

MAORI PURPOSES BILL

EXPLANATORY NOTE

PART I

Amendment of Laws

Clause 3: Maori Land Court Judges to retire at age of sixty-eight years.—The purpose of this clause is to bring the Maori Land Court Judges into line with Magistrates, who, pursuant to section 7 of the Magistrates' Courts Act 1947, retire at sixty-eight years of age.

Clause 4: Authorizing Maori Trustee to transfer £10,000 to Maori Hostels Fund.—The purpose of this clause is to provide finance for increasing the accommodation at the Maori Girls' Hostel in Wellington. The present limited accommodation results in annual operating losses which should not occur with a larger number of boarders. Accommodation can be increased by reconstructing an existing annexe.

Clause 5: Authorizing additional Maori Trust Boards to accept certain securities.—Section 116 of the Maori Purposes Act 1931 enabled the Maori Trust Boards existing at that time to take as securities certain charges and other dispositions of rent, purchase money, or other money derived from Maori lands, notwithstanding the prohibition imposed by sections 261 and 550 of the Maori Land Act 1931 against any such securities. This was to enable Maori Trust Boards to obtain reasonable security for moneys advanced to beneficiaries. The purpose of this clause is to extend the same privileges to all Maori Trust Boards constituted since 1931.

Clause 6: Section 8 of Maori Purposes Act 1943 amended.—Section 8 of the Maori Purposes Act 1943 empowers the Maori Land Court to vest Maori land in trustees for communal or tribal purposes. The section empowers the Court to dissolve any such trusts, but not to re-vest the land in the Maori owners. The proposed amendment gives this power.

Clause 7: Revenue from land subject to Part I of Maori Land Amendment Act 1936 may be paid to owner who is also occupier without consent of Minister of Finance.—Section 39 of the Maori Land Amendment Act 1936 requires the consent of the Minister of Finance to any payment of revenue from Maori land in a development scheme to the owners of the land. His consent is not required to a payment to an occupier who is not an owner. In some cases the whole, or greater part, of the revenue from a farm may be assigned to the Department in repayment of advances made by the Crown, and the surplus, after paying reasonable amounts for interest and reduction of principal, rent, and maintenance, is repaid to the occupier. If the occupier should be an owner, or a part owner, however, no payment can be made to him without the prior approval of the Minister of Finance. Where an occupier is in need of money urgently this may impose a delay which could be embarrassing. The Board of Maori Affairs will still consider any payment to an occupier of a sum exceeding £20.

Clause 8: Marriages in which a party is a Maori to be subject to general law.—Section 232 of the principal Act gives Maoris the option to be married either according to the ordinary law affecting European marriages, or to be married by an officiating minister under the Marriage Act 1908, but without complying with the other requirements of that Act. There appears to be no longer any justification for the special dispensation as to residential qualifications, and notice of intended marriage and the section substituted by *subclause (1)* makes all future marriages subject to the general law.

The amendments made by *subclauses (3), (4), (5), and (6)* have the effect of preventing any marriage according to Maori custom after 1 April 1952 from being legally recognized while preserving any rights acquired in respect of any such marriage before that date.

Clause 9: Extension of term of certain leases.—The terms of the leases to which the clause relates were extended in 1948 and again in 1950 to permit the determination of certain questions relating to the leases. This clause effects a further extension.

PART II

East Coast Maori Trust Lands

THE provisions of this Part relate to the large farm properties on the East Coast at present vested by statute in the East Coast Commissioner and known collectively as the East Coast Maori Trust.

In 1881 a company was formed to subdivide and develop certain Maori land in the Wairoa-Gisborne area. The company got into difficulties and was forced to sell up some of the land in order to save the remainder. The remaining land was later vested by statute in the East Coast Commissioner. The Commissioner has been successful in paying off debts and building up the properties to a very considerable extent, and the time has come for the trust to be dissolved and the lands returned to the Maoris beneficially entitled to them.

Proceedings were recently instituted in the Supreme Court to determine who are the persons entitled to participate in the trust assets and in particular whether the former owners of the lands sold to help the East Coast Maori Trust out of financial difficulties should participate. In the course of the proceedings, a full agreement was concluded on behalf of the several groups of persons affected, providing for the participation of former owners of lands sold and for the method of determining their interest and allocating assets.

The provisions of this Part enable the agreement to be carried into effect. The East Coast Commissioner is directed to provide certain moneys and to set aside certain lands for allocation to the former owners of lands sold, and the Maori Land Court is given jurisdiction to determine the persons entitled to those moneys and the land.

The remaining properties, of which the beneficial owners are already ascertained, are expressly declared to be held on separate trusts for the appropriate owners. Provision is also made for the payment of costs of the Supreme Court proceedings, and for the application of the General Reserve funds of the trust.

The arrangements authorized are declared to be in full and final settlement of all claims in regard to these lands, and any further proceedings on any such claims are barred.

PART III

West Coast Settlement Reserves

Provision is made in this Part for the registration of a memorandum of variation of a lease now on the Land Transfer register so as to extend that lease for the appropriate term. This does away with the necessity of issuing fresh leases.

Provision is also made to enable areas comprised in closed roads and other small areas to be incorporated in an existing lease.

PART IV

MISCELLANEOUS POWERS

Waikato-Maniapoto District

Clause 31: Authorizing Court to hear application for probate of will of Koneke Matetoto, deceased.—The clause is the result of a favourable recommendation on a petition to Parliament. Koneke Matetoto made a will during the recent war and appointed as executor a solicitor who was then serving in the armed forces. The solicitor was unaware that the will had been lodged in his office and that he had been appointed executor. Koneke died in 1945, and the Maori Land Court, no will having been produced, made succession orders in favour of two persons, not the beneficiaries under the will. The will has since been found, but, by virtue of section 175 of the Maori Land Act 1931, probate cannot be granted of the will of a Maori if more than two years have elapsed since the date of death. This clause is to enable the Court to hear an application for probate notwithstanding the lapse of more than two years.

Clause 32: Vesting of certain land in the Crown and provision for compensation to Maori owners.—The land affected by this clause is an area of about 3 acres which has always been treated as part of an adjoining block. Apparently when the adjoining block was investigated by the Maori Land Court in 1872 the 3 acre piece was intended to form part of it, but the plan excluded this small piece, which is therefore uninvestigated customary Maori land. This was recently discovered when the Chief Surveyor was considering a proposed subdivision of the surrounding land. At this stage it would be a difficult and lengthy task to ascertain the Maori owners, and it is considered desirable to have the land vested in the Crown to enable the subdivisional scheme to proceed without undue delay. The clause provides for compensation to be awarded to the beneficial owners when they have been ascertained by the Court.

Waiariki District

Clause 33: Provisions as to administration of Mayor Island.—Mayor Island, situated in the Bay of Plenty, is a popular big-game fishing resort. It is Maori land in which the Crown has acquired undivided shares. At present there is no proper control over the island, which has important scenic, botanical, and geological features as well as being an important tourist resort. By agreement between the Crown and the Maori owners the Maori Land Court has made an order vesting the island in trustees representing the Crown and the Maori owners for its proper control and for the preservation of scenic and other features. As there is some doubt as to the Court's power to vest land in trustees for those purposes, it is desirable that the order should be validated.

