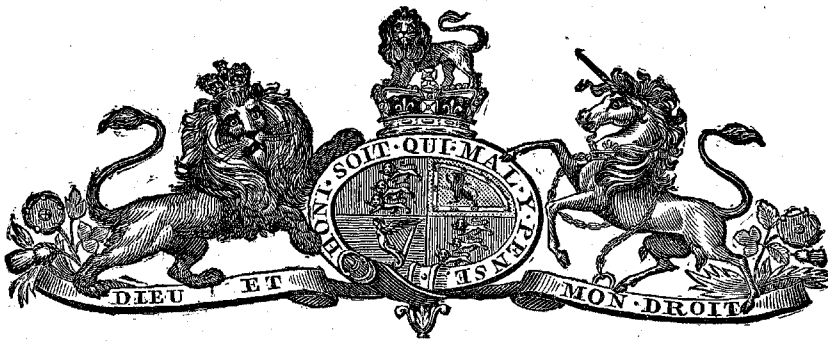


## NEW ZEALAND.



TRICESIMO SEPTIMO

## VICTORIÆ REGINÆ.

No. LX.

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## ANALYSIS.

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*Native Reserves.*

Title.

AN ACT to make provision for the better Administration of Native Reserves throughout the Colony. [2nd October, 1873.]

Preamble.

WHEREAS from time to time heretofore certain pieces or parcels of land in the Colony of New Zealand have been set apart and reserved or excepted from sale for the benefit of the Aboriginal Natives of the said Colony, and difficulties have arisen in respect of the management and administration of these reserves, owing to the fact that in some cases the trusts intended to be created under these reserves have not been sufficiently defined, and in other cases the heirs of the original beneficiaries cannot readily be ascertained:

And whereas the title of the said Aboriginal Natives has been extinguished over some portions of such lands, and over other portions thereof such title has not been extinguished:

And whereas lands may hereafter be reserved and set apart for the benefit of the Aboriginal Natives, and it is expedient that provision should be made for the better administration of Native reserves throughout the Colony, and that the same should be placed under an efficient system of management for the future:

BE IT THEREFORE 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 shall be “The Native Reserves Act, 1873.”

Repeal of Acts.

2. From and after a day to be fixed in that behalf by the Governor in Council the several Acts enumerated in Schedule A to this Act shall be repealed. But this Act shall not render valid or invalid or in any way affect any rights acquired or proceedings completed under any of the said Acts before the repeal of the same, nor shall this Act destroy the liability of any person who has acted as Governor, or any other officer appointed by or under any of the said Acts, to answer in any Court for any act or thing by him done or omitted to be done as trustee or in any other capacity under any of such Acts, for which he would have been liable to answer if this Act had not been passed: And provided also that proceedings heretofore commenced and in progress under any of the said Acts before the repeal of the same may be continued and perfected under this Act so far as the circumstances of each case are compatible with the objects and provisions of this Act.

Existing contracts saved.

3. Every contract lawfully made before the repeal of the said Acts enumerated in Schedule A to this Act, either by the Governor or by any Commissioner or Delegate duly acting in that behalf under any of the said Acts, shall be deemed to have been made with the Native Reserves Commissioner for the district in which the Native reserve affected by such contract is situate, and shall be carried out by such Native Reserves Commissioner to the intent and meaning thereof.

Act to apply to all Native reserves.

4. This Act shall apply to all Native reserves heretofore made or hereafter to be made for the use or benefit of Aboriginal Natives; and the term “Native reserve” shall for the purposes of this Act include all lands and all moneys issuing out of land which may have been or which may hereafter be reserved set apart or appropriated upon trust for the benefit of Aboriginal Natives under the provisions of this Act, or of any law heretofore in force or hereafter to be in force in the Colony, or under

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the provisions of any contract promise or engagement heretofore lawfully made or entered into, or hereafter lawfully to be made or entered into with Aboriginal Natives.

## ESTABLISHMENT OF DISTRICTS AND APPOINTMENT OF COMMISSIONERS.

*Their Liability.*

5. For the purposes of this Act, the Governor in Council may divide the Colony into districts, and subdivide any such districts into sections, and the limits of such districts from time to time may alter. Districts may be created.

6. For every district created under the provisions of this Act the Governor in Council shall appoint an officer, which officer and his successors, to be appointed in like manner, shall be a Corporation sole with perpetual succession under the name of "The Native Reserves Commissioner of the District of \_\_\_\_\_;" and every such Native Reserves Commissioner shall hold office during good behaviour. Commissioners to be appointed.

7. In every district created under this Act there shall be elected by the Natives resident in the district from amongst themselves, in manner to be regulated by the Governor in Council, three persons as Assistant Commissioners, who, together with the Native Reserves Commissioner appointed as hereinbefore mentioned, shall form a Board of Direction for the administration of the Native reserves in such district. Of every such Board the Native Reserves Commissioner appointed as aforesaid shall be the Chairman. Formation of Board.

The Native Reserves Commissioner shall from time to time, as he may deem desirable, call a meeting of the Board, who shall by a majority of its members decide on all matters connected with Native reserves in the district for which they are constituted; and no sale lease or exchange of any Native reserve shall be effected without such decision being first obtained and recorded upon the minutes of the meetings of the Board. Meetings of Board.

8. Every Native Reserves Commissioner shall, for the purposes of this Act, be deemed to be a Trustee of the lands vested in him, and of all moneys received by him as such Commissioner, and is hereby authorized in his corporate name to bring and defend, or cause to be brought and defended, any action suit prosecution or other proceeding, criminal as well as civil, in law or equity, touching or concerning any Native reserve within his district or touching or concerning any moneys goods chattels property or effects whatsoever lawfully vested in him as such Native Reserves Commissioner. Power to sue and be sued.

9. No Native Reserves Commissioner shall be personally liable for anything done by him in the execution of his office except in cases where he shall be guilty of wilful neglect or default. Liability limited.

