

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.

30th October, 1922.

Hon. Mr. Coates.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT.

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  - 53. Native Land Court empowered to ascertain and determine persons entitled to lands in Third Schedule.
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A BILL INTITULED

- Title. 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. 5
- BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—
- Short Title. 1. This Act may be cited as the Native Land Amendment and Native Land Claims Adjustment Act, 1922. 10

*Amendments to Native Land Laws.*

- Native Land Act, 1909, amended. 2. The Native Land Act, 1909, is hereby amended as follows :—
- (a.) By repealing subsections three and four of section thirty-two, and substituting the following subsections :— 15
- “ (3.) So soon as practicable after the making thereof the order shall be drawn up in writing under the seal of the Court and the hand of the Judge by whom it was made, or the hand of the Chief Judge or any other Judge. 20
- “ (4.) An order may be so signed by the Chief Judge or other Judge although the Judge by whom it was made has died or ceased to be a Judge of the Court ” : 20
- (b.) By omitting the words “ six weeks ” in subsection three of section forty-eight, and substituting the following words— 25
- “ two calendar months ” :
- (c.) By inserting, after the words “ partition order made by it ” in subsection one of section one hundred and twenty - one, the words “ or by the Native Appellate Court ” :
- (d.) By inserting, after the words “ in the name of the trustee ” in section one hundred and fifty, the words “ or such person as the Court may appoint in place of the trustee named in the will ” : 30
- (e.) By inserting at the end of subsection four of section two hundred and forty the words “ Such power may be exercised notwithstanding the prior execution or registration of an instrument of alienation executed by the Board ” : 35
- (f.) By adding the following subsection to section three hundred and thirty-six :— 40
- “ (3.) The body corporate may acquire and hold shares in any dairy or freezing company, and the consent of the Court shall not be required for such purpose. ”
- Native Land Amendment Act, 1913, amended. 3. The Native Land Amendment Act, 1913, is hereby amended as follows :—
- (a.) By omitting from subsection one of section nine all words after the words “ City of Wellington ” : 45
- (b.) By substituting the word “ two ” for the word “ four ” and the words “ one copy ” for the words “ two copies ” in section eleven ; and by omitting from the said section eleven as amended by section five of the Native Land Amendment Act, 1914, the words “ one copy shall be 50

transmitted to the Recorder of Native Titles at the Head Office, where it shall be filed."

(c.) By repealing subsections three and four of section fifty :

(d.) By adding at the end of section sixty-five the following words :

5 " This shall not apply where the Court in dealing with any will is satisfied that the testator had a knowledge of the English language sufficient to enable him to understand the effect of the will " :

10 (e.) By inserting in subsection three of section ninety-two, after the words " such Judge," the words " or the consent of the Native Minister " :

(f.) By repealing section one hundred and thirty-one.

15 4. Section five of the Native Land Amendment Act, 1914, and section two of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, are hereby repealed.

5. Section four of the Native Land Amendment and Native Land Claims Adjustment Act, 1915, is hereby amended by omitting the word " six " where it occurs, and in each case substituting therefor the word " twelve."

20 6. The Chief Judge may refer to the Court for inquiry and report any application or other matter as to which such inquiry is in his opinion necessary or expedient, and such reference shall be deemed to be an application within the ordinary jurisdiction of the Court, which shall have full power and authority to hear the same and to make such report  
25 to the Chief Judge or recommendation thereupon as the circumstances of the case seem to require.

7. (1.) Where through any mistake, error, or omission the Court or the Native Appellate Court by its order has in effect done or left undone something which it did not actually intend to do or leave undone, or  
30 where the Court or Native Appellate Court shall have decided any point of law erroneously, the Chief Judge may, upon the application in writing of any person alleging that he is affected by such mistake, error, omission, or erroneous decision in point of law, make such order in the matter for the purpose of remedying the same or the effect of the same respec-  
35 tively as the nature of the case may require, and for any such purpose may, if he shall deem it necessary or expedient, amend, vary, or cancel any order made by the Court or Native Appellate Court, or revoke any decision or intended decision of either of such Courts.

(2.) Any order made by the Chief Judge upon such proceedings  
40 amending, varying, or cancelling any prior order shall be subject to appeal in the same manner as any final order of the Court, but there shall be no appeal against the refusal to make any such order.

(3.) The Chief Judge may refer any such application to the Court for inquiry and report, and he may act upon such report or otherwise  
45 deal with the application without holding formal sittings or hearing the parties in open Court.

