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Hon. Mr. Herries.

NATIVE LAND AMENDMENT AND NATIVE LAND
CLAIMS ADJUSTMENT.

ANALYSIS.

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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.

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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 Short Title.
10 Native Land Claims Adjustment Act, 1917.

Amendments to Native Land Laws.

2. (1.) The word "confirmation" in subsection five of section one hundred of the Native Land Amendment Act, 1913, as set out in section four of the Native Land Amendment and Native Land Definition of the word "confirmation" extended.
15 Claims Adjustment Act, 1915, shall be construed as meaning and (as

from the date of the passing of the last mentioned Act) as having meant "the oral pronouncement of confirmation by the Board whether conditional or unconditional," and the said subsection shall be construed accordingly.

(2.) In any case in which it shall appear to the Board that the provisions of subsection five aforesaid as construed otherwise than as aforesaid have operated with hardship or injustice the Board may, in its discretion, complete and seal any order for confirmation, conditional or unconditional, heretofore pronounced, notwithstanding that the period of six months prescribed by the said subsection five has expired. 5 10

(3.) If within a reasonable time after a resolution of assembled owners has been confirmed any condition on which confirmation was granted is not complied with, the Board may, after notice to the party in default, and in default of satisfactory explanation, rescind and annul such confirmation. 15

(4.) The Board may, when granting conditional confirmation, fix a time within which all conditions shall be complied with.

3. Subsection four of section twenty-three of the Native Land Amendment Act, 1913, is hereby amended by adding the words "and ten shillings" after the words "one pound." 20

Amending subsection (4) of section 23 of the Native Land Amendment Act, 1913.

Adjustment of Claims.

Authorizing the Native Land Court to reopen question of ownership of Ngamotu Block and to determine the relative interests.

4. (1.) The Native Land Court is hereby authorized and directed to reopen the question of the ownership of the Ngamotu Block in the Tairawhiti Native Land Court District, but only so far as to consider whether any names should be omitted from the title under an order on investigation of title dated the twenty-second day of October, eighteen hundred and ninety-six, and to determine the relative interests of the owners named in such title. 25

(2.) This section shall not affect any valid alienation heretofore made of the land or of any portion thereof. 30

Empowering the Native Land Court to inquire and determine what members of the Whanau-a-Taupara Tribe are entitled to be declared Native owners in addition to present owners of Mangatu Nos. 1 and 4 Blocks.

5. (1.) The Native Land Court is hereby empowered, on the application of any Native claiming to be interested, to inquire and determine, as in its ordinary jurisdiction on investigation of title, what members of the Whanau-a-Taupara Hapu are entitled according to Maori custom and usage to be declared to be Native owners of the Mangatu No. 1 Block and the Mangatu No. 4 Block in addition to the owners whose names are set forth in the Second Schedule to the Mangatu No. 1 Empowering Act, 1893; and, as to the Mangatu No. 4 Block, in addition to the owners whose names are set forth in the order issued for the Mangatu No. 4 Block on the investigation of title to the Mangatu lands. 35 40

(2.) The said Act and order shall be construed respectively as if the lists of owners set forth therein respectively comprised some only of the owners of the said blocks. The judgment given on investigation of title to the Mangatu lands shall be construed as declaring that such of the members of the Whanau-a-Taupara Hapu as can establish a claim to be admitted to the list of owners according to Maori custom are owners of the blocks known as Mangatu No. 1 and Mangatu No. 4 together with the other groups of owners found by 45 50

the Court to be entitled to the said lands respectively, but the said judgment shall not be construed as defining either generally or otherwise the relative interests of any groups of owners found to be entitled.

5 (3.) Any order made as aforesaid shall, so far as regards the land
known as Mangatu No. 1, have the effect of vesting the beneficial
ownership of the said lands in the Natives named in such order,
together with the Natives named in the Second Schedule to
10 the Mangatu No. 1 Empowering Act, 1893, as tenants in common
as from the date of such order, but shall not otherwise affect
the operation of the said Act or any rights acquired thereunder by
any lessee or mortgagee; and, so far as regards the land known as
Mangatu No. 4, such order shall have the effect of vesting the
beneficial ownership of such land in the Natives named in such order,
15 together with the Natives named in the existing order of the Native
Land Court made in respect of Mangatu No. 4 on investigation
of title, as tenants in common as from the date of such first-
mentioned order, but without affecting any rights acquired by any
lessee or mortgagee of the said lands.

