

Mr. Taiqua.

WEST COAST SETTLEMENT RESERVES ACTS AMENDMENT.

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A BILL INTITULED

AN ACT to amend the West Coast Settlement Reserves Acts, and to alter the Law relating to the Administration thereof.

5 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 Acts Amendment Act, 1890."

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

15 "Reserves" mean reserves made by the Governor in Council under "The West Coast Settlement (North Island) Act, 1880," and any amendment thereof, and includes all land within that part of the Colony of New Zealand described in the Schedule to "The West Coast Settlement Reserves Act, 1880," given back to the Natives, or granted to any of them for their benefit, except lands given to them under awards of the Compensation Courts, or by the Governor in respect of special services rendered by such Natives previous to the passing of "The West Coast Settlement (North Island) Act, 1880:"

20 "Native" means aboriginal native of New Zealand, and includes all half-castes and their descendants by Natives:

25 "The said Acts" mean "The West Coast Settlement Reserves Act, 1881," "The West Coast Settlement Reserves Act 1881 Amendment Act, 1884," and "The West Coast Settlement Reserves Act Amendment Act, 1887:"

“The Public Trustee” means the Public Trustee incorporated under “The Public Trust Office Act, 1872 :”

“The Court” means the Native Land Court constituted under “The Native Land Court Act, 1886.”

Incorporation of
“The Native Land
Court Act, 1886.”

3. The provisions of “The Native Land Court Act, 1886,” shall apply to all reserves, and shall, save as in so far as the same are hereby modified or are inconsistent herewith, be deemed to be incorporated herein. 5

Court in subdividing
to be guided by
Native custom.

4. The said Court, in dealing with applications for subdivision of the said reserves, shall, as far as practicable, take into consideration and be guided by evidence of Native custom and usage as if the said reserves had been land held under a title issued by the said Court, and had not been confiscated. 10

Natives to have sole
control of reserves
on subdivision.

5. Upon subdivision into blocks of lands the certificates of title for which shall contain the names of not more than twenty grantees, and in all cases of reserves owned by not more than twenty grantees, the Native owners shall have the full control and management of such lands, notwithstanding anything to the contrary contained in the said Acts : Provided always that the said lands shall be inalienable except by lease, subject to the provisions of “The Native Lands Frauds Prevention Act, 1881,” and amendments thereof, for a longer period than twenty-one years without fine or foregift : Provided also that such alienation by lease shall not require the consent of the Governor in Council thereto, anything in the said Crown grants of the said reserves to the contrary notwithstanding. 15 20 25

Prohibited dealings
with Natives.

6. It shall not be lawful for any person to negotiate either in his own behalf or as agent or trustee for any other person for the lease, exchange, or occupation of any Native land, or of any land or of any estate, right, title, or interest therein, unless such land is held under Crown grant or certificate of title to not more than twenty Natives, or unless such land shall hereafter become and shall have been so owned for forty days ; and every such lease, exchange, or other assurance, agreement, contract, and authority made in contraversion of this Act shall be absolutely void. 30

Land inalienable by
devise to other than
Natives.

7. The said reserves, or any portion thereof, shall be inalienable by will or other testamentary disposition to any person who is not a “Native” within the meaning of this Act ; and it shall not be lawful for any person other than a Native to succeed to or inherit the share or interest of any deceased Native who shall have died since the granting of the said reserves, or who shall hereafter die. 35 40

Validation of leases.

8. All leases heretofore granted by the Public Trustee under the authority of the said Acts, save as hereinbefore excepted, are hereby confirmed and validated from the respective dates thereof, subject to the following modifications hereinafter mentioned, that is to say :—

(a.) The term created by the said leases shall be twenty-one years from the dates of the commencement of such lease or leases. 45

(b.) The provisions in the said leases granting to the lessees right of renewal or compensation for improvements are hereby revoked and cancelled ; and the said leases shall hereafter be read and construed as if the provisions for right of renewal or compensation for improvements had been struck out, or had not been inserted therein. 50

9. All awards made or purporting to be made by arbitrators appointed or intended to have been appointed for the purpose of settling the terms upon which new leases were to be granted by the Public Trustee to the persons entitled to leases, confirmed by the Governor by Order in Council under the provisions of the said Acts, of the land comprised in such confirmed leases, and all leases granted by the Public Trustee upon such awards by way of renewals of such confirmed leases, are hereby revoked and cancelled. Provided always that any lessee or lessees who shall, at the date of the passing of this Act, be in possession of any land included in any of the said confirmed leases, whether the same shall have been surrendered or not, shall have, and the terms created by the said confirmed leases are hereby extended, subject to the terms, conditions, covenants, and agreements contained in the said confirmed leases, for a period of one year from the date of the passing of this Act.