Clause 34: Authorizing Waiariki Maori Land Board to expend moneys in erection of landing at Little Awanui.—The long road haulage necessary to take goods to and from the Bay of Plenty area between Opotiki and Cape Runaway is a costly factor in the full utilization of lands in that area, a large proportion of which are Maori lands, either settled or in the course of development. Costs could be reduced if bulk supplies and produce could be shipped on light coastal vessels. The Waiariki District Maori Land Board is prepared to erect a landing at Little Awanui, near Omaio, but has no power to spend money on any such projects. This clause is to authorize the Board, with the precedent consent of the Minister, to do so.

Aotea District

Clause 35: Authorizing repayment of sum to Aotea Maori Land Board.—The Royal Commission set up to deal with certain Maori land claims has recommended that the charge of £23,500 imposed upon certain Maori lands west of Lake Taupo by section 14 of the Maori Purposes Act 1935 should not have been imposed to secure a greater sum than £20,000, and that the difference of £3,500 should be paid to the Aotea District Maori Land Board, together with interest and certain costs and expenses. This clause gives effect to the Commission's recommendations.

Clause 36: Jurisdiction conferred on Court of Appeal in relation to ownership of bed of Wanganui River.—This clause confers upon the Court of Appeal jurisdiction to determine certain long standing questions relating to the ownership of the bed of the nontidal portion of the Wanganui River. A right of appeal to the Privy Council is given from the determination of the Court of Appeal.

Ikaroa District

Clause 37: Payment of moneys from estate of Pukepuke Tangiora, deceased.—The trustees in this estate have been authorized to expend moneys from certain accumulated funds in erecting houses for the beneficiaries. In a petition presented to Parliament last year the beneficiaries prayed for legislation empowering the trustees to expend moneys in furnishing the houses and in assisting with the education of the beneficiaries' children. The petition was favourably recommended, and this clause is to give effect to that recommendation.

Clause 38: Authorizing Otaki and Porirua Trusts Board to make grants towards upkeep of Maori church at Otaki.—The Otaki and Porirua Trusts Board administers the income derived from lands handed to the Church of England by the Maoris many years ago as Maori education endowments. This clause is to empower the Trusts Board, which comprises representatives of the Church and the interested Maori tribes, to make grants towards the upkeep of the historic Maori church at Otaki, the centenary of which was celebrated last year. The proposal has been approved by representatives of the tribes concerned.

Clause 39: Palmerston North Maori Reserve.—The Palmerston North Maori Reserve is a valuable block of land in the city of Palmerston North. The beneficial ownership was ascertained by the Commissioner of Maori Reserves in 1876. Some years later the Public Trustee took over the administration of Maori Reserves and in 1887 he executed a declaration of trust which contained a list of the beneficial owners of the land. This list omitted some persons who had been included in the 1876 list. The reasons for the differences between the two lists are not known. There has been much litigation on the ownership of the Reserve and it is desirable that the matter should be finally settled as soon as possible. This clause provides for the setting up of a commission to inquire into the reasons for the exclusion from the 1887 list of some of the persons who had been in the 1876 list and, if satisfied that any of them were wrongly excluded, to make an order amending the list of beneficiaries.

Clause 40: Provisions as to land in estate of Teo Tipene, deceased.—This clause is the result of a petition to Parliament which was referred to the Maori Land Court for inquiry and report. The section follows the recommendation of the Court. The facts are set out in the preamble.

Hon. Mr. Corbett

MAORI PURPOSES

ANALYSIS

Title.	
1. Short Title.	
2. Provisions of Maori Land Act 1931 to apply to Parts I and IV of this Act.	
PART I	
AMENDMENT OF LAWS	
3. Maori Land Court Judges to retire at age of sixty-eight years.	
4. Authorizing Maori Trustee to transfer £10,000 to Maori Hostels Fund.	
5. Authorizing additional Maori Trust Boards to accept certain securities.	
6. Section 8 of Maori Purposes Act 1943 amended.	
7. Revenue from land subject to Part I of Maori Land Amendment Act 1936 may be paid to owner who is also occupier without the consent of the Minister of Finance.	
8. Marriages in which a party is a Maori to be subject to general law.	
9. Extension of terms of certain leases. Repeal.	
	PART II
	EAST COAST MAORI TRUST LANDS
	10. This Part to be read together with and deemed part of Part IV of Maori Purposes Act 1931.
	11. Interpretation.
	12. Mangaotane Trust Estate and Compensation Fund Account Established.
	13. Adjustment of expenses.
	14. Trusts for Mangaotane Trust Estate and Compensation Fund.
	15. Applications to be made to determine owners.
	16. Jurisdiction of Court.
	17. Order for Mangaotane Trust Estate.
	18. Effect of order.
	19. Protection and payment of moneys in Compensation Fund.
	20. Provisions as to separate trust estates.
	21. Property not belonging to separate trust estates to be assets of General Reserve.
	22. Payment of costs.
	23. Disposition of moneys in General Reserve.
	24. Consequential amendments. Repeal.
	25. This Part to be settlement of all claims referred to in agreement.

26. Provisions of this Part to have effect notwithstanding judgments or decrees of Validation Court.

PART III

WEST COAST SETTLEMENT RESERVES

27. This Part to be read together with and deemed part of the West Coast Settlement Reserves Act 1892.

28. Maori Trustee may execute certificate of extension of leases.

29. Adjoining areas may be incorporated in existing lease.

30. Section 14 of West Coast Settlement Reserves Amendment Act 1948 amended.

PART IV

MISCELLANEOUS POWERS

Waikato-Maniapoto District

31. Authorizing Court to hear application for probate of will of Koneke Matetoto, deceased.

32. Vesting of certain land in the Crown and provision for compensation to Maori owners.

Waiariki District

33. Provisions as to administration of Mayor Island.

34. Authorizing Waiariki Maori Land Board to expend moneys in erection of landing at Little Awanui.

Aotea District

35. Authorizing repayment of sum to Aotea Maori Land Board.

36. Jurisdiction conferred on Court of Appeal in relation to ownership of bed of Wanganui River.

Ikaroa District

37. Payment of moneys from estate of Pukepuke Tangiora, deceased.

38. Authorizing Otaki and Porirua Trusts Board to make grants towards upkeep of Maori church at Otaki.

39. Palmerston North Maori Reserve.

40. Provisions as to land in Estate of Tio Tipene, deceased. Schedules.

A BILL INTITULED

Title.

AN ACT to amend the law relating to Maoris and Maori land, to confer jurisdiction upon the Maori Land Court, and for other purposes.

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

Short Title.

1. This Act may be cited as the Maori Purposes Act 1951.

Provisions of Maori Land Act 1931 to apply to Parts I and IV of this Act.

See Reprint of Statutes, Vol. VI, p. 103

2. Words and expressions used in Part I and Part IV of this Act shall, unless the contrary intention appears, have the same meaning as in the Maori Land Act 1931 (hereinafter in those Parts referred to as the principal Act), and the provisions of the principal Act, as far as applicable, shall extend and apply to the cases provided for by those Parts in as full and ample a manner as if those Parts had been incorporated with and formed part of the Principal Act.

