

## NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT BILL.

### EXPLANATORY MEMORANDUM.

Clause 1 is the Short Title of the Bill.

Clauses 2 and 3 are to amend the law relating to meetings of assembled owners in order to give more protection to the Native owners, and also to protect the genuine buyer from speculators.

Clause 4 is to permit Native owners selling land to give the proceeds or a portion of the proceeds for patriotic purposes.

Clause 5 is to put the Native law with regard to probate of wills in the same position as the statute law of the Dominion, and confers power on Native Land Court to revoke probate if a later will is discovered.

Clause 6 allows a beneficiary in East Coast Trust Lands to sell his beneficial interest to another beneficiary in the same trust.

Clause 7 is to clear up a doubt as to the succession to an original owner in the Purahotangihia Block. The Crown has purchased interests in the block, and it is desirable to get this succession fixed up so that the purchase-money can be paid to the successors of Ani te Whanga.

Clause 8: By section 2 of the Native Land Claims Adjustment Act, 1913, the petition of Tamihana Heta was referred to the Chief Judge for inquiry. His report has been laid on the table of the House this session and referred to the Native Affairs Committee. This clause is inserted in consequence.

Clause 10: By section 3 of the Native Land Claims Adjustment Act, 1913, petitions with respect to the Puhunga Block were referred to the Chief Judge for report. His report was laid on the table of the House this session and referred to the Native Affairs Committee. This clause is inserted in consequence.

Clause 11: This clause is inserted for the purpose of carrying out an agreement with the Native owners which is detailed in the preamble of the clause.

Clause 12 is inserted in consequence of a report from the Chief Judge and two Judges of the Appellate Court to set aside any doubt as to the original title to the block.

Clause 13: By section 2 of the Native Land Claims Adjustment Act, 1913, a petition with respect to the Mawhera Block was referred to the Chief Judge for report. His report was laid on the table of the House this session, and was referred to the Native Affairs Committee. This clause is inserted in consequence.

Clause 13A: This is inserted to remove a doubt as to the vesting of this block in the Tarawhiti Board and the subsequent ascertainment of Natives beneficially entitled.

Clause 13B is to enable a beneficiary in certain trust lands serving in the New Zealand Expeditionary Force to allot any rents due to him by the Public Trustee to his relatives.

Clause 13c: For the reason mentioned in the preamble to the clause the Native Affairs Committee have recommended the petition of J. M. McLean to the favourable consideration of the Government. This clause is inserted in consequence.

Clause 13D is inserted to carry out the recommendation of a special committee of the House which was set up to inquire into the petition of the Tongariro Company.

Clause 14: Empowers the Chief Judge to hold an inquiry into the two petitions in the Schedule and report his finding to the Minister, who is to lay it on the table of the House and refer to the Native Affairs Committee.



Hon. Mr. Herries.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT.

ANALYSIS.

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| Title.   |  |
| 1. Short Title.  | 7. Purahotanghia Block and interest of Ani te Whanga, deceased, therein.   |
| <i>Amendments to Native Land Laws.</i>   |  |
| 2. Repealing subsection 8 of section 356 of principal Act, and substituting new subsection in lieu thereof, and adding new subsection. | 8. Granting Tamihana Heta and another leave to appeal against decision of the Court affecting the ownership of Matarakau (or Wharekauri No. 1G) Block. |
| 3. Amending section 100 of the Native Land Amendment Act, 1913, and adding thereto new subsections.                                    | 9. Tunapahore Block.   |
| 4. Empowering Maori Land Board to retain upon request money as contribution from Natives to patriotic funds.                           | 10. Puhunga Block.   |
| 5. Amending subsection 1 of section 349 of the principal Act.  | 11. Revesting land at Kakariki, taken for the purposes of the Foxton-New Plymouth Railway, in Natives.   |
| <i>Adjustment of Claims.</i>   |  |
| 6. Beneficial owner may alienate his interest to another beneficial owner in certain lands.  | 12. Tatua East Block.  |
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|  | Schedule.  |

A BILL INTITULED

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

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

1. This Act may be cited as the Native Land Amendment and Native Land Claims Adjustment Act, 1915. Short Title.

*Amendments to Native Land Laws.*

2. (1.) Subsection eight of section three hundred and fifty-six of the principal Act is hereby repealed, and the following new subsection is hereby enacted in lieu thereof:—

“(8.) No such instrument of alienation shall be executed by the Board until the Board is satisfied by statutory declaration and (if the Board thinks fit) by such further evidence as it may require—

“(a.) That no person acquiring an interest under such alienation is prohibited from acquiring that interest by Part XII of this Act:

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“(b.) That no person acquiring any such interest is acting or has within the period of twelve months immediately prior to the date of such declaration acted as the agent of any other person for or in relation to the acquisition of the land affected by such alienation.”

