) to be granted to the lessees under such leases, and under what conditions and in what manner such compensation may be awarded or withheld.

Provision as to granting compensation for improvements.

9. Section eight of "The West Coast Settlement Reserves Act, 1881," is hereby amended as follows:—

Section 8 of the said Act amended.

(a.) The words "such Trustee," appearing in the sixth line of said section, shall be omitted therefrom, and the words "the Public Trustee" shall henceforth be read as inserted in lieu thereof:

(b.) And the words "such Trustee," appearing in the fourteenth line of the said section, shall also be omitted therefrom, and the words "the West Coast Settlement Reserves Trustee" shall henceforth be read as inserted in lieu thereof.

10. And whereas doubts have been raised as to the validity or formality of certain grants of reserves or portions of reserves issued under the authority of "The West Coast Settlement (North Island) Act, 1880," by reason of the non-setting apart of such reserves prior to the issue of grants in respect of same, and it is expedient to remove such doubts:

Validation of grants of reserves or portions of a reserve issued under "The West Coast Settlement (North Island) Act, 1880."

Be it therefore enacted that any grants of reserves heretofore issued by the Governor or the Governor in Council, and purporting to be under the authority of "The West Coast Settlement (North Island) Act, 1880," shall not be invalidated or in any way impugned by reason only that the reserves so granted had not been previously made and set apart in terms of such last-mentioned Act.