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PART I

AMENDMENT OF LAWS

3. Section eight of the principal Act is hereby amended by adding the following as subsection two thereof:—
- “ (2) No person who has attained the age of sixty-eight years shall be appointed to or continue to hold the office of Judge or Commissioner.”
4. The Maori Trustee may, without further authority than this section, transfer the sum of ten thousand pounds from the Assurance and Reserve Fund referred to in section forty-nine of the Maori Trustee Act 1930 to the Maori Hostels Fund established by section seven of the Maori Purposes Act 1946.
5. Section one hundred and sixteen of the Maori Purposes Act 1931 is hereby amended by omitting the words “ or the Taranaki Trust Board, or any of them ”, and substituting the words “ the Taranaki Trust Board, the Ngaitahu Trust Board, the Tainui Maori Trust Board, the Whakatohea Trust Board, the Wairoa Maori Trust Board, or any of them, or the trustees appointed pursuant to section sixty-two of the Maori Purposes Act 1950.
6. Section eight of the Maori Purposes Act 1943 is hereby amended by inserting, after subsection eight, the following subsection:—
- “ (8A) Where, under subsection eight of this section, the Court dissolves any such trusts it may in the same or a subsequent order revest the land in the persons found by the Court to be the beneficial owners thereof.”
7. Section thirty-nine of the Maori Land Amendment Act 1936 is hereby amended by adding to subsection one the following proviso:—
- “ Provided that the consent of the Minister of Finance shall not be necessary where the person owning an interest in the land is also the occupier of the land.”
- Maori Land Court Judges to retire at age of sixty-eight years.
- Authorizing Maori Trustee to transfer £10,000 to Maori Hostels Fund.
- Reprint of Statutes, Vol. VI, p. 395 1946, No. 37
- Authorizing additional Maori Trust Boards to accept certain securities. 1931, No. 32
- 1950, No. 98
- Section 8 of Maori Purposes Act 1943 amended. 1943, No. 24
- Revenue from land subject to Part I of Maori Land Amendment Act 1936 may be paid to owner who is also occupier without the consent of the Minister of Finance.

Marriages in which a party is a Maori to be subject to general law.

See Reprint of Statutes, Vol. III, p. 826
Repeals.
1939, No. 28
1939, No. 39

1940, No. 25

1949, No. 46

8. (1) The principal Act is hereby amended by repealing section two hundred and thirty-one and substituting the following section:—

“ 231. Every marriage to which a Maori is a party shall be celebrated in the same manner, and its validity shall be determined by the same law, as if each of the parties was a European; and all the provisions of the Marriage Act 1908 shall apply accordingly.”

(2) Sections two hundred and thirty-two of the principal Act, section seven of the Maori Purposes Act 1939, and subsection three of section forty-one of the Statutes Amendment Act 1939 are hereby repealed.

(3) Subsection five of section one hundred and seventy-seven of the principal Act is hereby amended as follows:—

(a) By omitting the words “ whether before or after the commencement of this Act ”, and substituting the words “ before the first day of April, nineteen hundred and fifty-two ”:

(b) By adding the following proviso:—

“ Provided that no order shall be made under this section in favour of any Maori woman on the grounds that she was the wife according to Maori custom of the deceased if the deceased was married to any other woman by a marriage under the Marriage Act 1908 or under Part XI of this Act, and the marriage was subsisting at the date of his death.”

(4) Section three of the Maori Purposes Act 1940 is hereby amended by inserting in subsection one, after the words “ in accordance with Maori custom ”, the words “ which has been entered into before the first day of April, nineteen hundred and fifty-two ”.

(5) Subsection five of section nineteen of the Maori Purposes Act 1949 is hereby amended as follows:—

(a) By omitting the words “ whether before or after the commencement of this Act ”, and substituting the words “ before the first day of April, nineteen hundred and fifty-two ”:

(b) By adding the following proviso:—

“ Provided that no order shall be made under this section in favour of any Maori on the grounds that he was the husband according to Maori custom of the deceased if the deceased was married to any other man by a marriage under the Marriage Act 1908 or under Part XI of the principal Act, and the marriage was subsisting at the date of her death.”

(6) Except as expressly provided by the principal Act, no marriage according to Maori custom shall be considered valid for any purpose.

(7) This section shall come into force on the first day of April nineteen hundred and fifty-two.

9. (1) Section thirteen of the Maori Purposes Act 1948, as amended by section eight of the Maori Purposes Act 1950, is hereby further amended as follows:—

Extension of terms of certain leases. 1948, No. 69 1950, No. 98

(a) By omitting the words “ thirty-first day of December, nineteen hundred and fifty-one ” wherever they occur in subsections one, two, and three of the said section thirteen, and substituting in each case the words “ thirtieth day of June, nineteen hundred and fifty-three ”.

(b) By repealing subsection four, and substituting the following subsection:—

“(4) Notwithstanding anything contained in any lease the term of which is hereby extended, any valuation required to be made for the purpose of determining the value of the improvements for which the lessee is entitled to compensation shall be lawfully and validly made if it is made at any time between the thirty-first day of December, nineteen hundred and fifty-two, and the thirtieth day of June, nineteen hundred and fifty-three; and the period in which application to the Court for the appointment of a receiver is required to be made, in accordance with section two hundred and eighty-seven of the principal Act, for the purpose of enforcing any charge for improvements, shall not commence to run until the thirtieth day of June, nineteen hundred and fifty-three.”

(2) Section eight of the Maori Purposes Act 1950 is hereby amended by repealing subsection one.

Repeal.

PART II

EAST COAST MAORI TRUST LANDS

This Part to be read together with and to form part of Part IV of Maori Purposes Act 1931.

1931, No. 32

Interpretation.

1949, No. 46

Mangaotane Trust Estate and Compensation Fund Account Established.

10. This part of this Act shall be read together with and deemed part of Part IV of the Maori Purposes Act 1931.

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11. In this Part of this Act, unless the context otherwise requires—

“ The Agreement ” means the agreement, filed as of record in the Supreme Court Registry at Gisborne, signed on the fifth day of November, nineteen hundred and fifty-one by counsel for the parties appearing in the proceedings commenced in the Supreme Court by originating summons filed in the said Registry under Number M. 1659 in which proceedings the Commissioner was plaintiff and the Pakowhai Block Committee was defendant:

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“ Commissioner ” means the East Coast Commissioner appointed under Part IV of the Maori Purposes Act 1931.

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“ Compensation Fund ” means the moneys in the Compensation Fund Account established under this Part of this Act.

“ Council ” means the East Coast Maori Trust Council constituted under section twenty-eight of the Maori Purposes Act 1949.

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“ Court ” means the Maori Land Court.

“ Mangaotane Trust Estate ” means the Mangaotane Trust Estate established under this Part of this Act.

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12. (1) There is hereby established, as one of the separate trust estates administered by the Commissioner, a trust estate to be known as the Mangaotane Trust Estate.

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(2) The Mangaotane Trust Estate shall be deemed, for the purposes of this Part of this Act, to have been established on the tenth day of September, nineteen hundred and fifty-one.

(3) The assets of the Mangaotane Trust Estate shall be deemed to be the assets, comprising the freehold lands and all improvements thereon, the livestock on hand, and the plant, machinery, and furniture, as shown on the 5 thirtieth day of June, nineteen hundred and fifty-one, in the account known as the Mangatu 5 and 6 Account.

