

MAORI PURPOSES BILL

EXPLANATORY NOTE

PART I

Amendment of Laws

Clause 3: Repeal of provisions of principal Act as to limitation of amount of land to be held by individuals. This section repeals Part XII of the Maori Land Act 1931 and authorizes District Land Registrars to cancel memorials entered pursuant to the Part. Part XII restricts the alienation of Maori land so as to prevent any alienation by which the alienee would become the holder of more than a prescribed amount of land, and similarly restricts the further alienation of all European land which ceased to be Maori land since 1910, and all Maori land alienated in any way since 1913. Part XII corresponds to a similar provision in respect to the alienation of Crown land contained in the Land Act 1924, but omitted from the consolidated Land Act in 1948. The Land Settlement Promotion Act 1952 makes other and more general provisions against undue aggregation, and in particular requires the Maori Land Court to consider this point when confirming any alienation of Maori land. The need thus disappears for Part XII, the sole effect of which would be to impose an inconvenient restriction on the title to a good deal of land.

Clause 4: Authorizing Maori Trustee to transfer £5,000 to Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Board.—This clause is to give effect to a resolution of Maori discharged servicemen that £5,000 from the profits of Hereheretau Station, an asset of the Maori Soldiers' Fund, be used to bring the Ngarimu Scholarship Fund up to the £25,000 aimed at when it was started. This will enable the Ngarimu Scholarship Fund to qualify for a promised Government subsidy.

Clause 5: Maori Trustee not required to furnish statement of accounts of Maori reserves with balance sheet.—Section 12 of the Maori Reserves Act 1882, as amended by section 48 of the Maori Trustee Act 1930, required the Public Trustee (later the Maori Trustee) to submit to the Minister each year a statement showing the financial position of each Maori reserve under his control. This return, which entails a great deal of work, has been prepared regularly, but has not been published for many years, probably because it contains no information of importance that cannot be obtained elsewhere. As modern accounts are kept in greater detail than is required for this statement it serves no useful purpose. The Controller and Auditor-General has agreed. This clause dispenses with the need for preparing the statement.

Clause 6: Extension of terms of certain leases.—In view of the fact that negotiations in respect of the future administration of the Maori vested lands have not yet been completed, it will be necessary to preserve the occupancy of the lessees until the future of the leases is determined by legislation. This clause provides for the extension, until the end of 1953, of leases which would otherwise expire before then.

PART II

MISCELLANEOUS POWERS

Waikato-Maniapoto District

Clause 7: Provision as to establishment of Maori community hall in Pukekohe.—Because of the poor social amenities available to the Pukekohe Maoris, a move is being made to provide them with a Maori community hall. The Maoris themselves have raised some funds and the Education Department has undertaken to make a portion of the Maori school site available as a site for the proposed hall. The tribal committee, which will administer it, cannot hold land, and this section empowers the Maori Land Court to set the land apart as a Maori reservation and gives power to the Court to appoint trustees.

Clause 8: Revesting Te Aroha Maori Reserve in Maori owners.—As a result of a promise to the Tuhourangi Tribe that land which had been spoiled by deposits during the Tarawera eruption in 1886 would be replaced by a grant of Crown land, the land referred to in this clause was vested in the Maori Trustee in trust for the ascertained Maori tribal owners. Because of the subsequent repeal of the legislation under which the land was vested in the Maori Trustee, and because it is now evident that the owners should be permitted to use or dispose of the land to their best advantage, this clause divests the Maori Trustee of his somewhat doubtful trust, and revests the land in the Maori owners. *Subclause (4)*, reserving mining rights to Her Majesty the Queen, was included in the earlier legislation and places beyond doubt the rights acquired by Her Majesty under the Ohinemuri Goldfields Deed of Cession.

