

Hon. Mr. Carroll.

MAORI LAND CLAIMS ADJUSTMENT AND LAWS
AMENDMENT.

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A BILL INTITULED

AN ACT to adjust and protect Claims and Interests in, and to amend the Laws relating to, Maori Lands. Title.

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

1. The Short Title of this Act is "The Maori Land Claims Adjustment and Laws Amendment Act, 1906." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

10 "Appellate Court" means the Native Appellate Court constituted by "The Native Land Court Act, 1894":

15 "Board" means the Maori Land Council constituted under "The Maori Lands Administration Act, 1900," of the district in which the land referred to is situated, or its successor in office as provided by section three of "The Maori Land Settlement Act, 1905":

"Chief Judge" and "Judge" mean respectively the Chief Judge and a Judge of the Native Land Court:

"Court" means the Native Land Court:

20 "Maori" and "Native" are synonymous terms, used respectively to follow the language of the Acts referred to in which they occur:

"Minister" means the Minister of Native Affairs, or any other Minister of the Crown acting on his behalf:

“President” means the President of the Board :

“Registrar” means the District Land Registrar of the district in which the land referred to is situated :

“Validation Court” means the Court constituted by “The Native Land (Validation of Titles) Act, 1893.”

Section 16 (2) of Act of 1904 amended.

3. Subsection two of section sixteen of “The Maori Land Claims Adjustment and Laws Amendment Act, 1904,” is hereby repealed, and the following is substituted in lieu thereof :—

“(2.) No action shall be taken upon the report of the said Judges until the same has been laid before and considered by Parliament.”

Third Schedule to Act of 1904 amended.

4. The Third Schedule to “The Maori Land Claims Adjustment and Laws Amendment Act, 1904,” is hereby amended by adding thereto “Lot 1, Parish of Katikati, containing sixty-eight acres, more or less.”

New clause.

4A. Section six of “The Native Land Claims Adjustment Act, 1895,” is hereby amended by omitting all the words after the word “being” in subsection one to the end of the said subsection, and by substituting in lieu thereof the word “alienated”; also by omitting the word “lease” in subsection two of the said section, and by substituting in lieu thereof the word “alienation”; and by striking out the words after the word “Act” in subsection two of the said section to the end of the section.

Giving effect to recommendations of Royal Commission under Act of 1904.

5. To give effect to the recommendations of the Royal Commission appointed under the provisions of “The Maori Land Claims Adjustment and Laws Amendment Act, 1904,” as set out in Parliamentary Paper G.-1, 1905, it is hereby enacted as follows :—

(a.) The partition by the Validation Court of the Tahora No. 2A Block is hereby declared null and void; and the Court shall, on the application of any person claiming to be interested, proceed to partition the land *de novo*.

(b.) Subject to the proviso hereinafter contained, the Court is hereby empowered—

(i.) To ascertain whether Rangikohera te Kani and Teira Iopa te Hau are entitled to any (and, if so, what) portion of the Kopuaatuaki Block; and, if necessary, whether the Crown is interested or not, to amend the original title and revise the subsequent partition of the land accordingly :

(ii.) To cancel the partition orders dated the twenty-second day of March, one thousand eight hundred and ninety-nine, in respect of Te Kauri No. 2B Block :

(iii.) To cancel the partition orders dated the twenty-eighth day of October, one thousand eight hundred and ninety-seven, in respect of the Manawaangi Block :

Provided that this power shall not be exercised unless the sum of fifty pounds, to cover such costs, if any, as the Court may award is, on or before the thirty-first day of March, one thousand nine hundred and seven, deposited with the Registrar of the Native Land Court, Wellington :

(iv.) To cancel succession orders purporting to determine successors to the interests of Peti te Aho, deceased, in Lot 18, Parish of Te Onewhero, Lot 348, Parish of Taupiri, and Lot 21, Parish of Whangape; and, without cost to the applicants, to ascertain who are the persons entitled to succeed to such interests:

