

under the provisions of the West Coast Settlement Reserves Act, 1892: And whereas the area comprised in such leases as were not made perpetually renewable under the last-mentioned Act (according to the Public Trust Office Report for 1909 presented to both Houses of the General Assembly—B.-9A) amounts in all to 18,399 acres: And whereas many of the Native grantees of the land comprised in such leases are desirous of having an opportunity on the expiration of such leases of occupying and farming the lands comprised therein: And whereas it is desirable, in the interests of the Native grantees and their families, that as the said leases expire the Native grantees of the lands comprised therein should be encouraged in efforts of industry and self-help, and should be enabled to resume and to have the control and management of the said lands subject as is hereafter provided:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand and by the authority of the same as follows:—

1. The Short Title of this Act is the West Coast Settlement Reserves Act, 1910.

2. Whenever any lease granted under the West Coast Settlement Reserves Act, 1881, or the West Coast Settlement Reserves Act Amendment Act, 1887 (not being a lease which is perpetually renewable under the West Coast Settlement Reserves Act, 1892), shall expire, the land comprised in such lease shall revert in the Native grantees thereof and their successors, subject however to any restrictions on alienation to which the land was by the terms of the Crown grant thereof expressed to be subject, and subject also to a charge in favour of the Public Trustee for the amount of any compensation which shall by law be payable to the outgoing tenant, his executors, administrators, or assigns, under the terms of the lease thereof.

3. The Public Trustee shall take all necessary steps to ascertain the amount of such compensation (if any) so payable, and shall pay the same out of whatever funds may be available to him for the purpose to the person or persons entitled to payment of the same.

4. The Public Trustee shall in respect of every such payment issue a memorial of charge stating the amount paid to the outgoing tenant, his executors, administrators, or assigns, for compensation as aforesaid, after giving credit to the Native owners for any moneys held by him on their behalf, and that such amount is a first charge on the lands comprised in the lease in respect of which such compensation was paid and described in such memorial, and that the same is repayable by the Native grantees and their successors, together with interest thereon computed from the date of such payment by equal half-yearly instalments at the rate of five pounds per centum per annum, of which four pounds ten shillings per centum shall be in respect of interest and ten shillings per centum in respect of principal, according to the table of repayments applied to mortgages to the Advances to Settlers Department, and such memorial shall state the half-yearly dates on which such half-yearly sums of principal and interest shall be payable by the Native owners to the Public Trustee.

5. Every memorial of charge when signed and sealed by the Public Trustee shall be registered against the land described therein by the Registrar of Deeds or District Land Registrar at New Plymouth, as the case may be, and when so registered shall have the same force and effect as if the Native grantees and their successors had executed a valid mortgage to the Public Trustee of the lands therein described to secure the repayment of the principal and interest moneys thereby expressed to be due, and the power of sale and all other powers expressed by the Property Law Act, 1908, or the Land Transfer Act, 1908, as the case may be, shall be implied in each such memorial, and shall have the same effect and operation as if the same were a mortgage executed as aforesaid containing the said powers.

6. The Native Land Court shall have jurisdiction from time to time according to its usual practice to partition the said lands among the Native owners thereof, but no such partition shall take effect until the expiry of the lease (if any) to which the land is subject, and the titles to issue to Native owners pursuant to such partition shall be subject to the same restrictions as are expressed in the grant from the Crown or in the original certificate of title under the Land Transfer Act of the land so partitioned.

7. No partition shall prejudice the Public Trustee's charge for money paid by way of compensation as aforesaid, but the Public Trustee, if he shall be satisfied to do so, may apportion any such charge among the various subdivisions of the land charged, and register separate memorials according to such apportionment if the Native owner or owners of any subdivision shall request him to do so.

8. That in the event of any tenant under any lease as aforesaid refusing or failing to give up possession of the lands comprised in his lease or any part thereof on the expiration or determination thereof, or in the event of any such tenant being in default on the expiration or determination of his lease in payment of rent or in the performance or observance of any express or implied covenant on his part, or in the event of any such tenant doing an injury to the reversion either before or after the expiry of his lease, the Public Trustee is hereby empowered and authorized to commence and prosecute, submit to arbitration, or compromise, such actions, suits, claims, and proceedings as he may deem appropriate for the vindication of the rights of the Native owners in respect of the said lands, or for the recovery of possession thereof or of the rents due, or for double rent in the case of a tenant holding over, or for damages, costs, and expenses, as the case may be.

9. Notwithstanding anything hereinbefore contained, the Public Trustee shall have power, in case any of the said lands shall be owned by Natives under disability, to lease the same for the benefit of such Natives for any term not exceeding twenty-one years in possession, at such rents and upon such terms and conditions as to him shall seem best in the interests of such Natives; but in granting any such lease the Public Trustee shall in the case of minors have regard to the date of the coming of age of such minor.