Clause 9: Removing restriction against alienation of certain land in Pukekohe district.—The land to which this section relates was included in an area confiscated after the Maori Wars and was intended to be reserved for Maoris. It was reserved by legislation passed in 1921 and, in accordance with the recommendation of a Royal Commission, the title contained a restriction against alienation except by way of a specified type of lease. This clause is designed to facilitate continued occupation of one of the sections under the provisions of Part I of the Maori Land Amendment Act 1936 by enabling certain owners to sell their interests to the Crown. It is apparent that the interests of all the owners would be served if all the sections were released from the restrictions at the same time.

Aotea District

Clause 10: Conferring on Maori Land Court jurisdiction to apportion liabilities in respect of settlement of claim of Egmont Box Co., Ltd.—Subsections (3) and (4) of section 14 of the Maori Purposes Act 1935 provided for the setting up of a Commission to apportion, as between the various lands affected, the liability to repay to the Aotea District Maori Land Board (now the Maori Trustee) the sum of money paid by the Board in extinguishing the timber cutting rights of the Egmont Box Co., Ltd., over Maori lands in the West Taupo District. Owing to a dispute over the sum paid (now settled by section 35 of the Maori

Purposes Act 1951) the Commission has never been set up. It is now desired to proceed with the apportionment, but as the question is simply one of fact there appears to be no need for a special Commission, involving further delay and expense, and it is considered that the apportionment can well be handled by the Maori Land Court. The apportionment is a purely accounting matter, and all that is required is to confer jurisdiction on the Court to make the necessary orders.

Tairāwhiti District

Clause 11: Ngatiporou Co-operative Dairy Co., Ltd., authorized to contribute to cost of memorial to late Sir Apirana Ngata.—The Ngatiporou Co-operative Dairy Co., Ltd., is a company comprised almost wholly of Maori shareholders and Maori directors. The shareholders, at an extraordinary general meeting, resolved to donate £250 towards the cost of the memorial to Sir Apirana Ngata at Tikitiki and the gathering held for the unveiling. As the articles of association do not provide for donations of this sort, this clause is designed to confer the necessary power to make the proposed donation.

Clause 12: Incorporation of owners of Ohuia Station.—The land referred to in this clause comprises the Ohuia Station, near Wairoa, which has been farmed by the Tairāwhiti District Maori Land Board on behalf of the Maori owners. Since the abolition of the Maori Land Boards by the Maori Land Amendment Act 1952 it is necessary to make other arrangements for the control of the station. The owners desire to resume control, but owing to the large number of owners and the number of titles involved it is desirable that the owners should become incorporated. In the normal course this would take some time, and to save delay it is desirable to have the corporate body constituted.

Ikaroa District

Clause 13: Restoring condition of title to Tarawera and Tatarāakina Blocks.—Pursuant to legislation passed in 1924, the beneficial ownership of the Tarawera and Tatarāakina Blocks was substantially altered. A Royal Commission reported last year that the legislation should not have been passed and recommended that the title be restored to its original condition, with specified compensation to those who would be adversely affected by the change now made. This clause gives effect to the Commission's report.

Hon. Mr. Corbett

MAORI PURPOSES

Title.	ANALYSIS
1. Short Title.	8. Revesting Te Aroha Maori Reserve in Maori owners.
2. Provisions of Maori Land Act 1931 to apply to this Act.	9. Removing restriction against alienation of certain land in Pukekohe district.
PART I	
AMENDMENT OF LAWS	
3. Repeal of provisions of principal Act as to limitation of amount of land to be held by individuals.	10. Conferring on Maori Land Court jurisdiction to apportion liabilities in respect of settlement of claims of Egmont Box Co., Ltd.
4. Authorizing Maori Trustee to transfer £5,000 to Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Board.	Repeal.
5. Maori Trustee not required to furnish statement of accounts of Maori reserves with balance sheet.	11. Ngatiporou Co-operative Dairy Co., Ltd., authorized to contribute to cost of memorial to late Sir Apirana Ngata.
6. Extension of terms of certain leases.	12. Incorporation of owners of Ohuia Station.
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MISCELLANEOUS POWERS	
<i>Waikato-Maniapoto District</i>	
7. Provision as to establishment of Maori community hall in Pukekohe.	13. Restoring condition of title to Tarawera and Tatarakina Blocks. Repeal.