20 (4.) The Native Land Court may, by the said order or orders or
by any subsequent order or orders, ascertain and define the relative
interests of the Native owners in the said blocks or in either of them,
and every agreement or order or judgment of the Native Land Court
heretofore made ascertaining, defining, or declaring the relative
25 interests of the Native owners or groups of Native owners in the
said land or any of them is hereby annulled.

6. (1.) The Governor-General may, by Order in Council, sus-
pend all the powers of the present trustees acting under the authority
of the deed dated the eighteenth day of May, eighteen hundred and
30 ninety-nine, and the resolutions referred to in and validated by
section twenty-two of the Native Land Claims Adjustment and
Laws Amendment Act, 1901, or under the authority of any appoint-
ment of trustees of the Mangatu Nos. 1, 3, and 4 Blocks heretofore
made by the Governor in Council.

Enabling the
appointment of the
East Coast
Commissioner to
administer the
Mangatu Nos. 1, 3,
and 4 Blocks, and
the setting-up of a
Commission of
Inquiry to inquire
into the past
administration of
above estates.

35 (2.) On and after the date of the gazetting of such first-men-
tioned Order in Council all the powers, authorities, and discretions
vested in the said present trustees by virtue of the said deed and
resolutions or by any statute or in pursuance of any decree or order
of any Court or otherwise shall by force of this Act become vested in
40 and exercisable by the East Coast Commissioner appointed pursuant
to the provisions of section twenty-two of the Maori Land Claims
Adjustment and Laws Amendment Act, 1906.

(3.) On the date of the gazetting of such first-mentioned Order
in Council all lands and property of every description now vested in
45 the present trustees shall become, by force of this Act, vested in the
said East Coast Commissioner, who shall have the benefit of and
may sue and recover in respect of all contracts previously entered
into on behalf of the said present trustees, and shall be entitled to
claim and recover all moneys which on the date of such Order in
50 Council were vested in or payable to the said present trustees.

(4.) Every manager and other officer appointed by the said present trustees shall be deemed to be suspended from office by the suspension of the powers of the trustees, and shall cease to have any authority, unless and until he shall be reappointed by the said East Coast Commissioner. No manager or other officer suspended from office pursuant to this Act shall have any claim or right of action for damages in respect of his suspension from or loss of office or engagement pursuant to this Act, whether he shall or shall not, in the discretion of the East Coast Commissioner, be reappointed. 5

(5.) The Governor-General in Council may appoint a Commission under the Commissions of Inquiry Act, 1908, of whom one member at least shall be a qualified accountant, to inquire into and report upon the past management and control of the Mangatu Nos. 1, 3, and 4 Blocks, and the rents and profits thereof, and such other matters in relation to the said Mangatu Nos. 1, 3, and 4 Blocks as the Governor-General may think fit. 15

(6.) The costs of the said Commission and of the East Coast Commissioner and counsel and solicitors employed by him before the said Commission and the charges and expenses of the administration by the East Coast Commissioner of the properties and trusts vested in him by this Act shall (subject only to the rights of existing mortgagees and holders of securities) be a first charge upon the Mangatu Nos. 1, 3, and 4 Blocks and the rents and profits thereof, and shall be recovered and paid by the East Coast Commissioner accordingly; and in the meantime, and until such recovery, may be paid out of the Consolidated Fund without further appropriation than this Act. 20 25

Vesting the legal estate of Section 5, Block II, of the Native Township of Tuatini in Wiremu Potae.