(4) As soon as practicable after the passing of this Act, the Commissioner shall—

10 (a) Transfer to an account established by him in respect of the Mangaotane Trust Estate, to be known as the Mangaotane Trust Estate Account, the assets referred to in subsection *three* of this section:

15 (b) Borrow, upon the security of the assets of the Mangaotane Trust Estate, or such of them as may reasonably be required as security therefor, the principal sum of eleven thousand five hundred and seventy pounds for such term and at such rate of interest and upon such conditions generally as shall be agreed upon 20 between the Commissioner and the lender:

(c) Establish in the books of account kept by him in accordance with Part IV of the Maori Pur- 1931, No. 32
poses Act 1931 relating to the property vested in him under that Part an account to be known as the Compensation Fund Account to which shall be transferred or paid—

30 (i) All moneys standing to the credit, on the thirtieth day of June, nineteen hundred and fifty-one, of the account established by the Commissioner known as the Special Reserve:

35 (ii) The sum of eleven thousand five hundred and seventy pounds borrowed in accordance with the provisions of paragraph (b) of this subsection:

40 (iii) So much of the moneys standing to the credit of the account established by the Commissioner known as the General Reserve as may be necessary to bring the amount in the Compensation Fund Account to the sum of fifty-nine thousand five hundred and five pounds.

(5) The value of the assets of the Mangaotane Trust Estate transferred pursuant to paragraph (a) of subsection *four* of this section shall, for the purposes of this Part of this Act, be deemed to be sixty-four thousand seven hundred and eight pounds.

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1947, No. 59

(6) The amount to be transferred to the Compensation Fund Account from the General Reserve pursuant to paragraph (c) of subsection *four* of this section may be transferred, without complying with the provisions of section *fifty* of the Maori Purposes Act 1947, in one sum or in several sums from time to time as may be required.

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See Reprint of Statutes, Vol. VI, p. 373

(7) Notwithstanding anything contained in section forty-seven of the Maori Trustee Act 1930, the Maori Trustee is hereby authorized and empowered to invest the sum of eleven thousand five hundred and seventy pounds upon the security referred to in paragraph (b) of subsection *four* of this section.

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Adjustment of expenses.

13. (1) The Mangaotane Trust Estate shall be liable, as from the thirtieth day of June, nineteen hundred and fifty-one, for the payment of all rates, taxes, and other outgoings and of usual working and running expenses in relation to the management, farming, and working of the land comprised in the estate.

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(2) The Mangaotane Trust Estate shall be entitled to the proceeds of all sales of stock or other produce made on or after the first day of July, nineteen hundred and fifty-one; but shall not be entitled to any wool or other produce shown as unrealized, as on the thirtieth day of June, nineteen hundred and fifty-one, in the account known as the Mangatu 5 and 6 Account or the proceeds thereof, nor to any moneys held in any Wool Retention Account in respect of wool clipped prior to the first day of July, nineteen hundred and fifty-one.

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Trusts for Mangaotane Trust Estate and Compensation Fund.

14. (1) The Commissioner shall hold the assets of the Mangaotane Trust Estate, subject to the charge created pursuant to paragraph (b) of subsection *four* of section *twelve* of this Act, in trust for the persons, to be determined in manner hereinafter provided, who would have been on the tenth day of September, nineteen hundred and fifty-one, the owners, according to Maori

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custom and usage, of the blocks of land referred to in the first column of Part I of the First Schedule to this Act if those blocks of land had continued to be Maori customary land and had not been sold, and in the shares
5 allocated to those persons in accordance with the provisions of section *seventeen* of this Act.

(2) The Commissioner shall hold the Compensation Fund in trust to pay the moneys therein to the persons, to be determined in manner hereinafter provided, who
10 would have been on the tenth day of September, nineteen hundred and fifty-one, the owners, according to Maori custom and usage, of the blocks of land referred to in the first column of Part II of the First Schedule to this Act if those blocks of land had continued to be Maori
15 customary land and had not been sold.

(3) The amount payable from the Compensation Fund to the persons who would have been the owners as aforesaid of each such block of land shall be the amount
20 set out in the second column of Part II of the First Schedule to this Act opposite the description of that block, and the relative share or interest of each of those persons in that amount shall be the relative share or interest of that person in the land of which he is determined to be an owner in accordance with the provisions
25 of this Act.

(4) The persons whose ownership as on the tenth day of September, nineteen hundred and fifty-one, of each block of land referred to in subsection *one* or subsection
30 *two* of this section is determined in accordance with this Part of this Act, are hereinafter in this Part, unless the context otherwise requires, referred to as the owners of that block of land.

15. (1) The Commissioner shall cause to be made, in respect of each block of land referred to in section
35 *fourteen* of this Act, an application to the Court to determine who are the persons who would have been the owners thereof as aforesaid, in accordance with Maori custom and usage, on the tenth day of September, nineteen hundred and fifty-one, and to determine what would
40 have been their relative shares or interests in the land.

(2) The duty of prosecuting any such application shall be upon the persons claiming to be interested as owners of the land to which the application relates.

Applications to be made to determine owners.

Jurisdiction
of Court.

See Reprint
of Statutes,
Vol. VI, p. 147

16. (1) In hearing and determining any such application the Court shall, subject to the provisions of this Part of this Act, proceed as nearly as may be as if it were exercising jurisdiction under Part IV of the Maori Land Act 1931, and as if the land to which the application relates were Maori customary land; and the provisions of that Part of that Act shall, as far as they are applicable, and with the necessary modifications, apply accordingly. 5

Provided that nothing in this section shall be deemed to authorize the Court to make a freehold order in respect of any land or any other order in derogation of the existing title to that land. 10

(2) In the exercise of the jurisdiction conferred by this section, the Court shall be bound by any former determination of the Court or the Maori Appellate Court so far as that determination relates to the ascertainment of the owners of the land mentioned in the application or to the ascertainment of the relative shares or interests of the owners in that land. 15 20

Order for
Mangaotane
Trust Estate.

See Reprint
of Statutes,
Vol. VI, p. 123

17. (1) When the orders made by the Court under section *sixteen* of this Act in respect of the blocks of land described in the first column of Part I of the First Schedule to this Act have all matured within the meaning of section 44 of the Maori Land Act 1931, the Court shall make an order in respect of the Mangaotane Trust Estate, setting forth the names of the persons who, in accordance with the Court's determination, are the owners of those lands and shall set out in the order the number of shares allocated to each such person in the Mangaotane Trust Estate in accordance with the provisions of subsection *two* of this section. 25 30

(2) The following provisions shall apply in respect of the allocation of shares in the Mangaotane Trust Estate:— 35

(a) The total number of shares to be allocated shall be fifty-three thousand one hundred and thirty-eight equal shares (representing the value of the assets referred to in subsection *three* of section *twelve* of this Act reduced by the amount of the moneys authorized by paragraph (b) of subsection *four* of that section to be borrowed and charged against those assets): 40

5 (b) The aggregate number of shares to be allocated to the owners of each block of land referred to in the first column of Part I of the First Schedule to this Act shall be the number of shares set out in the second column of that Part opposite the description of that block.

10 (c) The number of shares allocated to each such owner shall, subject to the provisions of paragraph (d) hereof, accord with his relative share or interest in the block of land of which he has, in accordance with the provisions of this Part of this Act, been determined to be a part owner.

15 (d) In allocating shares, the Court shall, so far as it is practicable so to do, adjust the shares in such a way as to avoid the allocation of a fractional part of a share to any person, and so that the aggregate shares awarded shall be fifty-three thousand one hundred and thirty-eight equal shares.

