He Pire E Huaina Ana

Hon. Timi Kara.

HE TURE hei Whakatikatika i "Te Ture mo nga Rahui o Te Tai Hauauru, 1892."

Na Ka Meingatia e te Runanga Nui o Niu Tiren e noho huhihi ana i rito i te Paremete, i raro hoki i tona mana enei tikanga e whai ake nei, ara:—

• Ko te Ingoa Poto o tenei Ture ko "Te Ture Whakatikatika mo nga Rahui o Te Tai Hauauru, 1893."
• I roto i tenei Ture mehemea kaore e taupapatu i ona ritenga ko te tikanga o te kupu "tau Ture" ko "Te Ture mo nga Rahui o Te Tai Hauauru 1892," hui ati kia tona Apiti me tenei Ture hoki.
• Ko enei kupu whakamarama e whai ake nei i roto i teikiona rau o taua Ture ka kiia mo runga mo nga tikanga o taua Ture timata mai i te mananga o "Te Ture Whenua, 1892," e penei ana ona ritenga ara:—
  "Whakapainga" me nga "tino whakapainga" e korerotia ra i roto o taua Ture he tino whakapainga pena ano me era e korerotia ra i roto i "Te Ture Whenua, 1892;" "Te Ture Whenua, 1885," tona tikanga ko "Te Ture Whakatikatika katoa, me nga Ture riwhi i tae Ture:
  Nga kupu "ngaki," "ngakinga" i roto o taua Ture ka penei tona ritenga mai ano i te mananga o taua Ture, ara ko nga ritenga o aua kupu e korerotia ra i roto o "Te Ture Whenua, 1892."

• Ahakoa etahi ritenga o taua Ture e pa ana ki te riihitanga o te whenua i runga i te tikanga okihana, pehea ranei ka tino whenua mana te Kai Tiaki ina whakaro ia kia pera ki te,—
  Riihi te whenua ki nga Maori e mau nei kia ratou mo te takiwhi koiri anake: Otiia kaore e tika kia whiwhi tetahi Maori kotahi, etahi Maori tokoruwha maha atu ranei i tetahi whenua riihi, puehia ranei i raro i tenei teikiona e rahi atu ana i te eka, haunga ia te whenua e tau mai ana ki aia kia rua ranei i raro i tetahi ohakikore, wiria, marenatanga ranei: ko nga pukapuka e whakaritea ana kia tau ki tetahi Maori tetahi whenua riihi puehia ranei e rahi atu i tenei eka e korerotia ra i runga ana nei ka kia e mana kore ana i te mea e takahi ana i nga ritenga o tenei teikiona:
  Ko nga moni reti, kawenata ritenga katoa o nga riihi i raro i tenei teikiona ma te Kai Tiaki e whakarite me nga mea penei katoa, mo nga mea takitahi ranei: Otiia kaua te reti e iti iho i te rima pauna mo ia rau pauna i roto o te whiriwhiringa utu motuhau mo ia tau ma te Kai Tiaki e whiriwhiri a ka pumau tonu tana i whakatata ai:
  Ko nga riihi i raro i tenei teikiona mana mo nga tau e ruatekau ma tahi a ka ahe i te whakahou i raro i nga ritenga o taua Ture me te pa ano o aua ritenga ki enei riihi me te eke mai hoki o etahi here, tikanga whakahaere, puehia ranei e hanga ana e te Kai Tiaki a ka whai mana tonu ia ki te mahi mo aua mea:
  Ka ahe i te Kai Tiaki ina kitea e ia te tika ki te hanga tikanga here hei arai i nga Maori whai riihi me era o ratou e whai kereme ana i raro i nga riihi i raro o tenei teikiona kia kaua ratou e whai mana ki te tuku ki te hoko i tetahi riihi whai i nga paanga ranei i rito i nga riihi pera, erangi me whakahaere nga mea penei i raro i nga tikanga whakahaere e mahia ana i a: a ko aua tikanga whakahaere me nga ngati katoa ka tino whai mana ano he mea hanga i roto i tetahi ture motuhau:
  Ko nga Maori whai riihi i raro i tenei teikiona, whai paanga hea ranei, e ekore e whai mana i raro i te ture i raro ranei i te tika me te pono ki te tuku whakarere taua riihi, taua whenua, taha whai whai paanga hea ranei o roto mehemea e takahi ana taua tuku i nga ritenga o nga ture whakahaere kua whakahaere a kua hanga e te Kai Tiaki, a ko nga mahi tuku pera ka kiia e tino mana kore ana: Eragi ka ahe i te Kai Tiaki ki te whakarere, ki te whakakore i runga i te pukapuka tuhi tuhi anake etahi o nga ritenga, tika ranei e pa ana ki aua tuku ra.
  E kore tetahi Maori whai riihi whai paanga hea ranei i rito i tetahi riihi e ahe i ki te tuku whakarere, hoatu ranei wira ranei ki tetahi atu tangata e hara taua tangata i te Kai Tiaki.
  Ko nga Maori whai riihi i raro i tenei teikiona me nga Maori whai paanga ki etahi riihi pera ahakoa etahi Ture whakakore, e mana ana inaianei tera ranei e mana amuri ake nei. Me utu tonu e ratou nga tiuti, taake, reiti utu, whiriwhirlinga utu puehia ranei e eke ana ki aua whenua ano he Pakeha tonu au aua Maori.
  Ko te hea, whai paanga, whai ranei o nga Maori i raro i tetahi riihi e kore e taea te tango te muru, te hopu, te hoko te pupuri ranei, te riro ranei hei utu mo nga nana, pekerapu puehia ranei, e kore hoki e eke mai tetahi ture e pa ana ki nga pekerapu me era tu ritenga katoa haunga ia te Kai Tiaki.
  "Tuku" "nga tuku" "nga tuku whakarere" ranei, i raro i nga tikanga o tenei teikiona ka kia he tuku mo tetahi takiwhi poto, tuku whakakore, tuku mokete, tuku puehia ranei.
• Mo runga mo etahi riihi (haunga ia nga mea mahi i raro i tetahi whakatau) erangi ko nga mea i mahia tera ranei e mahia e te Kai Tiaki i raro i taua Ture, i raro ranei e etahi Ture kua whakakore e taua Ture a kei te wa e timata ai te mananga o tenei Ture a ko te whenua kei roto o aua riihi kua whakapumautia ki
kaua ranei e mahia, a ko taua whakamananga iaia mehemea kaore kia tino rite noa ka kiia i tau taua mana ki te Kai Tiaki mai ano i te mananga o taua Ture me te whakamana hoki iaia ki te mahi i etahi tikanga pewhea, ranei kia kaua ranei e mahia etahi tikanga pewhea, a ko nga whakahaere me nga mea kua mahia e ia, nga mahia kaore nei i meatia e ia, ka kiia e mahi ana te Kai Tiaki o te Katoa, i runga i te pono me te tika a e kore e taea te whakahi.

