

Hon. Mr. Carroll.

POUKAWA NATIVE RESERVE.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Poukawa Reserve to be held and administered under "The West Coast Settlement Reserves Act, 1892."</p> <p>3. Power of Public Trustee to drain lake and swamps.</p> <p>4. Plans and estimates to be prepared.</p> <p>5. Costs to be charged to rents.</p>	<p>6. Governor may by Order in Council authorise drainage-works to be constructed.</p> <p>7. Public Trustee to have powers and liabilities of Drainage Board.</p> <p>8. Owners of adjoining lands to contribute.</p> <p>9. If amount disputed, claim to be settled under "The Public Works Act, 1894."</p> <p>10. Amount may be paid by instalments.</p> <p>11. Award may be registered against land.</p> <p>12. Moneys received, how to be applied.</p> <p>Schedule.</p>
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A BILL INTITULED

AN ACT to provide for the Administration and Improvement of the Poukawa Native Reserve. Title.

WHEREAS the lands described in the Schedule hereto, known as Preamble.

5 "The Poukawa Native Reserve," are vested in the Public Trustee under "The Native Reserves Act, 1882": And whereas it is desirable that the said reserve shall be administered under the provisions of "The West Coast Settlement Reserves Act, 1892" (hereinafter called "the principal Act"), in order that the Native

10 owners of such reserve or such of them as may be desirous of occupying specified portions thereof may receive valid licenses authorising them so to do, and the remainder of such reserve may be leased to the best advantage: And whereas it is expedient that the Public Trustee, in addition to the powers conferred upon him by the principal Act, shall be authorised and

15 empowered to expend moneys upon draining the lake and swamps covering parts of the said reserve, and to compel owners of lands adjoining the said reserve who will be benefited by the draining of the said lake and swamps to contribute a reasonable and fair amount

20 towards the cost of such draining:

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 Poukawa Native Reserve Short Title Act, 1903."

Poukawa Reserve to be held and administered under "The West Coast Settlement Reserves Act, 1892."

2. (1.) The lands described in the Schedule hereto (hereinafter referred to as "the said reserve") shall, on the passing of this Act, cease to be subject to the provisions of "The Native Reserves Act, 1882," and shall thereafter be dealt with and administered by the Public Trustee in all respects as if the said lands had been included in and formed part of the reserves vested in the Public Trustee by the principal Act. 5

(2.) The District Land Registrar shall register the Public Trustee as the proprietor of the said reserve without any further or other authority than this Act. 10

(3.) The decision of the appellate Court, dated the twenty-third day of September, one thousand eight hundred and ninety-eight, declaring the names of the beneficiaries and their relative interests in the said reserve, shall be deemed to have been a decision of the Native Land Court: Provided that no appeal from the said decision shall be allowed, except on an application by the Public Trustee, lodged with the Registrar of the Court within one year from the date of the passing of this Act. 15

(4.) The partition of the said reserve by the Native Land Court is hereby validated, subject to variation by any decision of the appellate Court, but no appeal shall be allowed on the ground that the Court had no jurisdiction. 20

Power of Public Trustee to drain lake and swamps.

3. In addition to the powers conferred upon him by the principal Act, the Public Trustee may expend in draining the lake and swamps, now covering about thirteen hundred acres of the said reserve, or any part or parts thereof respectively, a sum not exceeding one-fourth part of the present capital value of the said reserve as determined under "The Government Valuation of Land Act, 1896." 25

Plans and estimates to be prepared.

4. Before any moneys shall be expended under the authority of the *preceding* section, detailed plans of the proposed drainage-works shall be prepared by a competent engineer, together with a report showing— 30

- (a.) The total estimated cost of such works;
- (b.) The prospective liability for maintenance thereof;
- (c.) The probable damage, if any, likely to be suffered by any owner of land in consequence of the carrying-out of such works; 35
- (d.) The benefit the said drainage will be to the said reserve and the lands of adjoining owners; and
- (e.) Such other matters as the said engineer may be directed to report upon. 40

Costs to be charged to rents.

5. The cost of obtaining the said plans and report shall be paid by the Public Trustee out of the Public Trust Office funds, and shall be repaid out of the rents of the said reserve, and until repaid shall bear interest at a rate not exceeding five pounds per centum per annum. 45

Governor may by Order in Council authorise drainage works to be constructed.

6. (1.) The Governor may by Order in Council authorise the carrying-out of the said works in accordance with such plans by the Public Trustee advancing out of the Public Trust Office funds the moneys required therefor. 50

(2.) Such moneys shall bear interest at a rate not exceeding five pounds per centum per annum, and shall be a first charge upon

all rents from the said reserve, in such proportions against each Native owner's share as the Public Trustee shall determine.

(3.) The money so advanced and interest thereon shall be repayable over a period not exceeding twenty-one years.

5 7. The Public Trustee shall have all the powers and shall be subject to the same liabilities as a Board of Trustees under "The Land Drainage Act, 1893," in the surveying, construction, and maintenance of the said drainage-works.

Public Trustee to have powers and liabilities of Drainage Board.

