

New Zealand.



ANALYSIS.

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1928, No. 49.

AN ACT to further amend the Laws relating to Native Lands, and to determine certain Claims and Disputes in relation to Native Lands, and to confer Jurisdiction upon the Native Land Court and the Native Appellate Court, and for other Purposes.

Title.

[9th October, 1928.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the Native Land Amendment and Native Land Claims Adjustment Act, 1928.

Short Title.

2. In this Act the expression “the principal Act” means the Native Land Act, 1909.

Interpretation.

Amendments to Native Land Laws.

3. (1) A Maori Land Board may, with the consent of the majority of the Native owners of any land or of the Committee of Management, where such owners are incorporated, and subject to any lease, license, or other alienation to which such land is subject, cultivate, use, and manage the whole or any part or parts of such land, and may carry on any agricultural or pastoral business or any other business or occupation connected with land and the produce thereof on behalf of and for the benefit of the owners or such Natives as may be interested in the business carried on.

Enabling Maori
Land Board to
encourage Maori
industry and
development of
Native land.

(2) For the purpose of any such business the Board may purchase or otherwise acquire stock, implements, or other personal property as it may think expedient, and may also sell or otherwise dispose of all stock, crops, or other personal property acquired, held, grown, or produced by the Board in the course of such business.

(3) The Board may appoint and employ all such servants or agents as it may deem necessary, at such remuneration as shall be fixed by the Board.

(4) All revenue derived by the Board from the operation of such business shall after payment of all outgoings be applied by the Board in accordance with the provisions of section two hundred and seventy-seven of the principal Act.

(5) The Board may retain any part of such revenue as a reserve fund for expenditure in the management of the business, and may from time to time as it thinks fit either expend the reserve fund accordingly or may distribute it or any part of it among the persons entitled thereto.

(6) The Board may from time to time expend from the Board's account such sum or sums as it shall consider expedient for the purposes of carrying on such business.

(7) The Board shall be entitled to make a reasonable charge for administration, and all expenses and liabilities (including administration expenses) incurred by the Board in the conduct of such business or operations shall be a charge upon the revenue received by the Board from such business as well as upon the land whereon the said business is conducted.

(8) The Board may from time to time for the purpose of such business borrow money on the security of crops, stock, or other chattels owned by the Board or held by it on behalf of the beneficial owners of the land, and also, with the consent of the Native Minister, upon mortgage of the whole or any part of the land to which the said business is attached, and may execute all necessary instruments for securing the repayment of the moneys so borrowed.

(9) (a) Any instrument of alienation of land executed by the Board under this section shall, without confirmation under Part XIII of the principal Act or the necessity of taking proceedings under Part XVIII of that Act, have the same force and effect and may be registered in the same manner as if it had been lawfully executed by all the owners or their trustees, and as if those owners had been fully competent in that behalf, and may be registered accordingly.

(b) An instrument of alienation executed by the Board under the provisions of this section shall contain a statement or recital that the Board is duly authorized to execute the same as agent of the owners under the provisions of this section, and every such statement or recital shall be accepted by the District Land Registrar and by all Courts as sufficient *prima facie* evidence of the fact so stated or recited.

(10) A Board may make advances from the Board's account to any Native beneficiary in respect of his share or interest in the profits of the business either by way of anticipation or otherwise.

(11) All sums of money advanced by the Board, whether on account of the business generally or to a beneficial owner, shall constitute a charge upon the land and shall bear interest at such rate as the Board shall from time to time determine. The charge may also be extended to any other land or interest in land which the Court may direct shall become security for the advances made under this section.

(12) A memorandum of charge may from time to time be executed by the Board, under its seal, having the effect of charging the land therein mentioned with the repayment "upon demand" as defined by the Chattels Transfer Act, 1924, of the principal sum and interest mentioned in such memorandum of charge. A memorandum of charge may be registered against the land affected, and shall without confirmation under Part XIII of the principal Act have the same force and effect and may be enforced, dealt with, or discharged accordingly as if it were a memorandum of mortgage under the Land Transfer Act, 1915, containing the usual covenants expressed or implied in that Act duly executed by the owners of the land affected or their trustees, or by the Board as agent of the assembled owners, and as if such persons or Board were fully competent to execute the same.

(13) (a) The Court may by order declare that any land owned by Natives shall be subject to the provisions of this section for such period as may be defined in the order, and thereupon the said land shall become subject to the provisions of this section in the same manner as if the beneficial owners had consented thereto, and the period fixed by the order may be extended by the Court from time to time.

(b) The Court may by order direct that any other land or interest therein owned by the same Natives or some of them (and notwithstanding that the land may be held jointly with other persons) shall become security for the advances made by the Board, and the Court by its order may direct that such security be limited to the interests of some only of the owners thereof.

(14) The Court may by order direct that any land shall be no longer administered by the Board under this section, and thereupon the Board shall cease to have control thereof but without releasing the land or any of the parties from any antecedent liability incurred to or by the Board, and the Board may notwithstanding such cesser continue to exercise its powers of creation and enforcement of charges hereunder so long as any such liability remains.

(15) The provisions of section four hundred and twenty-four of the principal Act shall apply to all moneys arising hereunder while held by the Board as fully and effectually as if the moneys so held were a trust fund under such section. No person other than a Native beneficiary shall be capable of acquiring any beneficial interest except by will or by order of the Court in any crops, stock, or chattels held by the Board or in any revenue derived or to arise therefrom, nor shall the beneficial interest of any Native beneficiary be liable to be taken in execution or attached or become assets in the bankruptcy of a Native beneficiary or pass to the Official Assignee in that bankruptcy.

(16) This section shall also extend and apply to any land acquired or held by or vested in a Maori Land Board (other than that subject to Part XV of the principal Act) which the Board may elect to utilize in accordance with this section, and in such case the Board shall not be required to obtain the consent of the beneficial owners, and the Board may execute in its own name all such instruments of alienation and otherwise as may be necessary.

4. Section seventeen of the Native Land Amendment Act, 1912, is hereby amended by repealing subsection eleven thereof, and substituting therefor the following subsection:—

Restoring status of
Europeanized
Natives.

“(11) (a) An Order in Council made under this section may be at any time revoked, and upon the revocation thereof the person named in any such Order in Council shall be deemed to be no longer a European but shall again become a Native within the meaning of the principal Act, and all land owned by such person which became European land pursuant to this section shall revert to its former status of Native land.

“(b) Nothing in this subsection shall take away or affect any right existing at the date of the revocation of an Order in Council made under this section to the specific performance of any contract for the alienation of any land which is affected by the provisions of this subsection, or to the enforcement of any mortgage, charge, or encumbrance or any equitable interest therein, and every such right shall be enforceable and may be acted on and carried into full effect.

“(c) The provision of section four hundred and twenty-three of the principal Act (relative to protection against bankruptcy and execution) shall not apply to any such land in respect of debts and

liabilities incurred by the person named in the Order in Council within a period of three years prior to its revocation.

“(d) Any application to the Court for a recommendation under this subsection may be opposed by the Native Minister or by any person interested, including any creditor of the person who had been declared a European.”

Limitation of area
not to apply to
Maori Land Board.

5. The provisions of Part XII of the principal Act or of sections seventy-two to seventy-five of the Native Land Amendment Act, 1913, shall not apply to the acquisition of any land by a Maori Land Board. Where any Native land is acquired by a Board it shall be deemed to remain Native land.