(v.) To cancel succession orders purporting to determine successors to the interest of Hamuera te Punga Rangiuru, deceased, in Mokotunu Cape Block:

(vi.) To cancel the final orders of the Court or of the Appellate Court made on the investigation of title to Pukuweka Block, except as to the portion known as Rangitoto Tuhua No. 8, containing three hundred acres or thereabouts; and, except as aforesaid, to rehear the original application for investigation of title to the said block:

(vii.) To cancel all partition orders heretofore made in respect of the Waihua Nos. 1 and 2 Blocks.

(c.) The Appellate Court shall have jurisdiction to hear and determine appeals from any decision of the Court given in pursuance of this section in the same manner as appeals from decisions of the Court given in the exercise of its ordinary jurisdiction are heard and determined.

6. (1.) The final orders of the Court or of the Appellate Court made under the provisions of "The Native Equitable Owners Act, 1886," or subsection ten of section fourteen of "The Native Land Court Act, 1894," in respect of Potaka No. 1, Wharepu No. 1, Taumata o te O, Ohuia No. 1, Hereheretau B, and Te Kiwi Blocks, are hereby cancelled, and the Appellate Court or ~~any Commissioner or Commissioners appointed by the Governor for the purpose~~ may rehear the applications on which such final orders are founded.

Canceling orders in connection with Potaka No. 1 and other blocks, and giving power to rehear.

Struck out.

(2.) Any Commissioner appointed for the purposes of this section shall have and may exercise for the time being all the powers of a Judge of the Native Land Court.

7. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the twenty-sixth day of October, one thousand nine hundred and five, on petition No. 643, of Raniera Wharerau, the appeal by the said Raniera Wharerau against the partition by the Court of the Waima South Block is hereby declared to be as valid and effectual as if notice of such appeal in writing had been given within the period prescribed by law.

Re appeal in Waima South Block.

8. Whereas upon the issue by the Court of title to the Poroikamoana Block a piece of land known as Motuotera was in error included therein, although the title to the said Motuotera had not been investigated: And whereas the said Poroikamoana Block, including the said piece of land known as Motuotera, has been sold, and is now vested in the purchaser under the Land Transfer Act: Be it therefore enacted as follows:—

Court to determine former owners of Motuotera, and amount of compensation due to them.

The Court is hereby authorised and directed—

(a.) To determine the persons who would according to Native custom be entitled to the said piece of land known as Motuotera if the said error had not been committed:

(b.) To determine, notwithstanding the provisions of sections one hundred and eighty-six and one hundred and eighty-seven of "The Land Transfer Act, 1885," the amount that should be paid to each person so found entitled by way of compensation for the loss incurred by reason of the said error, and to issue a certificate accordingly. 5

(c.) Subject to the right of appeal, and to any variation that may be made therein by the Appellate Court on appeal, such certificate shall be final, and shall in any proceedings that may be taken in any Court for recovery of compensation for the loss incurred by reason of the said error be conclusive evidence that the persons therein named in that behalf are respectively entitled to the amount of compensation therein mentioned. 10

Section 8 (7) of "The Maori Lands Administration Amendment Act, 1901," amended.

9. Paragraph (7) of section eight of "The Maori Lands Administration Amendment Act, 1901," is hereby amended by the insertion of the words "or a President" after the words "Judge of the Native Land Court." 15

Section 11 of Act of 1904 amended.

10. Section eleven of "The Maori Land Claims Adjustment and Laws Amendment Act, 1904," is hereby amended by the addition at the end thereof of the words "or until the Minister by notice in the *Gazette* and *Kahiti* declares that the necessity for such caveat or non-issue of orders in any particular case no longer exists either as to the whole or any portion of the land therein mentioned." 20

New clause. 25

Certain transfers of parts of Maungatautari Block validated.

