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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,*

*7th December, 1918.*

*Hon. Mr. Herries.*

## NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT.

### ANALYSIS.

Title. 1. Short Title. <i>Amendment of Native Land Laws.</i> 2. Road-lines may be proclaimed as public roads. 3. Amending section 45 of the Native Land Amendment Act, 1913. 4. Amending subsection (9) of section 109 of the Native Land Amendment Act, 1913. <i>Adjustment of Claims.</i> 5. Chief Judge may refer matters mentioned in Schedule to the Court, or a Judge or Commissioner, for investigation and report. 6. Mangatu Nos. 1, 3, and 4. Trusts of deeds irrevocable except with the consent of Governor-General in Council.	7. Authorizing the Native Land Court to ascertain which members of the Ngati-Tuhourangi Tribe are entitled to be granted certain lands in the Aroha Survey District. 8. Validating certain orders of the Native Land Court in respect of the Opape No. 1 Block and the completion thereof by survey. 9. Empowering the Native Land Court to ascertain and determine the Natives beneficially entitled to the land known as Tawata and their respective interests. 10. Enabling the District Land Registrar to issue a certificate of title to Allotment No. 210, Parish of Te Puna. 11. Validation of execution of instruments of alienation. Schedule.
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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 Native Land Claims Adjustment Act, 1918. Short Title.

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#### *Amendment of Native Land Laws.*

2. Where any road-line has heretofore been laid out by the Native Land Court under section one hundred and seventeen of the Native Land Act, 1909, or section ten of the Native Land Amendment Act, 1912, and has not been proclaimed as a public road, then such road-line may be proclaimed as a public road under the corresponding provisions of sections forty-eight or forty-nine of the Native Land Amendment Act, 1913, subject, however, to the conditions prescribed by section fifty-one of the last-mentioned Act and section fifteen of the Native Land Amendment Act, 1914. Road-lines may be proclaimed as public roads.

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Amending section 45 of the Native Land Amendment Act, 1913.

3. Section forty-five of the Native Land Amendment Act, 1913, is hereby amended by omitting the words "Three months' notice of the hearing of any such application," and substituting therefor the words "Such notice of the hearing of any such application as the Court thinks fit."

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Amending subsection (9) of section 109 of the Native Land Amendment Act, 1913.

4. Subsection nine of section one hundred and nine of the Native Land Amendment Act, 1913, is hereby amended by omitting the words "The provisions of section forty-five of this Act shall apply to any such application and in all other respects."

*Adjustment of Claims.*

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

5. (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.

(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 recommendations under this section shall be laid before Parliament on as early a date as possible, and shall be referred to the Native Affairs Committee in the House of Representatives.

Mangatu Nos. 1, 3, and 4.

6. Notwithstanding anything expressed or implied in the deed dated the eighteenth day of May, eighteen hundred and ninety-nine, and the resolutions relating to Mangatu No. 1 Block and referred to in section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1917 (hereinafter called the principal Act), or in the trust deeds or appointments of trustees in respect of Mangatu Nos. 3 and 4 Blocks, the trusts of each of the said deeds, or other the trusts of and concerning the said Mangatu Nos. 1, 3, and 4 Blocks, shall, as from the commencement of the principal Act, be deemed to have been and shall hereafter be irrevocable except with the authority and consent of the Governor-General in Council; and any purported revocation of the said deeds or any of them, or of the said trusts or any of them, heretofore made shall for all purposes be void and of no effect; and this section shall be read and deemed to be incorporated with section seven of the principal Act.

Trusts of deeds irrevocable except with the consent of Governor-General in Council.

7. Whereas the lands of certain Natives of the Ngati-Tuhourangi Tribe were rendered uninhabitable by the Tarawera eruption in eighteen hundred and eighty-six: And whereas it appears from documentary evidence that a promise was made by or on behalf of His Majesty to set apart certain lands in the Aroha Survey District for the use and occupation of the said Natives, but the said lands have not been legally reserved for the said purpose: And whereas it is desirable that provision should be made for granting the said lands to those Natives of the Ngati-Tuhourangi Tribe or their descendants whose lands were rendered uninhabitable as aforesaid: Be it therefore enacted as follows:—

Authorizing the Native Land Court to ascertain which members of the Ngati-Tuhourangi Tribe are entitled to be granted certain lands in the Aroha Survey District.

(1.) The Native Land Court is hereby authorized to make such inquiries it thinks proper with respect to any promise that may have been made by or on behalf of His Majesty to grant certain lands in

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Aroha Survey District to members of the Ngati-Tuhourangi Tribe whose lands were rendered uninhabitable by the Tarawera eruption in the year eighteen hundred and eighty-six, and, if it is satisfied that such a promise was made, to ascertain the persons to whom such lands should be granted, and to report its findings to the Governor-General.