Enabling assignment
to Board of moneys
due to Natives.

6. Nothing contained in the principal Act or any other Act affecting or dealing with Natives or Native lands shall prevent or render invalid any assignment, mortgage, charge, or other disposition by a Native, whether by way of anticipation or otherwise, in favour of a Maori Land Board of any money which is or may become receivable by or be payable to such Native in respect of his interest, whether legal or equitable, in any Native land, or in respect of any alienation thereof, or otherwise howsoever.

Enabling Boards to
appropriate moneys
of Native debtors.

7. If and whenever any Native indebted to a Maori Land Board, whether the debt is to such Board in its own right or to some person for whom the Board is acting as agent, has money standing to his credit in the Board's account, it shall be lawful for the Board in its discretion to appropriate such money or any part thereof in reduction or payment of the debt due by such Native, the provisions of section four hundred and twenty-four of the principal Act or any other provision to the contrary notwithstanding.

Enabling orders of
exchange to include
European land.

8. Section one hundred and twenty-four of the principal Act is hereby amended by adding the following subsection thereto:—

“(4) The Court shall have power and be deemed to have had power under the provisions of this section to make an order of exchange vesting European land or an interest therein in any Native. Such order shall be registrable by the District Land Registrar and shall take effect subject to all registered dealings having priority over it.”

Permitting Crown
to acquire interests
by order of Court.

9. Subsection five of section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, is hereby amended by the addition of the following words: “With the consent of the Native owner the Court may order that any land or interest in land shall be allotted, awarded, or appropriated to the Crown subject to payment of such sum as the Court may direct, which sum shall, upon receipt of such direction by the Native Land Purchase Board, be paid by the Crown out of any moneys available for the purpose of the purchase or acquisition of Native land. The money payable may be directed to be paid to a Maori Land Board for distribution or with the consent of the owners to be held by the Board and be administered upon such trusts as the Court shall direct.”

Permitting
readjustment of
relative interests on
consolidation.

10. Subsection one of section five of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, is hereby amended by adding to the end thereof the following words, namely: “The Court may from time to time vary, amend, or readjust the relative interests in which any land is held by the owners thereof.”

11. Subsection nine of section five of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, is hereby amended by adding the words "except in the case of a gift" between the word "shall" and the word "assess" where these words occur in the last sentence thereof.

Amending subsection (9) of section 5 of Native Land Amendment and Native Land Claims Adjustment Act, 1924.

12. (1) With the consent of the owner of any land, whether European or Native, situated elsewhere than in a borough the Court may lay out over such land one or more rights-of-way to give access or additional access either to Native land over European land or to European land over Native land. Such order shall constitute without further assurance a grant of the right-of-way therein included, and shall be registrable by the District Land Registrar against the titles of the lands affected.

Permitting rights-of-way to be laid out by Court.

(2) Where Native land affected is owned by more than two owners the Court may act upon the consent of the majority of the owners present in Court or may dispense with such consent if it is satisfied that the proposed right-of-way is not contrary or prejudicial to the interests of the owners of the Native land.

(3) The Court may in and by such order impose any terms or condition subject to which a right-of-way laid out under this section shall be granted. Where in any order made under this section a condition is imposed for the payment of a sum of money the Court may in or by such order or by separate charging order constitute that money (together with interest thereon at the rate of five per centum per annum) a charge upon the land to which the right-of-way is appurtenant, and the money so charged shall be payable in accordance with the tenor of the order.

13. (1) Where the Court is satisfied that a road or way traversing Native land (inclusive of any Native reserve) has been used by the public as if it were a public road, or has been formed, improved, or maintained out of public funds or the funds of any local authority, notwithstanding that such road or way may not have been proclaimed a public road, the Court may by order declare such road or way or any part thereof to be a public road, and thereupon such road or way or any such part thereof as may be affected by the Order of the Court shall become and may be proclaimed a public road.

Permitting roads in use to be declared public roads.

(2) The Court may direct that the Crown or local authority or any person interested shall pay such reasonable compensation as may be fixed or set out in such order, or may impose such other terms as it may think fair and just in the circumstances.

14. (1) Where a public road proclaimed, taken, laid out, or set apart over Native land, whether before or after the passing of this Act, or any portion of such public road, appears to be no longer required for the public use, then and in such case, by and with the consent of the local authority having control of such road or the Minister of Public Works in the case of a road not controlled by a local authority, the Court may if it thinks it expedient so to do declare by order that any such road or portion thereof defined in such order be stopped, and thereupon such stopped road shall cease to be a public road.

Permitting unused public roads over Native land to be closed.

(2) By the same or any subsequent order the Court may vest the land occupied by the stopped road in such person or persons as to it may seem just or expedient and subject to such terms of payment

and otherwise as the Court may order, or may amend any existing instrument of title to Native land so as to include the land occupied by the stopped road, which land shall thereupon vest accordingly as if it was originally included in such title.

(3) Any order made under this section shall upon production be registered by the District Land Registrar or the Registrar of Deeds, as the case may be, and where necessary the District Land Registrar shall amend any certificate of title so as to conform to the amendments made by the Court under this section in any existing instrument of title.

Provision for case
of lost title deeds.

15. (1) Upon it being proved to the satisfaction of the Court that any instrument of alienation of Native land signed by a Native, whether executed before or after the passing of this Act, has been lost or destroyed, and that such instrument has not been wilfully destroyed by the party entitled to claim thereunder, and that such instrument has been duly confirmed or the tribunal dealing with such matters has pronounced in favour of confirmation, even though a certificate of such confirmation had not been completed, the Court may make an order vesting the land or the interest in land comprised in such lost or destroyed instrument in the party entitled thereto or some person claiming through or under him for the estate to which he is entitled, and thereupon the land shall vest according to the tenor of the order.

(2) Every such order may be registered, and registration thereof shall have the same effect as from the date thereof as if the original instrument had been duly registered, and such instrument shall for all purposes be deemed and taken to have been in the terms or to the effect set forth in such order.

(3) The Court shall in hearing and deciding upon any case under this section be guided by the real justice of such case.

Enabling
settlement of claims
for rates on Native
lands.

16. Whereas in the past difficulties have been experienced by local authorities in the collection of rates levied on land owned by Natives, and it is desirable there should be some statutory power in addition and alternative to the power of remission contained in section one hundred and thirteen of the Rating Act, 1925, enabling local authorities to accept by way of lump sum or otherwise any sum by way of compromise for and in full satisfaction of any claim they may have for rates levied by such local authorities on Native land or land owned or leased by Natives: Be it therefore enacted as follows:—

(1) It shall be lawful for a local authority by resolution to accept in full payment and satisfaction of all rates due to the local authority in respect of lands situate within the district over which such local authority has control, which are owned or leased by Natives, the sum mentioned in any such resolution, which shall be payable in such manner as the local authority shall agree.

(2) A compromise so effected may extend and apply to rates to be levied in the future up to such period as may be stated in the resolution, and in every such case the rates for the period set out in the resolution of the local authority shall be deemed to be paid, and it shall not be necessary for the local authority to make any claim therefor.

(3) A compromise may provide for the exception therefrom of any special class or classes of land owned or held by Natives, which shall be stated in the resolution passed by the local authority.