(4.) The Chief Judge may require any applicant to deposit such sum of money within such time as he shall think fit as security for costs, and, unless such deposit is so made, may summarily dismiss the  
50 application. The Chief Judge shall have power to allow costs to any person opposing the application.

Native Land Amendment Act, 1914, and Native Land Amendment and Native Land Claims Adjustment Act, 1919, amended.

Extension of period for confirmation of resolution.

Reference to Court by Chief Judge.

Amendment after title ascertained.

(5.) Any order of amendment, variation, or cancellation shall take effect (subject to appeal) as from the making thereof, but no such amendment, variation, or cancellation of any order made by the Chief Judge hereunder shall take away or affect any right or interest acquired for value and in good faith under any instrument of alienation before the making of such order of amendment, variation, or cancellation, but such instrument may be perfected, confirmed, or registered as if no such order had been made by the Chief Judge. Any such alienation shall thereafter enure for the benefit of the persons eventually found by the Chief Judge's order to be entitled to the share or interests affected, and all unpaid or accruing purchase money, rent, royalties, or other proceeds of such alienation, as well as any compensation payable under the Public Works Act, 1908, shall be recoverable accordingly. All *bona fide* payments made in faith of the order amended, varied, or cancelled shall not be deemed to be invalid because the order was so amended, varied, or cancelled.

(6.) Where an application has been lodged under this section the Court may, for the purpose of protecting the property in dispute, grant an order prohibiting dealings with the share or interest affected by such application pending the result of such application, and any dealings in contravention of such order shall be deemed to be void. Such order may be lodged with the District Land Registrar and shall be recorded and take effect as a caveat against dealings, and shall be deemed to lapse when the application under this section is dismissed or an order is granted thereunder. Nothing in this subsection shall prevent the confirmation or registration of an alienation effected by an instrument executed before the granting of such order.

(7.) All consequential orders required to be made by reason of the Chief Judge's order in any order, record, or document made, issued, or kept by the Court may be made by any Judge of the Court, and where it becomes necessary to correct the District Land Registry a copy of the Chief Judge's order and a note of the consequential amendments made by the Chief Judge or any other Judge shall be transmitted by the Registrar of the Native Land Court to the District Land Registrar, who is hereby empowered to make all necessary and consequential amendments in the register of the title of the land affected.

(8.) This section shall extend and apply (with the exception hereinafter mentioned) to orders, whether made before or after the passing of this Act, including orders within the protection of section thirty-eight or of section four hundred and thirty-two of the Native Land Act, 1909, save that in all cases where an order is dated more than five years previously to the receipt of the application under this section the Chief Judge shall first obtain the consent of the Governor-General in Council before making any order hereunder. The Chief Judge shall nevertheless have full power without such consent to dismiss any such application or to refer it to the Court for inquiry and report.

(9.) The Chief Judge shall dismiss all applications (if any) which have already formed the subject of proceedings under section thirty-nine of the Native Land Court Act, 1894, or section fifty of the Native Land Act, 1909, or in matters which have been adversely reported on by the Chief Judge in accordance with any statutory powers in that behalf, unless the Governor-General in Council expressly consents to the Chief Judge exercising jurisdiction under this section in any such matter.

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(10.) This section shall not apply to any order made upon investigation of title or partition save with regard to the relative interests defined thereunder, but the provisions of this subsection shall not prevent the making of any necessary consequential amendments with regard to partition orders.

8. Notwithstanding the death of the beneficiary entitled to moneys held or invested by the Maori Land Board under section ninety-two of the Native Land Amendment Act, 1913, the trust funds shall still remain subject to the provisions of that section so long as the money is so held or invested.

Extending protection of section 92 of Native Land Amendment Act, 1913.

9. (1.) Where the Native Land Court is satisfied after inquiry that it is desired by the majority in value of the Native owners of any block of land under lease that the rents or any part thereof should be set aside as a fund for assisting any religious, charitable, or educational purpose or such other purpose as the Maori owners may desire and the Native Minister may approve, the Court may, on the application of any person interested, make an order allotting the whole or a portion of the rents accordingly, and direct to whom the rent so allotted shall be paid, and payment to such person shall be a discharge *pro tanto* to the lessee for the amount of the rent so paid.

Allocation of rents for special purposes.

(2.) If default is made in payment of the amount of the rent so allotted, the person or corporate body to which it is made payable may recover the same from the lessee as a debt, and such recovery shall be without prejudice to the lessor's rights to proceed under any breach of the covenants contained in the lease.

(3.) Any such order made as aforesaid shall be an authority to the Maori Land Board to pay as directed by the order any rents received by it as trustee or agent for the beneficial owners.