20 (3) No appeal shall lie to the Maori Appellate Court from the order made by the Court under this section.

25 18. (1) The order made by the Court under section *seventeen* of this Act shall, without any other instrument of assurance, constitute the equitable title to the Mangaotane Trust Estate, and the land included therein, and that land shall, on the date of the order, be deemed to have become Maori freehold land within the meaning of the Maori Land Act 1931, subject to the legal title of the Commissioner and to the provisions of any enactment affecting the land.

Effect of order.

30 (2) When the order has been made as aforesaid, the District Land Registrar shall, on the request of the Commissioner, and without the payment of any fee, endorse on the certificates of title relating to the land comprised in the Mangaotane Trust Estate, a memorial that the land described in the certificate of title is Maori freehold land.

40 19. (1) The moneys in the Compensation Fund shall, while they are in the hands of the Commissioner, be subject in all respects to the provisions of section five hundred and fifty of the Maori Land Act 1931 as if they

See Reprint of Statutes, Vol. VI, p. 103

Protection and payment of moneys in Compensation Fund.

Ibid., p. 346

were the proceeds of the alienation of Maori freehold land, and the Court shall have and may exercise in respect of the share of any person in those moneys the same jurisdiction as is conferred upon it in respect of the interest of a Maori in Maori freehold land. 5

(2) If for any reason the Commissioner is unable to pay to any person the moneys to which that person is entitled from the Compensation Fund, the Commissioner may, with the consent of the Maori Trustee, pay the moneys to the Maori Trustee who is hereby authorized to receive the said moneys and to give a good discharge therefor. 10

(3) The Maori Trustee shall hold any moneys so paid to him in trust for the person entitled thereto, and the provisions of subsection *one* of this section shall, with the necessary modifications, apply to any moneys so held. 15

(4) No interest shall be payable to any claimant or to any person found to be entitled thereto in respect of the moneys in the Compensation Fund.

Provisions as
to separate
trust estates.

20. (1) With respect to the several trust estates vested in the Commissioner the following provisions shall apply:— 20

- (a) The several separate trust estates vested in the Commissioner are hereby declared to be those estates which are referred to in Part III of the First Schedule to this Act: 25
- (b) All the real and personal property which, on the commencement of this Act, is vested in the Commissioner (other than the office premises of the Commissioner and any other common property), shall be held by the Commissioner on behalf of the several separate trust estates according as that property is, on the commencement of this Act, so recorded in the books and accounts of the Commissioner and as it will be so recorded, in accordance with the provisions of this Part of this Act, in relation to the Mangaotane Trust Estate: 30 35
- (c) All livestock which, on the commencement of this Act, is depastured on the land comprised in any separate trust estate and charged 40

thereto in the books and accounts of the Commissioner, and all plant, machinery, and furniture on and charged in manner aforesaid to the separate trust estate shall be and shall at

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all times be deemed to be held by the Commissioner on behalf of that separate trust estate, subject, in respect of the Mangaotane Trust Estate, to the provisions of this Part of this Act.

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(d) All land or interests in land acquired by the Commissioner (other than the land comprised in the site of the office premises of the Commissioner) shall be, and shall be deemed as from the date of the acquisition thereof to have

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been, held by the Commissioner on behalf of the separate trust estate to which the costs of acquisition have been charged and shall be deemed to be a part of that separate trust estate.

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(2) Nothing in subsection *one* of this section shall be so construed as to prevent the Commissioner from making any entry in his books and accounts for the purpose of remedying any mistake, error, or omission therein.

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21. The Commissioner shall hold all the real and personal property vested in him, other than the real or personal property which, in accordance with the provisions of section *twenty* of this Act, is held by the Commissioner on behalf of the several separate trust estates

Property not belonging to separate trust estates to be assets of General Reserve.

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as assets of the account established by the Commissioner and known as the General Reserve, and the proceeds of the realization of any such property so held by the Commissioner, after the deduction therefrom of the costs of any such realization, shall be added to and form part

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of the moneys in the General Reserve.

22. (1) From the moneys lying to the credit of the General Reserve after the moneys required by section *twelve* of this Act to be transferred to the Compensation Fund have been so transferred, there shall be paid the costs, charges, and expenses of all parties appearing in the proceedings in respect of which the agreement was

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Payment of costs.

entered into and the costs, charges, and expenses of all parties incurred in effecting the settlement which is witnessed by the agreement and in doing all things in relation to the settlement and the agreement up till the commencement of this Act: 5

Provided that, if no moneys remain in the General Reserve, or if the moneys so remaining are insufficient for the said purposes, the Commissioner shall pay the whole or the remaining portion of the costs, charges, and expenses from his general account as administration 10 costs.

(2) Any sum paid by the Commissioner from his general account pursuant to the provisions of subsection *one* of this section, or any part of any such sum, may be charged to such other account or accounts of any trust estate or trust estates under his administration as the Commissioner, with the approval of the Council, shall decide. 15

Disposition of moneys in General Reserve.

23. Subject to the provisions of this part of this Act, the moneys in the General Reserve may from time to time be disposed of by transfer to the accounts of such of the separate trust estates (other than the Mangaotane Trust Estate) as the Commissioner, with the approval of the Council, shall decide; or the Commissioner, may, with the like approval, apply any such moneys or any part or parts of any such moneys in the discharge or writing off, whether wholly or in part, of any loss or losses on any undertaking and of any debt or debts to the Commissioner which in his opinion should not be charged, wholly or in part, to one or more of the several separate trust estates, and may dispose of the balance of any such moneys by transfer as aforesaid. 20 25 30

Consequential amendments. 1947 No. 59 Repeal.

24. (1) Section fifty of the Maori Purposes Act 1947 is hereby amended as follows:—

(a) By repealing subsections two and three: 35

(b) By omitting from subsection four the words “ when dealing with an application under this section ”.

(2) This section shall be deemed to have come into force on the thirtieth day of June, nineteen hundred and fifty-one. 40

25. (1) The provisions of this Part of this Act shall be deemed to be a full and final settlement and discharge of all claims, rights, and liabilities referred to in paragraph twenty-one of the agreement and, except as provided by this Part of this Act, no action or other proceeding shall be commenced in any Court, in relation to any of those claims, rights, and liabilities.

This Part to be settlement of all claims referred to in agreement.

(2) The agreement shall be deemed to have been made by and with the authority of the persons who, or whose rights, are thereby affected, and the agreement shall, subject to the provisions of this Part of this Act, be binding on all such persons and shall have effect as if the same were an order of the Supreme Court.

26. The provisions of this Part of this Act shall have effect notwithstanding any judgment, order, or decree of the Validation Court.

Provisions of this Part to have effect notwithstanding judgments or decrees of Validation Court.

PART III

WEST COAST SETTLEMENT RESERVES

27. This Part of this Act shall be read together with and deemed part of the West Coast Settlement Reserves Act 1892.

This Part to be read together with and deemed part of the West Coast Settlement Reserves Act 1892.

