

New Zealand.



ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. "The Native Equitable Owners Act, 1886," re-enacted. 4. As to what persons and lands provisions of said Act shall apply. 5. Divisions 6, 11 (in part), and 14 vested in persons declared entitled thereto. 6. Land Transfer certificate for Division 9 declared void. 7. Dealings with Divisions 6, 9, 11, 12, and 14 prohibited. 8. Description of certificates to be issued in lieu thereof. 9. Title to Division 11 subject to fishing rights of Native owners of Division 9.</p>	<p>10. Cancelled dealings may be re-registered. 11. When certain notification ceased to have effect. 12. Certificate for Division 3 to be amended. 13. Direction of Court of Appeal superseded. 14. Orders in Council, judgments, &c., affecting block to be void. 15. Powers of Court. 16. How amount payable by Queen to be determined. 17. Succession to interests of deceased Natives. 18. No right of appeal. 19. Costs of Royal Commission charged on Division 12. 20. How moneys to be held by Public Trustee. 21. Court may act on evidence taken by Royal Commission. Schedules.</p>
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1896, No. 18.—Local.

AN ACT to make Provision respecting the Horowhenua Block. Title.
[17th October, 1896.]

WHEREAS by "The Horowhenua Block Act, 1895," it is, *inter alia*, Preamble.
enacted that the Governor in Council shall appoint a Royal Commission to inquire into the circumstances connected with the sales or dispositions by the Natives of any or the whole of the blocks contained in the Horowhenua Block (hereinafter called "the said block"), comprising originally about fifty thousand acres, and as to the purchase-money paid for the same, and as to what trusts (if any) the same respectively were subject to; and also that the costs and expenses of such Commission shall be charged upon such of the lands as the Commission shall determine: And whereas in pursuance of the enactment aforesaid a Royal Commission, as published in the *New Zealand Gazette* of the thirteenth day of February, one thousand eight hundred and ninety-six, consisting of James Crosby Martin, of Wellington, Esquire, Robert Smelt Bush, of Auckland, Esquire, and James Craig McKerrow, of Morrison's Run, Greytown, Esquire, was appointed to make the inquiry aforesaid: And whereas the report of the said Royal Commission and the minutes of the evidence taken thereby are published in Parliamentary Paper G.-2, of the year one thousand eight hundred and ninety-six: And whereas it is

expedient to as far as practicable give effect to the recommendations in the said report set out :

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 is “The Horowhenua Block Act, 1896.”

Interpretation.

2. In this Act, unless inconsistent with the context,—

“The Court” means the Native Appellate Court, as provided by “The Native Land Court Act, 1894” :

“Registrar” means the District Land Registrar for the Wellington Land Registration District :

“Land Transfer Act” means “The Land Transfer Act, 1885” :

“Land Transfer certificate” means certificate of title issued under “The Land Transfer Act, 1885,” or under any Act thereby repealed :

“Dealing” means and includes transfer, transmission, mortgage, lease, or incumbrance :

“Registered” means registered under the Land Transfer Act.

“The Native Equitable Owners Act, 1886,” re-enacted.

3. “The Native Equitable Owners Act, 1886,” and all amendments thereof (hereinafter collectively referred to as “the said Act”) are, for the purposes of this Act, and not further or otherwise, revived and re-enacted.

As to what persons and lands provisions of said Act shall apply.

4. To enable *cestuis qui trustent* to become certificated owners of certain portions of the said block, the provisions of the said Act, excepting section eighteen of “The Native Land Court Acts Amendment Act, 1889,” shall, notwithstanding anything in the said Act or any other Act now in force to the contrary, apply to Divisions Six, Eleven (less portion known as the State Farm at Levin, containing one thousand five hundred acres, as hereinafter dealt with), Twelve, and Fourteen of the said block, as the said divisions are more particularly described in the First Schedule hereto.

In exercising jurisdiction under this section the Court shall deal with the claims of the forty-eight persons named in the Second Schedule as if their names had been included in the list of persons registered under the provisions of the seventeenth section of “The Native Lands Act, 1867,” as specified in Schedule Six hereto, as the owners of the said block, and may also limit the interest of, or wholly omit from any order made under the provisions of this Act the name of, any person who, having been found to be a trustee, has, to the prejudice of the interests of the other owners, or any of them, assumed the position of an absolute owner in respect to any former sale or disposition of any portion or portions of the said block, or for any other sufficient reason.