A BILL INTITULED

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

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

1. This Act may be cited as the Maori Purposes Act 1952. Short Title.

Provisions of
Maori Land Act
1931 to apply to
this Act.

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

2. Words and expressions used in this Act shall, unless the contrary intention appears, have the same meaning as in the Maori Land Act 1931 (hereinafter 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 this Act in as full and ample a manner as if this Act had been incorporated with and formed part of the principal Act. 5

PART I

AMENDMENT OF LAWS

Repeal of
provisions of
principal Act
as to limitation
of amount of
land to be held
by individuals

3. (1) Part XII of the principal Act is hereby repealed. 10

(2) Any restriction or limitation imposed on the acquisition, alienation, or disposition of any land by or by virtue of the provisions of Part XII of the Native Land Act 1909, or of sections seventy-two to seventy-six of the Maori Land Amendment Act 1913, or of Part XII of the Maori Land Act 1931, shall, on the coming into force of this section, cease to have any force or effect; and the District Land Registrar is hereby authorized on his own motion and directed on the presentation for registration of any dealing with the land concerned to cancel any memorial on any certificate of title to the effect that the land comprised therein is subject to any of the provisions aforesaid or to any restriction or limitation imposed by or by virtue of any of those provisions. 15 20 25

1952, No.

(3) Nothing in this section shall be deemed to affect the provisions of section *thirty* of the *Land Settlement Promotion Act 1952*.

(4) This section shall be deemed to have come into force on the date of the commencement of the *Land Settlement Promotion Act 1952*. 30

Authorizing
Maori Trustee
to transfer
£5,000 to
Ngarimu V.C.
and 28th
(Maori)
Battalion
Memorial
Scholarship
Fund Board.
1925, No. 52

4. Notwithstanding anything contained in section twenty-three of the Appropriation Act 1925 or in any other Act, the Maori Trustee is hereby authorized to pay, from the fund referred to in that section, to the Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Board a sum not exceeding five thousand pounds. 35

5. (1) Section forty-eight of the Maori Trustee Act 1930 is hereby amended by omitting from paragraph (a) of subsection one all words after the word " March ".
- 5 (2) Section twelve of the Maori Reserves Act 1882 is hereby repealed.
6. (1) Section thirteen of the Maori Purposes Act 1948 as amended by section eight of the Maori Purposes Act 1950 and section nine of the Maori Purposes Act 1951, is hereby further amended as follows:—
- 10 (a) By omitting the words " thirtieth day of June, nineteen hundred and fifty-three " wherever they occur, and substituting in each case the words " thirty-first day of December, nineteen
- 15 hundred and fifty-three ".
- (b) By omitting from subsection four the words " thirty-first day of December, nineteen hundred and fifty-two ", and substituting the words " thirtieth day of June, nineteen hundred and fifty-three ".
- 20 (2) Section nine of the Maori Purposes Act 1951 is hereby amended by repealing subsection one.

Maori Trustee not required to furnish statement of accounts of Maori reserves with balance sheet.
See Reprint of Statutes, Vol. VI, p. 395
Repeal.
1882, No. 52

Extension of terms of certain leases.
1948, No. 69
1950, No. 98
1951, No. 75

Repeal

PART II

MISCELLANEOUS POWERS

Waikato-Maniapoto District

- 25 7. Whereas it is desired to establish a Maori community hall in the Borough of Pukekohe: And whereas it is desired that a portion of the Crown land referred to in subsection *four* of this section should be set apart as a
- 30 Maori reservation for the common use of the Maoris resident in and around Pukekohe: Be it therefore enacted as follows:—
- (1) Upon application made to it in that behalf by the Minister of Maori Affairs, the Court is hereby empowered
- 35 and directed to make an order setting apart any portion of the land referred to in subsection *four* of this section

Provision as to establishment of Maori community hall in Pukekohe.

as a Maori reservation for the common use of the Maoris resident in and around Pukekohe as a meeting place, building site, recreation ground, or in any other manner that may be for their common use or benefit:

Provided that any order made by the Court under this subsection shall have no force or effect until and unless it has been consented to by the Minister of Education. 5

(2) Upon receipt of the order referred to in subsection *one* of this section the District Land Registrar for the Land Registration District of Auckland shall 10 make all such entries in the register as may be necessary to give effect to the order.