## LEGAL ESTATE IN NATIVE RESERVES.

10. Where any land which may have been at any time heretofore or may be hereafter set apart or reserved for the benefit of the Aboriginal Natives, shall be situated within more districts established under this Act than one, such land shall be deemed for the purposes of this Act to be comprised within that district established under this Act in which the greatest portion of such land is situate. Situation of reserve.

11. Upon the appointment of a Native Reserves Commissioner for any district created under the provisions of this Act, all Native reserves within such district, other than Native reserves which have heretofore been vested in any particular person or persons as Trustees thereof, shall, except as may be herein otherwise provided, vest in the Native Reserves Commissioner appointed for such district, subject to the fulfilment of any obligations or contracts in respect thereof which may have been On appointment of Commissioner, reserves to vest in him.

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previously lawfully entered into as hereinbefore provided; and such Native reserves shall from thenceforth be held by such Native Reserves Commissioner and his successors in office without the necessity of any conveyance thereof to any such successor in office upon and for the particular trusts and purposes upon or for which the same were respectively reserved guaranteed set apart or appropriated, or upon and for such of the said trusts or purposes as at the time of his appointment are subsisting or capable of taking effect: Provided always that nothing in this section contained shall be deemed to apply to any lands which have been excepted or reserved by Aboriginal Natives, on the cession or surrender of lands to the Crown, and specified as so excepted or reserved in the deed of cession or surrender, and which still remain in the absolute possession of such Aboriginal Natives.

Except lands reserved by Natives themselves.

Delegate &c. under repealed Acts to account.

**12.** It shall be the duty of every Commissioner or Delegate acting under the provisions of any of the said Acts enumerated in Schedule A to this Act, who shall be holding office at the time when this Act shall come into operation within three calendar months next after this Act shall have come into operation, to make out and deliver to the Native Reserves Commissioner appointed under this Act for the district a full statement and account, duly and properly vouched, of all moneys received and expended by such Commissioner or Delegate by virtue of his office in respect of any Native reserve within such district during the whole period which has elapsed since his last account was rendered, and also within the same period of three calendar months to make out and deliver to the said Native Reserves Commissioner appointed as aforesaid, a full and detailed report and statement of the nature and extent and the position and condition of every such Native reserve.

Delegate &c. to pay over moneys.

**13.** It shall also be the duty of every such Commissioner or Delegate, at the time of the rendering of such account as aforesaid, to pay over and deliver to the said Native Reserves Commissioner appointed under this Act to whom the same shall be rendered, all moneys deeds books vouchers papers and documents of all kinds in the possession or custody or under the control of such Commissioner or Delegate, relating to or in anywise concerning or affecting the Native reserves within such district.

Delegate &c. failing to account may be sued.

**14.** In case any Commissioner or Delegate as aforesaid shall fail or neglect for the space of three calendar months after this Act shall come into operation to account for and pay over any moneys found to be due and payable by him on account of, or to deliver over any property in his possession or custody or under his control of or belonging or relating to any Native reserve, the Native Reserve Commissioner of the district appointed under this Act may, in the name and on behalf of Her Majesty the Queen, but with the consent and approval of the Attorney-General for the time being of the Colony previously obtained, and for and on account of the particular Native reserve affected commence and prosecute all such legal or equitable proceedings as he may think fit for the recovery of any such moneys or other property as aforesaid.

Commissioner may examine accounts, &c.

**15.** Any Native Reserves Commissioner appointed under this Act for any district who may be dissatisfied with any accounts or reports rendered or made to him by any Commissioner or Delegate as aforesaid, may take all such proceedings for the further examination of the matters mentioned in such accounts and reports as he shall think fit, and for the purposes of any such examination every Native Reserves Commissioner appointed under this Act, shall have and may exercise, without any further warrant or authority, all the powers and authorities of a Commissioner duly appointed and acting under the provisions of "The Commissioners Powers Act, 1867," and "The Commissioners

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Powers Act 1867 Amendment Act, 1872:" Provided always that no such examination as is provided for by this section shall take place after the expiration of four calendar months after the rendering of such accounts and reports as aforesaid, nor until fourteen days after notice in writing shall have been given by the Native Reserves Commissioner appointed as aforesaid to the Commissioner or Delegate in respect of whose accounts or reports such examination is to take place of the intention of such Native Reserves Commissioner to make the same and as far as possible of the matters intended to be inquired into.

16. Upon the receipt by any Native Reserves Commissioner appointed under this Act of the accounts and reports respectively mentioned in section eleven of this Act, and upon payment and delivery to him of the moneys and other property respectively mentioned in section twelve of this Act, and whether before or after any such examination and inquiry as provided by section fourteen of this Act, it shall be lawful for such Native Reserves Commissioner appointed as aforesaid to give to the Commissioner or Delegate from whom he shall have received the same a full and complete release and discharge from all claims and demands in respect of the Native reserves referred to therein.

Commissioner  
may give releases.

## ADMINISTRATION OF RESERVES.

17. For the purpose of ascertaining from time to time the existing state and condition of any Native reserve within his district, or of the Aboriginal Natives for whose use or benefit the same may then be applicable or the trusts or purposes for which the same was made guaranteed set apart or appropriated or such of the said trusts or purposes as are for the time being subsisting and capable of taking effect, every Native Reserves Commissioner appointed under this Act shall have and possess within his district, and may exercise without any further warrant, all the powers of a Commissioner appointed under "The Commissioners Powers Act, 1867," and "The Commissioners Powers Act 1867 Amendment Act, 1872," but all the expenses attending any such inquiry shall be borne and paid out of the revenues arising from the particular Native reserve inquired into in such manner as shall be prescribed in general regulations to be made as hereinafter provided.

Powers of Commis-  
sioners.

18. The trusts and purposes upon or for which any Native Reserve was reserved guaranteed set apart or appropriated, or such of them as at the time at which this Act shall come into operation within any district are still subsisting or capable of taking effect, shall not be altered except by Act of the General Assembly of New Zealand.

