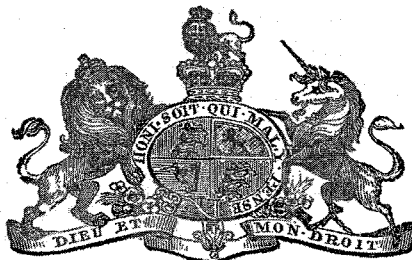


New Zealand.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Definition of "improvements" and "cultivation." 4. Special provisions for leasing reserves to Natives. | <ol style="list-style-type: none"> 5. Surrender of lease for purpose of sub-divisional leases. 6. Definite settlement of shares of land. 7. Lease conclusive evidence of its validity. 8. Meetings informally convened not to be invalid. 9. Amendment of section 54 of said Act. |
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1893, No. 17.

Title.

AN ACT to amend "The West Coast Settlement Reserves Act, 1892." [19th September, 1893.]

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 Amendment Act, 1893."

Interpretation.

2. In this Act, if not inconsistent with the context, "the said Act" means "The West Coast Settlement Reserves Act, 1892," and includes the Schedule thereto and this Act.

Definition of "improvements" and "cultivation."

3. The following definitions in section two of the said Act shall, for the purposes of the said Act, from and after the coming into operation of "The Land Act, 1892," be deemed to have had the following meanings, that is to say:—

"Improvements" and "substantial improvements" in the said Act to have the same meaning as "substantial improvements of a permanent character" in "The Land Act, 1892":

"The Land Act, 1885," to have meant "The Land Act, 1892," and all amendments of that Act, and any Act passed in substitution of that Act.

The terms "cultivate" and "cultivation" respectively, in the said Act, shall, as from the coming into operation of "The Land Act, 1892," have the meanings given to those expressions by that Act.

Special provisions for leasing reserves to Natives.

4. Notwithstanding any of the provisions of the said Act as to the leasing of land by tender or otherwise, the Public Trustee may, in his absolute discretion,—

(1.) Lease land to Natives in possession and not in reversion: Provided that no Native shall solely, nor shall two or

more Natives jointly, become lessees of or hold or own whether as lessees or otherwise under this section more than six hundred and forty acres, unless the same shall come to or devolve upon him or them by intestacy, will, or marriage: Any instrument whereby a Native becomes a lessee of, holds, or owns more than such limited acreage shall be void, so far as it contravenes this section.

- (2.) The rent, covenants, conditions, and provisions of leases under this section shall be as fixed by the Public Trustee, either generally or in any particular case: Provided that the rent shall not be less than five pounds per centum per annum on a valuation of the land for an estate in fee-simple as determined by the Public Trustee, and whose determination shall be final and conclusive.
- (3.) Leases under this section shall be for twenty-one years, and shall be renewable in like manner, and subject to the like conditions, as is provided by the said Act, subject, nevertheless, to any restrictions or conditions made by regulations which the Public Trustee may make, and is hereby authorised to make, relative thereto.
- (4.) The Public Trustee may, in his absolute discretion, by regulation, impose conditions restraining Natives, being lessees, or claiming by, through, or under lessees, or holding or owning a lease under this section, or any estate or interest therein or thereunder, from alienating any lease granted thereunder, or any land comprised therein, or any estate or interest under a lease, except as provided by such regulations: Such regulations shall, as to the conditions imposed, be as valid as if such conditions were enacted by statute.
- (5.) No Native, being a lessee under this section, or claiming by, through, or under a lessee, or holding or owning a lease under this section, or having any estate or interest in a lease, shall have any right at law or in equity to alienate the lease or the land comprised therein, or any part thereof, or any estate or interest therein or thereunder, contrary to the provisions of this section or to any conditions imposed by regulations made by the Public Trustee, and all alienations or attempted alienations contrary thereto shall be void: Provided that the Public Trustee may in writing, but not otherwise, from time to time alter, vary, release, or waive any of such provisions or conditions as to alienation.
- (6.) No Native, being a lessee, or owning or holding a lease or any estate or interest in or under a lease, shall dispose thereof by gift or will otherwise than to or in favour of a Native.
- (7.) Natives being lessees under this section, and Natives holding or owning a lease under this section or any estate or interest therein or thereunder, notwithstanding any exemption contained in any Act or law now or hereafter in

force to the contrary, shall be liable to the same obligations, duties, taxes, rates, charges, and assessments with respect to the land demised as would be the case if the Natives were Europeans.

- (8.) The share, estate, or interest of Natives under a lease shall not (except so far as the Public Trustee is concerned) be liable to be seized, sold, attached, or levied upon by any process whatever, or become vested in any Official Assignee or creditor's trustee in bankruptcy, or be subject to any law relating to bankruptcy or insolvency, or be assets in bankruptcy.
- (9.) "Alienate," "alienating," and "alienation" for the purposes of this section respectively include a limited disposal as well as an absolute one, and any mortgage, charge, lien, or encumbrance.

