

No. X.

AN ACT for the management of Lands set apart for the benefit of the Aboriginal Inhabitants of New Zealand. [6th August, 1856.]

NEW ZEALAND
NATIVE RESERVES.

WHEREAS in various parts of New Zealand lands have been and may hereafter be reserved and set apart for the benefit of the aboriginal inhabitants thereof, and it is expedient that the same should be placed under an effective system of management: And whereas the title of the said aboriginal inhabitants has been extinguished over some portions of such lands, and over other portions thereof such title has not been extinguished:

Preamble.

BE IT ENACTED by the General Assembly of New Zealand as follows:—

Enactment.

1. It shall be lawful for the Governor of the said Colony at any time and from time to time, by Letters Patent under the Public Seal of the Colony, to appoint persons to be Commissioners for carrying this Act into effect, who shall be styled "Commissioners of Native Reserves," and such Commissioners from time to time to remove.

Governor may appoint Commissioners.

2. Several and distinct Commissions may be issued to several and distinct sets of Commissioners with several and distinct limits of jurisdictions.

Distinct Commissions may be issued.

3. In every Commission there shall not be less than three Commissioners.

Number of Commissioners.

4. The Governor may from time to time frame and establish rules for the conduct of business under such Commissions, and may from time to time alter the same, which rules and all alterations thereof shall be published in the Government Gazette of the said Colony, and when published shall have the force of law.

Governor to frame rules of procedure.

5. The Commissioners may appoint Clerks and other officers for the necessary conduct of business under such Commissions.

Commissioners to appoint Clerks and other officers.

6. When any lands within the jurisdiction of any Commissioners shall have been or shall be reserved or set apart for the benefit of the said aboriginal inhabitants over which lands the Native title shall have been extinguished, such Commissioners shall have and exercise over such lands full power of management and disposition, subject to the provisions of this Act; and, subject to such provisions, may exchange absolutely, sell lease or otherwise dispose of such lands in such manner as they in their discretion shall think fit, with a view to the benefit of the aboriginal inhabitants for whom the same may have been set apart. And no purchaser lessee or other person paying money to such Commissioners shall be afterwards answerable for such money or be bound to see to the application thereof.

Commissioners to have full powers of management.

7. No sale exchange lease or other disposition of such lands, except a lease not exceeding twenty-one years in possession, shall be valid without the assent in writing of the Governor first obtained for every such purpose; and every conveyance lease and other disposition made

Governor's assent to be necessary.

New Zealand Native Reserves.

made by the said Commissioners under the authority of this Act shall be valid in law provided that there shall be thereon indorsed, except on any lease not exceeding twenty-one years as aforesaid, a memorandum to be signed by the Governor declaring his assent thereto.

Lands may be set apart as special endowments.

8. The Commissioners with such assent as aforesaid may set apart any such lands as sites for churches chapels or burial-grounds, and also by way of special endowment for schools hospitals or other eleemosynary institutions for the benefit of the said aboriginal inhabitants, and may either manage such lands for the benefit of such special endowments, and may exercise in relation thereto the same powers as are hereby vested in them, or may with such assent as aforesaid transfer such lands to any person or persons body corporate or bodies corporate as Trustees of such endowments, subject to such provisions for insuring the proper application thereof as may be thought fit.

Application of moneys.

9. All moneys which shall come to the hands of the Commissioners under the provisions of this Act, except in respect of special endowments, shall be applied by such Commissioners for the benefit of the aboriginal inhabitants for whose benefit such lands may have been set apart in such manner as the Governor of the said Colony may from time to time direct.

Proceeds of special endowments.

10. All moneys which shall come to the hands of the said Commissioners in respect of special endowments shall be applied to the proper objects of such endowments.

Publication of accounts.

11. The Commissioners shall publish yearly, in the Government *Gazette* of the Province wherein such lands shall be situate, a statement of all dealings and transactions whatever respecting such lands, together with a general report of their proceedings and of the state of the property under their charge, and an account of all moneys received and expended by them under this Act.