Trusts not to be  
altered.

19. It shall be lawful for every Native Reserves Commissioner appointed under this Act, with such consent as is required by section seven, to sell exchange or let any lands comprised in or forming part of any Native reserve within his district, but no sale exchange or lease of any such land shall be made without the previous assent of the Governor in Council, and the exclusive evidence of such assent shall in all cases be a memorandum to that effect signed by the Governor indorsed upon every deed or instrument under or by virtue of which such sale exchange or lease shall be effected or carried out: Provided, however, that with such assent as aforesaid, any Native Reserves Commissioner may let any land comprised in any Native reserve for building purposes for any term of years not exceeding sixty years in possession: And provided also that in no case shall there be in any lease under this Act any covenant or engagement for renewal: Provided also that no lease of any Native reserve for other than building purposes shall exceed the term of twenty-one years in possession.

Power to sell  
exchange and lease.

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Moneys to be laid out in land.

**20.** All money received by any Native Reserves Commissioner upon the sale of any land, or for equality of exchange upon the exchange of any land, respectively, forming part of any Native reserve within his district, shall with all convenient speed be invested on mortgage of freehold property, or be laid out in the purchase of New Zealand Government securities or in the purchase of other lands, and the lands so purchased shall be vested in the Native Reserves Commissioner upon and for the same trusts and purposes as the lands sold or given in exchange had been vested in him immediately before the sale or exchange thereof, and shall from thenceforth be deemed to be a Native reserve within the provisions of this Act.

Until purchase, income to be used for purposes of trust.

**21.** Until the money received by any Native Reserves Commissioner upon the sale or exchange of any land as aforesaid shall have been actually laid out and expended in the purchase of such securities or of other lands as aforesaid, any income or revenue derived from the same shall be deemed to be income or revenue derived from the land forming part of the Native reserve from which such money shall have arisen, and shall be applicable accordingly.

Receipt of Commissioner a discharge.

**22.** The receipt in writing of any Native Reserves Commissioner for any rents or money payable to him as Trustee shall be a sufficient discharge for the rents and money therein expressed to be received, and shall effectually exonerate the person paying such rents and money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

Limit of responsibility of Commissioner.

**23.** Every Native Reserves Commissioner shall be chargeable for such rents and moneys as he shall actually have received, and shall not be answerable for any loss which may arise by reason of any trust moneys being deposited in the hands of any banker, nor for any loss in the execution of the trust, unless the same shall happen through his own wilful neglect or default.

## GENERAL REGULATIONS FOR MANAGEMENT.

Governor in Council to make regulations.

**24.** The Governor in Council may from time to time make regulations (throughout this Act comprised under the term "general regulations") prescribing the terms and conditions upon which any leases under the provisions of this Act may be made.

Express provision to be made therein for certain purposes.

**25.** In such general regulations as aforesaid, express provisions shall be made for securing as far as possible the observance of the following conditions, that is to say,—

- (a.) That upon all leases of any land forming part of any Native reserve the rent to be reserved to the Native Reserves Commissioner shall be an adequate rent.
- (b.) That no fine premium or foregift shall in any case be taken upon any lease without the sanction of the Governor being first obtained.
- (c.) That no tenant under any lease shall be made punishable for wilful waste.
- (d.) That the Native Reserves Commissioner making any lease shall in no case be personally interested therein.
- (e.) That no lease made by any Native Reserves Commissioner, with such consent as is required by section seven, shall contain any covenant or provision for his own private advantage.

Regulations may be made for administration of reserves.

**26.** The Governor in Council may also from time to time, but subject to the special provisions of this Act, make regulations (throughout this Act also comprised under the term "general regulations") for the administration and management of the Native reserves within any district, and for the mode of application and expenditure of all

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annual revenues arising from the same, for securing the proper audit and account of all revenues arising thereout: Provided that such regulations shall not be inconsistent with or repugnant to the particular trusts or purposes (if any) then subsisting and capable of taking effect upon or for which any Native reserve may then be vested in any Native Reserves Commissioner, and provided also that no part of any Native reserve, or of the revenues arising from the same, shall in or by such regulations be made applicable otherwise than for the benefit of the person or persons for the time being beneficially interested therein respectively.

**27.** The Governor in Council may from time to time repeal alter or vary all or any general regulations to be made under the provisions of this Act; and all such general regulations, when published in the *New Zealand Gazette* and in the *Kahiti*, shall have the force of law.

Power to alter regulations.

**28.** It shall be the duty of the Native Reserves Commissioner for each district created under this Act, with all convenient speed and not later than six calendar months after his appointment, to make to the Governor, in such form as shall be prescribed by general regulations to be made as aforesaid, a return of all Native reserves within his district, and thereafter annually during his tenure of office on such date as shall be appointed by such general regulations to make a like return.

Commissioner to report.

**29.** It shall also be the duty of every Native Reserves Commissioner to make and render to the Governor with every such return as provided by the foregoing section a full and accurate report of the then state and condition of each Native reserve within his district, and an account, duly and properly vouched, of all moneys received and expended by him in respect thereof.

Further report.

**30.** A copy of every report and account rendered to the Governor under the provisions of this Act shall be laid before each House of the General Assembly at the next sitting of the Assembly which shall take place after the receipt of the same, or if the same shall be received during any sitting then at such sitting, and such report and account shall be also printed in the Maori language.

Copy of report to be presented to Assembly.

**31.** In all cases where no special provision is made by this Act for regulating the performance of the duties of the Native Reserves Commissioners to be appointed under this Act, the Governor in Council may make general regulations, which shall be published in the *New Zealand Gazette* and in the *Kahiti*, for the guidance and control of such Commissioners, and for the examination and audit of their accounts.

Regulations for guidance of Commissioners.

COST OF MANAGEMENT AND ADMINISTRATION.