10 8. The owners of adjoining lands that are benefited by the said works shall be liable to contribute to the cost of the same in proportion to the benefit received by each parcel of land in consequence of such drainage.

Owners of adjoining lands to contribute.

15 9. If the Public Trustee and any owner cannot agree upon the amount that should be contributed by such owner towards the cost of such works, or upon the amount to be paid to any such owner by way of compensation for damage in respect thereof, the claim shall be settled in manner provided for settlement of claims for compensation, *mutatis mutandis*, in Part III. of "The Public Works Act, 1894," for which purpose the said Part III. shall be deemed to

20 be incorporated with this Act.

If amount disputed, claim to be settled under "The Public Works Act, 1894."

25 10. The amount agreed upon or so found by the Compensation Court as payable to the Public Trustee may, at the option of the said owner, be paid at once or by instalments extending over a period not exceeding twenty-one years, with interest on the unpaid portions thereof at a rate not exceeding five pounds per centum per annum.

Amount may be paid by instalments.

30 11. The instrument containing the agreement between the Public Trustee and the adjoining owner as to the amount to be contributed by such owner as aforesaid, or a copy of the award of the Compensation Court in such cases where an award is obtained under the Public Works Act, may be registered against the title of the land in respect of which the agreement is made or the award is delivered, and such amount shall be a charge against such land until the whole of the moneys due thereunder shall be paid, and shall take precedence

35 of any mortgage registered against such lands after the passing of this Act.

Award may be registered against land.

12. The moneys to be received by the Public Trustee under the *four last preceding* sections shall be applied by him in reduction of the debt against the reserve for the said drainage-works.

Moneys received, how to be applied.

## Schedule.

## SCHEDULE.

ALL that piece or parcel of land situated at Poukawa, in the Provincial District of Hawke's Bay, in the Colony of New Zealand, containing by admeasurement 3,668 acres, more or less. Bounded as follows: Commencing at an angle on the western side of the Te Aute Road near Hapuku's pa, crossing the road, and following along the southern boundary of Te Aute No. 5 Block, a distance altogether of 376 links; thence following along the south-eastern boundary of Te Aute No. 5 Block, a distance of 4350 links, to the eastern corner of that block; thence along the southern boundary of the Koparakore Block to its south-eastern corner, a distance of 6720 links; thence following along the south-western boundary of the Tarere Block to its southernmost corner on Poukawa Creek; from thence following along the eastern side of Pokawa Lake to the north-eastern corner of Pukekura Block West; thence along the northern and western boundaries of that block to Tukituki, distances respectively of 4680 links and 7250 links; thence along the north-eastern, northern, north-western, western, and south-western boundaries of Pukerowhitu Block, distances respectively of 4080 links, 2200 links, 1090 links, 985 links, 610 links, 270 links, 770 links, 1750 links, 515 links, 1630 links, 450 links, and 2890 links, to the western boundary of Pukekura Block West; thence southerly along that boundary, distances respectively of 1332 links and 619 links, to the north-eastern corner of Te Aute Block No. 2; thence along the north-eastern and north-western boundaries of that block, distances of 1047 links and 3850 links respectively, to the easternmost corner of Whakawiringa Block; from thence following along the north-eastern boundary of that block and of Te Aute Blocks 3 and 4, the eastern boundary-line of Raukawa Block No. 1, and the south-eastern boundary-lines of Raukawa Block No. 2, Te Whareate Atapuru Block, and Te Pukehou Block, distances respectively of 6610 links, 1316 links, 283 links, 206 links, 900 links, 379 links, 466 links, 886 links, 500 links, 811 links, 660 links, 360 links, 311 links, 940 links, 1500 links, 4873 links, and 2880 links, to the eastern corner of Pukehou Block; thence along the south-western and south-eastern boundaries of Te Kena Block, distances of 2425 links, 1055 links, 1720 links, and 330 links respectively, to the south-eastern corner of said block on the eastern side of Te Aute Road; thence along the eastern and north-eastern boundaries of Te Kena Block, distances of about 1050 links and 650 links respectively, to the north-eastern corner of the said block; thence following along the northern boundary of said block, distances of 1960 links, 540 links, and 1840 links, to the Managwehi Stream, following southerly along that stream to the north-eastern boundary of Pukehou Block; thence along that boundary, distances of 2450 links and 4200 links, to the south-eastern boundary of Raukawa Block East; thence following north-easterly along that boundary and the south-eastern boundary of Mangaroa Block, distances respectively of 8170 links, 5950 links, and 1300 links, to the westernmost corner of Koparakore Block; from thence along the south-western boundary of that block, distances of 700 links and 4610 links, to the northernmost corner of Te Aute Block No. 6; thence following along the north-western, south-western, and southern boundaries of that block, distances of 1304 links, 947 links, 1633 links, and 2396 links, to the southern boundary of the Koparakore Block, following along that boundary a distance of 280 links to the western side of the Te Aute Road; and from thence following southerly along that road a distance of 4860 links to the commencing-point at the angle of the road opposite the south-western corner of Te Aute Block No. 5: excepting always the two small blocks of land called or known by the names of Koroki No. 1 and Koroki No. 2.