

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]

House of Representatives, 4 December 1951

Words struck out by Maori Affairs Committee are shown in italics within bold brackets; words inserted are shown in black or in roman with rule down side.

Hon. Mr. Corbett

MAORI PURPOSES

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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.

PART I

AMENDMENT OF LAWS

3. (1) Section eight of the principal Act is hereby amended by adding the following as subsection two thereof:—

Maori Land Court Judges to retire at age of sixty-eight years.

“(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.”

New

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

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.

Authorizing Maori Trustee to transfer £10,000 to Maori Hostels Fund.
Reprint of Statutes, Vol. VI, p. 395
1946, No. 37

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.”

Authorizing additional Maori Trust Boards to accept certain securities.
1931, No. 32

1950, No. 98

6. Section eight of the Maori Purposes Act 1943 is hereby amended by inserting, after subsection eight, the following subsection:—

Section 8 of Maori Purposes Act 1943 amended.

30 | “ (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.”

1943, No. 24

35 | 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.”

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 and two hundred and thirty-three 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] three, and five 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

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

5

Interpretation.

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 10 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 15 proceedings the Commissioner was plaintiff and the Pakowhai Block Committee was defendant:

“ Commissioner ” means the East Coast Commissioner appointed under Part IV of the 20 Maori Purposes Act 1931:

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

1949, No. 46

“ Council ” means the East Coast Maori Trust 25 Council constituted under section twenty-eight of the Maori Purposes Act 1949:

“ Court ” means the Maori Land Court:

“ Mangaotane Trust Estate ” means the Mangaotane Trust Estate established under this Part 30 of this Act.

Mangaotane Trust Estate and Compensation Fund Account Established.

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
15 *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 there-
20 for, the principal sum of eleven thousand five hundred and seventy pounds for such term and at such rate of interest and upon such con-
25 ditions generally as shall be agreed upon 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-
25 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. 5

(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. 10

1947, No. 59

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. 15

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. 20

(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. 25 30

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 35 40

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 Part 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.

Applications to be made to determine owners.

(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.

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.

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

35 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

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 10 to receive the said moneys and to give a good discharge therefor.

(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 20 vested in the Commissioner the following provisions shall apply:—

(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 25 the First Schedule to this Act:

(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 pro- 30 perty), 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 35 be so recorded, in accordance with the provisions of this Part of this Act, in relation to the Mangaotane Trust Estate:

(c) All livestock which, on the commencement of this Act, is depastured on the land comprised 40 in any separate trust estate and charged 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 all times be deemed **[to be] to have been** held by the Commissioner on behalf of that separate trust estate, subject, in respect of the Mangao-tane Trust Estate, to the provisions of this Part of this Act:

(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 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.

(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.

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, 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 of the moneys in the General Reserve.

Property not belonging to separate trust estates to be assets of 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 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:

Payment of costs.

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 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. 5 10

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. 15 20

Consequential amendments. 1947 No. 59 Repeal.

24. (1) Section fifty of the Maori Purposes Act 1947 is hereby amended as follows:— 25

(a) By repealing subsections two and three:

(b) By omitting from subsection four the words “ when dealing with an application under this section ”. 30

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

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

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. 35 40

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

1939, No. 7

(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.

1939, No. 7

1947, No. 60

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

(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.

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. (1) 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.

New

(2) In the event of the Court granting probate of the said will the Court may recall and cancel any orders previously made in respect of the real or personal estate of the said Koneke Matetoto and may make such other order or orders as may, in the opinion of the Court, be necessary to provide for reasonable compensation to any person previously appointed a successor to the said Koneke Matetoto who has expended money in reduction of principal or interest due under any mortgage or charge of lands described in the said will.

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:—

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

(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.

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

(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.

(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, Whenua-kite 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.

15

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:—

20

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
5 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
15 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,
20 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

(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
25 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.

(3) The Board may from time to time employ such
30 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
40 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 **five hundred** 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 a 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 usages, or what (if any) other rights in the 20 said river bed were then possessed by Maoris;

(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.

25 (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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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 “ Rangiatea ”, 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

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.

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

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

(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. 25

40. Whereas the land known as Hutt 19, subsection 21c, 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
Okahuatui 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 (#) 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 No. 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 Settlement Reserves Act 1892 Section 28

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 .