7. Whereas by virtue of an order of the Native Land Court (Gisborne District) dated the first day of May, nineteen hundred and fifteen, Wiremu Potae of Tokomaru Bay, aboriginal Native, was declared the beneficial owner of all that piece of land, containing by admeasurement one acre and three roods (be the same a little more or less), being Section 5, Block II, on a plan deposited in the Lands Registry Office, at Gisborne, under No. 1163 of the Native Township of Tuatini, and being part of the land in Certificate of Title, Volume 52, folio 22, Poverty Bay Registry: And whereas the above-described piece of land is part of and included in the Tuatini Native Township, a Native Township constituted under the provisions of the Native Townships Act, 1895: And whereas by virtue of the Native Townships Act, 1910, the legal estate to the said piece of land is vested in the Tairawhiti District Maori Land Board: And whereas no dealings with the said piece of land by lease or otherwise have ever taken place or been registered against the title to the said land: And whereas the said Wiremu Potae is desirous of having the legal estate to the said piece of land vested in him free from the provisions or restrictions of the Native Townships Act, 1895, or the Native Townships Act, 1910, or any other Act restricting or encumbering the said piece of land, except, however, such as are imposed by the Native Land Act, 1909, and amendments thereof: Be it therefore enacted that the legal and equitable estate to the said piece of land be vested in the said Wiremu Potae of Tokomaru Bay, 30 35 40 45 50

aboriginal Native, his heirs, executors, administrators and assigns free and clear of the provisions of the Native Townships Act, 1895, the Native Townships Act, 1910, or any amendment or amendments thereof, or any other Act the provisions of which restrict or prohibit
5 the said Wiremu Potae from dealing with or alienating the said piece of land, except, however, such of the provisions as are imposed by the Native Land Act, 1909, and amendments relative to the alienation by a Native of Native lands: And the District Land Registrar for the Poverty Bay Land Registration District shall, on being
10 requested so to do by the said Wiremu Potae, issue to him, the said Wiremu Potae, a certificate of title for the said piece of land free and clear of all restrictions or encumbrances, except those relating to the alienation of Native lands by a Native as above set out.

8. The Native Land Court shall have jurisdiction on the
15 application of any Native interested to give effect by its order or orders, with such variation or modification as may appear necessary and just, to a voluntary arrangement made in the year nineteen hundred and eleven by the Native beneficial owners of Section 2, Block III, and Sections 24 and 25, Block IV, Waitara Survey
20 District, for a partition of the said lands, and already given effect to as between the said owners by a survey made by Thomas Kingwell Skinner, of New Plymouth, surveyor, and by occupation according to such survey; and the Court may by order cancel and annul any previous order of the Native Land Court or Native Appellate Court
25 inconsistent with such voluntary arrangement.

Conferring jurisdiction on the Native Land Court to give effect to a voluntary arrangement made by the Native beneficial owners of Section 2, Block III, and Sections 24 and 25, Block IV, Waitara Survey District.

9. Notwithstanding that the piece of land called and known by the name of Okoheriki No. 2*b* Section 3*c* was by Order in Council bearing date the fourth day of May, nineteen hundred and eleven, vested in the Waiariki District Maori Land Board under Part XV of
30 the Native Land Act, 1909, it is hereby declared that the said Waiariki District Maori Land Board shall in respect to a portion of the said land, being that portion included in a partition order bearing date the sixth day of June, nineteen hundred and thirteen, of the Native Land Court, and called or known as Okoheriki No. 2*b*,
35 Section 3*c* No. 2, be deemed to have had jurisdiction to entertain an application for confirmation and to grant a certificate of confirmation of an alienation by way of transfer of the said land from the Native owners thereof to one Sarah Waugh of Tarukenga, married woman; and it is further declared that, subject to payment of all survey costs
40 and fees relating to the said piece of land known as Okoheriki No. 2*b*, Section 3*c* No. 2, the certificate of confirmation hereinbefore referred to shall be sufficient authority to the District Land Registrar for the Land Registration District of Auckland to issue a certificate of title in favour of the said Sarah Waugh for the said piece of land.
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Validating the confirmation of the alienation of the Okoheriki No. 2*b*, Section 3*c*, No. 2 Block.

10. Whereas Leonard Owen Howard Tripp, as solicitor for Herbert Lee Clough, presented a petition (No. 239 of the year
nineteen hundred and seventeen) to the House of Representatives in the present session of Parliament praying for relief in respect of the failure to apply for probate of the will of the late Abner Clough, of
50 Pitt Islands, aboriginal Native, deceased: And whereas a copy of the said will bearing date the twenty-fifth day of October, nineteen hundred and nine, was set out in the said petition to the Native

Empowering the Native Land Court to hear an application for probate of the will of Abner Clough, deceased.