Amending section 100 of the Native Land Amendment Act, 1913, and adding thereto new subsections.

(2.) If any person shall knowingly and wilfully mislead the Board, either by declaration or otherwise, as to the beneficial ownership of the interest to be acquired under any such alienation, he shall be guilty of an indictable offence, and shall be liable to the same penalties as are imposed by section two hundred and five of the principal Act for a breach of the provisions of Part XII thereof.

3. Section one hundred of the Native Land Amendment Act, 1913, is hereby amended by substituting the words “seven days” for the words “three days” or “three clear days” wherever they occur in subsections two, three, and four thereof; and by adding thereto the following subsections:—

“(5.) Excepting in cases where confirmation of a resolution of assembled owners is postponed by reason of delay incident to partition of the lands affected by such resolution, no such resolution shall be confirmed after the expiration of six months from the day on which the resolution was passed at the meeting of assembled owners, and on the expiration of such period of six months such resolution shall be deemed to have lapsed.

“(6.) Where the assembled owners of any land have rejected any resolution proposed by or at the instance of any intending purchaser, lessee, or licensee no further meeting of such owners shall be convened at the instance of the same person either alone or in conjunction with others for a period of twelve months unless such person shall deposit with the Board such sum as to the Board shall appear reasonable to meet the expenses of owners attending such meeting. Any sum so deposited with the Board or any part thereof may be paid by the Board to such of the owners as the Board shall consider justly entitled thereto, and any balance not so paid to the owners shall be repaid to the person who shall have deposited the same.”

Empowering Maori Land Board to retain upon request money as contribution from Natives to patriotic funds.

4. (1.) On the confirmation of any alienation of Native land the Maori Land Board may, out of any moneys paid to the Board on behalf of the Native owners alienating, retain such sum (if any) as the Native owners alienating shall desire to give for patriotic purposes in connection with the present war.

(2.) Such sum shall be paid by the Board to such fund as the Native owners alienating shall nominate and the Native Minister shall approve.

(3.) In the case of an alienation by assembled owners the consent of the Natives alienating may be signified by a resolution passed at the meeting of assembled owners or in such other manner as shall satisfy the Board that the owners assent to the payment. In the case of an alienation of an individual share or interest the Board shall obtain the consent in writing of the Native or Natives alienating to any such payment.

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5 Subsection one of section three hundred and forty-nine of the principal Act is hereby amended by the addition of the following exception:—

Amending subsection 1 of section 349 of the principal Act.

“Excepting in cases where it appears to the satisfaction of the tribunal dealing with the confirmation of a resolution of assembled owners that the land which is the subject of alienation is not, having regard to all the circumstances, likely to be a material means of support to such Natives, and excepting in cases where the Natives alienating are qualified to pursue some avocation, trade, or profession, or are otherwise sufficiently provided with a means of livelihood.”

*Adjustment of Claims.*

6. (1.) Any beneficial owner of any interest in any lands affected by the East Coast Native Trust Lands Act, 1902, or the Mangatu No. 1 Empowering Act, 1895, or section forty-seven of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, may transfer any share or interest held by him in any such lands to any other Native beneficial owner of an interest in the same lands.

Beneficial owner may alienate his interest to another beneficial owner in certain lands.

(2.) Every such transfer, having endorsed thereon the written approval of the Commissioner, shall be effectual to vest in the transferee the beneficial interest of the transferor expressed and intended to be thereby vested, and shall be acted upon accordingly by the Commissioner.

(3.) The Commissioner shall not approve of any such transfer until he is satisfied that the price paid thereunder is—

- 25 (a.) The fair market value of the interest transferred;
- (b.) That the purchase-money has been actually paid; and
- (c.) That the transferor has sufficient lands left for his support and maintenance, or is, so far as regards his support and maintenance, not prejudiced by the transfer.

7. Whereas an order of the Native Land Court, dated the twenty-fifth day of July, eighteen hundred and seventy-six, purported to appoint one Hone Tiwaewae sole successor to the interest of Ani te Whanga, deceased, in the Purahotangihia Block: And whereas the said order is still unsigned: And whereas on the twelfth day of March, eighteen hundred and eighty-four, a fresh order was made by the Native Land Court and signed and sealed by Judge Mair appointing Te Ohue, Mare Takuikui, Mohi Pango-pango, and Hine Tuwaiwai successors to the share of Ani te Whanga in the said block: Now, therefore, it is hereby enacted as follows:—

Purahotangihia Block and interest of Ani te Whanga, deceased, therein.