Arbitration awards and renewal of leases cancelled.

10. Forthwith after the passing of this Act the Court shall determine the relative shares or interests of the Native grantees under section forty-two of "The Native Land Court Act, 1886."

Court to determine relative shares or interests.

11. Immediately on the ascertainment of such relative shares or interests, the Court, or a Judge thereof, shall cause a register of such Native owners or persons interested of or in any reserve to be filed with the Receiver of Land Revenue at Hawera, and thereupon the rent due or accruing in respect of any reserve may be paid to such Native owners or persons interested in the relative portions of their shares or interests, unless such rent is otherwise reserved in the lease under which the same is payable.

Register thereof to be filed.

12. From and after the passing of this Act the rent payable under the lease or in respect of the occupation of any reserve shall be paid to the Native owners thereof in all cases in which the whole of the land included in such lease is owned by not more than twenty Natives. In all cases where the land included in any such lease is owned by more than twenty Natives, the rent shall be paid to the Receiver of Land Revenue at Hawera, whose receipt shall be sufficient discharge to any lessee or occupier for the rent paid by him to such Receiver. Such Receiver shall forthwith pay such rent into the Treasury.

Payment of rents.

13. The Public Trustee shall within three months from the passing of this Act publish a detailed statement of his past receipts and expenditure, showing the rents payable under each lease, the rents paid, and the balances (if any) still unpaid, and shall collect all or any rents unpaid, and pay the same and all other moneys received by him under the authority of the said Acts, less all his proper charges in respect thereof, into the Treasury in trust, to attend the order of the Native Land Court with respect thereto; and the certificate of the Colonial Treasurer of the payment of the said moneys shall be a sufficient discharge to the Public Trustee for the moneys so paid. The Public Trustee shall forthwith proceed to collect all arrears of rent and other moneys owing in respect of reserves; and for such purposes all the rights and powers of the Public Trustee under the said Acts, and any leases made by him, are, notwithstanding the repeal of the said Acts, hereby effected to continue and remain of the same force and effect as if the said Acts were not

Public Trustee to pay moneys into Treasury.

repealed; and the Public Trustee shall, on receipt of such arrears, pay the same into the Treasury.

Court to authorise
Natives to receive
shares.

14. Any Native deeming himself entitled to any share or interest in any moneys paid into the Treasury by the Public Trustee, or to any share or interest in any moneys paid into the Treasury by the Receiver of Land Revenue at Hawera, Taranaki, may apply to the Court, or a Judge thereof, for an order or direction for the payment of any such moneys to him; and upon the hearing of such application such Court or Judge may order such moneys, or any part thereof, to be paid to any such Native or person; and such order shall fully protect and indemnify all bankers, brokers, depositaries, or other persons acting under or in pursuance of such order.

Governor may take
land under Public
Works Act.

15. The Court shall inquire into and report to the Governor whether any Native or Natives are left without sufficient suitable land for their maintenance, cultivation, and support, and whether it is expedient that the estate and interest of any present lessee or lessees comprised in any lease granted or made under the said Acts or this Act ought to be acquired for the purpose of providing for the Native owners of such land. If from any such report or reports the Governor shall be satisfied that any such Native or Natives have not sufficient land left unleased for his or their cultivation, occupation, and support it shall be lawful for the Governor to carry into effect such report, and to take the estate and interest of such lessee under any such lease in manner provided by "The Public Works Act, 1882," and the powers of such Act shall apply accordingly.

Repeals.