**32.** And whereas it is expedient that provision should be made for or towards defraying the cost of the management and administration of the Native reserves within each district created under the provisions of this Act: Be it further enacted that it shall be lawful for the Governor in Council from time to time, by general regulations to be made as aforesaid, to direct and provide that out of all moneys received by any Native Reserves Commissioner in respect of any Native reserve administered or managed by him, there shall be annually set apart such a proportion of such moneys as to the Governor shall seem fit, and the amount so set apart shall be paid to the account of such special fund as shall be mentioned in such general regulations, and shall be applied for or towards the cost of the management and administration of such Native reserve.

Power to apply money towards cost of management.

**33.** Subject to the provisions of the last foregoing section in respect of the cost of management and administration, all moneys

Proceeds of special endowments.

*Native Reserves.*

which shall come to the hands of any Trustees in respect of any Native reserve of which the purposes are already defined shall be applied to the proper purposes of such endowments.

Application of proceeds from reserves.

**34.** Subject to the provisions of section thirty-two in respect of the cost of management and administration, the income and yearly proceeds of every Native reserve of which the purposes have not been already defined and are not otherwise defined by this Act, after deducting thereout all such expenses as may be necessary for maintaining the trust property in good condition and repair, shall be applied by the Native Reserves Commissioner for the benefit of the persons for whom such reserve was made, and their successors, in manner following, that is to say, for or towards all or any one or more of the purposes hereinafter enumerated, in such proportions and in such manner as shall be approved by the Governor in Council:—

- (1.) The payment of the cost incident to the survey of such reserve, and the charges (if any) incurred in the Native Land Court in respect thereof.
- (2.) The erection and maintenance of any schoolhouse or other building for general use.
- (3.) The purchase and repair of implements of husbandry.
- (4.) The fencing improvement and drainage of the land.
- (5.) The erection maintenance and repair of houses and property.
- (6.) The supply of food and medical assistance.
- (7.) Salaries of schoolmasters.
- (8.) The purchase of books and writing materials.
- (9.) Other educational purposes.
- (10.) Contribution to local rates.

## EXTINGUISHMENT OF NATIVE TITLE.

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

**35.** Where any lands shall have been set apart or reserved for the special benefit of the Aboriginal Natives 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 in Council, with the assent of such Aboriginal Natives, to be ascertained in manner provided by this Act, to declare such lands to be Native Reserves within the meaning of this Act, and to be subject to the provisions of this Act.

Assent of Aboriginal Natives to be ascertained by some person appointed by the Governor.

**36.** The Governor in Council shall appoint some competent person to ascertain the assent of the said Aboriginal Natives, and such person shall proceed according to such rules as shall be prescribed in that behalf by the said Governor, and shall make his report on each case to the 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.

Reference to Native Land Court.

**37.** In any proceeding as aforesaid to ascertain the assent of the Natives interested in the land to have the same brought under the operation of this Act, where the title to or any interest in any such land is involved, it shall be lawful for the person who may be conducting such proceeding to refer any issue of fact or of Maori custom or usage that may arise to be determined by the Native Land Court of the district, and such Court shall hear and determine the same: And the person who made such reference to the Court shall, in reporting upon such proceedings, act upon the decision of the Court.



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**38.** In any such proceeding likewise, as aforesaid, where the title to or interest in any such land is so complicated that the person who may be conducting such proceeding is unable to ascertain to his satisfaction the true ownership of any portion of such land, it shall be lawful for such person, with the consent of any of the Natives claiming to be interested in any of such land, to make application to the Native Land Court of the district in the name of such consenting Natives, and as their agent, for the investigation of the title to any such land, and the Court shall thereupon proceed to the investigation of such title according to the rules of Court provided in ordinary cases: And after the decision of the Court shall have been given, the person hereinbefore mentioned as conducting the proceeding for the ascertainment of the assent of the Natives to bringing the land under the operation of this Act, shall conclude such proceeding for the extinguishment of the Native title, and report to the Governor as is provided by this Act.

Investigation of title  
by Native Land  
Court.

**39.** Where under the provisions of any of the Acts enumerated in Schedule A or of this Act the assent of the Aboriginal Natives is required to bringing land under the operation of the said Acts or of this Act, the Governor, after ascertaining the assent of such Natives in manner hereinbefore provided, may by Order in Council declare such assent to have been ascertained, and thereupon the title of the Aboriginal Natives in the land to which the same shall relate shall be deemed to have been and to be extinguished, and the land shall from the date of such Order in Council vest in Her Majesty for the purposes and subject to the provisions of this Act, and that as effectually as if the same had been ceded and conveyed by such Aboriginal Natives to Her Majesty.

Procedure in extin-  
guishing Native title.

**40.** Any notification published in the *New Zealand Gazette* and purporting to be made by or by the authority of the Governor, and stating that the Native title over any land being a Native reserve therein described was extinguished previously to a date therein specified, shall for all purposes be conclusive proof that the Native title over the land described in such notice was extinguished at some time previously to the date therein specified, and that such land on such date ceased to be Native land owned by Natives under their customs or usages; and the production of a copy of the *New Zealand Gazette* with such notification therein, purporting to be printed by the Government Printer, shall be sufficient proof of such notification.

Authoritative  
notification of  
extinguishment  
of Native title.

## RESERVES FOR SPECIAL PURPOSES.

**41.** Where any lands shall have been at any time heretofore or shall hereafter be set apart or reserved for the benefit of the Aboriginal Natives, or any of them generally, the Governor in Council may, upon the application of the District Board of Direction, 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 Natives, and may by grant or grants vest such land either in the Native Reserves Commissioner of the district, or in 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.

Lands may be set  
apart as special  
endowments.

**42.** Where any lands shall have been at any time heretofore or shall hereafter be set apart or appropriated by any Aboriginal Natives 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 Natives, it shall be lawful for the Governor in Council, with the assent of the said

Governor may grant  
to Trustees land  
appropriated by  
Aboriginal Natives  
to the endowment of  
schools, &c.

*Native Reserves.*

Aboriginal Natives, 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 Natives, and subject to the provisions of this Act.

