

Right Hon. Sir J. G. Ward.

WESTLAND AND NELSON NATIVE RESERVES
AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Westland and Nelson Native Reserves Act, Title.
1887.

5 BE IT 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 Westland and Nelson Native Reserves Amendment Act, 1910. Short Title.

10 2. Where on the expiration of a lease granted under the principal Act the value of the land for the purpose of determining the amount of the rent to be paid on renewal, or the value of improvements to which the lessee is entitled, are not agreed upon between the lessee and the Public Trustee, such values shall be taken to be those on the district valuation roll prepared under the Valuation of Land 15 Act, 1908, and in force when the lease expires; and the rent payable on the renewed lease shall be *five* pounds per centum per annum on the unimproved value of the land included in the lease. Valuation on expiry of lease, where lessee and Public Trustee do not agree.

20 3. Whereas certain allotments of land subject to the principal Act are occupied for religious or educational purposes (not for gain) under leases granted by the Public Trustee at a peppercorn rent: Public Trustee may sell to lessee land leased for religious or educational purposes.
Be it therefore enacted as follows:—

(a.) Every such lease is hereby validated, but shall determine and be deemed to be cancelled on the expiration of two years after the coming into operation of this Act.

25 (b.) At any time prior to such cancellation the lessee may purchase the fee-simple of the land at such price as is agreed on between the lessee and the Public Trustee, being in no case less than the unimproved value of the land as shown on the aforesaid valuation roll at the time of the purchase:
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Provided that the right of purchase hereby conferred shall not be exercised unless the Public Trustee is satisfied that the land when purchased will continue to be used for religious or educational purposes and not for gain.

- (c.) The purchase-money shall be invested by the Public Trustee in the common fund of the Public Trust Office, and the income thereof shall be paid by him to the persons who would have been entitled to the rent if the allotments (instead of being sold) had been leased at substantial rents.

Power to sell
Greymouth Native
Reserve with the
consent of the
beneficiaries.

4. (1.) Notwithstanding anything contained in the Native Reserves Act, 1882, the Westland and Nelson Native Reserves Act, 1887, or any other Act, the Public Trustee at any time within two years from the passing of this Act may, with the precedent consent (to be ascertained as hereinafter provided) of the beneficial owners, sell the fee-simple of all that parcel of land, containing five hundred acres, more or less, in the County of Grey, known as Greymouth Native Reserve (hereinafter referred to as the said reserve) subject to the conditions contained in this and the next *four* succeeding sections.

(2.) For the purpose of ascertaining the consent of the beneficial owners, the following provisions shall apply:—

- (a.) The Public Trustee shall, within three months after the passing of this Act, apply to the Native Land Court to determine the succession to the interest of any deceased beneficial owner of the said reserve, and to appoint trustees (other than the Public Trustee) in respect of beneficial owners under disability.
- (b.) The Chief Judge of the Native Land Court shall thereupon appoint a special sitting of the Court to hear and determine such applications.
- (c.) On the completion of the determination by the Court of such applications, and within one year after the passing of this Act, the Public Trustee shall summon a meeting of the beneficial owners for the purpose of considering a resolution, that the Public Trustee be authorized to sell the said reserve subject to the provisions of this Act.
- (d.) The meeting shall be held at such time and place as the Public Trustee appoints, and shall be summoned in manner prescribed by regulations.
- (e.) The meeting, if duly summoned in the prescribed manner, and the resolution passed thereat, shall not be invalidated by the circumstance that any beneficial owner has not in fact received notice of the holding of that meeting.
- (f.) The procedure of the meeting shall, save so far as determined by this Act, be determined by regulations.
- (g.) A beneficial owner may attend and vote at the meeting either personally or (so far as, and in such manner as, the regulations permit or require) by a proxy appointed by him in writing.
- (h.) The term "beneficial owner" shall, for the purposes of this section, include the trustee of an owner under disability,

and such trustee may attend, vote, and act at the meeting, either personally or by proxy, in the same manner and on the same conditions as if he was a beneficial owner.

5 (i.) The successor of a deceased beneficial owner shall not be entitled to attend or vote at any such meeting until and unless a succession order has been made in his favour.

10 (j.) At the meeting three-fourths of the beneficial owners, whose interests in the said reserve together amount to not less than three-fourths of the value of the beneficial freehold interests in the said reserve, shall constitute a quorum.

15 (k.) The Public Trustee, or some person appointed by the Public Trustee for that purpose, shall be present at the meeting, and shall keep a record of the proceedings thereof, and his certificate in writing that a quorum is or is not present shall be conclusive evidence of the fact.

20 (l.) The resolution shall be deemed to be carried if the owners who vote in favour of the resolution own a larger aggregate share of the land affected thereby than the owners who do not vote in favour of the resolution.

(m.) The resolution shall be reduced to writing, and shall be authenticated in the manner prescribed by regulations.

25 (n.) An owner, trustee, or proxy who voted against the resolution may, if he so desires, sign a memorial of dissent in the presence of the Public Trustee, or the person appointed by the Public Trustee to attend the meeting.

30 (o.) So soon as practicable after the holding of the meeting, the Public Trustee or his appointee shall, in writing under his hand, report the result of such meeting to the Governor, and shall attach to such report a statement under his hand of the proceedings of the meeting, together with the resolution and any memorial of dissent.

35 (p.) If the resolution is carried in the affirmative, then, on its being reported to the Governor, the Governor may take the same into consideration, having regard to the public interests and to the interests of the beneficial owners, and may, by Order in Council, either confirm or disallow the resolution.

40 (q.) On the confirmation of the resolution as aforesaid, it shall, when notified in the *Gazette* and *Kahiti*, be deemed to be the consent of the beneficial owners for the purposes of subsection one of this section.

45 (3.) The cost and expenses of and incidental to the meeting shall be paid by the Public Trustee out of the rents and profits of the said reserve.

(4.) The Governor may, by Order in Council gazetted, make, vary, or revoke such regulations as he deems necessary for the purposes of this section.

50 5. The purchase-money for the sale of the said Greymouth reserve shall be such sum as may be agreed upon by the Public Trustee and the purchasers, but shall be not less than the unimproved value thereof as shown on the valuation roll of the District of Greymouth in force at the date of the confirmation of the aforesaid resolution.

Purchase-money to be determined by agreement.

Investment of
proceeds of sale.

6. The Public Trustee shall invest all moneys received from the sale of the said reserve in the common fund of the Public Trust Office, and shall pay the income thereof to the same persons, in the same manner, and in the same shares, as in the case of rents from the said reserve prior to the sale.

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Purchase of other
lands for use of
Native owners.

7. The Public Trustee may apply any portion of the moneys received for the sale of the said reserve in purchasing lands in any part of New Zealand, to be held in his own name, for the use or occupation of any of the beneficial owners of the said reserve.

Lands so purchased
to be held subject
to present trusts, &c.

8. All lands purchased under the *last preceding* section shall be subject to the same trusts and conditions as those subject to which the said reserve is held by the Public Trustee at the date of the passing of this Act.

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