16. "The West Coast Settlement Reserves Act, 1881," "The West Coast Settlement Reserves Act Amendment Act, 1884," "The West Coast Settlement Reserves Act Amendment Act, 1885," and "The West Coast Settlement Reserves Act Amendment Act, 1887," are hereby repealed: Provided that the said repeal shall not affect the validity of any Crown grant issued to any Native or Natives under the said Acts, or of any lease or leases entered into between any Native or Natives with Europeans *bona fide* which shall have been duly confirmed by Order in Council prior to the repeal of the said Acts.

Mr. Taipua.

TURE WHAKANOHONOHO RAHUI O TE TAI HAUAUURU
"AOTEAROA" TURE WHAKATIKATIKA.

WHAKAWHAITITANGA.

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| Ingoa. | 9. Whakakorenga o nga whakahoutanga riihi me nga whakataunga. |
| 1. Ingoa Poto. | 10. Whakapumautanga take whai paanga. |
| 2. Whakamaramatanga. | 11. Whakamananga take tika. |
| 3. Whakaurunga mai o "Te Ture Kooti Whenua Maori, 1886." | 12. Utunga moni reti. |
| 4. Me mahi te Kooti wawahi i runga i te ritenga tikanga Maori. | 13. Me whakanoho nga moni e te Kai Tiaki Nui Ki te Pukainga Moni a te Kawana-tanga. |
| 5. Ka oti te wawahi ma nga Maori ake ano e whakahaere aua rahui. | 14. Ma te Kooti e whakamana nga tangata Maori take tika hei tango i aua moni. |
| 6. Nga here. | 15. Ka ahei te Kawana te tango whenua i raro te mana o te Ture mo nga Mahi Nunui. |
| 7. E kore e whai mana te wira mo te whenua ki te tangata ke atu i te tangata Maori. | 16. Whakakorenga Ture. |
| 8. Whakamananga riihi. | |

HE PIRE E INGOATIA ANA

HE TURE hei whakatikatika i te Ture Whakanohonoho Rahui o te Tai Hauauru he whakatika hoki i te Ture mo nga whakahaere o aua rahui.

ME WHAKARITE HEI TURE e te Runanga Nui o Niu Tireni i runga ano hoki i tona mana:—

1. Te Ingoa Poto o tenei Ture ko "Te Ture Whakanohonoho Rahui o te Tai Hauauru Ture Whakatikatika, 1890."

2. I roto i tenei Ture mehemea ia e kore e rereke i enei whakariteritenga,—

"Rahui" tona ritenga he rahui i hanga e te Kawana i roto i tona runanga i raro i nga mana o "Te Ture Whakanohonoho Rahui o te Tai Hauauru o (Aotearoa), 1880;" me nga Ture Whakatikatikanga i tera, a e uru mai ana ki konei nga whenua katoa i roto i tera Takiwa o Nui Tireni kua whakahuatia nei o roto i te Kupu Apiti o "Te Ture Whakanohonoho Rahui o te Tai Hauauru, 1880;" i whakahokia mai ki nga tangata Maori, i karatia ki etahi ranei o ratou, hei oranga mo ratou, haunga hoki nga whenua i tukua kia ratou, e nga Kooti i runga i te tikanga whakautu e te Kawana ranei, mo etahi tona mahi i mahia e nga tangata Maori i mua atu o te whakamananga o "Te Ture Whakanohonoho Rahui o te Tai Hauauru (Aotearoa) 1880:"

"Maori" tona ritenga he tino tangata Maori o Nui Tireni tae atu ki nga hawhe kaihe me o ratou uri i te taha Maori:

"Au Ture" tona ritenga ko "Te Ture Whakanohonoho Rahui te Tai Hauauru 1881 Ture Whakatikatika, 1884," me nga "Ture Whakanohonoho Rahui o te Tai Hauauru Ture Whakatikatika, 1887:"

"Kai Tiaki Nui" tona ritenga ko te Kai Tiaki Nui i whakamana i raro i "Te Ture o te Tari Tiaki mo te Katoa 1872:"

“Te Kooti” tona ritenga ko te Kooti Whenua Maori i whakamana i raro i “Te Ture Kooti Whenua Maori, 1886.”