10A. Such parts of the Maungatautari Block as had previously to the passing of this Act become vested in purchasers from the registered proprietors of the said block by transfers registered upon the Land Transfer Register thereof shall be exempt from the provisions of the said section eleven, and any caveat against dealings with such parts of the said block is hereby removed. 30

Court to determine questions affecting ownership of Arai Matawai Reserve.

11. Whereas by a Proclamation dated the thirteenth day of September, one thousand eight hundred and seventy-seven, His Excellency the Governor, in pursuance and exercise of the power and authority vested in him by "The East Coast Act, 1868," reserved and set apart for the use and maintenance of twenty-three specified aboriginal Natives the parcel of land situate in the Poverty Bay District known as the "Arai Matawai" or "Waimata Reserve," containing by admeasurement four thousand two hundred and fourteen acres, more or less, the boundaries whereof are described in Schedule A to the said Proclamation: And whereas it is alleged that an error or omission was made in determining the persons for whose use and maintenance the said reservation was made, and that other persons in addition to the twenty-three persons so specified as aforesaid ought to have shared in the benefit of the said reservation and to have been specified in the said Proclamation: Be it therefore further enacted:— 35 40 45

(a.) The Court is hereby empowered to inquire and determine whether any (and, if any, what) persons in addition to the twenty-three persons so specified as aforesaid ought to have shared in the benefit of the said reservation and to have been specified in the said Proclamation. 50

- 5 (b.) The Court may by order declare the said parcel of land to be vested in the said twenty-three persons, together with such other persons (if any) as the Court may upon such inquiry determine, as owners of an estate of freehold in fee-simple in possession therein as from the said thirteenth day of September, one thousand eight hundred and seventy-seven.
- (c.) The Court may by the same or any subsequent order determine the relative interests of the several owners.
- 10 (d.) The Appellate Court may hear and determine any appeal that may be lodged against any decision of the Court given in exercise of the jurisdiction conferred by this section.
- 15 (e.) An order made by the Court in exercise of the jurisdiction conferred by this section, or such order as varied on appeal, shall have the effect of an order made on investigation of title or determination of relative interests respectively, and may be dealt with and registered accordingly.
- 20 (f.) Succession orders heretofore made and purporting to determine successors to the interests of any of the twenty-three persons specified as aforesaid shall not be invalidated by any proceedings taken in pursuance of the provisions of this section.

25 12. The Governor may by Order in Council confer upon the Court, or upon any person or persons named in such order, all powers and jurisdiction necessary or expedient to enable the Court or such person or persons to carry out and give effect to an agreement or arrangement made by and among the plaintiffs in the Action or Suit
30 Number 818 in the Supreme Court of New Zealand, Wellington District, holden at Napier, for ascertaining and determining the names of the owners of, or persons entitled to, and the relative share or interest of each of them in that parcel of land situate in the Provincial District of Hawke's Bay, known as
35 Pakowhai, or such part of the said parcel of land as is now vested in the Venerable Samuel Williams, of Te Aute, on behalf of such plaintiffs and other aboriginal Natives of New Zealand. Any order made by the Court, or such person or persons, under the provisions of this section, shall, subject to any lien, charge, or incumbrance
40 therein provided for, have the effect of and be dealt with as an order of the Court.

Power to determine ownership in Pakowhai Block.

45 13. During the unavoidable absence of the President, or any vacancy in that office, the Minister may authorise any officer of the public service or European member of the Board to act as President in the same manner and with the like powers as if appointed under the provisions of subsection three of section eight of "The Maori Lands Administration Act, 1900," or section two of "The Maori Land Settlement Act, 1905."

Minister may appoint European member to act in absence of President.