West Coast Settlement Reserves Act Amendment.

Analysis.

Hon. Mr. Carroll

Title.

• Short Title.
• Interpretation.
• Definition of "Improvements" and "Cultivation."
• Special provisions for leasing reserves to Natives.
• Surrender of lease for purpose of subdivisional leases.
• Regulations made declared valid.
• Definite settlement of shares of land.
• Lease conclusive evidence of its validity.
• Faults or informalities in good faith not to invalidate lease.
• Meetings informally convened not to be invalid.
• Public Trustee's acts in good faith not to be questioned.

A Bill Intituled AN ACT to amend "The West Coast Settlement Reserves Act, Title. 1892."

Be It Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

• The Short Title of this Act is "The West Coast Settlement Short Title. Reserves Act Amendment Act, 1893."
• In this Act, if not inconsistent with the context, "the said Interpretation. Act" means the West Coast Settlement Reserves Act, 1892," and includes the Schedule thereto and this Act.
• The following definitions in section two of the said Act, Definition of "Improvements" and "Cultivation." 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. 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,—
  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 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:
  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:
  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,
Definite settlement of shares of land. It is declared by way of affirmance that, as from the respective
Regulations heretofore made, purporting to be made by the Regulations made declared valid. Governor,
When, as to any lease (other than a lease made under an Surrender of lease for purpose of
desiring such surrenders and separate leases.
leases, and the execution, stamping and registration thereof, shall be borne and paid by the persons
amongst the separate leases, in such manner as the Public Trustee thinks just:
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.
Regulations heretofore made, purporting to be made by the Regulations made declared valid. Governor,
or the Public Trustee, under the said Act are hereby declared to have been from the making thereof valid.
All acts, matters, and things heretofore done or omitted by the Public Trustee, or by any person acting
under his authority express or implied, under the authority or presumed authority of the said Act are
All acts, matters, and things heretofore done or omitted by the Public Trustee, or by any person acting
under his authority express or implied, under the authority or presumed authority of the said Act are
hereby confirmed.
Definite settlement of shares of land. 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
foresaid, 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.

• Lease conclusive evidence of its validity. 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 be conclusive 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.

• Faults or informalities in good faith not to invalidate lease. No defect, irregularity, or informality, whether in form or substance, in any notice, appointment, valuation, proceeding, or meeting heretofore or hereafter given, made, taken, or held under the said Act shall vitiate any lease, or any act, deed, matter, or thing heretofore or hereafter made, done, or omitted by the Public Trustee, or any other person acting under the Public Trustee's authority (express or implied), in good faith; and the Public Trustee or such other person shall not be liable to an action, suit, or other proceeding by reason thereof.

• No meeting under section eight of the said Act, and no proceedings Meetings informally convened not to be invalid. 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:

Provided that nothing herebefore 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.

• Where by the said Act the Public Trustee is authorised to Public Trustee's acts in good faith not to be questioned. Do or omit any act or thing, such authority, if not otherwise expressly provided, shall, as from the time when the said Act came into operation, be and be deemed to have conferred upon the Public Trustee discretionary authority to do or omit to do such act or thing, and any act or thing done or omitted by the Public Trustee in good faith shall not be called in question.