Endowments out of  
the confiscated lands  
for hospitals, &c.

**43.** And whereas it is fitting that out of the lands which have been confiscated from the Aboriginal Natives, certain portions thereof should be reserved for the benefit of the Aboriginal Natives of the Colony generally, by way of endowment or provision for sick persons and lunatics, and also that other portions of the same should be set apart as special reserves, the proceeds of which should be appropriated towards the maintenance of aged or disabled and infirm Aboriginal Natives in any part of the Colony: Be it further enacted that the Governor in Council may set apart and appropriate any lands situated within any district constituted under the provisions of "The New Zealand Settlements Act, 1863," by way of endowment or provision for sick persons or lunatics of the Native race, and may by grant vest such lands either in the Native Reserves Commissioner for the Native Reserves District within which the same are situated for the purposes aforesaid or any of them, and such Commissioner shall pay and apply the proceeds and yearly income of such lands, subject to the provisions of section thirty-two of this Act, to one or both of the purposes following, that is to say,—

- (1.) The payment of charges for medical care and treatment of sick persons and lunatics, and for the maintenance of such persons whilst under medical care and treatment.
- (2.) Payment of rent and repairs of the buildings in which such sick persons or lunatics may be lodged whilst under medical care and treatment.

Governor may grant  
Native Hostelries  
at Auckland and  
Onehunga.  
Schedule B.

**44.** The Governor in Council may grant the lands described in the Schedule to "The Auckland and Onehunga Native Hostelries Act, 1867," which are enumerated in the Schedule B hereto, or any part of the same, to any Native Reserves Commissioner for any district within which the said lands or the part thereof so granted may be situated, for the purposes of and as an endowment for Native hostelries to be held and dealt with accordingly, and until the making of any such grant the said lands shall remain vested in Her Majesty the Queen for the aforesaid purposes.

Native owners may  
reserve lands.  
Schedule C.

**45.** The Native owners of any land in respect of which the Native title either has or has not been extinguished may, by deed in the form set forth in Schedule C to this Act, convey all their estate and interest in such land to the Native Reserves Commissioner for the district in which such land is situated, and may in and by such deed of conveyance, or by any separate deed executed either at the same time or at any time thereafter, declare any particular trusts and purposes upon or for which the said land is to be vested in such Native Reserves Commissioner by virtue of such deed of conveyance, and such land shall, to the extent of the estate and interest conveyed by such deed of conveyance, be deemed to be a Native reserve within the provisions of this Act: Provided always that should it be desired by any Native owners, being persons principally interested in any estate now conveyed in settlement to any Native Reserves Commissioner or Trustee, to vary the nature of the trust specified in such deed of settlement, the Governor in Council may, upon receiving a memorial signed by all the signatories of the said trust deed as well as by the trustees thereof, by Order in Council vary the said trust for the benefit of the said Native owners interested.

Commissioner may  
proceed to extinguish  
Native title.

**46.** The Native Reserves Commissioner may, in all cases in which the Native title to any land conveyed to him as last aforesaid has not been

*Native Reserves.*

extinguished, take all necessary proceedings in the Native Land Court for the extinguishment of such Native title, and such proceedings shall for that purpose be carried on in like manner as if the same had been taken by the Native owners who had executed the conveyance of such land to the Native Reserves Commissioner; but the Crown grant that shall be issued in respect of such proceedings shall be made to the Native Reserves Commissioner for the district in which such lands are situated, who shall from thenceforth continue to hold such lands upon and for the trusts and purposes declared concerning the same, or upon or for such of them as are then subsisting and capable of taking effect.

47. Until the Native owners making any such conveyance as aforesaid shall have declared the trusts or purposes upon or for which any land so conveyed as aforesaid is to be held by the Native Reserves Commissioner, the same shall be held by him upon and for such trusts and purposes, for the benefit of the Native owners who shall have conveyed the same as aforesaid, as are enumerated in section thirty-four of this Act.

Trusts in certain cases to be declared by Governor in Council.

## MISCELLANEOUS PROVISIONS.

48. And whereas lands have in certain cases been granted under the Native Lands Acts to particular Natives and their heirs, intended to be in trust for the benefit of large sections of Natives, but no such trust has been declared in the grant, and it is fitting that such intended trusts should be particularly defined:

Declaration of trusts in certain cases.

And whereas it is expedient that the Governor in Council should be empowered to make a fresh settlement of the land in every such case, and for that purpose that he should be enabled to accept the surrender of any Crown grant of any such lands, and either to issue other Crown grants in lieu of the same, or to hold the lands comprised in such grants as vested in the Crown in trust for the benefit of the Natives:

Be it further enacted, that where all the grantees named in any Crown grant whereby any land has been granted to them for the benefit of themselves, or for the benefit of themselves and other persons, but no trust has been expressed in the grant, shall agree to surrender the same, it shall be lawful for the Governor in Council, on the surrender of any such Crown grant, to cancel the same, and to grant the land comprised in such surrendered grant either to the Native Reserves Commissioner of the district wherein such land is situate, or to any other person or persons of the European race, upon such trusts and for such purposes beneficial to the original Native owners of the lands as the Governor by Order in Council may in each case declare and appoint.

49. The surrender of any Crown grant may be legally and effectually made by the delivery up of the original grant, and by any writing which shall in the opinion of the Governor sufficiently show the intention of the surrenderers, if signed by the persons named in the original grant, or their devisees or representatives; and the effect of such cancelling of the grant shall be the same as if the Crown grant had been absolutely repealed by *scire facias*.

Form of surrender of Crown grant.

50. And whereas grants of land have been made by the Crown to certain Aboriginal Natives, in trust for themselves and others, for purposes beneficial to persons of the Native race, and certain of such Native grantees or trustees have represented to His Excellency the Governor that they are unable efficiently and properly to administer or carry out the trusts and purposes of such grants, and further that they desire to be relieved from the duties attached to them:

Governor may resume trusts in certain cases.