3. Ko nga whakariteritenga o “Te Ture Kooti Whenua Maori, 1886,” ka tau ki nga rahui katoa (haunga hoki nga mea e ahua rereke aua ka whakangawariwaritia ano ena) a ka kiia kua whakaurua mai ki tenei.

4. Mehemea ka mahia e taua Kooti nga tono wawahanga mo aua rahui, me ata whakahaere ano i runga i te ritenga tikanga Maori; ano, e puritia ana aua whenua rahui i raro i te take i whakaputaina e taua Kooti, a e hara nei i te whenua i murua i te rauote-patu.

5. I runga i te wawahanga o aua poraka whenua ka whakurua ki roto ki nga pukapuka take tika nga ingoa, kua i a e neke atu i te 20 tangata ki te poraka kotahi, na ko nga rahui katoa e puritia ana e nga tangata kahore nei i nuku atu i te 20 tangata ma nga tangata whai take tonu e whakahaere aua whenua aha koa ano nga whakariteritenga ke o aua Ture. Otira e kore ano aua whenua e taea te tino tuku aku, haunga hoki ki te riihi, i raro i nga ritenga o “Te Ture Arai mo te Hoko Tahae i nga Whenua Maori, 1881,” me nga Ture Whakatikatika i tera mo nga tau kua e nuku atu i te (21) tau ahakoa ano nga moni taunaha, tetahi, i muri nei, e kore aua tukunga ki te riihi e meingatia ma te Kawana rawa e whakamana i roto i tona runanga, ahakoa ano nga kupu mo tena e mau nei i nga Karauna Karaati.

6. E kore e whai mana tetahi tangata ki te mahi mona ake, i runga ranei i te ritenga whakahaere “Kai Tiaki ranei” mo tetahi atu tangata, i tetahi riihi, whakawhitinga, nohoanga ranei—ki runga ki te whenua Maori, ki te mahi ranei kia whiwhi a ia ki tetahi take hei paanga mona ki te whenua pera, mehemea kahore e puritia ana taua whenua i raro i te Karauna Karaati, pukapuka take tika ranei e nga tangata Maori kahore i maha atu i te (20) tangata, ki te kore ranei taua whenua a muri ake nei e puritia peratia mo nga rangi e 40, ko nga riihi, whakawhitinga, whakaaetanga, aha atu ranei pera i hanga i waho atu o nga whakariteritenga o tenei Ture, ka kiia e kore rawa e whai mana.

7. Ko aua rahui, tetahi waahi ranei o aua rahui, e kore rawa e ahei te tuku i runga i te ohaaki ki te pukapuka pera ranei ki a wai tangata, mehemea e hara taua tangata i te tangata Maori i roto i te ritenga o tenei Ture. A e kore e whai mana te tangata ke atu i te tangata Maori hei takanga mai, hei riihi ki nga take whai paanga o te tangata tupapaku i mate atu i muri o te karaatitanga o aua rahui, tae atu ki nga mea e mate a ko ake nei.

8. Ko nga riihi katoa i whakaaetia e te Kai Tiaki Nui i raro i nga ritenga o aua Ture (haunga ano hoki etahi) ka whakamana, a ka whakapumautia e tenei, mai ano o te hanganga o aua riihi, i raro ana ia i nga whakangawariwaritanga e whai ake nei ara:—

(a.) Ko nga tau mo aua riihi kia (21) tau timata mai i nga ra i tuhia ai i hanga ai aua riihi.

(b.) Ko nga whakariteritenga i roto i aua riihi ki nga kai tango i aua riihi (ara) mo te whakahoutanga me te utunga i nga whakapainga, ka tino whakakorea atu i konei, na, i muri nei, me korero, me panui, me whakamarama, aua riihi, ano kua pana rawatia atu aua kupu mo te whakahoutanga, me te utunga i aua whapapainga, ano hoki kahore i whakaurua atu era kupu ki roto.