(a.) The said order, dated the twenty-fifth day of July, eighteen hundred and seventy-six, is hereby declared to have been and to be void and of no effect.

(b.) The said order, dated the twelfth day of March, eighteen hundred and eighty-four, is hereby declared to be and to have been valid and effectual to pass the whole of the said interest of Ani te Whanga in the Purahotangihia Block to the successors named in such order.

(c.) The Ikaroa District Maori Land Board is hereby directed to pay over the share of Ani te Whanga in the purchase-moneys of the Purahotangihia Block to the successors appointed under the above-mentioned order, dated the twelfth day of March, eighteen hundred and eighty-four.

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Granting Tamihana Heta and another leave to appeal against decision of the Court affecting the ownership of Matarakau (or Wharekauri No. 1a) Block.

8. (1.) The Chief Judge shall, on such terms as to costs, security for costs, or otherwise as he thinks fit, grant leave to Tamihana Heta and another to appeal to the Native Appellate Court against an order of Judge Edgar, dated the eighteenth day of April, nineteen hundred, affecting the ownership of the Matarakau (or Wharekauri No. 1a) Block in the Chatham Islands. 5

(2.) Such appeal may be made at any time within six months after the passing of this Act.

Tunapahore Block.

9. (1.) In order to give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the twenty-second day of September, nineteen hundred and fifteen, on petitions Nos. 618 and 583 of nineteen hundred and fourteen, the block of Native land known as Tunapahore, comprising five thousand four hundred and forty-nine acres, more or less, and situate in the Tokata and Waiau Survey Districts, in the Bay of Plenty, is hereby divided into three approximately equal parts, described roughly as being respectively the centre portion, the eastern portion, and the western portion. The centre portion of the said block is hereby vested in the Whanau-a-te-Harawaka hapu, the eastern portion in the Whanau-a-Apanui tribe (excluding that portion of such tribe known as the Whanau-a-te-Harawaka hapu), and the western portion in the Ngaitai tribe. 10 15 20

(2.) The Native Land Court is hereby directed to make orders defining the boundaries of the portions mentioned in subsection *one* hereof, and determining according to the existing lists who should be put into the title as owners of the respective portions of the said block, and in what relative shares. 25

(3.) No appeal shall lie to the Native Appellate Court from any order made under this section.

(4.) Upon the production to him of any orders made under this section the District Land Registrar shall register such orders, and shall issue certificates of title under the Land Transfer Act, 1908, to the parties entitled, and shall cancel any existing titles of the Tunapahore Block, but all such certificates of title to be issued shall be subject to all dealings registered against the title of the said Tunapahore Block before the passing of this Act, and this section shall not prejudicially affect such dealings. 30 35

Puhunga Block.

10. (1.) The Native Land Court is hereby authorized and directed to reopen the question of the ownership of the Puhunga Block, in the Gisborne Native Land Court District, in so far as it may be necessary to ascertain what owners were omitted from the title under an order on investigation of title dated the twenty-second day of February, eighteen hundred and eighty-four. 40

(2.) Any Natives claiming to have been so omitted from the title to the said block must lodge their claims with the Registrar of the Tairāwhiti District Native Land Court within six months from the passing of this Act. 45

(3.) Upon the ascertainment of the list of owners omitted, and of their respective shares, the Court shall make any necessary amendments in the orders relating to the said land, or may cancel such orders and issue fresh orders in their stead. The District Land Registrar at Gisborne is hereby directed to make any consequential amendments necessary in the Land Transfer Register. 50

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(4.) This section shall not affect any valid alienations heretofore made of the land or of any portion thereof.

(5.) No appeal shall lie to the Native Appellate Court from any order or determination of the Native Land Court under this section.