(4) The amount received by the local authority shall be deemed to be apportioned *pro rata* over the various rateable properties in respect of which the rates compromised are levied, or in the case of future rates are intended to be levied, but notwithstanding anything to the contrary in the Counties Act, 1920, it shall not be necessary for the local authority to apportion the sum received among the riding accounts in accordance with that Act, but such sums may be paid into the credit of its general account or apportioned to the riding accounts in such manner as the Court may direct, or in default of such direction as the local authority may resolve. Nothing in this section shall disturb any allocation or appropriation already made by a local authority respecting any money received before the passing of this Act.

(5) No Native shall be liable for any rates due to a local authority in respect of which a compromise has been effected in accordance with this section during the rating period over which a compromise extends.

(6) This section shall extend and apply to compromises by local authorities made in respect of Native rates before as well as those made after the passing of this Act.

17. Where money is payable to Natives or their descendants under the provisions of the Mining Act, 1926, the same may be paid to the Maori Land Board of the district wherein the land from which the revenue is derived is situated for distribution to the persons entitled to receive the same, and the receipt of the Board shall be a full discharge to the Crown for the money paid to the Board.

Enabling goldfields revenues to be paid to Board for distribution.

18. Section twenty-nine of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, is hereby amended by omitting from subsection one thereof the words "two months," and substituting the words "six months."

Extending time for appeals against valuations.

19. Notwithstanding any rule of law or equity to the contrary, a body corporate constituted under Part XVII of the principal Act may alienate any land owned by it by way of lease to one or more beneficial owners of the land affected including a beneficial owner who may be a member of the Committee of Management of the said body corporate. Every such alienation shall be subject to the requirements of the principal Act as to confirmation and otherwise.

Enabling beneficial owners to accept leases of incorporated land.

Confiscated Lands.

20. Whereas by warrant under the hand of the Governor-General dated the eighteenth day of October, nineteen hundred and twenty-six, a Commission of Inquiry was appointed to inquire into and report upon the various Native grievances set out in warrant of appointment of such commission, and, *inter alia*, with complaints regarding the confiscation of Native lands: And whereas the Commission so appointed has made its report to the Governor-General: And whereas it is desirable to remedy in so far as may be practicable the grievances complained of in the manner recommended by the Commission, or with such modification, variation, or addition thereto as may appear just or expedient: Be it therefore enacted as follows:—

Authorizing settlement of Native grievances regarding confiscated land.

(1) All or any of the recommendations of the Commission of Inquiry appointed under the said warrant of the eighteenth day

of October, nineteen hundred and twenty-six, may be given effect to either according to the terms of the Commission's recommendations or in accordance with any modified, varied, or extended terms that may be deemed just or expedient: Provided nevertheless that where the recommendation of the Commission requires the payment of any sum of money, whether periodically or otherwise, no payment shall be made unless and until the amount to be paid has been appropriated by Parliament for the purpose.

(2) A certificate under the hand of the Native Minister that the particular grievance has been settled in the manner set out in such certificate shall be accepted as conclusive evidence that the matter has been so settled, and no action shall be maintainable by any person against the Crown for any matter covered by or arising out of the grievance so settled: Provided that the Native Minister may from time to time amend such certificate where he is satisfied that some mistake, error, or omission has arisen therein.

(3) (a) Upon the recommendation of the Native Minister the Governor-General may by Order in Council constitute one or more Boards of Management under such designation or description as he shall think fit for the purposes of this section. Each Board so constituted shall be a body corporate with perpetual succession and a common seal. The number of its members shall be determined and the members thereof appointed by the Governor-General in Council; and the Governor-General may by Order in Council make regulations with respect to the term of office, the qualification for membership, the mode of filling vacancies on the Board, the administration of the funds of the Board, the payment of administration expenses, and the keeping and auditing of accounts, and generally for such other purposes as may be necessary to give effect to this section.

(b) Each Board constituted under this section shall administer all funds held by it for such general purposes as are set out in the Order in Council constituting such Board or in any other Order in Council varying the same which may be made from time to time, and subject to such general purposes it shall be within the powers of the Board to finally determine what may be a proper object for which a payment may be made out of the funds.

(c) With the precedent consent of the Native Minister a Board constituted under this section may from time to time, on the security of a mortgage of or charge on any land vested in it or upon the security of a charge upon any moneys to be paid to it by the Crown, borrow money from a State loan department or from any other person or body corporate or by way of overdraft from any bank for the purposes for which the Board is constituted or any of them, and including the payment of any debts or liabilities properly incurred in that behalf and the improvement and maintenance of any lands or buildings under the control of such Board.

(d) A Board constituted under this section may buy and sell property; may erect, maintain, and improve buildings; may farm or otherwise administer lands owned by it; may lend money to Natives and others; may deposit money with any State lending authority;

may act as guarantor for Natives or their descendants; and generally may do all acts and things that a corporate body may do.

(4) The preliminary expenses of setting up any Board, the expenses of its members, their travelling-allowances, the cost of office requisites, and all other incidental expenses may be paid out of any moneys appropriated by Parliament for the purposes, and shall be recouped out of any money that may thereafter be payable to that Board.

Ngaitahu Claim.

21. Whereas the Court has made orders pursuant to section twenty-nine of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, determining the persons beneficially entitled to the relief therein mentioned regarding the purchase of the Ngaitahu Block on behalf of the Crown: And whereas it is desirable to have power to amend the lists of beneficial owners from time to time: And whereas no decision has yet been made as to whether the recommendation of the Commission of Inquiry referred to in the said recited section shall be given effect to: And whereas it is desirable that some Board representing the beneficiaries should be set up for the purpose of discussing and arranging the terms of any settlement of the claims for relief that may be come to: Be it therefore enacted as follows:—

Setting up Board in connection with Ngaitahu claim.

(1) For the purpose of this section there shall be constituted a Board (to be called the Ngaitahu Trust Board), and in respect thereof the following provisions shall apply:—

(a) The Board shall be a body corporate with perpetual succession and a common seal. The number of its members shall be determined and the members thereof appointed by the Governor-General in Council, and the Governor-General may by Order in Council make regulations with respect to the term of office, the qualifications for membership, the mode of filling vacancies on the Board, the administration of the funds of the Board, the payment of administration expenses, and the keeping and auditing of accounts, and generally for such other purposes as may be necessary to give effect to this section.

(b) The Board shall administer all funds held by it for the general benefit of the members of the Ngaitahu Tribe or their descendants, and may provide moneys for specific purposes for the benefit of the members of any particular section of that tribe. Subject to the foregoing provisions of this section, it shall be within the power of the Board to finally determine what may be a proper object for which payment may be made out of its funds.

(c) With the precedent consent of the Native Minister the Board may from time to time, on the security of a mortgage of or charge upon any land vested in it, or upon the security of or a charge on any moneys to be paid to it under this section, borrow from a State loan department or from any other person or body corporate for the purposes or any of the purposes for which the Board is constituted, including the

payment of any debts and liabilities properly incurred in that behalf, and the improvement and maintenance of any lands or buildings under the control of the Board.

(d) A Board constituted under this section may buy and sell property; may erect, maintain, and improve buildings; may farm and administer lands owned by it; may lend money to Natives and others; may deposit money with any State lending authority; may act as guarantor for Natives or descendants of a Native; and generally may do all acts and things that a corporate body may do.

(2) The Court may from time to time order that there shall be paid by the Board out of moneys held by it such sums as it may determine as being a fair and reasonable sum to be paid to any person claiming that he contributed money towards the prosecution of the Ngaitahu claim either by way of restitution or for costs and expenses incurred in or about the various Commissions and tribunals which have been set up to inquire into the matter, including the proceedings under section twenty-nine aforesaid, and the money so ordered to be paid shall be paid by the Board to the persons entitled to receive the same.