10. In addition to and as alternate with the provisions contained in section ninety-six of the Native Land Amendment Act, 1913, with regard to the reversioning of lands subject to Parts XIV and XV of the Native Land Act, 1909, and vested in a Maori Land Board, the following shall apply:—

Reversioning lands subject to Parts XIV and XV of Native Land Act, 1909.

(1.) Upon application by the Native Minister the Native Land Court may make one or more orders reversioning any such land or any part thereof in the person or persons for the time being found beneficially entitled thereto according to the relative interests as ascertained by such order, and upon the making of such order the land therein included shall cease to be vested in the Maori Land Board and shall become vested in the person whose name is set out in such order.

(2.) The Court, without the consent of the Maori Land Board may, should it deem it necessary to do so, partition the land among the owners for the purpose of giving effect to such reversioning and if necessary to exercise the power conferred by section one hundred and fifteen of the Native Land Act, 1909.

(3.) The District Land Registrar is authorized to register such order against the relative title without production of the outstanding certificate of title, and may cancel the register of such land as to the whole or a part as the case may require, and issue a new certificate of title for the estate and to the persons named in the order of the Court subject to the existing valid leases, licenses, mortgages, or charges.

(4.) If when such order is received by the District Land Registrar the title to the land affected has not already been registered, the order

shall be embodied in the provisional register as a folium thereof, and all the provisions of the Land Transfer Act, 1915, shall apply accordingly :

Provided that if any instrument granted by the Board has not been registered it may thereafter be registered as if the Board still remained the registered proprietor, and shall take effect as if it were a valid and effective dealing by the registered proprietors thereof, and all provisions in favour of the Board shall enure to and be exercisable by the registered proprietors. 5

(5.) When the land named in such order is affected by any instrument of alienation executed by the Board while the land was vested in it the Court may, in that or by any subsequent order, direct that the Board shall continue to exercise the powers of lessor or grantor of any license, and thereupon the Board shall exercise all powers as if it still remained the lessor or grantor under the alienation referred to until such time as the Court may by order revoke such direction. 10 :  
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(6.) It shall not be necessary for the purpose of giving effect to this section to register any Order in Council vesting the land in any Board or to issue any title in respect thereof, but the order made by the Court may be registered against any subsequent title or may become the commencement of any title as far as the Land Transfer Register is concerned. 20

Permitting adjustment of errors on partition.

11. (1.) Where through error, inadvertence, or expediency any Native freehold land or improvements thereon properly belonging to one person or party has upon or in consequence of a partition order been awarded or allotted to some other person or party, the Court, for the purpose of rectifying or remedying any injustice occasioned thereby, shall be deemed to have and to have had jurisdiction to hear any claim arising thereout, and to make such order either by way of awarding compensation or otherwise as it shall deem just, and to charge the payment thereof upon any land which it thinks ought to bear the burden, subject to any existing liens and encumbrances. 25  
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(2.) The amount so charged upon any land may be apportioned by the Court from time to time as occasion requires.

Personalty orders may be issued.

12. (1.) In the case of intestate estates of deceased Natives, the Court, in lieu of granting letters of administration, may make an order or orders vesting the personal estate or any part thereof in the person found by the Court to be beneficially entitled thereto. 35

(2.) Where any person entitled is a person under disability the Court, in exercising jurisdiction under Part X, may require the trustee (other than the Native Trustee) to give security for the proper administration of the trust property. 40

(3.) No succession or other duty under the Death Duties Act, 1921, shall be payable in respect of any order made under this section where the Registrar certifies that the value of the personalty affected by the order is under two hundred pounds. 45

Road access over adjoining lands.

13. (1.) The Court may, in order to give access or better access to any European land which has ceased to be Native land since the fifteenth day of December, nineteen hundred and thirteen, lay off over any adjoining Native land (whether freehold or not) such lines of roads or privateway as the Court thinks necessary or expedient. 50

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(2.) The Court may likewise, in order to give access or better access to any Native freehold land, lay off over any adjoining European land which has ceased to be Native land since the fifteenth day of December, nineteen hundred and thirteen, such lines of roads or private way as the Court thinks necessary or expedient.

(3.) In laying out any such line of road or private way the Court shall take into consideration what compensation (if any) ought to be paid to any person or persons having any claim or interest in the land affected, and determine by whom the same shall be paid, and, when it thinks expedient so to do, may make a charging order charging it on the land benefited by such line of road or private way or such other lands as the Court thinks fit.

(4.) The Court may if the circumstances justify it, direct that no compensation is payable, or may lay down such conditions as it thinks necessary under which the line of road or private way shall be enjoyed by the parties.