50 14. When from any cause Maoris claiming to be owners of any block of land fail to elect a Papatupu Committee under the provisions of "The Maori Lands Administration Act, 1900," in the

President may require Court to investigate title to land if owners fail to elect Papatupu Committee.

manner prescribed after the necessary procedures to enable them to do so have been taken, or such Committee subsequent to election fails to report after having been called upon to do so, the President or his deputy may, instead of proceeding with the Board to investigate the title to the land in question, require the Court to do so, and the Court shall thereupon proceed as in the case of an application for investigation of title under "The Native Land Court Act, 1894":

New proviso.

Provided that in the case of any block in respect of which the Papatupu Committee has made or shall make a report to the Board, whether interim or final, such report together with all minutes of evidence in relation thereto shall be produced to the Court by the Board, and the Court may, in any such proceedings on the investigation of title, adopt such evidence either wholly or in part, and may in its discretion, and upon such terms and conditions as seem to it meet, determine that such evidence or any part of it shall be deemed to be part of the proceedings on such investigation.

Powers of Court as to Native townships.

15. The Court shall, on the request of the Minister, have power to determine all questions affecting the beneficial ownership of Native townships proclaimed under the provisions of "The Native and Maori Land Laws Amendment Act, 1902."

Public Trustee to pay compensation for land taken under Public Works Act to beneficial owners.

16. Notwithstanding any law now in force to the contrary, the Public Trustee is hereby authorised and directed to pay the sum of thirty-nine pounds seventeen shillings and sixpence, together with any interest which has accumulated thereon, received by him as compensation for portions of the Waikokopu No. 3 Block, Nuhaka District, taken under the provisions of "The Public Works Act, 1894," for the purposes of "The Waikokopu Harbour Board Act, 1902," to the former beneficial owners of the land as named in the order of the Native Land Court dated the twenty-fifth day of September, one thousand nine hundred and two, assessing the amount of compensation payable. The receipts of the beneficial owners shall be a sufficient indemnity and release to the Public Trustee from all manner of claims howsoever in respect of the sum of thirty-nine pounds seventeen shillings and sixpence and interest aforesaid.

Compensation for land at Wanganui taken for a rifle range, how payable.

17. The compensation awarded or to be awarded by the Court in respect of certain land taken under the provisions of "The Public Works Act, 1894," for a rifle range at Wanganui may be paid direct to the persons to whom such compensation was awarded or will be awarded, any direction, decision, or recommendation of any Court of law to the contrary notwithstanding; and an acquittance or receipt given by any such person for his share of the compensation shall be a complete indemnity and release of the Colonial Treasurer and all officers and servants of the Government in respect of the compensation so awarded to such person.

East Coast Native Trust lands.

18. (1.) Whereas the principal purposes for which the Board appointed under "The East Coast Native Trust Lands Act, 1902" (hereinafter in this section referred to as "the said Board"), was constituted have been fulfilled, and it is desirable to reduce the expense of future control and management, it is hereby declared that the Governor may appoint a Commissioner to exercise the powers of the said Board; and, upon the gazetting of such appointment, all

lands and property vested in the said Board shall become vested in the Commissioner, and all powers and authorities of the said Board shall be vested in and be exercised by the Commissioner, and the said Board shall thereupon be dissolved and the members thereof discharged and released.

(2.) "The East Coast Native Trust Lands Act, 1902," is hereby amended as follows:—

(a.) Where in any deed pursuant to section twelve of the Act provision has been made charging lands in relief of the principal security, and such deed has been approved by the Chief Judge, the provisions of such deed shall have the same effect as if a decree in the terms thereof had been duly made by the Chief Judge pursuant to section ten of the Act.

(b.) Whereas the debt to the Bank of New Zealand has been discharged in full by the said Board out of moneys raised by sale or mortgage of certain of the lands comprising the principal security and the specific securities respectively, and other claims have been paid and certain other lands have been added in relief of the principal security, and parts thereof have been similarly dealt with, and by reason of the charge having been borne in greater proportion by some lands than by others, it is necessary to adjust the equities of the beneficiaries of the several lands: The Validation Court is hereby empowered and directed to inquire into and determine what proportion of the whole debt to the bank, and of the other claims paid, and of the expenses of the management, ought properly to have been borne by each block of land, and in what manner the equities as between the beneficiaries should be adjusted.