1892, No. 22

28. (1) Where a lessee becomes entitled, in accordance with the provisions of the West Coast Settlement Reserves Amendment Act 1948, to a substituted or a renewal lease, the Maori Trustee may, in his discretion, and notwithstanding anything contained in the principal Act, instead of issuing a substituted or a renewal lease, as the case may be, execute, in the form prescribed in the Second Schedule to this Act, a memorandum of extension of the appropriate existing lease. The provisions of section four of the Land Transfer Amendment Act 1939, shall, with the necessary modifications, extend and apply to any such memorandum of extension executed by the Maori Trustee.

Maori Trustee may execute certificate of extension of leases.

1948, No. 75

(2) For the purposes of subsection one of this section, any lease which is deemed to have been cancelled under the West Coast Settlement Reserves Amendment Act 1948 and any renewable lease which may have

1939, No. 7

expired before a memorandum of extension in respect thereof is executed by the Maori Trustee, shall be deemed to be an existing lease.

(3) The fee payable to the Maori Trustee for any certificate executed by him in accordance with the provisions of this section shall be one pound one shilling, and that fee shall be payable by the lessee: Provided that, in the case of a lease which is deemed to have been cancelled under the West Coast Settlement Reserves Amendment Act 1948, half of the said fee shall be payable by the lessee.

Adjoining areas may be incorporated in existing lease.

29. (1) Where with respect to any area vested in the Maori Trustee and adjoining any Reserve or part thereof, the Maori Trustee and the lessee of that Reserve or part thereof have agreed that the area aforesaid should be incorporated in the lease, the Maori Trustee may execute a certificate setting forth such particulars of the area of the land to be incorporated in the lease, the increase in rent, and other particulars appropriate to the circumstances and shall endorse thereon a plan of the area to be incorporated in the lease.

1947, No. 60

(2) Any such certificate shall have effect as if it were a memorandum of variation under section four of the Land Transfer Amendment Act 1939, as amended by section thirty-six of the Statutes Amendment Act 1947, and the provisions of the said section four shall, with the necessary modifications, extend and apply to any such certificate accordingly.

Section 14 of West Coast Settlement Amendment Act 1948 amended.

30. Section fourteen of the West Coast Settlement Reserves Amendment Act 1948 is hereby amended by omitting from subsection four the words " subsection one ", and substituting the words " subsection two ".

PART IV

MISCELLANEOUS POWERS

Waikato-Maniapoto District

Authorizing Court to hear application for probate of will of Koneke Matetoto, deceased.

31. Notwithstanding anything contained in section one hundred and seventy-five of the principal Act, the Court is hereby empowered, upon application in that behalf being made to it not later than six months after the passing of this Act, to hear and determine an application for a grant of probate of the will of Koneke Matetoto, late of Arapae.

32. Whereas the land described in subsection *five* of this section is entirely surrounded by land which has been in European ownership since eighteen hundred and eighty-two: And whereas it appears that the said
 5 land was intended to form part of an adjacent piece of land, the Maori ownership of which was investigated by the Court in eighteen hundred and seventy-two, but was omitted from the plan of the said adjacent piece of land: And whereas the said land has for many years past been
 10 deemed to be part of the said adjacent piece of land which is now being subdivided: And whereas it is desirable that the land described in subsection *five* of this section (which is customary land) should be included in the scheme of subdivision: And whereas by virtue of
 15 section one hundred and seventeen of the principal Act no person is capable of alienating customary land: Be it therefore enacted as follows:—

(1) The land described in subsection *five* of this section shall, as from the passing of this Act, be deemed
 20 to be vested in His Majesty the King freed and discharged from any Maori title thereto.

(2) The persons beneficially entitled to the said land according to Maori custom shall be entitled to compensation in respect of the vesting in all respects as if the
 25 land had been taken for a public work under the Public Works Act 1928.

(3) The Minister of Lands shall, within six months after the passing of this Act, cause application to be made to the Court for the purpose of ascertaining the
 30 amount of compensation that should be paid in respect of the vesting of the said land and of ascertaining who are the persons entitled to be paid any such compensation, and the Court, after hearing such evidence as may be produced before it or as may be thought
 35 necessary, may make such order or orders as it thinks fit. In any order made under this section the Court may order that any compensation found to be payable shall be paid to the Maori Trustee on behalf of the persons entitled thereto or may direct that any such compensation
 40 shall be distributed among the persons entitled thereto or applied for any special purpose or purposes for their use or benefit.

Vesting of certain land in the Crown and provision for compensation to Maori owners.

See Reprint of Statutes, Vol. VII, p. 622

(4) For the purposes of this section the Court may exercise any additional powers or authority conferred upon it by Part IV of the Public Works Act 1928.

See Reprint
of Statutes,
Vol. VII, p. 664

(5) The land to which this section relates is particularly described as follows:—

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All that area in the Coromandel County situated in Block VI, Whitianga Survey District, containing by admeasurement three acres and fifteen perches, more or less, being customary land adjoining Paturau, Whenuakite Number 2, and Te Puia Blocks as shown on Maori Land Plan numbered 16840, lodged in the office of the Chief Surveyor at Auckland: as the same is more particularly delineated on the plan marked M.A. 5/5/83, deposited in the Head Office of the Department of Maori Affairs, at Wellington, and thereon edged red.

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Waiariki District

Provisions as to
administration
of Mayor
Island.

33. Whereas the land known as Mayor Island or Tuhua, situated in the Bay of Plenty, is Maori land, and certain undivided interests in the land have been acquired by His Majesty the King: And whereas it is desirable that provision should be made for the proper control of the said land: And whereas the Maori Land Court, on the tenth day of November, nineteen hundred and forty-nine, made an order pursuant to section eight of the Maori Purposes Act 1943 vesting the said land in certain trustees upon the trusts declared by the Court pursuant to the said order: And whereas doubts have been raised as to the validity of certain provisions of the said order: Be it therefore enacted as follows:—

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1943, No. 24

(1) Notwithstanding anything in section eight of the Maori Purposes Act 1943, or in any other enactment, the order made by the Maori Land Court pursuant to the said section on the tenth day of November, nineteen hundred and forty-nine, affecting the land known as Mayor Island or Tuhua, situated in the Bay of Plenty, is hereby validated and shall be as valid and effectual for all purposes as if the Court had had full power and jurisdiction to make the said order.

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(2) Any instrument required to be executed in writing by the trustees appointed pursuant to the said order shall be deemed to be validly executed if the said instrument is signed by four of the said trustees and the secretary to the trustees.

(3) The District Land Registrar for the land Registration District of Auckland is hereby authorized and directed to make all such entries in the register as may be necessary to give effect to this section.

10 **34.** (1) The Waiariki District Maori Land Board is hereby empowered, with the prior consent of the Board of Maori Affairs, to expend from its funds such sum or sums as may be required to erect and to operate at Little Awanui in the Bay of Plenty adequate facilities for the loading and unloading of goods and merchandise carried by sea and for that purpose may, subject to the provisions of the Harbours Act 1950, use and occupy such part of the foreshore and of any tidal land or tidal water as may be necessary for the construction and use of any such facilities.

Authorizing
Waiariki
Maori Land
Board to
expend moneys
in erection of
landing at
Little Awanui.

1950, No. 34

20 (2) The said Board may enter into any contracts with any person, including the Crown, or any local authority, for the installation of any such facilities, or for supplying materials therefor, or for the purchase or construction of machinery or appliances to be used in connection therewith and may enter into any other contracts necessary for carrying out the purposes of this section.