(5.) An order made under this section may be registered against any title affected by it.

14. (1.) Upon the alienation by way of sale of any Native freehold land by the lessor thereof to the lessee or to any person claiming through or under him, the consideration shall be deemed to be adequate for the purposes of section two hundred and twenty of the Native Land Act, 1909, until the contrary is shown if it amounts to a sum equal to the capital value at which the owners' interest is valued under the Valuation of Land Act, 1908, and its amendments at the time of the contract of purchase.

Adequacy of consideration for reversionary interest.

(2.) If such valuation was made more than one year previous to the date of the contract of sale, or there are special circumstances which seem to call for it, the Board may requisition a new valuation under its powers in that behalf and estimate the adequacy of the consideration by reference to the valuation so made.

15. Where the sections of a Native township have been submitted for lease by public competition and any of them remain unlet the Board may let the same or any of them without further competition if it is satisfied that the case is one in which the expense should be saved, and that the rental proposed to be paid by any intending lessee is a fair and adequate one, based upon the Government valuation.

Native Townships Act, 1910, amended.

16. (1.) A Maori Land Board may, at its discretion, grant to any lessee or sublessee of land vested in such Board a new lease or leases of the whole or any part of the land comprised in the original lease for the residue of the term created by such last-mentioned lease, and may, for that purpose, accept a surrender or partial surrender of the former lease.

Board may grant substituted lease.

(2.) This section shall also apply where only a contract for the head lease has been entered into.

17. (1.) Where the lessee of Native land is desirous of subdividing his holding he may apply to the Maori Land Board of the district wherein the land comprised in the lease is situate for one or more new leases to be granted, and thereupon, if the Board is satisfied that it would not be against the interests of the Maori owners to do so, it may accept and execute on behalf of the Native lessors a surrender

Grant of new leases on subdivision of leasehold.

of the said lease, and may either grant to the former lessee and execute a new lease or leases for the whole or any part of the land comprised in such surrendered lease for the residue of the term of the surrendered lease, or may grant to a sublessee, or any other person appointed by the former lessee (subject to such person being able to make the necessary declaration of qualification), a new lease of the whole or any part of the land for a like term. 5

(2.) Any instrument executed by the Board hereunder shall recite that it is executed as the agent of the registered proprietors, and shall have the same force and effect, and may be registered in like manner, as if it had been lawfully executed by all the owners of the land or their trustees, and as if those owners or trustees had been fully competent in that behalf. 10

(3.) No such new lease shall be executed without the consent of the owners or their trustees, signified in writing, or by resolution of assembled owners. 15

(4.) A resolution directing the Board to accept a surrender, or grant a new lease under this section, shall be deemed to be one that the assembled owners may pass.

(5.) The Board, in accepting any surrender, or granting any new lease, may impose such conditions as it thinks necessary for the protection of the owners, and may apportion the rent payable in such manner as it thinks expedient. 20

Extending section 81 of Native Land Amendment Act, 1913.

18. The provisions of section eighty-one of the Native Land Amendment Act, 1913, shall apply also to the case of Native freehold land which is the subject of memorandum of lease, which leasehold is mortgaged and subsequently acquired by the mortgagee. 25

Board may accept mortgages.

19. A Maori Land Board may, with the consent of the Native Minister, advance moneys upon mortgage either for itself or on behalf of Natives, and no such mortgage or charge of Native land in favour of a Board shall require confirmation. 30

Board may retain compensation-moneys.

20. (1.) Where compensation-money for Native land taken under the Public Works Act, 1908, is paid to any Maori Land Board on behalf of the beneficiary and the Board is of opinion that the money or any part thereof should not be immediately paid to the beneficiary entitled, the Board may retain the whole or such part of the money, as it thinks fit, in its possession as a trust fund under section four hundred and twenty-four of the Native Land Act, 1909. 35

(2.) Such trust fund or any part thereof may be paid to the Native or as he directs at the discretion of the Board. 40

(3.) The Court shall have power to make orders for payment out of such trust fund in accordance with section twenty-nine of the Native Land Act, 1909.

Survey orders validated.

21. (1.) Where the Court has made an order vesting a defined portion of or any interest in Native land in any person entitled in satisfaction and discharge of the costs of any survey, or any charge or mortgage therefor, or any costs or expenses incidental thereto, either with the approval of the Native Minister under section sixty-five of the Native Land Court Act, 1894, or under the provisions of section thirty-four and thirty-five of the Maori Land Laws Amendment Act, 1903, such order shall be deemed to be valid and effective notwithstanding the provisions of section two of the Native and Maori Land 45 50



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Laws Amendment Act, 1902, and may be transmitted to the District Land Registrar and registered accordingly.