Divisions 6, 11 (in part), and 14 vested in persons declared entitled thereto.

5. Any order made in pursuance of proceedings under this Act declaring the persons beneficially entitled to the said Divisions Six, Eleven (in part), and Fourteen, or any of them, shall have the effect of vesting such land in the persons so declared respectively to be entitled for an estate of freehold in fee-simple as tenants in common in such relative shares or interests as are specified in, and as from the date of the making of, each such order, anything in any Act now in force

to the contrary notwithstanding; and such persons, and the successors of such of them as are deceased, shall, on the production of such order to the Registrar, be entitled to be registered as proprietors, and to have issued to them a Land Transfer certificate in respect of the land comprised therein; and any existing Land Transfer certificate, and all registrations of dealings thereon in respect of any such land, shall, subject to re-registration of dealings found not to be invalid as hereinafter provided, be deemed to be null and void as from the date of the passing of this Act.

6. The Land Transfer certificate for Division Nine of the said block, as the said division is more particularly described in the First Schedule hereto, is hereby declared void, and the Registrar is hereby directed to call in and cancel the said certificate and all entries thereon.

Land Transfer certificate for Division 9 declared void.

7. All dealings with the said Divisions Six, Nine, Eleven, Twelve, and Fourteen, as the said divisions are more particularly described in the First Schedule hereto (less portion of Division Eleven known as State Farm at Levin, containing one thousand five hundred acres), pending proceedings under the provisions of this Act or the said Act, are hereby prohibited.

Dealings with Divisions 6, 9, 11, 12, and 14 prohibited.

8. The Registrar is hereby directed to issue Land Transfer certificates as follows, namely:—

Description of certificates to be issued in lieu thereof.

- (a.) A certificate of title for Division Nine aforesaid in the names of the persons specified in the Third Schedule hereto, and of such other persons, if any, as may by the Court be declared to be equitably entitled.
- (b.) The certificate of title to be issued for Division Nine shall also include and vest in the persons named in the Third Schedule all that piece of land being part of Division Eleven, containing eighty acres, more or less, the boundaries of which are described in the Fifth Schedule hereto.
- (c.) A certificate of title for part of Division Eleven aforesaid, known as the State Farm, Levin, as the same is more particularly described in the Fourth Schedule hereto, in the name of Her Majesty:

Provided that such last-mentioned certificate shall not be issued except on production to the Registrar of an acknowledgment by the Public Trustee that the sum of four thousand pounds has, by or on behalf of Her Majesty, been paid to him for and on account of the persons entitled thereto, being the persons who are hereafter found by the Court to be the successors, according to Native custom, to the interest of Kawana Hunia, deceased, in the land comprised in such certificate.

- (d.) A certificate of title for such part of Division Eleven as the Court shall order to be vested in the members of the Ngatihikitanga, Ngatipareraukawa, Ngatiparekohatu, and Ngatikahoro Hapus of the Ngatiraukawa Tribe which the Court shall consider entitled to the reserves provided for by an agreement signed by Meiha Keepa, dated the ninth day of February, one thousand eight hundred and seventy four. The Court is hereby empowered to make such

order on the application of any Native claiming under the said agreement, provided such application be lodged with the Registrar of the Court at Wellington within one month after the passing of this Act.

- (e.) A certificate of title for Division Twelve aforesaid in the name of Her Majesty, in substitution for existing certificate, which is hereby cancelled:

Provided that such certificate of title in the name of Her Majesty shall not be issued except on production to the Registrar of an acknowledgment by the Public Trustee that the purchase-money, to be ascertained as hereinafter provided, has, by or on behalf of Her Majesty, been paid to him for and on account of the persons who shall be found by the Court under the provisions of section four of this Act to be beneficially entitled thereto.

- (f.) A certificate of title for any portion of Division Fourteen aforesaid of which any valid alienation in fee-simple had been made as aforesaid, in the name of the person or persons entitled by virtue of such alienation:

Provided that no certificate of title as last mentioned shall be issued except pursuant to final judgment in the proceedings hereinafter directed to be instituted by the Public Trustee.

9. Any certificate of title to be issued for part of Division Eleven aforesaid shall be subject to the right of the Native owners for the time being of Division Nine aforesaid to fish in such portions of the Hokio Stream and the Horowhenua Lake respectively as are included in the said certificate.

Title to Division 11 subject to fishing rights of Native owners of Division 9.