Be it also enacted, where all the grantees named in any Crown grant by the operation of which land is conveyed to any Aboriginal

*Native Reserves.*

Natives, or to such Natives and Half-castes, in trust for themselves, or for themselves and other Native persons hapus or tribes, shall in writing to the Governor declare that they can no longer advantageously for the purposes of the respective trusts manage the said land or administer the said trust, it shall be lawful for the Governor in Council, after having read such written declaration and had evidence of the authenticity of the signatures attached thereto, by Proclamation to cause the trusteeship of such trustees respectively, with all the contingent rights duties and responsibilities appertaining to the same, at once to surcease and be determined: Provided always that no such Proclamation shall interfere with or stay the due course of law in respect to the prosecution of any grantee or trustee for any act of maladministration of trusts or any misappropriation of the revenues derived from such granted lands.

Governor may  
appoint European  
Trustees.

**51.** At any time after such Proclamation it shall be lawful for the Governor in Council to grant to the Native Reserves Commissioner of the district wherein such land is situate, or to any other person or persons of the European race, the lands mentioned in such Proclamation, upon trusts of the same nature and purpose, and for the benefit of the same Native persons hapus or tribes, as were specified or provided for by the relinquished or determined trusts.

Trustees may  
extinguish Native  
title.

**52.** And whereas it may be necessary to declare the Native title over lands comprised in any Native reserve to be extinguished, and to define the title of each and every one of such reserves, and in case no specific trusts have been declared in respect of any such reserves to empower the Governor in Council to declare the trusts under which any of such reserves shall be held:

In any case not specially provided for by this Act, where the Native Reserves Commissioner of any district, or the trustees for the time being of a Native reserve, shall find that the Native title over the land comprised therein has not been extinguished, and that it would be advantageous for the management of such reserve that the Native title over such land should be extinguished, it shall be lawful for such Native Reserves Commissioner or Commissioners to proceed in manner hereinbefore mentioned to have the said Native title extinguished, and thereupon the land shall vest in Her Majesty as a Native reserve, and be subject to the operation of this Act.

As to New Zealand  
Company's "tenths."  
Schedule D.

**53.** All the lands enumerated in the Schedule D hereto, whether they be lands originally set apart by the New Zealand Company as reserves as above described, and generally known as the New Zealand Company's reserved "tenths," or whether they be lands that have been obtained in exchange for or purchased in lieu of such reserved "tenths," or any of them, or whether they be lands set apart as reserves in pursuance of any special agreement made in that behalf between the Government and the Principal Agent of the aforesaid Company, shall be deemed to have been from the date of the marking out of such land on the plans as aforesaid, and to be, lands set apart for the benefit of the Aboriginal Natives, and to have been and to be subject to the operation of the Acts hereby repealed and of this Act: Provided that nothing herein contained shall in any way affect the title to other portions of the New Zealand Company's "tenths" than those set forth in Schedule D.

Validation of past  
transactions.

**54.** Every transaction in respect of any of the lands enumerated in the said Schedule D hereto, whether by way of sale exchange or lease, heretofore made and completed by any Commissioners of Native Reserves, or by the Governor or his delegate, under the provisions of any of the Acts hereby repealed, shall be deemed and taken to have been, and shall be valid and of full force and effect, in the same

*Native Reserves.*

manner as if such lands had vested as trust lands for the benefit of the Aboriginal Natives in such Commissioners, Governor, or delegate respectively, at the date of the completion of any such transaction.

**55.** And whereas certain pieces or parcels of land, more generally known as awards made by Colonel McCleverty to particular Natives and their heirs, have heretofore been set apart for the benefit of the Aboriginal Natives by a simple declaration to that effect without the issue of any Crown grant for such lands, and no document of title to such lands exists, and it is expedient that such lands should be vested in Her Majesty or some proper authority in trust for such Natives: And whereas through lapse of time it is difficult in certain cases to ascertain the persons who now are entitled to the benefit of such lands: Be it enacted that it shall be the duty of every Native Reserves Commissioner of the district wherein any lands which have been awarded as aforesaid are situate, as soon as conveniently may be, to apply to the Native Land Court of the district to ascertain, by such evidence as it shall think fit, who are the persons who at the present time are entitled to such lands; and in the event of the death of any of the persons who may have been entitled to any interest therein, to ascertain and determine the persons who according to Native custom ought, in the judgment of the Court, to succeed to the interest of any such deceased person.

As to Colonel  
McCleverty's awards.

**56.** The Native Land Court shall proceed in the matter of such inquiry in the same manner as in an investigation of title to land or in a question of succession to hereditaments, and shall make such order therein as in the judgment of the Court shall be fitting.

Mode of investi-  
gation.

**57.** After the inquiry above mentioned shall have been completed, the Court shall proceed to ascertain from the persons found to be entitled to the benefit of such lands the particular purposes for which they would desire such lands should be applied, and also the names of any other persons of the Native Race (if any) whom such owners would wish to be associated with them and participate in such benefit. The Native Land Court shall thereupon transmit to the Governor, together with the names of all the persons found to be entitled to benefit in the land adjudicated upon, a report detailing the purposes for which the owners of the land desire it to be applied, and the names of the persons whom they may desire to be associated with them therein. And the Governor in Council may thereupon grant the land to the Native Reserves Commissioner of the district, or to such person or persons as he may think fit, for such purposes accordingly.

Vesting of land  
in trustees.

**58.** And whereas it is expedient that the separate and isolated pieces of land which have heretofore been set apart for the benefit of the Aboriginal Natives should be rendered alienable, for the purpose of consolidating the inalienable lands of each tribe into blocks of land as reservations in perpetuity:

Removal of re-  
strictions from and  
consolidation of  
revenues.

