New Zealand.

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1884, No. 33.

Title. AN ACT to define more clearly the Power of the Public Trustee under "The West Coast Settlement Reserves Act, 1881," and otherwise to amend the said Act.

[*8th November*, 1884.

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

Short Title. 1. The Short Title of this Act is "The West Coast Settlement Reserves Act 1881 Amendment Act, 1884." It shall be construed and read together with "The West Coast Settlement Reserves Act, 1881," and the two said Acts may be cited together as "The West Coast Settlement Reserves Acts, 1881–1884."

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

"Commissioner" means any Commissioner appointed, or acting, under "The West Coast Settlement (North Island) Act, 1880;"

"Confiscated territory" means the confiscated territory as defined in "The West Coast Settlement Reserves Act, 1881";

"Reserve" means a reserve of land within the said confiscated territory granted or set apart under "The West Coast Settlement (North Island) Act, 1880;"

"Public Trustee" means the Public Trustee appointed under "The Public Trust Office Act, 1872," and wherever the Public Trustee may under this Act give his consent to, or join in any alienation or lease, means such Public Trustee and the Board established by the last-mentioned Act.

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

Repeal.

3. All the words of the eighth section of "The West Coast Settlement Reserves Act, 1881," following after the words "devolving upon the Public Trustee by this Act" are hereby repealed; and "The West Coast Settlement Reserves Act 1881 Amendment Act, 1883," is also hereby repealed.

Governor may declare lands already granted to be reserves.

4. Notwithstanding that certain grants have been issued under section four of "The West Coast Settlement (North Island) Act, 1880," without previously reserving the lands comprised in such grants, as is required by the aforesaid section, the Governor in Council may at any time and from time to time make and set apart any of the lands described in such grants or reserves to be alienable, and to be disposed of under the said Act and this Act, and may confirm any leases of such lands which have been or may be issued by the Public Trustee under the said Acts.

No grant of any reserve issued and purporting to be made under the authority of "The West Coast Settlement (North Island) Act, 1880," shall be invalidated or in any way impugned by reason only that the reserve so granted had not been previously made and set apart in terms of such last-mentioned Act.

Public Trustee to have charge of reserves, with power of lease or exchange.

5. The Public Trustee shall have, and be deemed to have had from the date of the passing of the said Act, and shall exercise over all reserves which come within or are placed under his jurisdiction full powers of management and disposition, subject to the provisions of the said Act and this Act; and, subject to such provisions, and to any conditions, restrictions, or limitations attached to any such reserves, may exchange or lease such reserves in such manner as he shall think fit, with a view to the benefit of the Natives to whom such reserves belong and the promotion of settlement.

The consent of the Governor shall not be necessary to any exchange or lease of any such reserve at any time made or to be made by the Public Trustee under the powers aforesaid, anything to the contrary contained in any grant of any such reserve notwithstanding.

Public Trustee may grant leases.

6. The Public Trustee may execute any lease under the said Act or this Act, and subject to the provisions thereof respectively, and the same shall be valid and effectual against Her Majesty and all persons whomsoever; and he may also accept the surrender of any such lease, or of any lease granted previous to the passing of this Act, and may cancel the same respectively.

Settlement Reserves Trustee to consult expert Natives in his dealings.

7. It shall be the duty of the West Coast Settlement Reserves Trustee, so far as conveniently may be, in the exercise of the powers given him under the said Act, to consult and obtain the assistance of some Native or Natives who shall be best acquainted with the circumstances of any reserve which is being dealt with, and to act as

far as possible in accordance with the wishes of the Natives interested in such reserve.

Agricultural leases may be granted for thirty years.

8. Any lease for agricultural purposes to be granted under 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 of the lease; subject to the payment of rent in respect of the lease for the time intervening between entering into occupation and the commencement of the term, and to such other covenants and conditions as the Public Trustee may deem fair and equitable.

The Governor in Council, in and by any regulations to be made as to the granting or issuing of such leases, may 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.

Agricultural leases heretofore granted may be extended.

9. Any lease for agricultural purposes heretofore granted under the said Act may be extended 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 such lease, subject to such covenants and conditions as the Public Trustee may deem fair and equitable.

Leases made by ruling chiefs of hapu may be confirmed by Governor.

10. Where a lease of any land, being a reserve or portion of a reserve granted under "The West Coast Settlement (North Island) Act, 1880," has been made by any Natives before the date of the passing of the said Act the Governor in Council may confirm such lease for the term for which it has been made, subject to the following conditions:—

(1.) That the Governor is satisfied by the report of any Commissioner that the lessors, at the time of making the lease, were the leading chiefs of the tribe or hapu interested in the land in question, and were entitled, in accordance with Maori usage, to represent or were in the habit of representing the tribe or hapu in such a transaction; and

(2.) That a correct plan of the land so leased has been made and delineated on the lease by an authorized surveyor, to the satisfaction of the Commissioner.