1937, No. 34

(3) The provisions of section five of the Maori Purposes Act 1937 shall apply to the said land in as full and effectual a manner as if the said land had been set 15 apart as a Maori reservation by an Order in Council under that section, and the Court is hereby declared to have, in respect of the said land, all the powers conferred upon it by the said section five.

(4) The land to which this section relates is more 20 particularly described as Lot 11 on Deposited Plan Number 6611, being part of Allotment Number 53 of Suburban Section Number 2, Parish of Pukekohe, Auckland Land District.

Revesting
Te Aroha
Maori Reserve
in Maori
owners.

8. Whereas the land described in subsection *five* of 25 this section is vested in the Maori Trustee in trust for the persons whose names are set out in the report of the Court referred to in subsection *one* of this section: And whereas it is desirable that the Maori Trustee should be discharged from the said trust and that the said land 30 should be vested for an estate in fee simple in the persons beneficially entitled thereto: Be it therefore enacted as follows:—

(1) Upon application made to it in that behalf by the Maori Trustee, the Court is hereby empowered and 35 directed to make an order vesting the said land for an estate in fee simple in the persons named in a report made by the Court in respect of the said land and dated the twenty-sixth day of September, nineteen hundred and 40 nineteen, or the descendants or successors of those persons, as tenants in common in such shares as to the Court seems just and equitable.

(2) Upon the making of the order referred to in subsection *one* of this section the Maori Trustee shall be deemed to have been discharged from his trust in respect of the said land, and the District Land Registrar for the Land Registration District of Auckland shall issue a certificate of title for the said land in favour of the persons named in the said order and endorse on the certificate a memorial in accordance with subsection *four* of this section.

10 (3) The said land, upon the issue of the certificate of title referred to in subsection *two* of this section, shall be deemed to be Maori freehold land.

15 (4) There shall be reserved the right of Her Majesty the Queen to all minerals, mineral oil, gas, metals, coal, and valuable stone under the surface of the said land, and the right of ingress, egress, and regress to all persons lawfully authorized by Her Majesty, or under the authority of any statute, engaged in searching for or working any such minerals, mineral oil, gas, metal, 20 coal, or stone, and the right of Her Majesty or any such authorized person to sink all necessary pits and shafts, and to make and erect all necessary erections, machinery, roads, and buildings, and other conveniences and things for any such purpose.

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

All that parcel of land containing seven hundred and ninety-nine acres two roods and six perches, more or less, being the land known as Sections 2 and 3, Block III, 30 Aroha Survey District, and being the whole of the land comprised and described in certificate of title, Volume 353, folio 207, Auckland Registry.

9. (1) The land described in subsection *four* of this section (in this section referred to as the said land) is hereby declared to be Maori freehold land.

(2) The restriction against alienation of the said land imposed in respect of part of the said land by certificate of title, Volume 421, folio 199, Auckland Registry, and in respect of the remainder of the said 40 land by certificate of title, Volume 421, folio 200, Auckland Registry, is hereby removed, and shall, with respect to any alienation of any interests in the said land, made either before or after the commencement of this Act, be of no force or effect.