Cancelled dealings may be re-registered.

10. For the purpose of testing the validity of the alienation referred to in subsection (f) of section eight hereof, and also of all dealings the registration whereof has been cancelled as aforesaid, the Public Trustee is hereby directed and empowered to institute on behalf of the original registered owners of the said block, as set forth in the Second and Sixth Schedules hereto, or any of them, such proceedings in the Supreme Court at Wellington as may be necessary for that purpose within six months from the date of the passing of this Act, and every dealing the validity whereof is established by final judgment in such proceedings shall be entitled to be re-registered on any new certificate of title issued under the provisions of this Act for the land the subject of such dealing.

When certain notification ceased to have effect.

11. The notification issued on the twenty-sixth day of January, one thousand eight hundred and seventy-eight, under the provisions of "The Government Native Land Purchase Act, 1877," so far as it affects the said block, is hereby declared to have ceased to be of any effect as from the thirtieth day of December, one thousand eight hundred and eighty-six.

Certificate for Division 3 to be amended.

12. The Registrar is hereby directed to amend the certificate of title for Division Three aforesaid by substituting the name of Te Rangimairehau for that of Te Rangirurupuni, where the latter name (which through a clerical error was duplicated in the order of the Court) first appears in the said certificate of title.

13. The direction of the Court of Appeal to the Native Land Court to determine certain questions in respect of Division Eleven aforesaid shall be deemed to have been superseded by the provisions of this Act, and no further action thereon shall be necessary, or be taken.

Direction of Court of Appeal superseded.

14. All Orders in Council, judgments, decrees, or orders whatsoever now or at any time heretofore affecting the said block shall, so far as they conflict with the provisions of this Act, be void and of no effect.

Orders in Council, judgments, &c., affecting block to be void.

15. For the purpose of carrying out the provisions of this Act, the Court shall have and may exercise, as the nature of the case requires, in addition to the special powers hereby conferred, all the powers and jurisdiction of the Court under "The Native Land Court Act, 1894," and "The Native Land Laws Amendment Act, 1895."

Powers of Court.

16. The amount of the payment to be made by Her Majesty to or for the benefit of the owners of any land hereinbefore directed to be vested in Her Majesty as and for the purchase-money for the same shall in case of dispute be determined by the Court in the same manner as is provided by section ninety of "The Public Works Act, 1894," with regard to compensation payable to Natives for land taken for a Government work.

How amount payable by Queen to be determined.

17. The interest of any Native deceased in any real or personal property the subject of this Act shall, whether such Native died before or after the coming into operation of this Act, pass to such person or persons as the Court determines to be entitled according to Native custom to succeed to such interest.

Succession to interests of deceased Natives.

18. No right of appeal shall lie from any decision of the Court under the provisions of this Act.

No right of appeal.

19. The costs of the Royal Commission aforesaid, amounting to the sum of one thousand two hundred and sixty-six pounds nineteen shillings and fivepence, are hereby made a charge on Division Twelve aforesaid, and shall be deducted from the amount payable by Her Majesty for the purchase of the said division.

Costs of Royal Commission charged on Division 12.

20. All moneys received by the Public Trustee by virtue of this Act shall be held by him for such persons and in such relative proportions as, subject to the provisions of this Act, the Court determines to be entitled thereto.

How moneys to be held by Public Trustee.

21. The Court in its discretion may receive, consider, and act on the evidence, or any part thereof, taken by the said Royal Commission without calling or hearing the witnesses who gave such evidence.

Court may act on evidence taken by Royal Commission.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

DIVISIONS OF HOROWHENUA BLOCK.

1. DIVISION No. 6, containing 4,620 acres, more or less, being the whole of the land comprised in certificate of title, Vol. xlvi., folio 245, of the Register-book of the Wellington District.

2. Division No. 9, containing 1,200 acres, more or less, being the whole of the land comprised in certificate of title, Vol. xlvi., folio 248, of the Register-book of the Wellington District.

3. Division No. 11 (otherwise known as Divisions 11A and 11B), containing in all 14,975 acres, more or less, being the whole of the land comprised in certificate of title, Vol. xlviii., folio 249, of the Register-book of the Wellington District.

4. Division No. 12, containing 13,137 acres, more or less, being the whole of the land comprised in certificate of title, Vol. xlviii., folio 256, of the Register-book of the Wellington District.