9. Ko nga whakataunga i oti, e kiia aua ranei kua whakaotia e nga kai whiriwhiri i whakaturia, i mengatia ranei kia whakaturia hei whakarite i nga tikanga mo te whakahoutanga i nga riihi me te whakaaetanga atu e te Kai Tiaki Nui ki nga tangata ia ratou nga riihi i whakapumautia e te Kawana i roto i tona Runanga i raro hoki i nga ritenga o aua Ture mo nga whenua e uru ana ki aua riihi, i oti ra te whakapumau, me nga riihi katoa i whakaaetia ra e te Kai Tiaki Nui i runga i aua whakataunga mo te whakahoutanga o aua riihi pumau, ka tino whakakorea katoatia atu i konei, otira ko nga kai tango riihi tetahi ranei e ratou e noho tika ana i runga i te whenua i tuhitahia ki roto i nga riihi i tetahi ranei o aua riihi, i whakapumautia nei i te wa o te whakamananga o tenei Ture, ahakoa i whakahokia mai taua riihi, aua riihi ranei, kia whakahoutia atu, kahore ranei, ka whai mana ena ki te pupuru tonu i nga whenua riihi i raro ano i nga tikanga, ritenga, me nga whakaaetanga katoa i tuhituhia ki nga pukapuka o aua riihi pumau, tae noa ki te tau kotahi i muri atu o te whakamananga o tenei Ture.

10. I muri tonu i te whakamananga o tenei Ture me whakaturu, me whakapumau, e te Kooti nga take whaipaaanga o nga tangata Maori i roto i nga karaati, na me mahi i raro i nga ritenga o te rarangi 42 o "Te Ture Kooti Whenua Maori, 1886."

11. Ka oti te whakatuturu aua take whai paanga, ka tukua e te Kooti, e te Tiati ranei, kia whakamana aua tangata whai take ki aua whenua rahui, ara, ko te whakamananga tenei, he whakatakoto i te rarangi ingoa tangata ki roto ki te Tari mo nga Moni Whenua i Hawera, Taranaki, ka mutu tena, ko nga, moni reti e puta mai ana mo aua rahui, ka ahei kia utua ki aua tangata whai take i runga i te ritenga o te whai paanga o te tangata, haunga ano ia hoki nga moni reti i whakaritea ai i roto i tetahi pukapuka riihi kia takoto ke he ritenga mo te utunga i era, ka ahei te Kooti, te Tiati ranei, i ia wa, te whakariterite tikanga mo aua tu whakamananga, he mea hoki tenei kia ata takoto pai ai aua whakamananga.

12. Timata atu i te whakamananga o tenei Ture, ko nga moni reti e puta mai ana mo te riihi, mo te nohoanga ranei ki runga i te whenua rahui, me utu ki nga tangata Maori whai take, ara, mo nga mea tenei kahore i nuku atu nga tangata i te 20 tangata no ratou nei te whenua katoa i tuhituhia ki roto i taua riihi, na, ko nga mea i nuku atu i te 20 tangata nga tangata i roto i taua riihi, me utu nga moni reti ki te rangatira o te Tari Takotoranga Moni Whenua i Hawera, Taranaki. Ka whai mana tana tuhituhinga whakaaetanga o te rironga mai o nga moni pera i te kai tango riihi, ki te tangata ranei e noho ana i runga i te whenua, mo te utunga o te moni reti ki aia, ki taua rangatira, na, me tuku tonu e ia aua moni reti ki te pukainga moni a te Kawantanga.

13. I roto i nga marama e toru, timata atu nei i te whakamananga o tenei Ture, me mahi e te Kai Tiaki Nui, me perehi, nga mea katoa katoa o ana whakahaere, ara nga moni i riro mai i ai a me nga mea i utua atu eia, me whakamarama eia nga moni reti e puta mai ana mo i a riihi o nga riihi katoa, nga moni reti i utua, me nga moni toenga (mehemea ia he pera) kahore ano i utua, a me kohikohi katoa e ia nga mea kahore ano i utua, hui katoa atu ki nga moni katoa e riro mai ana i aia, i raro i nga mana o aua Ture ko ena moni katoa me whakanoho eia ki roto ki te pukainga moni ate Kawanatanga, ki reira tiaki ai, tae noa ki te putanga o te whakahau