Affairs Committee of the House of Representatives, and the said Committee reported that the said petition be referred to the Government for favourable consideration: And whereas prior to the presentation of the said petition application was made to the Native Land Court for probate of the said will, but, by reason of accidental delay in making such application, the Native Land Court has no jurisdiction to grant probate of the said will: Be it enacted that, notwithstanding anything contained in the Native Land Act, 1909, or in any other Act, jurisdiction is hereby given to the Native Land Court to hear the said application for probate, and, on being satisfied of the authenticity and due execution of the said will, to grant probate thereof or letters of administration with the said will annexed.

11. The Native Land Court is hereby authorized and directed to inquire as to what Natives are entitled to receive the sum of five hundred and sixty pounds to be paid by the Government in accordance with the recommendation of the Chief Judge as compensation for rents received by the Government for Te Haka No. 7 and Tapuae Blocks, and also to determine the proportionate amounts each Native should receive.

12. (1.) Whereas by the Whangarei Harbour Act, 1907, the Whangarei Harbour Board was endowed with certain lands, and included in such endowment was some Native land: And whereas it is desirable that such Native land be returned to the Natives: Be it therefore enacted as follows:—

(a.) The Second Schedule to the Whangarei Harbour Act, 1907, is hereby amended by exclusion of the land hereinafter described.

(b.) The land so excluded from the said Schedule is hereby declared to be customary land within the meaning of the Native Land Act, 1909.

(c.) The District Land Registrar is hereby empowered and directed to so amend any certificate of title to the land described in the said Second Schedule as to exclude therefrom the land hereinafter described.

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

All that area in the Auckland Land District containing by admeasurement one acre two roods and thirty-five perches, more or less: bounded towards the west by the Waiarohia Stream; towards the north by a right line bearing $90^{\circ} 23' 30''$, distance 183 links; towards the east by right lines bearing $189^{\circ} 51'$, distance 311.2 links; bearing $221^{\circ} 34'$, distance 182.7 links; bearing $204^{\circ} 38'$, distance 228.45 links: and towards the south by a right line bearing $280^{\circ} 54'$, distance 260.74 links: as the same is delineated on the plan marked L. and S. 1911/761, deposited at the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

13. (1.) The Chief Judge shall, on such terms as to costs, security for costs, or otherwise, as he thinks fit, grant leave to any person interested to appeal to the Native Appellate Court against the following orders of the Native Land Court:—

(a.) The order of the Native Land Court appointing successors to Wharetianga in Tuahu No. 3 Block, Wairoa, Hawke's Bay:

Authorizing the Native Land Court to inquire as to what Natives are entitled to a certain sum of money in respect of Te Haka No. 7 and Tupuae Blocks, and to determine the proportionate amounts for same. Excluding the Hibiaua Block from the Second Schedule to the Whangarei Harbour Act, 1907.

Granting leave to appeal against decisions of the Native Land Court.

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*Native Land Amendment and Native Land Claims
Adjustment.*

(b.) The orders of the Native Land Court appointing successors to Ema Paruparu in Waipiro Block and its subdivisions, Waiapu County :

5 (c.) The order of the Native Land Court appointing successors to Paka Mutu in Rotokautuku 6k No. 4 Block, Waiapu County.

(2.) The Native Appellate Court shall have power to hear and determine any appeal under this section, and to exercise, in respect of any such appeal, all or any of its powers under the Native Land
10 Act, 1909.

(3.) The interest of any person entitled at the date of the passing of this Act as a successor under any of the said orders shall be inalienable in any manner whatsoever until the final determination of the Native Appellate Court on the appeal affecting that interest.

15 14. The Maori Land Board of the Tokerau Maori Land District is hereby authorized and directed to inquire into the prayer of the petition of one Katherine Honeycombe with respect to a block of land situate in the County of Whangaroa, and called or known as Otangaroa 1c No. 2 Block, and, if satisfied as to the correctness of
20 the statements contained in such petition and that, in equity and good conscience, the alienation referred to in such petition should be validated, to confirm and validate the same.

Authorizing the Maori Land Board to inquire into and validate the alienation of Otangaroa 1c No. 2 Block.