5. Division No. 14, containing 1,196 acres, more or less, being the whole of the land comprised in certificate of title, Vol. xlviii., folio 148, of the Register-book of the Wellington District.

SECOND SCHEDULE.

NAMES OMITTED FROM THE ORIGINAL TITLE TO THE HOROWHENUA BLOCK.

1. Hapeta Taueki.	17. Rawinia Ihaia.	33. Norenore te Kerehi.
2. Mohi Rakuraku.	18. Rahira Wirihana.	34. Ngahina Heta.
3. Kaiwhare Rakuraku.	19. Meri Nireaha.	35. Parahi Reihana.
4. Hetarine Matao.	20. Pirihiira Nireaha.	36. Te Baraku Hunia.
5. Hoani Nahona.	21. Tapita Himiona.	37. Tuhi Hori.
6. Hema Henare.	22. Ngahina Eruera.	38. Heni Kuku.
7. Hanita Henare.	23. Roka Hanita.	39. Te Ahuru Porotene.
8. Amorangi Rihara.	24. Ripeka Winara.	40. Te Meihana Tupou.
9. Raniera Matakatea.	25. Riria Peene.	41. Mii Maunu.
10. Warena te Kerehi.	26. Haana Rata.	42. Ani Patene.
11. Haare Taueki.	27. Hariata Ngamare.	43. Harirota Taare.
12. Nati Amorangi.	28. Te Kiri Hopa.	44. Wiki Pua.
13. Heta Noa.	29. Kahukore Hurinui.	45. Hori Wirihana.
14. Rewi Wirihana.	30. Oriwia Maianga.	46. Pane Korana.
15. Wiremu te Pae.	31. Rawe a Taraua.	47. Peri Korana.
16. Taitoko-ki-te-uruotu.	32. Miriama Matakatea.	48. Pehira Tuwharetoa.

THIRD SCHEDULE.

DIVISION No. 9.

1. Wharatini.	5. Watene te Waewae.
2. Hitau.	6. Erena te Rauparaha.
3. Tauteka.	7. Te Wiiti.
4. Kararaina.	

FOURTH SCHEDULE.

DESCRIPTION OF STATE FARM AT LEVIN.

ALL that piece of land situate in the Waitohu and Waiopehu Survey Districts, containing 1,500 acres, be the same a little more or less, and being a portion of Division No. 11 of the Horowhenua Block, and of the land comprised in certificate of title, Vol. xlviii., folio 249, of the Register-book of the Wellington District: Bounded on the north-east by a public road, 10000 links; on the south-east by a public road, 12663 links; and on the north-west by other portion of Subdivision No. 11 aforesaid, 16098 links: be all the aforesaid linkages more or less.

FIFTH SCHEDULE.

DESCRIPTION OF PORTION OF DIVISION 11 TO BE INCLUDED IN CERTIFICATE OF TITLE FOR DIVISION 9.

BOUNDED towards the north by the Hokio Stream, towards the east by the Raumatangi Block, towards the south by the northern boundary of Division 9, and towards the west by a line drawn due north to the Hokio Stream from the point where the northern boundary of Division 9 turns to the south to avoid the Owhenga burial-place.

SIXTH SCHEDULE.

LIST OF THE WHOLE OF THE PERSONS REGISTERED UNDER THE PROVISIONS OF SECTION 17 OF "THE NATIVE LANDS ACT, 1867," AS THE OWNERS OF THE HOROWHENUA BLOCK.