4 *Whakanohonoho Rahui o te Tai Hauauru Ture Whakatikatika.*

o te Kooti Whenua Maori mo te ritenga o aua moni, me matua tango ano eia nga utu tika mona ka tuku atu ai, a ko te pukapuka whakaae i tuhituhia e te tino rangatira o te pukainga o nga moni o te koroni, hei tino whakaaetanga tena o te utunga atu o aua moni e te Kai Tiaki Nui ki a ia, me timata tonu inaianei te Kai Tiaki Nui ki te kohikohi i nga moni reti katoa e tika ana kia utua, ara, nga moni katoa e tika ana kia utua i runga i aua rahui, na, hei whakarite i tena, ka ahei ia ki te mahi i ena, i raro ano i nga mana me nga tikanga i whakaritea ki te Kai Tiaki Nui i raro i aua Ture, a ko nga riihi katoa kua oti i aia te hanga, ahakoa te whakakorenga o aua Ture kua oti nei, me mana tonu, ano kahore ano i whakakorea, a ki te riro mai aua moni i a ia i, te Kai Tiaki Nui, me utu tonu atu eia ki te pukainga moni ate Kawanatanga.

14. Ahakoa ko wai tangata Maori, mehemea e whakaaro ana i a e whai take ana ia ki etahi waahi moni kua utua atu ra ki roto ki te pukainga moni e te Kai Tiaki Nui a ki etahi moni ranei kua utua ki te Pukainga Moni Whenua i Hawera, Taranaki, ka ahei taua tangata ki te tono ki te Kooti, ki te Tiati ranei, ki tukua mai he pukapuka whakamana i a ia kia riro mai etahi moni pera i aia, i runga i te whiriwhiringa o nga tono pera, ka ahei te Kooti, te Tiati ranei, te whakahau kia utua atu aua moni, tetahi waahi ranei ki taua tangata, a ma taua pukapuka whakahau e tiaki nga rangitira peeke, etahi atu ranei tangata pera, i te wa e tupu ai te raruraru i te runga i te whakaherenga o aua pukapuka whakahau.

15. Me uiui te Kooti ka whakaatu ai ki te Kawana mehemea e noho whenua kore ana te tetahi tangata, etahi tangata ranei, hei oranga, hei mahinga kai ma ratou, a mehemea ranei he mea pai kia tangohia mai te whenua a tetahi, a etahi ranei o nga kai tango riihi, ara nga whenua kua rihitia i raro i nga mana o aua Ture, o tenei Ture ranei kia tangohia mai hei oranga mo nga tangata no ratou ra te whenua, i runga i taua whaakatu, mehemea ka kite iho te Kawana he tika e noho whenua kore ana tetahi tangata ranei, i waho ra hoki i nga whenua kua rihitia, hei mahinga kai, hei kainga, hei oranga mo ratou, hei reira, ka whai mana te Kawana i runga i taua whakaatu ki te tango mai i te whenua, i te whai paanga ranei, o taua kai tango riihi, mo taua riihi i raro i nga ritenga kua whakatakotoria ki roto ki "Te Ture mo nga Mahi Nunui, 1882," a ko nga mana o taua Ture ka whai mana mo nga whakaritenga penei.

16. Ko "Te Ture Whakanohonoho Rahui o te Tai Hauauru, 1881," "Te Ture Whakanohonoho Rahui o te Tai Hauauru Ture Whakatikatika, 1884," "Ture Whakanohonoho Rahui o te Tai Hauauru Ture Whakatikatika, 1884," "Ture Whakanohonoho Rahui o te Tai Hauauru Ture Whakatikatika, 1885," me "Te Ture Whakanohonoho Rahui o te Tai Hauauru Ture Whakatikatika, 1887," ka whakakorea katoatia atu e tenei, otira e kore taua whakakorenga e pa atu ki nga, Karauna Karaati i whakaputaina ki tetahi, ki etahi ranei tangata Maori i raro i aua Ture, ki nga riihi ranei i hanga i waenganui o tetahi o etahi ranei tangata Maori me nga Pakeha kai tango tonu i aua riihi, nga riihi ano ia kua oti te whakapumau e te Oata i Whakaputaina i roto i te Kaunahera i mua atu o te whakakorenga o aua Ture.