15 15. Whereas the Paepaetahi Block, containing one hundred and twenty-eight acres and three roods, situated in the Heretaunga Survey District, in the Provincial District of Hawke's Bay, is vested in the Public Trustee for administration under the provisions of the Native Reserves Act, 1882, and its amendments : And whereas no
25 provision is made under such Act to allow lands so vested to be leased or tenanted by Native beneficial owners : And whereas it is desirable that power should be granted to the Public Trustee to grant leases to Native beneficial owners : Be it therefore enacted :—
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Granting power to the Public Trustee to lease the Paepaetahi Block to Native beneficial owners.

(1.) The Public Trustee may at his absolute discretion lease lands so vested in him to Native beneficial owners whom he may consider desirable tenants, without competition, for a period not
35 exceeding twenty-one years and without right of renewal, and without compensation for improvements.

(2.) The annual rental for leases granted under this section shall be fixed at an amount equal to *five* per centum per annum of a special Government valuation of the property proposed to be so
40 leased, and such leases shall contain the usual covenants and any special covenants or conditions which the Public Trustee may in his absolute discretion impose for the purpose of restraining the lessee from alienating his interest in any such lease granted here-
under or otherwise.

45 16. (1.) The assembled owners of any Native land may pass, and shall be deemed as from the coming into operation of the Native Land Amendment and Native Land Claims Adjustment Act, 1916, to have had power to pass, in the manner prescribed by Part XVIII of the Native Land Act, 1909, a resolution that such land, or any part
50 thereof, be disposed of to the Crown by way of gift for the purpose of settling thereon discharged Maori soldiers.

Native land may be disposed of to the Crown by way of gift for settlement of discharged Maori soldiers.

(2.) On the acquisition of any such land by the Crown, the Governor-General shall proclaim the same to be Crown land in the same manner in all respects as if the land had been duly purchased by the Crown under Part XIX of the Native Land Act, 1909.

(3.) Upon the land the subject of any such resolution being duly proclaimed Crown land as aforesaid, the Governor-General shall, by Proclamation under section three or section four of the Discharged Soldiers Settlement Act, 1915, set apart that land for the purpose of settling thereon discharged Maori soldiers. 5

Public Trustee
declared a leasing
authority with
respect to Auckland
and Wellington
Native Reserves.

17. (1.) With respect to the Native Reserves, being the land hereinafter described, vested in the Public Trustee, the Public Trustee shall be deemed to be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908, and may lease the same or any part thereof in accordance with the provisions of that Act. 10 15

(2.) Section twelve of the said Act shall apply to now-existing leases granted by the Public Trustee of land comprised in the said reserves.

(3.) The powers conferred upon the Public Trustee by this section are irrespective of all other leasing-powers exercisable by him under the Native Reserves Act, 1882, or any other Act. 20

(4.) The land to which this section relates is—

Firstly, all that piece or parcel of land being portion of Allotment 19 of Section 9, situate in the City of Auckland, in the Parish of Waitemata, County of Eden, containing by admeasurement one acre three roods thirteen decimal one eighth perches, more or less: bounded on the north-east by the Strand, 243 links; on the south-east by Stanley Street, 900 links; on the south-west, at an angle of 90° with Stanley Street, 46·46 links; on the west by a road, 675·12 links; again on the north-east by other portions of said allotment, 19·185 links; and on the north-west by other portion of the said allotment, 19·201 links; 25 30

Secondly, all that piece or parcel of land situated in Mechanic's Bay, Auckland, and being Allotment 4 of Section 12, containing by admeasurement two roods ten a half perches, more or less: bounded towards the north-east, 434·9 links, by Allotment 4A of Section 12; towards the east, 43·47 links, by Beach Road; towards the south-east, 97·78 links, by the said Beach Road; towards the south-west, 504·42 links, by Constitution Hill; and towards the south-west, 113·15 links, by a lane 18·2 links in width; and 35 40

Thirdly, part Town Acre 543, City of Wellington, containing one rood 13 perches, and Town Acres 864, 893, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1081, 1082, 1098, 1099, 1100, containing one acre each, or a total area of thirty-six acres one rood thirteen perches. 45