Surrender of lease
for purpose of subdivi-
sional leases.

5. When, as to any lease (other than a lease made under an award) heretofore or hereafter made by the Public Trustee under the said Act, or the Acts repealed thereby, the land demised is when this Act comes into operation or shall thereafter become as to different portions thereof vested in several persons for the whole term, or when two or more persons shall hold for the whole term the land comprised in one or more leases, and the whole of such persons desire to surrender and take separate leases of separate portions of the land leased, and agree as to the apportionment of the rent and the covenants, conditions, provisions, and agreements to be contained in such separate leases, and the Public Trustee agrees to accept such surrenders and to grant separate leases of such separate portions at the apportioned rents, covenants, conditions, provisions, and agreements, then the Public Trustee may accept such surrenders and grant such separate leases accordingly; or when any person owning the whole of the land comprised in a lease for the whole term subdivides the leased land, desires to obtain separate leases for the subdivisions, then the Public Trustee may accept a surrender, and grant separate leases for each subdivision to such person, or to an approved nominee, and may apportion the rent, covenants, conditions, and provisions reserved and contained in the surrendered lease to and amongst the separate leases, in such manner as the Public Trustee thinks just:

Provided that all costs, charges, and expenses in and about the preparation of such surrenders and leases, and the execution, stamping and registration thereof, shall be borne and paid by the persons desiring such surrenders and separate leases.

Definite settlement
of shares of land.

6. It is declared by way of affirmance that, as from the respective times when the shares of grantees or beneficiaries of any lands were determined and settled as provided by the fifteenth section of "The West Coast Settlement Reserves Act 1881 Amendment Act, 1884," such grantees or beneficiaries, or their successors upon death, were for all purposes, whether under the said Act or the Acts repealed thereby, and shall be and be deemed to have been, entitled to the shares as so determined and settled; and such determination and settlement shall be deemed to have been

final and conclusive, and no order of the Native Land Court or a Judge thereof, made after such determination and settlement, which varies or attempts to vary such shares, and no order of partition or subdivision or any order which defines relative shares or interests or affects the determination and settlement so made as aforesaid, shall be deemed to have had or to have any force or effect in so far as it affects the determination and settlement made as aforesaid :

Provided that if heretofore the Public Trustee has in any case acted on any such partition or subdivision order, or other order as aforesaid, and has made payments in pursuance thereof, then such partition or subdivision order or orders as aforesaid shall be and be deemed to have been valid, and to have varied so far as they do vary the shares of grantees or beneficiaries so determined and settled as aforesaid.

The list or record in the Public Trust Office, when "The West Coast Settlement Reserves Act, 1892," came into operation, containing the names of the grantees or beneficiaries (or their successors in case of death) whose shares were determined and settled as aforesaid, shall, as from that time, with such alterations or corrections therein as may from time to time have been made by the Public Trustee, be and be deemed to have been conclusive evidence that the persons whose names appear on, by, or from such list or record, were and are rightfully entitled to the respective shares set forth therein or appearing therefrom.

All payments heretofore made and acts and things done or omitted by the Public Trustee shall be valid and effectual as if this section had then been in force.

Notwithstanding, however, the provisions of this section, the Public Trustee shall have power to vary or alter the said shares if it be proved to him that the said determination or settlement was erroneous, and to pay the amounts coming to the Natives on the footing of such variation or alteration.

7. A lease (except under an award) heretofore or hereafter executed by the Public Trustee, if purporting to be made under the authority of the said Act, shall, unless the contrary be proved, be received as evidence that all acts, matters, and things necessary or required to be done, omitted, or to happen to render such lease valid were done or omitted or had happened prior thereto.

Lease conclusive evidence of its validity.

8. No meeting under section eight of the said Act, and no proceedings thereat, shall be invalid by reason of any informality or irregularity in convening such meeting or otherwise, or in the proceedings thereat, or that Natives or persons not entitled to take part in such proceedings did take part therein; and meetings and proceedings thereat, and acts, matters, and things done or omitted upon or in consequence of such meetings or proceedings, shall, notwithstanding any informality or irregularity, or that Natives or persons not entitled to take part in proceedings at meetings did take part therein, be valid :

Meetings informally convened not to be invalid.

Provided that nothing hereinbefore contained shall prevent the Public Trustee, if he thinks fit, from convening a further meeting,

and which further meeting he is hereby authorised to convene, and in which case all proceedings at the previous meeting shall be deemed of no effect.

This section shall be deemed to have been in force when the said Act came into operation.

9. Section fifty-four of the Schedule to the said Act shall be amended by adding after the word "stream," at the end of line nine, the following words: "or by such interval of space as the Public Trustee may determine in each case."

Amendment of
section 54 of said
Act.