(3.) After receiving such report the Governor-General may direct the District Land Registrar of the Auckland Land Registration District to issue a certificate or certificates of title for such lands in favour of the Natives so ascertained to be entitled thereto, and the District Land Registrar shall issue a certificate or certificates of title accordingly.

8. Notwithstanding that the subdivisional surveys of the Opape No. 1 Block were made in error in accordance with the orders made by Judge Johnson, instead of in compliance with the amending orders of the late Judge Mair, in order to avoid the cost of a resurvey, and as on the whole the Native owners are satisfied with the present position, the Chief Judge of the Native Land Court is hereby authorized and directed to cancel the amending orders hereinbefore referred to, and to issue fresh orders in conformity with the orders made by Judge Johnson; and, further, the completion by survey as aforesaid of Judge Johnson's orders is hereby validated.

Validating certain orders of the Native Land Court in respect of the Opape No. 1 Block and the completion thereof by survey.

9. Whereas the land known as Tawata was, by virtue of section eight of the Maori Land Claims Adjustment and Laws Amendment Act, 1904, reserved for the use and occupation or for the benefit of such of the Natives as the Minister may after due inquiry decide, and who are and have been for several years past residing thereon, and are more or less landless: And whereas such inquiry has not been made: And whereas it is expedient that the Natives entitled to such land should be ascertained and determined: Be it therefore enacted as follows:—

Empowering the Native Land Court to ascertain and determine the Natives beneficially entitled to the land known as Tawata and their respective interests.

(1.) The Native Land Court is hereby authorized and directed to ascertain and determine who are the Natives beneficially entitled to the land known as Tawata, being portion of the Waimarino Block heretofore acquired from the Natives by the Crown, and containing about fifteen hundred acres, more or less, and the relative interests to which each of such Natives is entitled, and to make order or orders accordingly.

(2.) Each such order shall be deemed to be a freehold order of the Court made on investigation of title, and shall be dealt with accordingly.

10. Whereas the records of the Native Land Court, Waiariki District, show the following five aboriginal Natives of New Zealand—namely, Mita Hamiora, Rikihana, Taukiwaho Ihaka, Te Tauawhi, and Hamiora Rahipere—to be the owners of the block of land called Allotment No. 210, Parish of Te Puna, containing fifty acres one rood sixteen perches, more or less, as successors to Penetaka Tuaiia, deceased, the original sole owner, the title to the said land being shown on the said records as "Crown grant": And whereas the said first-mentioned five owners, relying on their title as shown in the Native Land Court, agreed to sell the said land to Thomas Plummer,

Enabling the District Land Registrar to issue a certificate of title to Allotment No. 210, Parish of Te Puna.

of Tauranga, farmer, a conveyance to whom was on the fifteenth day of February, nineteen hundred and sixteen, duly confirmed by the Waiariki District Maori Land Board, subject to payment of purchase-money: And whereas after the said conveyance was signed it was ascertained that no trace of the issue of the Crown grant to Penetaka Tuaiā could be found: And whereas on the nineteenth day of October, nineteen hundred and sixteen, application was made by the Minister of Lands, under section eleven of the Native Land Amendment Act, 1912, to the Native Land Court to inquire and ascertain what persons should be included in the certificate of title to the said land and determine the relative interests so ascertained: And whereas on the second day of May, nineteen hundred and seventeen, Judge Wilson, after duly hearing the said application, made an order recommending the issue of a Crown grant to the said Penetaka Tuaiā antevesting to the first day of January, eighteen hundred and seventy: And whereas doubts have arisen as to the powers of Judge Wilson to make such order: And whereas it is equitable that effect should be given to the aforesaid conveyance to Thomas Plummer: Now, therefore, the District Land Registrar at Auckland is hereby authorized to issue to the said Thomas Plummer a certificate of title to the said piece of land on production of a certificate from the Waiariki District Maori Land Board that all purchase-money under the said conveyance has been paid.

Validation of execution of instruments of alienation.

11. All instruments of alienation heretofore executed by a Maori Land Board under the seal of the Board and in conformity with a valid resolution or resolutions of owners under Part XVIII of the Native Land Act, 1909, and which are invalid or may be deemed to be or have been invalid by reason only of the fact that no confirmation in writing under the seal of the Board had first been executed are hereby declared to be validly executed and have been validly executed as from the respective dates when they were executed and sealed by the Board.

Schedule.

#### SCHEDULE.

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

1. PETITION No. 234 of 1916 of Mako Rapaura and two others: Praying for an inquiry *re* succession to interest of Wiremu Tamihana, deceased, in Whangape Lot 65B 2c.

2. Petition No. 489 of 1917 of Ani Keeti: Praying that certain lands in the Pokuru Block be returned.

3. Petition No. 168 of 1915 of Hapimana Rangira and another: Praying for a rehearing *re* succession to interest of Wiremu Tini Waitapu, deceased, in Palmerston North Native Reserve.