

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
28th October, 1910.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Carroll.

KAIAPOI RESERVE.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Actions in which the cause of action depends on the invalidity of wills disposing of land in the Kaiapoi Reserve stayed.</p>	<p>3. Governor in Council may appoint a Commission to inquire into such wills and subsequent dealings with lands affected thereby. 3A. Rents to be paid to the Public Trustee. 4. Act to be in force until 31st December, 1911.</p>
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A BILL INTITULED

AN ACT to make Provision respecting the Kaiapoi Reserve.

Title.
Preamble.

WHEREAS the block of land, containing two thousand six hundred and forty acres, situated in the Provincial District of Canterbury, and known as the Kaiapoi Reserve, was in and after the year eighteen hundred and sixty-two, pursuant to the Acts in that behalf enabling, apportioned and granted to the aboriginal Natives entitled thereto: And whereas the Crown grants issued to such aboriginal Natives provided, *inter alia*, that no disposition of the land included in the grant by way of sale, mortgage, lease, or otherwise should be made without the consent in writing indorsed thereon of the Governor or of some person duly appointed by him or otherwise duly authorized by law in that behalf: And whereas the Native owners under such grants and their successors in title have at various times since the issue of such Crown grants as aforesaid made dispositions by will of the land so granted as aforesaid without such consent being indorsed thereon: And whereas the Supreme Court has decided that such dispositions by will are prohibited by the terms of the grants aforesaid, and are invalid in law; and by reason of such decision the validity of the titles of persons now in possession of such lands has been questioned and actions have been commenced in the Supreme Court in respect thereof: And whereas it is expedient to appoint a Commission under the Commissions of Inquiry Act, 1908, to inquire into and report upon the circumstances connected with the dispositions by will of any such land and the expediency of validating all or any of such dispositions, and in the meantime to stay all actions and proceedings now commenced or threatened in respect thereof:

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

1. This Act may be cited as the Kaiapoi Reserve Act, 1910.

Short Title.

Actions in which the cause of action depends on the invalidity of wills disposing of land in the Kaiapoi Reserve stayed.

2. So long as this Act is in force the following provisions shall apply:—

- (a.) All actions, suits, and other judicial proceedings now pending in any Court in which the cause of action depends on the invalidity of any will by which disposition of any of the lands or part thereof hereinbefore mentioned has been made without the consent of the Governor, or some person duly appointed by him or otherwise duly authorized by law, being obtained thereto as aforesaid are stayed. 5
- (b.) Execution of any judgment already obtained in any such action, suit, or other judicial proceeding is stayed. 10
- (c.) No right of re-entry shall be exercised in respect of any such land on the ground of the invalidity of any such will as aforesaid.
- (d.) In any action, suit, or other judicial proceeding commenced after the passing of this Act in which the validity of any such will as aforesaid is in issue, the same judgment shall be given as if no consent of the Governor or any other person as aforesaid to such will had been required by law. 15

Governor in Council may appoint a Commission to inquire into such wills and subsequent dealings with lands affected thereby.

3. The Governor in Council may appoint a Commission under the Commissions of Inquiry Act, 1908, to inquire into and report upon the circumstances connected with the dispositions by will of any of the lands hereinbefore described and subsequent dealings therewith, and the expediency of validating all or any of such wills and all or any of the dispositions made thereby. 20 25

New.

Rents to be paid to the Public Trustee.

3A. (1.) So long as this Act remains in operation, all rents which during that period become due and payable in respect of any part of the said Kaiapoi Reserve which is claimed or held by any person under any testamentary disposition thereof shall be paid to the Public Trustee by the person by whom the said rents are payable. 30

(2.) All moneys so received by the Public Trustee shall form part of the common fund of the Public Trust Office, and the Public Trustee shall hold the same and all interest accruing thereon in trust for such persons and uses as may be declared by any Act of the General Assembly to be hereafter passed in that behalf. 35

(3.) The Public Trustee shall have the same power of recovering any such rents by action, distress, or otherwise in his own name as if he was the owner of the land in respect of which those rents are payable. 40

Act to be in force until 31st December, 1911.

4. This Act shall remain in force until the thirty-first day of December, nineteen hundred and *eleven*, and no longer.