(3) The Chief Judge shall have power and jurisdiction under section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, to exercise from time to time the powers conferred by that section with respect to the order determining the list of beneficiaries by adding additional names and shares thereto or otherwise varying or amending the said order, but shall not cancel such order.

(4) It shall be in the full discretion of His Majesty's Government in New Zealand what (if any) relief shall be granted.

Miscellaneous.

Revesting
Te Kiripaka Block
in Natives.

22. Whereas the title to the land hereinafter mentioned was investigated by the Court in the year eighteen hundred and seventy-six, and a memorial of ownership issued to two persons to enable such land to be made available as a school-site: And whereas the said land is no longer required for a school-site, and it is desirable that it should revert to the Natives properly entitled thereto: Be it therefore enacted as follows:—

(1) That parcel of land situate in Block IX, Whakarara Survey District, and known as Te Kiripaka Block, shall be deemed to be and to have remained Native land.

(2) The memorial of ownership issued by the Court for the said land dated the fifth day of October, eighteen hundred and seventy-six, is hereby cancelled and declared to be of no further force or effect.

(3) The said land is hereby declared to be customary land subject to the jurisdiction of the Court as if the title thereto had never been investigated.

Enabling
adjustment of
charges in Motatau
No. 2 Block.

23. Whereas in the course of consolidation proceedings under section six of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, with regard to land situate in the Bay of Islands County, and more particularly with regard to Motatau No. 2 Block (and its divisions) mentioned in section sixteen of the said Act, it may be

found necessary to readjust or extinguish the charges referred to in the latter section: Be it therefore enacted as follows:—

(1) The Court is hereby authorized and empowered to make upon such grounds as it considers expedient an order or orders releasing all or any of the divisions of the Motatau No. 2 Block from the charges granted under subsection eight of section sixteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, and such order shall operate as a discharge of that charge for the sum mentioned in the order made hereunder, and the land shall be released *pro tanto* from such charge. Every such order may be registered, and upon such registration, if the discharge shall be of the whole amount, the caveat against the registration of alienations mentioned in the said subsection shall be deemed to have lapsed.

(2) The Court may by order recommend that the whole or any part of the charge created by subsection five of the said section sixteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, shall be discharged or remitted, and the Minister of Finance may in his discretion by writing under his hand discharge the land or any part thereof from payment of the unpaid balance still remaining due for advances made under section two hundred and seventy-four of the principal Act, and the interest thereon, or such lesser sum as he may think expedient, and thereupon the sum or sums so discharged or remitted may be written off the Native Land Settlement Account without further authority than this section, and a sum equivalent to such sum or sums so discharged or remitted shall, without further appropriation than this section, be paid out of the Consolidated Fund to recoup the Native Land Settlement Account in respect of the sum or sums so written off.

(3) Upon any discharge or remission granted under this section the liability of the Maori Land Board and of the land and its owners in respect of the moneys or any instalment thereof so discharged shall cease.

24. (1) The Court is hereby authorized, with the consent of the owners of the respective areas, to make one or more orders vesting the land known as Maketu D 1 and also a separate area of the land known as Maketu A, containing about two acres and eighteen perches or thereabouts, or any portion of either of the said lands, in one Te Rata Mahuta, and the land comprised in any such order shall vest in the said Te Rata Mahuta for an estate of freehold in fee-simple.

Authorizing vesting of land in Te Rata Mahuta.

(2) (a) For the purpose of evidencing the consent of the owners of the Maketu A Block, the Waikato-Maniapoto District Maori Land Board is hereby authorized and directed to summon a meeting of the assembled owners of the said block for the purpose of considering and passing a resolution that a portion of the Maketu A Block, containing two acres and eighteen perches, whereon the "Tainui Stones" are reposing, shall be vested in Te Rata Mahuta absolutely, and a meeting may be called from time to time for such purpose.

(b) Any resolution passed by the assembled owners at such meeting shall be deemed to be one that the assembled owners might lawfully pass, and the provisions of Part XVIII of the principal Act with

regard to the summoning of meetings and the proceedings thereat shall apply to every such meeting.

(c) As soon as practicable after the holding of the meeting the Board shall certify the result thereof to the Court, but it shall not be necessary for the Board to confirm any resolution so passed.

(d) If the Court is satisfied that a resolution in accordance with this subsection or some modification thereof has been carried it may accept that as sufficient evidence that the owners of such land have consented to the making of an order under the provisions of this section.

(e) If the assembled owners resolve to grant some interest less than the freehold or to impose conditions the Court is empowered to give effect to such modified resolution.

(3) Any order made under this section may be registered and a land transfer certificate of title may be issued for the land comprised in such order without the necessity of registering any prior instrument of title.

Removing
restriction against
alienation of
Section 31, Block
IX, Te Aroha
Survey District.

25. (1) The restriction against alienation of the land known as Section 31, Block IX, Te Aroha Survey District, imposed by certificate of title, Volume 269, folio 22, of the Auckland Land Registration District, in accordance with the direction contained in a warrant issued under the hand of the Governor-General is hereby removed and shall with respect to any alienation made either before or after the commencement of this Act be of no force or effect.

(2) The District Land Registrar is hereby directed to amend the said certificate of title and all certificates of title branching therefrom by cancelling the said restriction and to enter upon the relative warrant of the Governor-General a memorial that the land affected by the provisions of this section is subject thereto.

(3) No alienation of the said land or any part thereof shall be rendered invalid by reason of such restriction being then in force, but each such alienation may be confirmed and registered and shall take effect as if such restriction had not been imposed.

Authorizing
arrangements with
Mangapu Drainage
Board to be carried
out.

26. (1) The Native Minister is hereby authorized to enter into an arrangement with the Mangapu Drainage Board whereby payment of the sum of one thousand two hundred and ten pounds in respect of rates to be levied on Native lands within the drainage district controlled by the said Board shall be secured to the said Board in consideration of its undertaking drainage operations which will benefit the Native lands within such district and the owners thereof.

(2) If the Native Minister is satisfied that drainage operations will be undertaken by the Board which in his opinion are likely to be of benefit to Native owners of land in the district, it shall be lawful but not obligatory for him, out of moneys available under the principal Act or any amendment thereof for the purchase or acquisition of Native land, to pay to the Mangapu Drainage Board the sum of one thousand two hundred and ten pounds in the manner following, that is to say:—

(a) The sum of two hundred and ten pounds shall be paid as soon as may be after the passing of this Act:

(b) The sum of five hundred pounds shall be paid on the first day of April, nineteen hundred and twenty-nine:

(c) The sum of five hundred pounds shall be paid on the first day of April, nineteen hundred and thirty.

(3) The said sums shall be a charge upon all Native lands within the said drainage district, and in default of land being awarded as hereinafter mentioned the Court may make an order in favour of His Majesty charging all or any of the Native lands upon which rates were or are levied by the Mangapu Drainage Board with the payment of such proportionate part of the above-mentioned sums as the Court shall think just and equitable, together with interest at five per centum per annum from date of the advance until repayment, and may vest the land so charged in the Maori Land Board of the district, which shall have similar powers of disposal of the land and the application of the proceeds as are vested in or conferred on the Native Trustee by section one hundred and nine of the Rating Act, 1925.