(c.) In exercising jurisdiction conferred by this section the Validation Court shall determine every matter in such manner as it considers fair and just, having regard to all the circumstances, and shall not be bound to follow any rule applied by Courts of law or equity to cases of mortgage by Europeans.

(d.) The Validation Court, for all the purposes of such adjustment, shall have all the powers conferred by section ten of the Act upon the Chief Judge.

(e.) The said Board or the Commissioner shall comply with every direction and decree of the Validation Court, and shall proceed to make all such sales, mortgages, and other dispositions as the Validation Court may require for the purpose of effecting the adjustment.

(3.) The Validation Court shall prepare a scheme showing the adjustment proposed, and such scheme shall be laid before Parliament before the first day of August, one thousand nine hundred and seven, and no proceedings to give effect to such adjustment shall be taken until after the prorogation of Parliament in the year one thousand nine hundred and seven.

19. (1.) The Committee of any block or blocks of land incorporated under the provisions of "The Native Land Court Act, 1894,"

Extending powers
of incorporated
bodies.

or "The Maori Lands Administration Act, 1900," or its amendments, shall have full power, when authorised in that behalf by resolution passed at a general meeting of the members of the Corporation, to farm the land for the benefit of the owners, and for that purpose to raise moneys by way of mortgage on such land or the stock and chattels of such owners. Such power shall be exercised only with the consent of the Board of the district within which the land is situate, and subject to such conditions as the Governor by regulations may prescribe. 5

(2.) For the purposes of mortgage under this section, any restrictions heretofore imposed, or hereafter to be imposed, may be removed by the Native Minister. 10

New subclauses.

(2A.) Anything to the contrary notwithstanding, the provisions of subsections (b), (c), (d), and (e) of section twenty-nine of "The Maori Land Laws Amendment Act, 1903," as amended by the provisions of this section, shall apply to all lands the owners of which have been, or may hereafter be, incorporated under the provisions of any Act relating to the incorporation of the owners of Maori lands. 15

(2B.) Notwithstanding anything in any Act heretofore contained, the consent of the Commissioner of Crown Lands, or the Public Trustee, or the Native Lands Administration Officer, shall not be required to any lease of an incorporated block or any part thereof, nor shall they or any of them have or exercise any functions or control over the land or the proceeds thereof, but every such lease shall be subject to the approval of the Board for the district where such block is situated. 20 25

(3.) The Governor may from time to time make regulations for any purpose contemplated or required by this section.

Registration may be annulled on certificate of President.

20. A certificate under the hand of the President and the seal of the Board that any transfer to or lease from the Board or, in the case of a Native township proclaimed under the provisions of "The Native Townships Act, 1895," the certificate of the Commissioner of Crown Lands for the district in which the land is situate that any lease has been annulled or determined shall be sufficient evidence of the fact; and the Registrar shall, on the same being produced to him, make, without charge, all necessary alterations on the Land Transfer Register in accordance with such certificate. 30 35

Registrations to be effected without charge.

21. All registrations necessary to complete a transfer, mortgage, for lease to or from the Board shall be effected by the Registrar free of charge. 40

Struck out.

Further investigation of Ngamoe Block.

22. It is hereby ordered that the Court shall further investigate and determine the claims of the appellants to the Ngamoe block as follows:— 45

(a.) As to whether or not they are the descendants of certain of the descendants of Tangihaere, who was the owner of Ngamoe block; and

(b.) As to whether or not they are entitled to the cultivations and pas of which they are now in actual occupation. 50

23. The Appellate Court is hereby authorised and directed to review the report of the Royal Commission in connection with disputes affecting the title to the Te Akau Block (Parliamentary Paper G.-1, 1904), and the subsequent decisions of the Chief Judge, under the provisions of section fourteen of "The Maori Land Claims Adjustment and Laws Amendment Act, 1904," thereon,

Further investigation of Te Akau Block.