(2.) If when the vesting-order mentioned in the *last preceding* sub-section is received by the District Land Registrar the title to the land affected has not already been registered, the order shall be embodied in the provisional register and shall form a separate folium thereof and shall be numbered accordingly, and when so numbered shall be deemed to be duly registered. If subsequently a title shall be presented for registration which includes the land defined by the vesting order, the District Land Registrar may accept and register such title, but shall immediately cancel so much of it as is affected by the vesting order already registered.

(3.) This section shall not apply to any order declared invalid by the Supreme Court, nor to any order cancelled by the Court or Native Appellate Court, nor to any case where the amount due for the survey in respect of which it was made has since been paid to the person entitled to such order or any person claiming under or through him.

22. (1.) Wherever any Native is charged or chargeable with any costs, charges, or expenses in connection with or incidental to the prosecution of or opposition to any claim or application to the Court or Native Appellate Court, or in connection with any proceedings before Parliament or any Committee thereof, such costs, charges, or expenses shall be subject to taxation.

Taxation of  
conductors' costs.

(2.) Upon application by or on behalf of the person chargeable the Court may either tax such costs, charges, or expenses or refer the same to some officer for such purpose.

(3.) The Court may order a bill of items to be supplied for the purpose of such taxation.

(4.) Such taxation may take place notwithstanding the person chargeable may have entered into an agreement as to the amount to be paid, and if the Court thinks the agreement to be unfair or unreasonable it may reduce the amount payable under such agreement.

(5.) The Court or taxing officer shall certify in writing the amount that ought to be fairly paid in respect of such costs, charges, or expenses, and the amount so found shall be deemed to be the amount properly payable by the person chargeable.

(6.) This section shall not apply to any costs, charges, or expenses which are liable to taxation under the Law Practitioners Act, 1908.

23. Where any rents, royalties, purchase or compensation moneys are due and payable in respect of the share or interest in Native land of any deceased Native and no successor has been appointed, the Maori Land Board may, notwithstanding that the Native may be dead, claim and recover in his name the sums of money so due, and shall hold the same for the benefit of the successor or beneficial owner found entitled thereto, subject to the administration costs of the Board.

Recovery of amounts  
due to deceased  
Natives.

24. (1.) Where moneys being the proceeds of any alienation of Native land or compensation-moneys arising therefrom are due to any deceased person, or to any person whose whereabouts is unknown, the same may be paid to the Maori Land Board of the district, whose receipt shall be a sufficient discharge therefor.

Payments to Board  
of amounts due to  
deceased Natives.

(2.) The said moneys shall be held by the Board in trust for the person beneficially entitled, subject to the administration costs of the Board.

Terms of alienation  
may be modified.

25. The Maori Land Board may, in carrying out any resolution of the assembled owners confirmed by it, stipulate for such terms, conditions, and provisions as it shall think to be in the interests of the Native owners, including the increase of rent or purchase-money, allowing portion of the purchase-money to remain on mortgage, payment of interest, or otherwise howsoever, although such terms, conditions, and provisions may not be stated in the resolution so confirmed. 5

Enforcement of  
contract on behalf  
of Natives.

26. (1.) For the purpose of recovering any rent or other proceeds derivable from the alienation of any Native freehold land and for the purpose of compelling the performance of the covenants and conditions in any memorandum of lease of Native land, the Maori Land Board of the district may (after notice to the lessee or other person by whom the money is payable), at its discretion, exercise, either in its own name or the names of the lessors or other persons entitled to the proceeds of the alienation, all rights of action, distress, re-entry, or otherwise in as ample a manner as if it were the actual owner of the fee-simple and as such had executed the instrument of alienation. 10 15

(2.) The Board may, before exercising any powers under this section, require that all costs should be either paid to it or guaranteed by such person or in such manner as the Board may approve. 20

(3.) The fact that some of the owners object to the Board exercising the powers, or that some of them have been paid or partly paid, or that some are dead, or that successors have not been appointed, or that, if appointed, the order has not been registered, shall not be a bar to the Board exercising its powers hereunder. 25

(4.) No act of any individual owner after notice to the lessee by the Board that it is proposed to act under this section shall operate as a waiver or prejudice in any way the right of the Board to take proceedings hereunder.

#### *Arawa District Lakes.*

Declaring beds of  
certain lakes to be  
vested in His  
Majesty.