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| 1. Keepa te Rangihiwini. | 48. Rangipo Hoani. | 97. Heni Wairangi. |
| 2. Kawana Hunia te Hakeke. | 49. Kingi Puihi. | 98. Hariata Tinotahi. |
| 3. Ihaia Tauweki. | 50. Ariki Hanara. | 99. Oriwhia te Mitiwaha. |
| 4. Rewiri te Whiumairanga. | 51. Te Hapimana Tohu. | 100. Hera Tupou. |
| 5. Te Rangi Rurupuni. | 52. Eparaima te Paki. | 101. Pirihira te Rau. |
| 6. Noa te Whata. | 53. Hori te Pa. | 102. Riarona Taueki. |
| 7. Motai Tauweki. | 54. Hiroti te Iki. | 103. Tiripa Taueki. |
| 8. Heta te Whata. | 55. Tiaki Tikara. | 104. Turuki. |
| 9. Te Wirihana Tarewa. | 56. Te Oti te Hau. | 105. Pirihira te Whata. |
| 10. Inia Tamaraki. | 57. Tamati Taopuku. | 106. Iritana. |
| 11. Te Paki. | 58. Topi Kotuku. | 107. Wiki Hanita. |
| 12. Hoani Puihi. | 59. Maaka Ngarongaro. | 108. Merehira te Marika. |
| 13. Raniera te Whata. | 60. Horopapera Atirangi. | 109. Rora Korako. |
| 14. Te Kerehi te Mihiwaha. | 61. Karena Taiawhio. | 110. Rhipeti Tamaki. |
| 15. Tamati Maunu. | 62. Ruahoata. | 111. Mereana Matao. |
| 16. Ihaka te Rangihouhia. | 63. Hakihaki te Wunu. | 112. Rawinia Matao. |
| 17. Matene Pakauwera. | 64. Te Waatarauhi te Hau. | 113. Unaiki Taueki. |
| 18. Peene Tikara. | 65. Bihari Tarakihi. | 114. Ema te Whango. |
| 19. Himiona Taiweherua. | 66. Haruruki te Rangi. | 115. Roreta Tawhai. |
| 20. Pire Tikara. | 67. Te Rangi Mairehau. | 116. Maata te Whango. |
| 21. Hoone. | 68. Henare Hanuhanu. | 117. Mere Mionga. |
| 22. Karaitiana Tarawahi. | 69. Te Porana Muruahi. | 118. Ruihi Wunu. |
| 23. Riwai te Amo. | 70. Hori Muruahi. | 119. Heni Haimona te Iki. |
| 24. Ngariki te Raorao. | 71. Henare Mahuika. | 120. Mere Karena te Manatawhaki. |
| 25. Winara te Raorao. | 72. Hehe Whakaka. | 121. Hira te Rangitakoru. |
| 26. Wiremu Matakatea. | 73. Te Hutana Whakaka. | 122. Arihia Toitoti. |
| 27. Te Wirihana Paeroa. | 74. Hamiora Potau. | 123. Merehira Tohu. |
| 28. Te Warena te Hakeke. | 75. Hopa te Piki. | 124. Rora Tohu. |
| 29. Heta Matakatea. | 76. Te Mananui Tawhai. | 125. Merehira Waipapa. |
| 30. Te Matenga Tinotahi. | 77. Te Waitere Kakiwa. | 126. Ria te Raikokiritia. |
| 31. Hetariki Takapo. | 78. Raatima Potau. | 127. Paranihia Riwai. |
| 32. Wata Muruahi. | 79. Matiaha Mokai. | 128. Peti Kohu. |
| 33. Noa Tawhati. | 80. Hori te Mawae. | 129. Peti te Uku. |
| 34. Petera te Ha. | 81. Aperahama te Rangiwetea. | 130. Harirota. |
| 35. Tahana Muruahi. | 82. Te Miha o te Rangi. | 131. Rakera Potaka. |
| 36. Tamati Muruahi. | 83. Te Whatahoro. | 132. Herariki Kawana Hunia. |
| 37. Hopa Heremaia. | 84. Te Peeti te Aweawe. | 133. Pirihira te Hau. |
| 38. Wiremu Matakatea. | 85. Hoani Meihana. | 134. Meretene Whakaewa. |
| 39. Ruka Hanuhanu. | 86. Marakaia Tawaroa. | 135. Emiri Ngawhakawa. |
| 40. Himiona Kohai. | 87. Karaitiana te Koro. | 136. Ngahuia Tirae. |
| 41. Te Manihera te Rau. | 88. Ruta te Kiri. | 137. Irihapete Ihaia. |
| 42. Te Herewini Rakautihi. | 89. Wiki Meiha Keepa. | 138. Matina Tamaiwhakakitea. |
| 43. Akuiria Takapo. | 90. Mihiterina Kawana. | 139. Wi Waaka. |
| 44. Waata Tamatea. | 91. Hereora. | 140. Ani Marakaia. |
| 45. Taare Matai. | 92. Makere te Rou. | 141. Matina Karaitiana. |
| 46. Taare Hereora. | 93. Ani Kanara te Whata. | 142. Miriama Piripi. |
| 47. Kingi te Patu. | 94. Ani Kanara Tihore. | 143. Harata te Roeti. |
| | 95. Hiria Amorangi. | |
| | 96. Maata Huikirangi. | |