(4) The Court in preparing or giving effect to consolidation schemes in the Waikato-Maniapoto Native Land Court District shall in pursuance of its power in that behalf award or appropriate land to the Crown to the value of and in satisfaction or partial satisfaction of the payments made or authorized to be made under subsection two hereof.

27. (1) In order to give effect to a recommendation of the Native Affairs Committee of the House of Representatives on petition Number 121 of nineteen hundred and twenty-eight by Mere Renata, and notwithstanding the provisions of subsection ten of section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, the said section seven shall apply to a partition order dated the thirteenth day of August, nineteen hundred and fifteen, made in respect of the Katere Subdivision 1 Block, situate in the Aotea Native Land Court District.

Enabling Chief
Judge to exercise
jurisdiction
respecting Katere
Pa.

(2) It shall not be necessary for the Chief Judge to obtain the consent of the Governor-General in Council before exercising jurisdiction or making an order under the said section seven in respect of the said order of the thirteenth day of August, nineteen hundred and fifteen, nor shall the fact that an application under the said section has been dismissed for want of jurisdiction prevent a further application being made by the same or any other applicant.

28. The Court is hereby empowered on the application of any person interested or of the Native Minister to ascertain and determine whether under all the circumstances of the case one Jane Brown (otherwise Heni te Rau) is entitled to any special allowance or payment in consideration of costs and expenses incurred by her in prosecuting the claim in respect of the relief of the grievances mentioned in section twenty-eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1925, as well as with regard to the compensation granted and paid by the Crown in settlement thereof. If the Court is of opinion that some special allowance should be made to the said Jane Brown beyond the share awarded to her (as Heni te Rau) under the order of the Court dated the eleventh day of April, nineteen hundred and twenty-seven, the Court may by order direct that such sum of money as may be considered reasonable in the circumstances be paid to the said Jane Brown (otherwise Heni te Rau) or her representatives out of the moneys paid to the Aotea Maori Land Board by way of

Authorizing
inquiry regarding
Ngatimutunga
claim.

compensation in respect of the grievances mentioned in the said section twenty-eight.

Adjusting
compensation for
Waipuka Patea
Reserve.

29. Whereas the Court has pursuant to section thirty-three of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, made an order determining the persons who would be beneficially entitled to any relief that may be granted to the Native owners in respect of the Waipuka Patea Reserve Block, and it is desirable that provision should be made for the payment of compensation to the persons found by the Court to be entitled to the relief mentioned in the said section: Be it therefore enacted as follows:—

(1) There shall be paid out of the Consolidation Fund to the Aotea District Maori Land Board such sum as shall be appropriated by Parliament for the purpose, whether in full satisfaction and discharge of all claims and demands for relief or by way of instalment on account of the relief sought to be granted.

(2) Any payment made hereunder shall, subject to deduction of a reasonable commission for distributing the same, be held for and on behalf of the persons found entitled by the Court under an order made pursuant to the said recited section thirty-three, and may be paid to those persons or to the successors of such of them as are dead.

(3) The provisions of section four hundred and twenty-four of the principal Act shall apply to the interest of the beneficiaries in all moneys payable or to become payable under this section as fully and effectually as if the moneys referred to were a trust fund held by the Maori Land Board within the meaning of that section.

Enabling
rectification of title
of Kauangaroa No. 3
Block.

30. (1) The Court is hereby authorized and empowered upon an application lodged within six months after the date of the passing of this Act to reopen the proceedings under which the title of the Kauangaroa No. 3E Block, situate in the Aotea Native Land Court District, was investigated, and to determine the owners thereof as if the land was still customary land, and the Court may order the inclusion of such owners in the title together with the persons at present named in such title. The Court may amend the existing instrument of title and may determine the relative interests of all persons so found entitled. The amended order shall take effect as and from the date of the making of the order hereby authorized to be amended.

(2) The Court may take into consideration the claim of any person, notwithstanding that such person was not admitted into the title of any parcel of the land known as Kauangaroa No. 3 Block upon the investigation of the title thereof.

(3) The Court in determining the relative interests may allot to the present owners of the said land such shares or interests as it may deem expedient, notwithstanding that such owners or any of them may not be entitled to an interest in such land under the customs and usages of the Maori people.

Authorizing
settlement of claim
for survey.

31. (1) In order to give effect to a recommendation of the Native Affairs Committee of the House of Representatives on petition Number 258 of nineteen hundred and twenty-eight of Mrs. Bernadette Parkinson, the Native Minister is hereby authorized to make arrangements for the settlement of the claim of the petitioner as administrator of the estate of Robert Richardson Richmond (deceased) in terms of

the recommendation of the Committee or of such modification or variation thereof as the Native Minister shall think fit. Any sum agreed upon by way of settlement may be paid out of moneys available under the principal Act for the survey of Native land under that Act, and any such payment shall be and be deemed to be a complete discharge of all claims and demands of Robert Richardson Richmond (deceased) or those claiming through or under him in respect of the cost of the survey by him of the Reureu No. 1 Block or its subdivisions or any of them.

(2) The sum incurred by the Crown in settling the said claims shall as and when paid constitute an equitable charge upon so much of the Reureu No. 1 Block, situate in the Aotea Native Land Court District, and upon every such part thereof as still remains Native land.

(3) The Court may make an order or orders charging upon the land concerned the money paid as if it were the cost incurred by the Crown in a survey executed under the principal Act, and the provisions of sections three hundred and ninety-eight to four hundred and two of that Act shall extend and apply thereto.

32. In order to give effect to a recommendation of the Commission of Inquiry referred to in parliamentary paper H.-28 of nineteen hundred and twenty-eight, be it enacted as follows:—

Provision for
recovering Native
rates due to Otaki
Borough.

(1) A notice shall be inserted in the *Kahiti* to the effect that all Native land or land owned by Natives situate within the Borough of Otaki will become subject to the provisions of this section if the rates due thereon as at thirty-first March, nineteen hundred and twenty-eight, are not paid within three months from a date to be named in such notice.

(2) Upon the expiration of the time mentioned in such notice if the rates are still unpaid the Governor-General may by Order in Council vest all or any of such lands in respect of which the rates then remain unpaid in the Ikaroa District Maori Land Board, and the land so vested shall thereupon become subject to this section.

(3) All lands vested in the Board under this section shall be held by it in trust for the owners beneficially entitled thereto.

(4) The vesting of any such land in the Board shall not affect any valid lease, mortgage, charge, or encumbrance to which the land is subject at the date of that vesting, or the right of any person to enforce a valid contract made with respect to the land before it became so vested, or to obtain confirmation of any alienation under an instrument of alienation theretofore executed.

(5) Any Order in Council purporting to be made under this section shall be conclusive proof that all the conditions precedent to the making thereof have been duly fulfilled, and no such order shall be questioned on any ground.

(6) An Order in Council made under this section may at any time be amended, varied, or revoked. Upon the revocation (either wholly or in part) of an Order in Council made under this section the land affected by such revocation shall cease to be subject to this section and shall revert in the former owners as if it had never become subject to this section, save that such reversion shall not affect any valid transfer,

lease, mortgage, charge, or encumbrance to which the land is then subject.

(7) All land vested in the Board under this section may be sold, leased, exchanged, or mortgaged by the Board, and the proceeds of any alienation by the Board shall be applied in the first place in payment of the expenses of administration, including a reasonable commission to the Board and all other liabilities to the Board and all rates and other outgoings due or accruing, and any balance shall be paid to the owners of the land. The Board may elect to administer any part of the land under section three hereof, and in such case the provisions of that section shall extend and apply to such land and its management and use.