25 (3) The Board may from time to time employ such officers or servants as may be necessary to carry out the purposes of this section and may pay to any such persons such remuneration as it thinks fit.

Aotea District

35 **35.** Whereas by section fourteen of the Maori Purposes Act 1935 it is provided that in consideration of the payment by the Aotea District Maori Land Board (in this section referred to as the Board) on behalf of the Maori owners of certain land to the Egmont Box Company Limited (in this section referred to as the company) of a sum to be approved in that behalf by the Minister of Maori Affairs, certain claims against the

Authorizing
repayment of
sum to Aotea
Maori Land
Board.

1935, No. 39

Board and the Maori owners should be discharged: And whereas it is further provided by the said section that the moneys paid by the Board as aforesaid shall be deemed to be a loan from the Board to the Maori owners and shall constitute a charge on certain lands referred to in the said section: And whereas the amount paid by the Board pursuant to the said section was twenty-three thousand pounds and a charge for that amount was created: And whereas a Royal Commission has recommended that the charge should not have been for more than twenty thousand pounds: And whereas it is desirable that the excess amount paid should be refunded to the Board: Be it therefore enacted as follows:—

(1) There shall be paid out of the Consolidated Fund to the Board, without further appropriation than this section, the sum of the following amounts, that is to say:—

(a) The sum of three thousand five hundred pounds together with interest on that sum from the twenty-fifth day of June, nineteen hundred and thirty-five, to the date of payment, calculated at the rate of three pounds per cent per annum:

(b) The sum of seven hundred and fifty pounds in respect of costs incurred by the Board in defending certain legal action brought against it in respect of the settlement with the company, together with interest on that sum from the date of payment of the said costs to the date of payment to the Board of the said sum of seven hundred and fifty pounds, calculated at the rate of three pounds per cent per annum:

(c) The sum of one hundred and fifty pounds in respect of legal costs incurred by the Maori owners in prosecuting their claims in connection with the said settlement with the company.

(2) The sum referred to in paragraph (c) of subsection *one* of this section shall be disbursed by the Board in accordance with the directions of the Minister of Maori Affairs.

(3) The sum referred to in paragraph (b) of subsection two of section fourteen of the Maori Purposes Act 1935 as the loan moneys shall be deemed to be reduced by the sum of three thousand five hundred 5 pounds, and the charge referred to in that section shall be deemed to be reduced by that amount.

(4) Section fourteen of the Maori Purposes Act 1935 shall hereafter be read subject to the provisions of this section.

10 36. (1) There is hereby conferred upon the Court of Appeal jurisdiction to determine the following questions:—

Jurisdiction conferred on Court of Appeal in relation to ownership of bed of Wanganui River.

15 (a) Whether immediately prior to the passing of section fourteen of the Coal Mines Act Amendment Act 1903, the soil of the bed of the Wanganui River between the tidal limit at Raorikia and the junction of the Wanganui and Whakapapa Rivers above Taumarunui was held by Maoris under their customs and 20 usages, or what (if any) other rights in the said river bed were then possessed by Maoris;

25 (b) To what Maori or Maoris, hapu, tribe, or other group or classes of Maoris (if any) did the said river bed or the said rights then belong.

(2) For the purposes of and in order to assist in any determination under this section the proceedings in an action brought in the Supreme Court at Wellington by His Majesty the King on the twenty-seventh day of January, nineteen hundred and forty-eight, against 30 David Gordon Bruce Morison of Wellington, Chief Judge of the Maori Land Court, and one Titi Tihu of Taumarunui, a Maori, shall be deemed, as from the date of the passing of this Act, to have been removed into the Court of Appeal as if no judgment had been given 35 and so that the evidence adduced before the Supreme Court in that action may be available for the determination of the questions referred to in subsection one of this section in the same manner as if the said section fourteen of the Coal Mines Act Amendment Act 1903 40 had not been passed.

(3) The Court of Appeal may receive in evidence in the proceedings before it under this section the record of the evidence in the Maori Land Court upon an application made on or about the twenty-fourth day of February, nineteen hundred and thirty-eight, by the said Titi Tihu on behalf of himself and others for an investigation of the title to a certain part of the Wanganui River and its bed, alleging the same to be Maori customary land. 5

(4) The Court of Appeal may also receive in evidence in the said proceedings the record of the evidence given before the Royal Commission appointed on the twenty-fifth day of January nineteen hundred and fifty, to inquire into and report upon claims made by certain Maoris in respect of the Wanganui River. 10 15

(5) The Court of Appeal may also receive in the said proceedings such further evidence as it shall think fit and for that purpose may make such orders as may seem to it to be desirable for the taking of any such evidence, either orally before itself, or before any Registrar of the Supreme Court, or by affidavit. 20

(6) The Court of Appeal may make such orders regarding the procedure in the said proceedings as it shall think to be calculated to assist it in the determination of the matters referred to in subsection *one* of this section. 25

(7) Any party to any proceedings under this section shall have a right of appeal to His Majesty in Council from the judgment of the Court of Appeal in the said proceedings upon compliance with the rules governing appeals from the Court of Appeal to His Majesty in Council. 30

Ikaroa District

Payment of moneys from estate of Pukepuke Tangiora, deceased.

1943, No. 24
1946, No. 37
1948, No. 69

37. In addition to the powers conferred upon them by section seventeen of the Maori Purposes Act 1943, section sixteen of the Maori Purposes Act 1946, and section nineteen of the Maori Purposes Act 1948, the trustees in the estate of Pukepuke Tangiora, deceased, notwithstanding any of the provisions in the said enactments or in the will of the said deceased, may, to the extent of that person's interest in the fund referred to in the said will as the accumulated fund, expend, on 40

behalf of any person presumptively entitled to a share of the said accumulated fund, any moneys in the fund or the income arising from the investment thereof for all or any of the following purposes, that is to say:—

- 5 (a) The purchase of furnishings, equipment, chattels, or effects for use in his or her home:
- (b) The provision of necessary clothing and other apparel, school books, and utensils and the payment of school fees, charges for board and lodging, and all other charges incidental to the education of his or her children:
- 10 (c) The payment of a sum not exceeding six hundred pounds for the purchase of furniture, furnishings, equipment, chattels, or effects for use in the home of Peti Mohi, the widow of Te Akonga Mohi:
- 15 (d) For any purpose not hereinbefore provided and approved in that behalf by the Minister of Maori Affairs on the recommendation of the Court.
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25 **38.** Notwithstanding anything in the Otaki and Porirua Trusts Act 1943, the Otaki and Porirua Trusts Board is hereby authorized and empowered to make, from time to time, such grants as it thinks fit towards the upkeep and preservation of the Maori church building known as “Rangiataea”, situated in the Borough of Otaki.

Authorizing Otaki and Porirua Trusts Board to make grants towards upkeep of Maori church at Otaki. 1943 (Private), No. 4

30 **39.** (1) Notwithstanding anything contained in section fifteen of the Maori Purposes Act 1946 (in this section referred to as the said section) the Governor-General may by Order in Council, appoint a Commission (in this section referred to as the Commission) consisting of a former Judge of the Supreme Court or a barrister or solicitor of not less than seven years' standing of the Supreme Court to hear and determine claims made upon the grounds set forth in subsection *three* of this section in respect of the land described in subsection *eleven* of the said section (in this section referred to as the said land).