27. For the purpose of giving effect to an agreement made between representatives of the Government and representatives of the Arawa Tribe with respect to the ownership of the lakes hereinafter in this section referred to it is hereby enacted as follows:— 30

(1.) The beds of the lakes mentioned in the Second Schedule to this Act, together with the right to use the waters of the said lakes, are hereby declared to be the property of the Crown, freed and discharged from the Native customary title, if any: 35

Provided that there shall be reserved to the Natives all islands situate in any of the said lakes, and not heretofore specifically alienated by the Natives, together with the right of ingress, egress, and regress over the waters of such lake to any island. 40

Provided further that the Governor-General may reserve any portion of the bed of any such lake or any Crown lands on the border thereof for the use of the Natives, and may vest the management and control thereof in trustees. 45

(2.) There shall be reserved to the Natives the right to fish for and catch for their own use any indigenous fish in any of the said lakes, but no such fish shall be sold, except with the consent of the Board hereinafter mentioned. The sale of any such fish without such consent shall be deemed to be unlawful, and any person who commits any such offence shall be liable on summary conviction to a fine not exceeding *five* pounds. All fines recovered under this sub-section shall be paid to the Board. 50

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(3.) There shall be paid out of the Consolidated Fund to the Board hereinafter mentioned, out of moneys to be appropriated by Parliament for the purpose, the annual sum of *six thousand* pounds, the first of such payments to be due and payable on the first day of April, nineteen hundred and *twenty-four* :

Provided that this subsection shall not be operative unless and until it is confirmed by Parliament by an enactment to be hereafter passed not later than the said first day of April, nineteen hundred and *twenty-four*.

(4.) For the purposes of this section there shall be constituted a Board to be called the Arawa District Trust Board, and in respect thereof the following provisions shall apply:—

(a.) The Board shall be a body corporate with perpetual succession and a common seal. The number of its members shall be determined and the members thereof appointed by the Governor-General in Council, and the Governor-General may by Order in Council make regulations with respect to the term of office, the qualifications for membership, the mode of filling vacancies on the Board, the administration of the funds of the Board, the payment of administration expenses, and the keeping and auditing of accounts, and generally for such other purposes as may be necessary to give effect to this section.

(b.) The Board shall administer all funds held by it for the general benefit of the members of the Arawa Tribe or their descendants, and may provide moneys for specific purposes for the benefit of the members of any particular section of that tribe. Subject to the foregoing provisions of this section, it shall be within the power of the Board to finally determine what may be a proper object for which payment may be made out of its funds.

(c.) With the precedent consent of the Native Minister, the Board may from time to time, on the security of a mortgage of or charge upon any land vested in it, or upon the security of or a charge upon any moneys to be paid to it under this section, borrow money from a State Loan Department, or from any other person or body corporate, for the purposes or any of the purposes for which the Board is constituted, including the payment of any debts and liabilities properly incurred in that behalf and the improvement and maintenance of any lands or buildings under the control of the Board.

*Adjustment of Claims.*

28. (1.) Notwithstanding anything contained in section fourteen of the Native Claims Adjustment Act, 1911, to the effect that confirmation by the Native Land Court of accounts relating to the East Coast Native Trust lands submitted to such Court by the East Coast Commissioner shall make such accounts binding upon and conclusively determine and ascertain the rights of all parties interested in the matter of such accounts, it is hereby enacted that all such accounts

Rectification of  
accounts submitted  
by East Coast  
Commissioner.

so confirmed since the scheme of adjustment dated the twelfth day of September, nineteen hundred and eight, of the Validation Court set out in Parliamentary Paper G.-8, 1908, shall, on the application of the East Coast Commissioner, be subject to review without disturbing in any way such scheme of adjustment by the Chief Judge of the Native Land Court, who shall have power to correct errors therein (whether such accounts have been submitted prior or subsequent to the passing of the Act), and, in particular, as regards the charging and crediting of simple interest in lieu of compound interest as between debtor and creditor estates. 5 10

(2.) For the purposes of such review the Chief Judge may refer such accounts, or any matter or question in connection therewith, to the Native Land Court for inquiry and report, and may act upon such report in such manner as in his discretion he may consider the circumstances require. 15

(3.) The power of the Commissioner appointed under section twenty-two of the Maori Land Claims Adjustment and Laws Amendment Act, 1906, to sell lands vested in him as such Commissioner shall be exercised subject to the approval in writing of the Native Minister of any such sale or of the proposal to sell. 20

Authorizing Court  
to grant title for  
Foxton Section 97B.