(8) The Ikaroa District Maori Land Board is hereby authorized and directed to pay to the Otaki Borough Council, in settlement of all claims for rates due in respect of Native land or land owned by Natives situated within that borough up to and inclusive of the thirty-first day of March, nineteen hundred and twenty-eight, a sum equivalent to one-fourth of the rates due on all land vested under this section; and the Otaki Borough Council shall accept such sum in full settlement of such rates, and is hereby authorized to write off as irrecoverable the balance of such rates.

(9) The land on which any rates so compromised as aforesaid were levied shall be charged in favour of the Board with the payment of the said sum, together with interest at the rate of five pounds per centum per annum, and the provision of subsection twelve of section three of this Act as to the creation and enforcement of charges shall apply to all lands affected by the rates. In order to arrive at the proportion of money due in respect of each parcel of land the liability shall be deemed to be one-fourth of the then outstanding rates on that land, and if there shall be any doubt as to the amount properly chargeable the Court may by order direct the amount to be so charged.

(10) All liens or charges heretofore granted in respect of Native rates due to the Otaki Borough Council shall, upon payment of the sum mentioned in subsection eight hereof, be of no further force or effect, and where registered shall be cancelled by the District Land Registrar.

(11) The Board shall not be liable for any rates in respect of the land vested in it under the provisions of this section in excess of the revenue actually received by the Board from that land during the period in which those rates became due, but the net revenue received by the Board after payment of the current year's rates received during the next succeeding period may be applied towards payment of such rates. If such rates are not paid within two years from the time they were levied they shall be deemed to be irrecoverable and shall be written off. Section one hundred and five of the Rating Act, 1925, shall not apply to lands vested in the Board under this section.

(12) With regard to future rates levied upon Native land within the Otaki Borough which is not vested in the Board under this section the local authority instead of proceeding under section one hundred and nine of the Rating Act, 1925, may apply to the Court to

vest the land affected in the Ikaroa Maori Land Board, and the said land shall on the making of such order be deemed to be subject to the provisions of this section as fully and effectually as if it had been vested in the Board by Order in Council under subsection two hereof. The Court may by order at any time re-vest in the Native owners the land so vested by Court order in the Board.

33. (1) The Court is hereby authorized to inquire and determine whether certain succession orders made by the Court on the thirtieth day of March, nineteen hundred and twenty-seven, in respect of the interests in lands of Timotuha Ruri Hareti (deceased) or any of such orders should be cancelled, varied, or amended, and to make orders cancelling, varying, or amending all or any of such orders.

Authorizing adjustment of succession to Timotuha Ruri Hareti (deceased).

(2) In exercising jurisdiction hereunder the Court may take into consideration and act upon and according to the terms of a family arrangement and settlement submitted to and approved by the Court on the twenty-ninth day of May, nineteen hundred and twenty-eight, or may vary such terms in such manner as to it shall appear just.

34. Notwithstanding the time has expired for appealing against a decision of the Court dated the second day of March, nineteen hundred and twenty-five, determining the boundary-line between the Koutu A and Koutu B Blocks, the Native Appellate Court shall have jurisdiction to hear and determine appeals from the said decision if commenced by notice of appeal given in the prescribed manner within three months after the date of the passing of this Act. Every such appeal shall be subject in all respects to the rules of Court. The Court shall be deemed to have had full jurisdiction and power to determine the question which it purported to decide.

Permitting appeal regarding boundary-line between Koutu A and B Blocks.

35. (1) The Court is hereby authorized to inquire and determine whether any person other than the present owners of the Utuhina No. 3D Block, situate in the Waiariki Native Land Court District, should have been included as an owner upon the investigation of the title of the Utuhina Block, and if it finds that any such person is so entitled it may amend the partition order made on the nineteenth day of December, nineteen hundred and fourteen, in respect of the said Utuhina No. 3D Block by including as an owner the name of any person so found entitled, and may redefine the relative interests of the owners. The said lands shall thereupon vest in the persons named in the order as amended by the Court as tenants in common according to their respective shares.

Enabling the ownership of Utuhina No. 3D to be adjusted.

(2) In exercising jurisdiction under this section the Court shall not consider any claim other than that made on behalf of the lineal descendants of one Tirita through whom the right of the present owners of the Utuhina 3D Block is derived.

36. In order to give effect to a recommendation of the Native Affairs Committee of the House of Representatives it is hereby enacted that the provisions of section one hundred and thirty-four of the principal Act shall not apply to a will dated the sixth day of May, nineteen hundred and twenty-two, and made by one Wikitoria Kahuaio Dansey (since deceased), and such will may be acted upon by the Court, notwithstanding that the provisions of that section have not been observed in the execution of such will.

Rectifying informality in will of Wikitoria Kahuaio Dansey (deceased).

Authorizing trustees
of Waitangirua
Block to distribute
trust funds.

37. Whereas by deed of settlement dated the thirtieth day of August, eighteen hundred and seventy-eight, and registered as Number 65882, one Meremana Konui conveyed to the trustees named in such deed all his estate and interest in the land described in such deed, and known as the Waitangirua Block, upon the trusts therein mentioned in favour of the settlor and his children and grandchildren: And whereas the settlor has died, and there is now surviving him two only of his children, all his other children having died without issue, and it is desirable the trustees shall have power to distribute the estate without waiting for the period or observing the conditions mentioned in the said deed of settlement: Be it therefore enacted that the trustees for the time being of the said deed of the thirtieth day of August, eighteen hundred and seventy-eight, may, subject to the approval of the Native Land Court, apportion and distribute from time to time the trust estate or any portion thereof amongst the beneficiaries, including the surviving children of the settlor as may then be living, in such manner and subject to such conditions as the trustees may think fair and reasonable under the circumstances, anything in the said deed of settlement to the contrary notwithstanding. The Court is empowered to appoint a person or persons to act as representatives of any of the beneficiaries or expectant beneficiaries who are infants or otherwise under disability for the time being, and it shall be within the power of any such representative to give any consent that may be required on behalf of the person under disability in the same manner as the beneficiary himself might have done had he been under no disability.

Providing for
administration of
Okataina Scenic
Reserve.

38. (1) The administration of the reserves ceded to His Majesty pursuant to section twenty of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, shall cease to be controlled by the Board of Control provided for in section thirty-three of the Native Land Amendment and Native Land Claims Adjustment Act, 1919.

(2) The Governor-General may from time to time by notice in the *Gazette* vest the control of the reserves mentioned in section twenty of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, in a Board of Control constituted by him for the purpose, consisting of not less than six persons, of whom five shall be members of Ngati-Tarawhai, Sub-tribe of the Arawa Tribe. The Governor-General may by Order in Council from time to time make regulations prescribing the practice and procedure of the Board of Control.

(3) Section twenty-four of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, is hereby repealed.

Extending time
for appeal from
order regarding
Tarata Block.

39. Notwithstanding that the time for appealing against a final order of the Court dated the fourteenth day of October, nineteen hundred and twenty-five, ascertaining the owners of the Tarata Block, situate in the Tairawhiti Native Land Court District, has expired, an appeal against such order may be commenced by notice of appeal given in the prescribed manner within three months from the date of the passing of this Act. Every appeal shall be subject in all respects to the rules of Court, and the Appellate Court shall have jurisdiction to hear and determine every such appeal.