Be it therefore enacted, that it shall be lawful for any Native Reserves Commissioner to make application to the Governor in Council for the release from restrictions on alienation or other conditions of any piece of land subject thereto by terms of the grant or by operation of law or in any other manner whatsoever, and the Governor in Council may thereupon, with the consent of the Native owners or the majority of them, order that such land shall be discharged from such restrictions or conditions, or from such of them as he may think fit, and may order that such land, or any part thereof, be sold or otherwise disposed of, and that the proceeds thereof or of any part thereof, when sold or disposed of, shall be invested or otherwise settled in trust for the owners of the land, in such manner and upon such trusts as may in

*Native Reserves.*

each case be declared by Order in Council, and may make such further orders for carrying into effect this provision, with the view of furthering the consolidation of the secured lands of the tribe into one reservation, as he shall think necessary and just.

Saving of interests.

**59.** 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. And also 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.

Limit of operation of the Act.

**60.** This Act shall not be deemed or construed to affect or to apply to any lands other than such as are herein expressly mentioned or referred to.

Saving of rights for making reserves.

**61.** Nothing in this Act contained shall be deemed or construed to abridge limit or to interfere in any way with the powers already subsisting in, or which may hereafter be granted to, any person or persons or body corporate, to set apart land for the benefit of the Natives.

Reserves exempt from operation of Native Land Act.

**62.** After the Governor shall have declared by Order in Council, in conformity with the provisions of this Act, that the Native title over any land has been extinguished, the land comprised within the boundaries described in any such Order in Council shall be entirely exempt from the operation of any Native Land Act which may at that time or thereafter be in force. And from such operation shall also be exempt all Native reserves, of whatsoever kind, that have heretofore been made.

Schedules.

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SCHEDULES.

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SCHEDULE A.

Sections 2, 3, 12, and 39.

"THE New Zealand Native Reserves Act, 1856," "The New Zealand Native Reserves Amendment Act, 1858," "The Native Reserves Act, 1862," "The Auckland and Onehunga Native Hostelrys Act, 1867," the 13th, 14th, and 15th sections of "The Native Lands Act, 1867," and all other provisions of any Acts which, so far as they affect Native reserves coming within the provisions of this Act, are repugnant to or inconsistent with the provisions of this Act.

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SCHEDULE B.

Section 44.

ALL that allotment of land being No. 11 (eleven) of Section 20 (twenty) of the Village of Onehunga, situate in the Parish of Waitemata, in the County of Eden, containing by admeasurement two acres and nine perches, more or less, and bounded on the North by a road, 450 (four hundred and fifty) links; on the East by part of the same section, 588 (five hundred and eighty-eight) links; on the South by a line, 234 (two hundred and thirty-four) links; and on the West by a line, 680 (six hundred and eighty) links.

All that allotment of land being No. 19 (nineteen) of Section No. 9 (nine), situated in the Town of Auckland, in the Parish of Waitemata, in the County of Eden, containing by admeasurement 2a. Or. 14p. (two acres and fourteen perches), more or less, and bounded on the North by the Strand, 430 (four hundred and thirty) links; on the East

## Native Reserves.

by Stanley Street, 900 (nine hundred) links; and on the South, at an angle of 90 (ninety) degrees with Stanley Street, by a portion of the said Section No. 9 (nine), 50 (fifty) links; on the South-west by a road; and on the West by a road, 150 (one hundred and fifty) links, at an angle of ninety degrees with the Strand.

All that allotment or parcel of land containing by admeasurement two roods and fifteen perches, more or less, situated in the Parish of Waitemata, in the County of Eden, and being Lot No. 4 (four) of Section No. 12 (twelve) of the City of Auckland; bounded on the North by Lot No. 4A, 472 (four hundred and seventy-two) links; on the East by a line, 144 (one hundred and forty-four) links; on the South by the Strand, 529 (five hundred and twenty-nine) links; and on the West by Lot No. 3 (three), 114 (one hundred and fourteen) links.

## SCHEDULE C.

KNOW ALL MEN by these presents that we, A.B., C.D., &c., being the Native owners of Section 45. all that [*Here insert description of land to be conveyed*], with the appurtenances, as the said land is delineated in the plan hereon indorsed, and therein coloured pink, do hereby convey the same to \_\_\_\_\_, Native Reserves Commissioner for the District of \_\_\_\_\_, to be held by the said \_\_\_\_\_ as such Native Reserves Commissioner, and his successors in office, as a Native Reserve within the provisions of "The Native Reserves Act, 1873," upon and for the following trusts and purposes, that is to say,—Upon trust [*Here set forth the intended trusts and purposes; or if the intended trusts and purposes are to be declared by a separate deed executed at the same time, then add after the figures 1873, "upon and for the trusts and purposes set forth in a deed of even date herewith; but intended to be executed after the execution of these presents." Or if the trusts and purposes are to be subsequently declared, then add after the figures 1873, "upon and for such trusts and purposes as we may by any deed hereafter to be executed by us declare"*].

As witness our hands, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_.

## SCHEDULE D.

## PROVINCE OF WELLINGTON.

Sections 53, 54.

No. on Plan.	District.	Area.			No. on Plan.	District.	Area.		
		A.	R.	P.			A.	R.	P.
543*	City of Wellington	0	1	13	90	City of Wellington	1	0	0
864	"	1	0	0	988	"	1	0	0
893	"	1	0	0	989	"	1	0	0
972	"	1	0	0	995	"	1	0	0
973	"	1	0	0	996	"	1	0	0
974	"	1	0	0	997	"	1	0	0
975	"	1	0	0	998	"	1	0	0
976	"	1	0	0	999	"	1	0	0
977	"	1	0	0	1,000	"	1	0	0
978	"	1	0	0	1,001	"	1	0	0
979	"	1	0	0	1,002	"	1	0	0
980	"	1	0	0	1,003	"	1	0	0
981	"	1	0	0	1,004	"	1	0	0
982	"	1	0	0	1,005	"	1	0	0
983	"	1	0	0	1,081	"	1	0	0
984	"	1	0	0	1,082	"	1	0	0
985	"	1	0	0	1,098	"	1	0	0
986	"	1	0	0	1,099	"	1	0	0
987	"	1	0	0	1,100	"	1	0	0
89	"	1	0	0					

\* Middle part only.