29. (1.) The Native Land Court is hereby authorized and empowered to inquire into the circumstances attending a proposed gift by the owners or some of them to the Mayor, Councillors, and Burgesses of the Borough of Foxton (herein called the Corporation), of the piece of land known as Foxton Section 97B, containing about two roods and twenty-one perches, and comprised and described in certificate of title, Volume 70, folio 69, of the Wellington Registry, and, if the Court is satisfied the gift should be carried out, to make an order vesting the said land or any part of it in the said Corporation subject to such conditions (if any) it shall think fit to impose. The Court may remit any fees (including those formerly imposed) payable to the Native Land Court in respect of the said land. 25 30

(2.) The said Corporation is authorized to accept and hold the land on the conditions imposed, and the District Land Registrar may register any order and issue a certificate of title accordingly. 35

(3.) Section sixteen of the Native Land Claims Adjustment Act, 1910, is hereby repealed.

Authorizing  
Waiariki Maori Land  
Board to accept  
transfer of  
Rotohokahoka D  
North 2A

30. Whereas by memorandum of transfer dated the twelfth day of August, nineteen hundred and twenty-two, Taiporutu te Mapu, therein named, purported to transfer a certain piece of land comprised and described in certificate of title, Volume 104, folio 23, of the Auckland Registry, and known as Rotohokahoka D North 2A, to the Waiariki Maori Land Board for purposes which are set out, or intended so to be, in a separate declaration of trust: Be it therefore enacted that the said memorandum of transfer shall be deemed to be a valid and effectual alienation, and shall not require confirmation. The District Land Registrar is directed and authorized to register the same, and the said Board may accept and hold the said land accordingly. 40 45

Revesting Rotoiti  
Native Township  
and cession of  
portion for scenic  
purposes.

31. Whereas the Rotoiti Native Township vested in the Waiariki District Maori Land Board under the Native Townships Act, 1910, is, by reason of the unsuitability of its location, no longer required to be a Native township, and the beneficial owners thereof are desirous that the title to the land which it affects should be again vested in them: And whereas the Native beneficial owners have made arrangements with the Crown for ceding to it certain portions of the township for a 50 55

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scenic reserve: And whereas it is desired to confirm such arrangements:  
Be it therefore enacted—

5 (1.) The land which was set aside for a Native township and known as Rotoiti Native Township (with the exception of the portion herein-  
after declared to be Crown land) is hereby vested in the owners beneficially entitled thereto, to be ascertained by the Native Land Court, for an estate in fee-simple free from encumbrances as tenants in common according to their respective interests, and shall be deemed to be Native freehold land.

10 (2.) Such land shall be so vested notwithstanding that part of it may now be a street or reserve shown on the plan of the said township, and any Proclamation of such streets or reserves is hereby revoked.

(3.) This section shall not apply to the roads known as Tamatea Street and the Rotorua-Te Teko Road, which are to be deemed to be  
15 public roads.

(4.) The District Land Registrar, upon receipt of the order of the Court defining the names and shares of the owners, shall issue a certificate of title for the said land in the name of the persons so named for an estate in fee-simple, describing the land by such designation as shall be given to it by the Court, and shall cancel all certificates of title which may appear necessary to be cancelled. Such certificate of title shall antevest the title to the date of the passing of this Act.

20 (5.) The Governor-General may by Proclamation declare that part of Rotoiti Native Township, to be more accurately described in such  
25 Proclamation, to be vested in His Majesty the King, and thereupon the Crown shall hold the same upon the same terms, subject to the same trusts, and to be administered by the same Board of Control as is provided for in section thirty-three of the Native Land Amendment and Native Land Claims Adjustment Act, 1919. The District Land  
30 Registrar is empowered to issue a certificate of title in the name of His Majesty the King.

(6.) Any memorandum of lease to which any portion of the said Rotoiti Native Township is now subject shall be deemed to be hereby determined, and no person shall be entitled to claim any compensation in respect thereof. The District Land Registrar may notify such determination upon the register, but it shall not be necessary to produce any outstanding instrument of title for that purpose.

32. Whereas the Native owners of certain subdivisions of the Waione Block, situate in Blocks XII and XVI, Rotoiti Survey District, Auckland Land District, have offered to cede portions of these lands to the Crown, to be held by the Crown as scenic reserves under the Scenery Preservation Act, 1908: And whereas it is desired to accept such offer and to establish a special Board for the administration, protection, and control of these lands as scenic reserves: Be it therefore  
45 enacted as follows:—

Cession of portion of Waione Block for scenic purposes.

(1.) The lands to be ceded to the Crown as hereinbefore recited shall be determined by the Native owners or their representatives, and the boundaries of these lands as pointed out by Ngataiawhio Te Ruahuihui of Rotoiti, shall thereupon be defined by the Crown by  
50 survey.