Enabling appeals
against decision in
Marangairoa ID
Block Subdivisions.

40. Whereas certain persons are aggrieved with the report of the Court referred to in section twenty-four of the Native Land Amendment

and Native Land Claims Adjustment Act, 1926, where such report was unfavourable to the respective petitioners: And whereas it is desirable to give an opportunity of appealing against such decision and also of extending the time in which appeals may be commenced respecting final orders made under the said section twenty-four: Be it therefore enacted as follows:—

(1) The findings of the Court in the above-recited report so far as they affect the claims set forth in petitions Numbers 91, 92, and 93 of nineteen hundred and twenty, and petition Number 209 of nineteen hundred and twenty-two, and the land mentioned therein, shall for the purpose of appeal be deemed to be final orders of the Court, and the Native Appellate Court shall have jurisdiction to hear and determine appeals from the said final orders if commenced by notice of appeal given in the prescribed manner within three months after the date of the passing of this Act.

(2) The Appellate Court may in the exercise of the jurisdiction conferred by this section vary or amend any orders for title respecting any of the divisions of the Marangairoa 1D Block, whether as to boundaries, names of owners, or relative interests or otherwise, and including the admission to the title of any other person found to be entitled as may upon the hearing of such appeal appear just or expedient, and the orders as varied or amended shall take effect accordingly.

(3) Notwithstanding that the time has expired for appealing against final orders made by the Court in pursuance of section twenty-four of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, in respect of the said land known as Marangairoa 1D, the Appellate Court shall have jurisdiction to hear and determine appeals from the said final orders if commenced by notice of appeal given in the prescribed manner within three months after the passing of this Act.

(4) Every appeal of which notice is given under this section shall be subject in all respects to the rules of Court.

41. Whereas a parcel of Native land known as the Whakarua Park has been set apart for the purpose of a sports, recreation, and pleasure ground: And whereas it is desired to enlarge or extend such park and to make provision for the administration and management thereof: Be it therefore enacted as follows:—

Providing for the
administration of
Whakarua Park.

(1) The Court shall have and be deemed to have had power to make an order vesting the Native land known as the Manutahi A 13 Block, situate in the Tairawhiti Native Land Court District, in the persons named in such order in trust for the purposes of a park and recreation-ground.

(2) The Court may make an order incorporating the said trustees, and thereupon the trustees and their successors in office shall be deemed to be incorporated as a Board under the name of the "Whakarua Park Board."

(3) A Board incorporated under this section shall have perpetual succession and a common seal, and may acquire and hold real and personal property of whatsoever nature, sue and be sued in all proceedings criminal or civil, and do and suffer all that corporate bodies may do and suffer.

(4) All property, real or personal, held by the trustees of the said trust, shall immediately upon their incorporation be deemed to be vested in the Board upon and subject to the same trusts, powers, and equities as may then affect the same.

(5) (a) The Board shall have the same power of alienating land vested in it as is conferred by the principal Act upon a Native owning Native land in severalty.

(b) Every such alienation shall require confirmation by a Maori Land Board in the same cases and in the same manner as if it was an alienation by a Native owning land in severalty.

(c) Every instrument of alienation shall be under the seal of the Board, attested by not less than three of the trustees for the time being constituting the Board.

(d) So far as regards any Native signing any such instrument of alienation, the provisions of section two hundred and fifteen of the principal Act (relating to the formalities of execution) shall extend and apply to the execution of that instrument in the same manner as if it was an instrument of alienation of Native land by that Native.

(6) (a) The Court may from time to time, on the application of any person claiming to be interested, by order appoint a new trustee or trustees, either in substitution for or in addition to any existing trustees, and whether there is any existing trustee or not at the time of the making of the order.

(b) All the powers and functions of the Board shall be exercised on its behalf by a majority of the trustees for the time being.

(c) A contract made by the trustees on behalf of the Board, other than an alienation of land, need not be under seal, but may be made in the same manner as the like contract made between individuals.

(d) All acts or deeds done or made by any person acting *bona fide* as such trustee shall be valid notwithstanding any defect that may afterwards be found in his appointment, and the signature of any person purporting to act as such trustee shall be *prima facie* evidence of his being such trustee.

(7) The Court may make an order vesting in the Board so much of the land known as Manutahi A 14, situate in the Tairāwhiti Native Land Court District, as the owners thereof shall agree or consent to be so vested.

(8) (a) The Court may with the consent of the Commissioner of Crown Lands and of the present occupier of the land known as Sections 20 and 21, Block XVI, Mangaoporo Survey District, make an order vesting the whole or any part of such land in the Board.

(b) The Court may by order vest any portion of the land mentioned in the last preceding paragraph in some person or persons in exchange for the land to be vested in the Board under subsection seven hereof, and upon the making of an order under this paragraph the land described therein shall become Native land.

(c) Any order made under this subsection may be made subject to the payment to the Crown or the owner or occupier of the land affected of such sums as the Court may order.

(9) (a) The Court may in lieu of the present titles issue a title in the name of a Board for all or any of the said parcels of land for an estate of freehold in fee-simple.

(b) All land vested in the Board shall be held upon such trusts as the Court shall from time to time by order determine.

(10) All land vested in the Board shall when so vested be and be deemed to be Native land within the meaning of the principal Act.

42. Section thirteen of the East Coast Native Trust Land Act, 1902, is hereby amended by striking out the words "thirty-first day of March," and substituting therefor the words "thirtieth day of June."

Section 13 of East Coast Native Trust Land Act, 1902, amended.

43. (1) The Court is hereby authorized to inquire and determine what persons are entitled to be declared owners of the land situate in the Tairawhiti Native Land Court District, containing by admeasurement about two hundred and twenty acres, more or less, and known as part Mangaaruhe West Native Reserve, and may make an order vesting the said land in the persons so found to be entitled for an estate of freehold in fee-simple as tenants in common in the shares or interests defined by the Court. The said land shall vest according to the tenor of the order, and the District Land Registrar shall issue a certificate of title for such land without conveyance from the present legal owners of the said land.

Enabling title to issue for Mangaaruhe West Reserve.

(2) Upon the making of such order the land referred to therein shall be and become Native land within the meaning of the principal Act.

44. Subsection one of section fifty-two of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, is hereby amended by omitting therefrom the word "six" where it appears in the second line thereof, and substituting therefor the word "eighteen."

Extending time for application respecting Hinewhaki West and other blocks.

45. For the purpose of giving effect to an arrangement entered into between the representatives of the Crown and the Native owners of certain lands used or taken for the purpose of the East Coast Main Trunk Railway, Wairoa Section, and approved by the Court on the tenth day of February, nineteen hundred and twenty-eight, be it enacted as follows:—

Authorized land taken for railway to be revested in Natives.

(1) The Court shall have jurisdiction to make an order vesting in such persons as the Court shall find entitled a defined portion of land formerly taken for railway purposes and now vested in the Crown, situate in Block V, Clyde Survey District, and containing by admeasurement three perches and three-fifths of a perch, or thereabouts, as the same is coloured yellow on a plan of the Public Works Department, Number 69334, and the said land shall upon the making of an order as aforesaid vest according to the tenor of such order.

(2) The Court may make an order vesting in such persons as it shall find entitled another defined portion of land taken as aforesaid for railway purposes and now vested in the Crown situate in Blocks I and V, Clyde Survey District, and containing by admeasurement two roods thirty-nine perches and three-fifths of a perch, or thereabouts, as the same is coloured pink on the said plan Number P.W.D. 69334, and the said land shall on the making of an order as aforesaid vest according to the tenor of such order.