Removing
restriction
against
alienation of
certain land
in Pukekohe
district

(3) The District Land Registrar for the Land Registration District of Auckland is hereby authorized and directed to amend the said certificates of title or any other certificates of title issued in respect of the said land by cancelling the restriction against alienation referred to in subsection *two* of this section. 5

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

All that area in the North Auckland Land District, situated in Block IX of the Awhitu Survey District, containing by admeasurement two hundred and eighty acres and three roods, be the same a little more or less, being the land formerly known as Allotments 323, 324, 325, 326, 327, 328, 329, 330, and 331, Waipipi Parish, and being the whole of the land comprised and described in certain partition orders made by the Maori Land Court on the seventh day of April, nineteen hundred and forty-eight, and therein referred to as Hakono Numbers 1, 2, 3, 4, and 5 respectively. 15

Aotea District

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Conferring
on Maori
Land Court
jurisdiction to
apportion
liabilities
in respect of
settlement of
claims of
Egmont Box
Co., Ltd.
1935, No. 39

10. (1) Section fourteen of the Maori Purposes Act 1935 is hereby amended by repealing subsections three and four, and substituting the following subsections:—

“(3) Upon application made by the Maori Trustee, the Court shall have jurisdiction to make orders apportioning between the several parcels of land mentioned in the said agreement of the twenty-third day of December, nineteen hundred and eight, referred to in paragraph (a) of subsection two hereof or between the various owners or groups of owners (including the Crown), *inter se*, the liability to pay the loan moneys to the Maori Trustee. 25 30

“(4) Where any of the parcels of land referred to in subsection *three* hereof has been subdivided since the date of the said agreement the Court shall, by order, allocate to each subdivision the proportion of the loan moneys that should be apportioned to each such subdivision. 35

“(4A) Where the Crown has acquired an undivided interest in any of the lands affected by this section the Court shall, in its order, show the proportion of the loan moneys that should be apportioned to the Crown in respect of any land so acquired. 40

“ (4B) Every order made under this section shall by virtue of this Act be deemed to create a charge in favour of the Maori Trustee over the Maori interests in each block affected by the order for the proportion of the loan moneys allocated by the order to the Maori interests in any such block, together with interest thereon as hereinafter mentioned.”

(2) Section nineteen of the Maori Land Amendment and Maori Land Claims Adjustment Act 1930 is hereby repealed.

Repeal.
1930, No. 29

Tairāwhiti District

11. The Ngatiporou Co-operative Dairy Company, Limited, a duly incorporated company having its registered office at Ruatoria, is hereby empowered to expend an amount not exceeding two hundred and fifty pounds as a contribution towards the cost of a memorial to the late Sir Apirana Ngata.

Ngatiporou
Co-operative
Dairy Co., Ltd.,
authorized to
contribute
to cost of
memorial to
late Sir
Apirana
Ngata.

12. (1) The beneficial owners of the land described in subsection *eleven* of this section (in this section referred to as the said land) are hereby incorporated as a body corporate with perpetual succession and a common seal under the name of “ the Proprietors of the Ohuia No. 1 and other Blocks ” (in this section referred to as the body corporate).

Incorporation
of owners of
Ohuia Station.

(2) On the first day of January, nineteen hundred and fifty-three, the said land shall vest in the body corporate for a legal estate in fee simple, subject to all leases, mortgages, charges, licences, or other interests to which the titles to the said lands are subject at that date.

(3) In addition to the property vested in the body corporate by subsection *two* of this section, all property owned by the Maori Trustee or held by him on behalf of the beneficial owners by virtue of his administration of the said land under section five hundred and twenty-three of the principal Act shall, on the first day of January, nineteen hundred and fifty-three, vest in the body corporate, subject to all charges, licences, liens, or other interests affecting the said property at that date.

(4) All rights, powers, duties, liabilities, and contracts exercisable by, vested in, or binding on, the Maori Trustee in respect of the said land shall, on the said date, become exercisable by, vested in, or binding on, the body corporate.