## Rural Sections.

Nos. 19 & 21	Ohiro	175	0	0	132	Mangaroa	100	0	0
" 22 & 24	Makara	200	0	0	Nos. 2, 3, & 4	Pakuratahi	300	0	0
" 12 & 13	Ohariu	201	2	0					

*Native Reserves.*

SCHEDULE D—*continued.*

PROVINCE OF NELSON.

*New Zealand Company's Reserved "Tenths."*

No. of Section on the Plan.	District.	Area.			No. of Section on the Plan.	District.	Area.		
		A.	R.	P.			A.	R.	P.
5	Town of Nelson.	1	0	0	137	Moutere.	50	0	0
50	"	1	0	0	138	"	50	0	0
62	"	1	0	0	144	"	50	0	0
63	"	1	0	0	145	"	50	0	0
64	"	1	0	0	147	"	50	0	0
65	"	1	0	0	148	"	50	0	0
66	"	1	0	0	151	"	50	0	0
93	"	1	0	0	201	"	50	0	0
144	"	1	0	0	202	"	50	0	0
148	"	1	0	0	205	"	50	0	0
152	"	1	0	0	206	"	50	0	0
159	"	1	0	0	213	"	50	0	0
162	"	1	0	0					
177	"	1	0	0	1	Motueka.	50	0	0
198	"	1	0	0	2	"	50	0	0
205	"	1	0	0	3	"	50	0	0
227	"	1	0	0	4	"	50	0	0
229	"	1	0	0	5	"	50	0	0
231	"	1	0	0	9	"	50	0	0
233	"	1	0	0	21	"	50	0	0
241	"	1	0	0	33	"	50	0	0
244	"	1	0	0	34	"	50	0	0
248	"	1	0	0	47	"	50	0	0
261	"	1	0	0	48	"	50	0	0
263	"	1	0	0	72	"	50	0	0
265	"	1	0	0	79	"	50	0	0
267	"	1	0	0	80	"	50	0	0
283	"	1	0	0	82	"	50	0	0
284	"	1	0	0	92	"	50	0	0
294	"	1	0	0	93	"	50	0	0
305	"	1	0	0	111	"	50	0	0
307	"	1	0	0	113	"	50	0	0
Part of 344	"	0	1	6	117	"	50	0	0
367	"	1	0	0	118	"	50	0	0
406	"	1	0	0	122	"	50	0	0
416	"	1	0	0	123	"	50	0	0
417	"	1	0	0	124	"	50	0	0
443	"	1	0	0	126	"	50	0	0
521 } 522 }	"	1	1	30	127	"	50	0	0
537	"	1	0	0	129	"	50	0	0
582	"	1	0	0	132	"	50	0	0
583	"	1	0	0	136	"	50	0	0
598	"	1	0	0	Part of 143	"	10	0	0
710	"	1	0	0	144	"	50	0	0
733	"	1	0	0	145	"	50	0	0
905	"	1	0	0	Part of 146 } " 147 }	"	56	3	28
911	"	1	0	0	" 157 }	"	38	1	11
946	"	1	0	0	" 159 }	"			
1,092	"	1	0	0	" 160 }	"	48	0	0
1,096	"	1	0	0	" 186 }	"			
1,099	"	1	0	0	" 161 }	"	49	0	0
45	Moutere.	50	0	0	" 162 }	"			
69	"	50	0	0	" 163 }	"	124	3	16
71	"	50	0	0	" 164 }	"			
73	"	50	0	0	" 181 }	"			
75	"	50	0	0	" 165 }	"	90	0	0
84	"	50	0	0	168	"	50	0	0
85	"	50	0	0	169	"	50	0	0
					182	"	50	0	0



*Native Reserves.*SCHEDULE D—*continued.*PROVINCE OF NELSON—*continued.**New Zealand Company's Reserved "Tenths"—continued.*

No. of Section on the Plan.	District.	Area.			No. of Section on the Plan.	District.	Area.		
		A.	R.	P.			A.	R.	P.
183	Motueka.	50	0	0	234	Motueka	50	0	0
184	"	50	0	0	236	"	50	0	0
187	"	50	0	0	253	"	50	0	0
188	"	50	0	0	260	"	50	0	0
192	"	50	0	0	263	"	50	0	0
199	"	50	0	0	264	"	50	0	0
206	"	50	0	0					
207	"	50	0	0	9	Takaka	150	0	0
208	"	50	0	0					
210	"	50	0	0	58	Pieton	46	0	2
211	"	50	0	0		Suburban			
212	"	50	0	0					

*New Zealand Company's Reserves.*

Situation.	Index Letter.	Area.			Situation.	Index Letter.	Area.		
		A.	R.	P.			A.	R.	P.
Collingwood ...	E	6	3	0	Takaka ...	C	11	2	22
Ditto ...	F	5	1	21	Ditto ...	E	11	3	5
Ditto ...	G	8	3	27	Ditto ...	F	1	3	38
Ditto ...	H	11	1	6	Poharo ...	L	9	0	4
Ditto ...	I	10	3	32	Ligar Bay ...	O	3	2	15
Ditto ...	K	7	2	24	Wainui ...	T	200	0	0
Ditto ...	L	12	0	17	Taupo Head ...	V	5	0	5
Tukurua ...	T	15	2	14	Torrent Bay ...	E	0	1	27
Ditto ...	U	0	1	30	Fisherman's Island ...	...	2	1	1
Parewhakaho ...	W	3	0	21	Sandy Bay ...	L	0	0	22
Ditto ...	X	5	2	31	Ditto ...	M	0	2	10
Ditto ...	Y	0	3	24	Ditto ...	N	0	2	24
Ditto ...	Z	59	3	35	Kaiteretere ...	O	5	0	4
Takaka ...	A	35	0	0					

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