Palmerston North Maori Reserve. 1946, No. 37

40 (2) The Commission shall within the scope of his jurisdiction be deemed to be a Commission of Inquiry under the Commission of Inquiry Act 1908 and, subject to the provisions of this section, all the provisions of that Act shall apply accordingly.

See Reprint of Statutes, Vol. I, p. 1036

(3) The Commission shall have jurisdiction to hear and determine any claim that any person whose name was included in a certain list affecting the said land, published in the *Kahiti* on the thirty-first day of January, eighteen hundred and seventy-six, at page 7, was omitted by mistake from the list of beneficial owners of the said land set forth in a declaration of trust executed by the Public Trustee in respect of the said land on the twenty-fourth day of October, eighteen hundred and eighty-seven. 5
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(4) Every claim made under this section shall be filed in the office of the Maori Land Court at Wellington within six months after the passing of this Act and a duplicate copy thereof shall be forwarded within the like time to the Maori Trustee who shall notify all persons likely to be affected by the claim. 15

(5) If upon hearing any such claim it is reasonably established, in the opinion of the Commission, that the name of any person was probably omitted as aforesaid through mistake, the Commission may make an order including the name of that person in the list of beneficial owners hereinbefore referred to, notwithstanding anything contained in the said section, and the Commission shall have power in the order to adjust the shares of the beneficial owners of the said land in such manner as he thinks fit to give effect to his decision. 20
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(6) Notwithstanding anything contained in the said section any person whose name is so included shall be deemed for all purposes to have been one of the beneficial owners of the said land and the Maori Land Court shall have power to make succession orders to the interests of any such person. 30

(7) Any moneys coming into the hands of the Maori Trustee in respect of the said land before the date of any order made under subsection *five* of this section shall be distributed according to the shares of the beneficial owners as existing immediately prior to the date of the making of the order. Any moneys coming into the hands of the Maori Trustee on or after the date of the making of the order shall be distributed according to the shares of the beneficial owners as set out in the order. 35
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(8) In hearing any claim under this section the Commission shall have power to admit any evidence oral or documentary which in the opinion of the Commission may assist the Commission, whether the same would, 5 apart from this section, be legal evidence or not.

(9) The Commission may make such order or orders as it thinks proper as to the payment of the costs of any proceedings under this section or in respect of matters incidental or preliminary thereto, by or to any person 10 who is a party to the proceedings.

(10) In any proceedings under this section the Maori Trustee shall represent the persons entitled on the passing of this Act, in accordance with the provisions of the said section, to the beneficial ownership of the said 15 land, but not to the exclusion of any such person who desires to be separately represented. Any costs or expenses incurred by the Maori Trustee in, or incidental to, or preliminary to any such proceedings may be paid out of revenues received by him from the said land.

20 (11) Section fifteen of the Maori Purposes Act 1946 shall hereafter be read subject to the provisions of this section.

(12) Section eighteen of the Maori Purposes Act 1948 is hereby repealed. Repeal. 1948, No. 69

25 (13) Any order made by the Commission under this section shall be final and binding on all persons affected thereby and no appeal shall lie from any such order.

30 40. Whereas the land known as Hutt 19, subsection 21G, was formerly owned by Teo Tipene: And whereas, subsequent to the death of the said Teo Tipene, four persons, including one Tutua Te One, were appointed successors in respect of the said land: And whereas Richard Te One, a son of the said Tutua Te One, with the consent of the owners, erected a dwelling on the 35 said land: And whereas the succession orders appointing Tutua Te One and others as successors to the said Teo Tipene were later cancelled and Robert Victor Tipene was appointed sole successor to the interests of the said Teo Tipene: And whereas the said land was 40 acquired by the Crown for housing purposes and compensation was paid to the said Robert Victor Tipene for the dwelling erected on the said land by the said

Provisions as to land in estate of Teo Tipene, deceased.

Richard Te One: And whereas Mary Te One, widow of the said Richard Te One, by petition to the House of Representatives numbered 38 of 1945, prayed on behalf of her daughter Makere Te One that legislation be enacted empowering the Court to investigate and establish the ownership of the said dwelling: And whereas the said petition was referred to the Court for inquiry and report and the Court has now reported that a sum of four hundred and twenty-one pounds had been paid to the said Robert Victor Tipene for improvements which did not in equity belong to him: Be it therefore enacted as follows:—

(1) Upon application being made to it in that behalf within six months after the passing of this Act, the Court may make an order imposing a charge upon any interest or interests, whether legal or equitable, of Robert Victor Tipene in land acquired by him as successor to Teo Tipene deceased or the revenues derived from any such interests, to secure payment of the sum of four hundred and twenty-one pounds to Makere Te One, the child of Richard Te One deceased.

(2) Any charge imposed by the Court under this section shall be enforceable under the provisions of section forty-two of the principal Act as if the charge had been imposed under the provisions of the principal Act.

FIRST SCHEDULE

PART I

EAST COAST MAORI TRUST LANDS

Section 14 (1) Blocks of Land for Whose Owners the Commissioner Holds the Mangaotane Trust Estate

Column I. Description of Block.	Column II. Number of Shares.
Mangatu 5 and 6	26,487
Motu No. 1	1,703
Okahuatiu No. 2	21,287
Whataupoko A	72
Whataupoko D (parts)	312
Whataupoko E	299
Whataupoko F	140
Whataupoko G (parts)	2,838
	<u>53,138</u>

FIRST SCHEDULE—continued

PART II

Blocks of Land for Whose Owners the Commissioner Holds the Section 14 (2)
Compensation Fund

Column I.	Column II. Amount. £
Description of Block.	
Mangaokura No. 1	2,595
Mangawaru No. 2	2,495
Mangawaru No. 3	3,430
Maraetaha No. 2, Section 4	9,604
Matawhero No. 1	1,815
Matawhero B or No. 5	294
Moutere No. 2, Sub. 1	264
Pakowhai	16,302
Paremata	14,627
Tawapata North No. 1A	2,187
Tawapata North No. 2, Sub. 1	2,375
Whangawehi No. 1A	305
Whangawehi No. 1B and 1c	3,212
	<u>£59,505</u>

PART III

Separate Trust Estates Vested in Commissioner

Section 20

Mangaheia No. 2D.	Paremata No. 4.
Mangaotane.	Paremata No. 48.
Mangapoike A.	Paremata 64.
Mangapoike No. 2A 3.	Paremata Nos. 73 and 73A.
Mangapoike B.	Tahora No. 2c 1 Section 3.
Mangapoike No. 2B.	Tahora No. 2c 2 Section 2.
Mangapoike No. 2D.	Tahora No. 2c 3 Section 2.
Mangapoike No. 2E.	Tahora No. 2F 2.
Maraetaha No. 1D.	Tahora No. 2G 2.
Maraetaha No. 2, Sections 3 and 6.	Tawapata South No. 1.
Maraetaha No. 2, Section 4.	Te Kuri and Tangotete.
Pakowhai.	Whaitiri No. 2.
Paremata No. 3.	

SECOND SCHEDULE

FORM

Memorandum of Extension of Lease Under the West Coast Section 28
Reserves Act 1892

THE term of the lease registered as Register book No. _____
folio _____ Registry, is hereby extended for a period of 21
years from and including the _____ day of _____ 19____, at an
annual rent of _____.

Dated this _____ day of _____ 19____.