Struck out.

and also to investigate and determine the claims according to Maori custom of the Maoris to the said land, and the interests of the hapus, and each individual to the said land, and also to vary and amend the boundary-line between Te Akau No. 2 and Te Akau No. 2B, also the boundary between Te Akau No. 3B and Te Akau No. 3A, and to make such orders as it considers necessary to effect a final and equitable settlement of the matters in dispute.

New.

in as far as questions in dispute between the Native owners as to tribal or hapu boundaries are concerned, and to confirm or, if necessary, amend in accordance with the equities of the case any order heretofore made by the Court, the Appellate Court, or the Chief Judge.

Struck out.

24. Whereas a petition has been presented to the House of Representatives by Hema Te Ao and others on behalf of themselves and the Ngatiraukawa Tribe praying that legislation be passed for the purpose of enabling them to appear before a legally constituted tribunal to set up their claims or "takes" to the Maungatautari Block, or the portion of the said block which is still held by the Natives: And whereas the Native Affairs Committee of the House of Representatives has recommended, on the eighteenth day of October, one thousand nine hundred and five, that the petition be referred to the Government for inquiry, it is hereby ordered and declared that the Appellate Court shall, after the passing of this Act, proceed and make an inquiry into the allegations of the petition of the said petitioners and hear other evidence as affecting the said block, and report its findings to the Chief Judge:

Provided that nothing in this section shall affect any portion of the Maungatautari Block which has been sold to Europeans.

New clause.

24. Whereas the Native Affairs Committee of the House of Representatives, on the eighteenth day of October, one thousand nine hundred and five, recommended that the petition of Hema te Ao and others be referred to the Government for inquiry, it is hereby ordered and declared that any Native claiming to be interested in that portion of the Maungatautari Block which is still held by the Natives may, within one month after the coming into operation of this Act, give notice of appeal to the Appellate Court from the order of the Court made on investigation of title of the said block; and, if such notice be given, the Appellate Court shall have jurisdiction to hear and determine such appeal as if such notice had been given within the time limited by section eighty-four of "The Native Land Court Act, 1894":

Inquiry as to Maungatautari Block.

Provided that, before the Appellate Court shall proceed to hear and determine the case as between the parties, the appellants shall lodge with the Court sum of money which, in the opinion of the Chief Judge, shall be sufficient to cover the costs of the respondents in case the decision by the Appellate Court shall be in their favour : 5

Provided further that nothing in this section shall affect any portion of the Maungatautari Block which has been sold to Europeans.

New clause.

Harawira Mokena
succession appeal.

25. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the fifth day of September, one thousand nine hundred and five, on Petition number one hundred and forty-two, of Kaea Rowe (Willison) and another, of Urenui, it is hereby declared that, notwithstanding any Act to the contrary Kaea Rowe or any other person claiming an interest may within *three* months after the passing of this enactment appeal to the Appellate Court against the order of the Native Land Court appointing successors to the late Harawira Mokena, and the said Appellate Court may hear and determine the appeal as if it had been presented within the prescribed time. 10 15 20

Courts and officials
authorised to carry
out provisions of
Act.

25. 26. The Validation Court, the Appellate Court, the Court, the Chief Judge, and the Registrar are hereby authorised and directed to perform all acts necessary to give effect to and carry out the provisions of this Act.

New clause.

Hemi Rangiahua
succession.

27. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the twentieth day of October, one thousand nine hundred and four, on the petition No. 833, of Raiha Weeti, the Native Appellate Court is hereby directed and authorised to hear and determine who are the successors according to Maori custom of Hemi Rangiahua in any land or Native land, and to make such order or orders as it considers necessary to effect a final and equitable settlement of the matters in dispute. 25 30