(3) Upon the making of any such order as aforesaid the land comprised therein shall be and be deemed to be Native land within the meaning of the principal Act.

(4) An order made under this section shall operate as a final settlement between the Crown and the Natives of all claims arising out of the arrangement hereinbefore mentioned and approved by the Court on the tenth day of February, nineteen hundred and twenty-eight.

Authorizing reopening of proceedings respecting Tarawera Block.

46. In order to give effect to a recommendation of the Native Affairs Committee of the House of Representatives on petition Number 47 of nineteen hundred and twenty-eight of Hapi Nikora and others, it is hereby enacted as follows:—

(1) The Court is hereby empowered on an application lodged by any person interested, within six months after the date of the passing of this Act to reopen the proceedings of the Court under section thirty-eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, in respect of the Tarawera Block in the said section mentioned, in so far as such proceedings affect the division or allotment of the shares awarded to the section of persons known as the Ngatihineuru and the distribution of such shares to the individual owners, and to make such orders therein as the circumstances may require.

(2) The provisions of this section shall not extend to three thousand two hundred shares allotted by the former Court to the Tuwharetoa Section, nor to an award of four thousand eight hundred shares set apart to be applied to the payment of expenses.

(3) The Court may amend or adjust the relative interests shown in any order to conform to the decision of the Court, and may amend, vary, or cancel any partition order in so far as it may be repugnant to the relative interests as determined by the Court under this section.

(4) No proceedings under this section, and no amendment, variation, or cancellation of any order thereunder, shall take away or affect any right or interest acquired in good faith and for value before the date of the passing of this Act, or to obtain confirmation of any alienation under an instrument of alienation theretofore executed, but every such right shall be enforceable and may be acted upon and carried into effect in the same manner as if this section had not been passed.

(5) The Court shall have power to determine by whom any fresh survey that may be required by reason of any proceedings under this section should be paid, or the land or interests in land which should bear the cost thereof.

(6) The Court in any proceedings under this section shall not be bound by the decision of any former Court or Appellate Court.

Authorizing inquiry as to compensation in respect of Aorangi and Patutahi Blocks.

47. (1) Whereas the Court has made orders pursuant to section thirty-three of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, determining the persons beneficially entitled to compensation in respect of the matters therein referred: And whereas the Commission referred to in the said recited section made no recommendation as to any amount that should be allowed to the Natives in respect of their grievances with regard to the Aorangi and

Patutahi Blocks, and it is desirable that the Crown in considering the matter of the relief sought should have some indication of the amount involved: Be it therefore enacted that the Native Minister may refer to the Court for inquiry and report the question of what compensation it is reasonable in the circumstances to award in respect of the grievances alleged in the matter of the following lands mentioned in the said section—namely, (a) Aorangi Block; (b) Patutahi Block.

(2) Each of the said inquiries shall be heard by not less than two Judges of the Court, but if any of such Judges shall die or be unable to act the proceedings may be continued by some other Judge or Judges.

(3) Such reference shall be deemed to be an application within the ordinary jurisdiction of the Court, which shall have full power and authority to hear the same and to make such report or recommendation thereupon as the circumstances of the case seem to require.

(4) The Court in its report may recommend in what manner and for what purpose any sum found to be reasonable compensation in respect of the grievances alleged shall be paid, expended, or administered.

(5) It shall be in the full discretion of His Majesty's Government in New Zealand what (if any) relief shall be granted in either or both of such cases.

(6) All or any of the recommendations of the Court of Inquiry appointed made pursuant to this section may be given effect to either according to the terms of the recommendations or in accordance with any modified, varied, or extended terms that may be deemed just or expedient: Provided nevertheless that no payment under such recommendations shall be made unless and until the amount to be paid has been appropriated by Parliament for the purpose.

(7) (a) The Native Land Court may, on the application of any person interested made within six months after the date of the passing of this Act, ascertain and determine whether in its opinion the relative interests determined by the Court in respect of the Patutahi Block should be amended or varied, and may make such amendment or variation in the shares or relative interests of the beneficial owners as may seem just.

(b) The Court in determining such matters shall not be bound by any former decision of the Court or Appellate Court.

48. To give effect to a recommendation of the Native Affairs Committee of the House of Representatives upon petition Number 39 of nineteen hundred and twenty-eight of Clara Cecilia Tatham and Francis Charles Bunny, be it enacted that the Court shall upon an application by or on behalf of the petitioners and subject to such conditions as it shall impose, including the payment of fees and survey charges, make an order vesting in John Harding Tatham or his representative all that parcel of land containing by admeasurement about eighty-two acres or thereabouts, situate in the Ikaroa Native Land Court District, called or known as the Tutaehauhau No. 4 Block, and being the land comprised in a partition order dated the twenty-sixth day of May, eighteen hundred and twenty-eight, and the said land shall vest in the person named in the order for an estate of freehold in fee-simple.

49. Notwithstanding the provisions of section three hundred and sixty-eight of the principal Act, every Proclamation heretofore executed

Authorizing Court
to vest
Tutaehauhau No. 4
Block in purchaser.

Validating
Proclamations made
under section 368 of
principal Act.

purporting to be made in pursuance of that section and declaring the Native land therein mentioned to have become Crown land shall be valid and effective to vest the land therein described in His Majesty the King in accordance with the provisions of the said section, and may be registered as in the said section is provided.

Chief Judge may
refer matters in
Schedule for report.

50. (1) The Chief Judge is hereby authorized to refer to the Native Land Court, or to a Judge or Commissioner thereof, for inquiry and report, the claims and allegations made by the petitioners in the petitions mentioned in the Schedule hereto.

(2) The Chief Judge may upon such inquiry and report make to the Native Minister such recommendation in any case as appears to accord with the equities of the case.

(3) The report and recommendation under this section shall be laid before Parliament on as early a date as possible, and shall stand referred to the Native Affairs Committee of the House of Representatives.

SCHEDULE.

Schedule.

PETITIONS TO BE REFERRED TO THE NATIVE LAND COURT, OR A JUDGE OR COMMISSIONER THEREOF.

1. Petitions Nos. 156 and 165, of 1928, of Hira Pateoro and 15 others: Praying for return of their papakainga and Church lands at Orakei.
2. Petition No. 142, of 1928, of Ihaka te Awa and another: Praying for rehearing in connection with Tahuna No. 16A Block.
3. Petition No. 102, of 1928, of Rangihawe te Kaho: Praying that inquiry be made into the rights of descendants of Te Kaho to be included in title to Grant 3749, Okahu Block.
4. Petition No. 263, of 1928, of Pare te Putu: Praying for inquiry and relief in regard to alleged wrongful alienation of her late mother's lands.
5. Petition No. 51, of 1928, of Kipa Anaru and 15 others: Praying for the return of reserve and lake in Tutira Block.
6. Petition No. 127, of 1928, of Mana Ruka and another: Praying that legislation be passed enabling them to establish their claims to the interest of Pirika Ruka, deceased, in Waiotutu Block.
7. Petition No. 257, of 1928, of Marangai Haapu and 9 others: Praying for rehearing in connection with Waihirere Block.
8. Petition No. 255, of 1928, of Haki Galvin: Praying for inquiry into succession to George Southgate, deceased.