(5) Any action or proceeding pending or in progress in any Court on the said date may be continued and completed as if this section had not been passed:

Provided that any rights or obligations arising out of any such action and devolving on the Maori Trustee shall be transferred to and devolve upon the body corporate. 5

(6) The Maori Trustee is hereby authorized to execute surrenders of Memoranda of Lease numbered respectively 9573, 9574, 9575, 9576, and 9928, Hawke's Bay Registry, affecting parts of the said land. 10

(7) The Maori Trustee is hereby empowered to execute a memorandum of charge against the said land in respect of any moneys advanced by him by virtue of his administration of the said land under section five hundred and twenty-three of the principal Act or otherwise howsoever and which have not been repaid on the first day of January, nineteen hundred and fifty-three, and any such memorandum of charge shall be deemed for all purposes to have been executed pursuant to section one hundred and nine of the principal Act. 15 20

(8) Subject to the provisions of this section, the provisions of the principal Act shall apply to the body corporate in the same manner as if it had been incorporated by an Order of the Court under the provisions of Part XVII of the principal Act. 25

(9) At any time after the passing of this Act a meeting of the beneficial owners of the said land may be held for the purpose of electing a committee of management in accordance with the provisions of the principal Act and the regulations thereunder. 30

(10) The District Land Registrar for the Hawke's Bay Land Registration District is hereby authorized and directed to make all such entries in the register books and to do all such things as may be necessary to give effect to the provisions of this section. 35

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

- (a) Ohuia 1A Block containing two roods, more or less; Ohuia 1b Block containing two roods, more or less; Ohuia 1c Block containing two roods, more or less, and the balance of Ohuia 1b Block containing one thousand and fifty-five acres two roods ten perches and five-tenths of a perch, more or less, being the balance of the land comprised in certificate of title, Volume 58, folio 54, Hawke's Bay Registry: 40 45

- 5 (b) The balance of Ohuia No. 3 Block containing five hundred and fifty acres three roods and twenty perches, more or less, being the balance of the land in certificate of title, Volume 30, folio 25, Hawke's Bay Registry, after excluding Ohuia No. 3A Block containing approximately nine acres three roods and thirty perches and old Quarry Reserve containing ten acres and thirty perches:
- 10 (c) Ohuia No. 4 Block containing one thousand two hundred and fifty-two acres and two roods, more or less, being the whole of the land comprised in certificate of title, Volume 30, folio 26, Hawke's Bay Registry:
- 15 (d) The balance of Kopua B Block containing sixty-two acres three roods eleven perches and seven-tenths of a perch, more or less, being the balance of the land comprised in certificate of title, Volume 30, folio 6, Hawke's Bay Registry:
- 20 (e) The balance of Kopua C Block containing two hundred and eighty-three acres three roods thirteen perches and eight-tenths of a perch, more or less, being the balance of the land comprised in certificate of title, Volume 30, folio 7, Hawke's Bay Registry:
- 25 (f) The balance of Kopua D Block containing forty-one acres two roods and thirty-six perches, more or less, being the balance of the land comprised in certificate of title, Volume 30, folio 8, Hawke's Bay Registry:
- 30 (g) The balance of Hinewhaki 3b Block containing one hundred and two acres two roods nineteen perches and eight-tenths of a perch, more or less, being the balance of the land comprised in certificate of title, Volume 84, folio 157, Hawke's Bay Registry:
- 35 (h) The balance of Hinewhaki East, or No. 1, Block containing seventy-seven acres three perches and sixty-nine hundredths of a perch, more or less, being the balance of the land comprised in certificate of title, Volume 30, folio 9, Hawke's Bay Registry:
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Ikaroa District

Restoring
condition of
title to
Tarawera and
Tataraakina
Blocks.
1924, No. 45
1928, No. 49