5 11. Whereas by Proclamation dated the twenty-third day of  
 May, eighteen hundred and eighty-eight, and published in the  
*New Zealand Gazette* of the thirty-first day of May, eighteen  
 hundred and eighty-eight, a parcel of land containing twenty-five  
 acres and twenty-five perches, being portion of Native Reserve,  
 10 Piaka, situated in Block VIII, Rangitoto Survey District, Pro-  
 vincial District of Wellington (as more particularly delineated in  
 the plan marked P.W.D. 15698, deposited in the office of the  
 Minister of Public Works, at Wellington, and thereon coloured  
 15 red) was taken for the purposes of the Foxton - New Plymouth  
 Railway: And whereas by an award of the Native Land Court of  
 New Zealand given under the hand of Mr. Justice Mair and bear-  
 ing date the thirty-first day of October, eighteen hundred and  
 ninety-five, the persons entitled to receive compensation on account  
 20 of the said land and the proportions payable to each were deter-  
 mined: And whereas one of the conditions of settlement with regard  
 to compensation made between the Native Land Purchase Officer  
 and the owners prior to the award of the Native Land Court herein-  
 before mentioned was that the said land should be reconveyed to  
 25 the persons then entitled thereto when the Railway Department had  
 removed all the ballast required by it therefrom: And whereas in  
 fulfilment of the said condition it is now desired to convey the said  
 parcel of land to the persons entitled thereto when the land was  
 acquired by Proclamation as aforesaid or their successors in title:  
 30 Be it therefore enacted that the said parcel of land is hereby vested  
 in the said persons entitled thereto when the said land was so  
 acquired or their successors in title as Native freehold land, subject  
 to a deed of lease of the said parcel of land bearing date the eighth  
 day of July, nineteen hundred and eleven, from His Majesty the  
 35 King to one August Kreegher, of Halcombe, farmer, the said lease  
 being for a term of seven years from the first day of April, nineteen  
 hundred and eleven, at an annual rental of fifteen pounds two  
 shillings sterling: And be it further enacted that the annual rental  
 of the said lease shall from the date thereof be paid to the persons  
 40 herein referred to or their successors in title; and further that the  
 said persons or their successors in title in whom the said parcel of  
 land shall vest and the respective proportions of each, together with  
 the proportions of the annual rental of the said lease to be paid to  
 each, shall be ascertained and declared by the Native Land Court.

Revesting land at  
Kakariki taken for  
purposes of the  
Foxton - New  
Plymouth Railway  
in Natives.

45 12. Notwithstanding any defects in the title to the Tatua East  
 Block, situated in the East Taupo County, it is hereby declared that  
 the Native Land Court shall be deemed to have had jurisdiction to  
 ascertain the persons beneficially entitled to the said block of land,  
 and to determine their relative shares or interests therein and to  
 50 cancel all or any previous orders, whether interlocutory or otherwise,  
 purporting to affect the title to the said land as if an order dated the  
 twenty-eighth day of March, eighteen hundred and seventy-two, pur-  
 porting to be an order for a certificate of title to the said land were

Tatua East Block.

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a complete and valid final order; and it is further declared that subject to any variation that may be made on appeal the order of the Native Land Court of the thirteenth day of March, nineteen hundred and fifteen, shall be sufficient authority to the District Land Registrar to issue a certificate of title for the said land in favour of the persons named in such order for the shares or interests therein set out. 5

Mawhera Block.

13. (1.) To give effect to the recommendation of the Chief Judge of the Native Land Court, bearing date the fifth day of May, nineteen hundred and fifteen, made in accordance with the provisions of subsection two of section two of the Native Land Claims Adjustment Act, 1913, the Chief Judge is hereby authorized to amend the title to the Mawhera Block, in the Greymouth District, in order to conform with a report of the Native Land Court bearing date the twenty-fourth day of April, nineteen hundred and fifteen, on the merits of Petition No. 248 of nineteen hundred and thirteen. 10 15

(2.) Any consequential amendments necessary to be made in the Deeds or Land Transfer Register shall be made by the District Land Registrar, but nothing in this section shall affect any alienations heretofore validly made.

(3.) No appeal shall lie from any order made by the Chief Judge under the provisions of this section. 20

Chief Judge may refer matter mentioned in Schedule to the Court or a Judge or Commissioner for investigation and report.

14. (1.) The Chief Judge is hereby authorized to refer to the Native Land Court, or to any Judge or Commissioner thereof, for inquiry and report, the claims and allegations made by the petitioners in the petitions mentioned in the Schedule hereto. 25

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

(3.) The report and recommendation under this section shall be laid before Parliament on as early a date as possible, and shall be referred to the Native Affairs Committee of the House of Representatives. 30

Schedule.

SCHEDULE.

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

1. Petition No. 438 of 1914, Kahu Renshaw: Praying for an enquiry *re* succession to interest of Eruera te Parahi, deceased, in Taupiri No. 474A No. 2 Block.

2. Petition No. 96 of 1915, Pohoi te Tahitika: Praying for an amendment of partition of Okauia No. 3A Block.