Governor to regulate expenses.

12. The Governor in his discretion shall from time to time regulate the expenses of management and make provision for auditing the accounts.

Expenses of management.

13. Such expenses of management shall be defrayed by each set of Commissioners or by any Trustees respectively out of any money which shall come into their hands under the provisions of this Act.

Provisions of the Act extended to lands over which Native title not extinguished, with the assent of the aboriginal inhabitants.

14. Where any lands shall have been set apart or reserved for the special benefit of the said aboriginal inhabitants or any of them, or where upon any sale of lands by Natives a certain portion of the district sold shall have been or shall be specially excepted out of such sale, but over which lands so reserved set apart or excepted the Native title shall not have been extinguished, it shall be lawful for the Governor, with the assent of such aboriginal inhabitants, to be ascertained in manner provided by this Act, to declare such lands to be subject to the provisions of this Act, and to appoint Commissioners for the management thereof in like manner as if such Native title had been extinguished.

Grants may be made in severalty to aboriginal inhabitants.

15. Any set of Commissioners appointed under this Act, with the assent of the Governor, may make a conveyance or lease in severalty of any lands within the limits of their jurisdiction to any of the aboriginal inhabitants for whose benefit the same may have been reserved or excepted, either for or without valuable consideration, and either absolutely or subject to such conditions as the said Commissioners may think fit.

Governor may grant to Trustees land appropriated by aboriginal inhabitants to the endowment of schools &c.

16. Where any lands shall have been at any time heretofore or shall hereafter be set apart or appropriated by any aboriginal inhabitants entitled thereto for the sites of churches chapels or burial-grounds, and for the endowment of schools hospitals or other eleemosynary institutions for the benefit of such aboriginal inhabitants, it shall be lawful for

Magistrates' Indemnity.

for the Governor, with the assent of the said aboriginal inhabitants, to be ascertained in manner herein provided, to grant such lands to any person or persons, whether of the Native or European race, or any body corporate or bodies corporate nominated by or on behalf of such aboriginal inhabitants, and such lands shall be held for the purpose of such special endowments with such powers as are hereby vested in Commissioners under this Act and subject to the provisions thereof: Provided always that nothing in this Act contained shall have the effect of removing any invalidity or curing any defect in any grant or other conveyance made or issued before the passing of this Act, under which any lands may have been granted or assured to any person or persons for religious charitable or educational purposes for the benefit of the aboriginal inhabitants: Provided also that nothing in this Act contained shall extend or be implied to extend to give validity to any appropriation or setting apart of any lands for such purposes as aforesaid, which have been heretofore so appropriated or set apart in contravention of any terms of purchase or contracts affecting such land.

17. The Governor shall appoint some competent person to ascertain the assent of the said aboriginal inhabitants, and such person shall proceed according to such rules as shall be prescribed in that behalf by the said Governor. And the report of such person, if adopted by the Governor, shall be final and conclusive as to such assent, and the publication of such report and the adoption thereof in the Government *Gazette* of the said Colony shall be evidence of such assent: Provided always that whenever such assent shall have been ascertained as aforesaid, the land to which the same shall relate shall be conveyed to Her Majesty, her heirs and successors, and shall then become subject to the provisions of this Act.

Assent of aboriginal inhabitants to be ascertained by some person appointed by the Governor.

18. Every act which is authorized or required to be done by the Governor under this Act shall be done only with the advice and consent of the Executive Council of the Colony.

Acts to be done with advice of Executive Council.

19. The term "Governor" shall mean the person for the time being administering the Government of New Zealand; and the term "Aboriginal Inhabitant" shall include Half-castes.

Interpretation of "Governor" &c.

20. This Act may be cited for all purposes as "*The New Zealand Native Reserves Act, 1856.*"

Short Title.