13. Whereas, pursuant to section thirty-eight of the Maori Land Amendment and Maori Land Claims Adjustment Act 1924 and section forty-six of the Maori Land Amendment and Maori Land Claims Adjustment Act 1928, certain amendments were made by the Court in the titles to certain subdivisions of the lands formerly known as the Tarawera and Tataraakina Blocks: And whereas by warrant under the hand of the Governor-General dated the sixth day of December, nineteen hundred and forty-nine, a Royal Commission was appointed to inquire into and report upon certain Maori claims, amongst others, touching the titles to the said lands: And whereas the members of the said Commission in the report of the Commission, which is reproduced in Paper G-7 of the Appendices to the Journals of the House of Representatives for the year nineteen hundred and fifty-one, have come to the conclusion that the aforesaid amendments should not have been made and have recommended that the Court should be empowered and directed to make certain adjustments in the titles to the said lands and that compensation should be paid to any person or persons adversely affected by any such adjustments: And whereas it is desirable that the recommendations of the said Commission in that behalf be given effect to: Be it therefore enacted as follows:

(1) All partition orders heretofore made by the Court in respect of the lands described in subsection *sixteen* of this section (in this section referred to as the said lands) are hereby cancelled.

(2) On application made to it in that behalf by the Minister the Court is hereby empowered and directed to ascertain and determine—

(a) The relative interests of the persons whose names are, at the date of the determination, included in the titles to the land formerly known as the Tarawera and Tataraakina Blocks respectively, as if no partition orders had been made by the Court in respect of the said lands; and

(b) The persons who would now have been entitled to the ownership of the said Tarawera and Tatarakaikina Blocks, respectively, and the relative interests of those persons in the said lands if the amendments made by the Court pursuant to section thirty-eight of the Maori Land Amendment and Maori Land Claims Adjustment Act 1924 and section forty-six of the Maori Land Amendment and Maori Land Claims Adjustment Act 1928, had not been made and if no partition orders had been made by the Court in respect of the said lands.

(3) For the purpose of the respective determinations referred to in subsection *two* of this section, the ownership of the Tarawera Block shall be deemed to be divided into fifty-five thousand four hundred and fifty-one equal shares and the ownership of the Tatarakaikina Block shall be deemed to be divided into thirty-six thousand seven hundred and seventy-three equal shares.

(4) The lists of persons and their respective shares ascertained under paragraph (b) of subsection *two* of this section shall be called, and are in this section referred to as, the provisional lists of owners.

(5) The Court is also hereby empowered and directed, on application made to it within six months from the commencement of this Act by or on behalf of any person concerned, to inquire and determine which, if any, of the persons whose names are, at the date of the determination, included in the titles to the said lands or any part thereof are in occupation and desire to remain in occupation of any portion or portions of the said lands in which they have been allocated interests by partition order or otherwise howsoever. Any such persons are in this section referred to as occupiers.

(6) If the Court is satisfied that the interest of any occupier, as disclosed by the provisional lists of owners, is of insufficient value to entitle that occupier to a partition order or other freehold order in his favour in respect of the whole of the area occupied by him, or that the name of any such occupier does not appear on the provisional lists of owners, the Court shall adjust the shares of any of the persons named in the provisional

lists of owners in such manner as it may think fit, but so that the interest of any such occupier shall be increased to an extent sufficient to entitle him to a partition order or other freehold order in his favour as aforesaid:

Provided that the interest of any such occupier shall not be increased to such an extent that it becomes greater than the interest to which that occupier is at the commencement of this Act entitled in the said lands. 5

(7) Any adjustment or adjustments made by the Court under subsection *six* of this section shall be placed on record by the Court, and the Court shall thereupon make such amendments to the provisional lists of owners as may be required to give effect to the said adjustment or adjustments. The provisional lists of owners with such amendments incorporated therein, or, if no adjustments have been made by the Court under subsection *six* of this section, the provisional lists of owners as originally determined by the Court, shall thereafter be called, and are in this section referred to as the final lists of owners. 10 15 20

(8) The Court is hereby empowered and directed, on application made within six months from the commencement of this Act by or on behalf of any person concerned, to make an order or orders declaring that the lands formerly known as the Tarawera and Tataraakina Blocks are respectively vested in the persons named and in the respective shares set out in the final lists of owners, and the said lands shall thereupon vest in the said persons for an estate in fee simple accordingly. 25