Rent to be paid to grantees.

Every such confirmation shall be final and conclusive; but in any such case the rent reserved by the lease confirmed as aforesaid shall, from the date of such confirmation, be paid to the Public Trustee, who shall distribute it to the persons to whom the land is granted, subject to the provisions of the said Act and this Act.

In case any plan required by this section has to be made before the lease can be confirmed, it shall be so made at the cost of the lessee.

Extended power of confirming leases.

11. Notwithstanding anything contained in section eighteen of the said Act, the Governor in Council may confirm any lease, or agreement to lease, such as is mentioned in the last preceding section, which may have been granted prior to the passing of the said Act, but subsequently to the passing of "The Confiscated Lands Inquiry and Maori Prisoners' Trials Act, 1879;" but every such

confirmation shall be made in manner and subject to all the conditions required in the last preceding section.

Compensation awards deemed to have merged in grants subsequently made.

12. All awards of lands within the confiscated territory made by the Compensation Court 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. And all scrip which may have been issued in respect of any such awards shall be null and void.

Saving as to equitable claims to leases.

Provided, however, that the Governor in Council, on being satisfied by the report of the Public Trustee—

(1.) That any Native entitled to land under an award which has become merged in a grant of lands to the tribe or hapu whereof he is a member had, previous to the issue of the grant, leased or agreed to lease the land so awarded to him;

(2.) That any such lease or agreement was made *bonâ fide*, and that the terms thereof were fair and equitable to the Native at the time of the making thereof;

May confirm any lease of such lands for the term for which it was originally made, if a correct plan of the land so leased has been made and delineated on the lease by an authorized surveyor to the satisfaction of the Public Trustee; or may direct the interests of such Native lessor in the granted lands to be individualized, and a subdivision to be made of such lands equivalent to the interest of such Native therein, and may direct the Public Trustee to grant a lease thereof as aforesaid, notwithstanding anything contained in section eleven of the said Act.

Leases when confirmed may be surrendered for new leases.

13. The Public Trustee may accept from the lessees surrender of any lease confirmed by the Governor in Council under the said Act or this Act, and in lieu of such leases may grant new leases of the land comprised in the surrendered lease, at a rental to be computed on the improved value of such land, on such terms, subject to the said Act and this Act, and to all regulations made thereunder, as may be agreed upon between the Public Trustee, the Native owners of the land, and the lessees.

May order resurvey of any reserve, and adjust rent.

14. In any case where it is found that the land comprised in any lease granted or confirmed under the said Act or this Act has been incorrectly surveyed, the Public Trustee may cause such land to be resurveyed by a duly authorized surveyor, and may adjust and determine the boundaries of such land, as by such fresh survey shall seem fair and equitable.

In any such case the rent to be paid by the lessee in respect of his lease, after resurvey, shall be an amount which shall bear to the rent paid in respect of such lease before resurvey the same proportion as the acreage in the lease after resurvey bears to such acreage before resurvey.

Interest of grantees and beneficiaries in reserves to be

15. In order to determine the respective shares of the grantees of or beneficiaries in any lands granted or reserved under the fourth

ascertained; rent to be distributed accordingly.

section of "The West Coast Settlement (North Island) Act, 1880," whereof leases have been granted or confirmed under the provisions of the said Act and this Act, and to facilitate the payment of rents reserved by such leases to the several persons beneficially interested therein, the Public Trustee shall direct the West Coast Settlement Reserves Trustee, who shall be assisted by a competent Native Assessor, to inquire into and definitely settle the share of each grantee or person entitled to participate in the rents of any lands so leased; and the several grantees or beneficiaries in such lands shall be bound by such settlement.

The Public Trustee shall from time to time pay such proportion of the rent accrued to each grantee or beneficiary as by such settlement he or she shall be entitled to receive; and, in case any Native entitled to receive any rent or share of rent shall refuse to receive the same, or be dead, absent, or not forthcoming, the Public Trustee shall retain the share of rent due to such Native until it is duly claimed, 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.

Grantees and beneficiaries may appoint persons to receive their rents.

16. Any grantees of or beneficiaries in reserves administered under the said Act and this Act, or any number of such grantees or beneficiaries, 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, or of such other person as he may appoint in that behalf, may appoint any one or more of such grantees or beneficiaries, 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.

Public Trustee to retain rents for which there are no claimants.

17. 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.

Powers enlarged for determining as to succession to deceased Natives, &c.

18. The power conferred by the said Act on any Commissioner to investigate and decide the right of succession to any lands the property of deceased Natives within the confiscated territory shall be held to have included and shall extend to and may be exercised by the Commissioner or any other person appointed thereto by the Governor in respect of lands for which Crown grants have been executed or issued before the date of such investigation and decision.

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