(9) The Court is hereby empowered and directed to inquire and determine which, if any, of the persons whose names are, at the date of the determination, included in the titles to the said lands have carried out any improvements to, but are not now in occupation or do not desire to remain in occupation of, any portion or portions of the said lands in which they have been allocated interests by partition order or otherwise howsoever. 30 35

(10) The Court shall have full power, authority, and jurisdiction to ascertain and determine what amount of compensation should be paid in respect of the improvements mentioned in subsection *nine* of this section, and the person or persons entitled to be paid any such compensation, and to make an order or orders awarding 40

the compensation to the persons entitled thereto. Any sums so awarded for compensation shall be paid by the Maori Trustee out of the moneys held by him in respect of the block of land in respect of which the improvements
5 have been effected as if no partition orders had been made by the Court in respect of the said lands.

(11) Any person whose shares in either the land formerly known as the Tarawera Block or as the Tatarakaikina Block, as determined under paragraph (a)
10 of subsection *two* of this section, exceed in number the shares in the same block vested in him by an order of the Court made under subsection *eight* of this section shall be entitled to receive compensation for every share by
15 which his interest in that block is so reduced, calculated in the case of the Tarawera Block at the rate of one shilling and ninepence per share and in the case of the Tatarakaikina Block at the rate of one shilling and sixpence per share:

Provided that if any person entitled to compensation
20 as aforesaid becomes entitled at the same time by an order of the Court made under subsection *eight* of this section in respect of the other of the said two blocks to a greater number of shares in that other block than those to which he is found to be entitled under paragraph
25 (a) of subsection *two* of this section, then the amount of the compensation awarded to that person shall be reduced by an amount equivalent to the value of the additional shares so awarded to him in respect of that other block calculated at the rate hereinbefore referred to.

(12) Any person whose name appears in the provisional lists of owners but whose interest in either of the said blocks is reduced by reason of any adjustment made by the Court under subsection *six* of this section,
30 shall be entitled to receive compensation calculated at the rate referred to in subsection *eleven* of this section for every share by which his interest is so reduced.

(13) All moneys payable by way of compensation under subsection *eleven* or subsection *twelve* of this section shall, without further appropriation than this
40 section, be paid out of the Consolidated Fund to the Maori Trustee for distribution to the person or persons entitled thereto.

(14) All moneys now held by the Maori Trustee in respect of the said lands, being the balance of the proceeds of sales of timber on the said lands and the balance of the proceeds of the sale of part of the Tarawera Block containing four thousand eight hundred acres, shall, after payment thereof of any compensation for improvements in accordance with the provisions of subsection *ten* of this section and of any survey liens or other charges properly due and payable in respect of the said lands or any part thereof, be paid to the persons whose names appear in the provisional lists of owners according to their respective shares as shown in the said provisional lists of owners. 5 10

(15) The provisions of section two hundred and eighty-one of the principal Act shall apply to any moneys payable to any Maori or Maoris in accordance with the provisions of this section in the same manner and to the same extent as if the said moneys were paid to the said Maori Trustee in pursuance of a requirement of the Court under subsection *one* of that section. 15 20

(16) The lands to which this section relates are the lands formerly known as Tarawera and Tatarakainga Blocks, situate in the Hawke's Bay Land District, and comprised in orders of the Court dated the sixth day of July, eighteen hundred and eighty-two. 25

(17) Notwithstanding the provisions of subsection *five* or subsection *nine* of this section, the Court may make any determination which it is empowered to make under this section affecting the rights of any person in respect of the said lands, notwithstanding that an application has not been made to it under those subsections by or on behalf of that person. 30

(18) Nothing contained or implied in this section shall have any effect upon such portions of the said lands as have heretofore been sold to the Crown or to any other person or persons. 35

Repeal.
1949, No. 46

(19) Section thirty-three of the Maori Purposes Act 1949 is hereby repealed.