(2.) Upon the completion of such survey a plan shall be prepared and deposited in the Head Office of the Department of Lands and Survey at Wellington, showing the boundaries of the lands proposed

to be ceded by the Natives aforesaid, and thereupon the Governor-General may by Proclamation declare that the said lands shall be deemed to have been duly ceded to the Crown by the Native owners thereof, and on the issue of such Proclamation the said lands shall vest in His Majesty to be held by him in perpetuity in trust as scenic reserves, 5  
subject to the Scenery Preservation Act, 1908.

(3.) The administration of the reserves ceded to His Majesty pursuant to this section shall be controlled by the Board of Control provided for by section thirty-three of the Native Land Amendment and Native Land Claims Adjustment Act, 1919. 10

(4.) If on the issue of a Proclamation under this section any lands to which that Proclamation relates are subject to any lease or other interest vested in any person other than the Native owner, such lease or interest shall thereupon be deemed to be determined and compensation in respect thereof shall be payable to the persons entitled thereto, 15  
as if the land had been taken as for a public work under the Public Works Act, 1908.

Enabling Court to define claimants in connection with the Aorangi, Patutahi, and Waipuku-Patea Reserve Blocks.

33. (1.) Whereas in the report of a Commission appointed under the Commissions of Inquiry Act, 1908, contained in the Appendix to the Journals of the House of Representatives, 1920, G.-5, the Commission has made various recommendations which are still under 20  
consideration, and may or may not be given effect to: And whereas it was neither practicable nor politic for the said Commission to have made full inquiries as to who would be entitled to any relief that might be given as a result of its recommendations, but it is desirable 25  
that those matters should be judicially determined: And whereas it may, in the course of dealing with any of such matters, become necessary for the Crown to know with whom it should deal or with whom it should discuss the nature and details of any proposed relief: Be it therefore enacted that the Native Land Court is hereby authorized 30  
and empowered, upon the application of any person claiming to be interested, to determine who are the persons that are entitled to any relief that may be granted, and in what relative interests, in respect of any of the following matters or grievances referred to in the said report under the headings—(a) Aorangi Block, (b) Patutahi Block, 35  
(c) Waipuku-Patea Reserve; and to make order accordingly, declaring the names and relative interests of the persons so found to be beneficially entitled in each case to the relief (if any) that it may be hereafter decided to grant.

(2.) It shall be in the full discretion of His Majesty's Government of New Zealand what (if any) relief shall be granted in any of such cases. 40

(3.) In ascertaining and determining the persons beneficially entitled the Court shall not be bound by any former grant, title, or order. 45

Empowering Court to inquire into claims regarding Poroporo No. 1 Block.

34. (1.) In pursuance of a recommendation of the Native Affairs Committee of the House of Representatives upon petition to Parliament No. 296/1921 (Session II) of Hone Paputene and others relating to the Poroporo No. 1 Block, situated in the County of Waiaapu, the Native Land Court is hereby empowered and directed— 50

(a.) To inquire into such of the allegations contained in the said petition as relate to the expenditure of moneys for improvements made on the said land by the petitioners or any of

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5 them, and to determine the amount that shall be paid to such petitioners or petitioner as compensation for such improvements, and by what persons and in what proportions the said compensation shall be paid, such improvements to be taken at the actual cost thereof :

10 Provided that the Court may determine what sums should be debited against such petitioners or petitioner as rent, or for use and occupation of the said land, whether before or after the ascertainment of the title, and what sums should be credited as part payment of any claim against the owners of the said land, notwithstanding that there may not have been any valid lease of the said land or any valid license to occupy :

15 (b.) To inquire as to the use and occupation of the said land by any persons, whether or not such persons were part owners under any title then subsisting or whether or not such persons are now part owners, since the date of the first order of the Native Land Court on investigation of the title to the said land, and to determine what sums of money (if any) should be paid by such persons by way of rent or for use and occupation to the owners of the said land :

20 Provided that the said Court shall take into account any moneys expended by such persons on improvements on the said land in assessing the amount payable by such persons for rent or for use and occupation of the said land.

25 (2.) The Court may make such orders as may be necessary to give effect to its determinations in respect of the matters aforesaid, and in respect of the matter dealt with in paragraph (a) of sub-section one hereof may, in order to secure payment of any moneys payable as compensation, grant a charge over the said land upon such terms as may seem just.

30 (3.) Any share or interest in the said land acquired by the Crown shall not be affected by the provisions of this section, and the Crown shall not be held or made liable in respect of any claim for compensation or rent or in any way whatever.

35 35. (1.) To give effect to a recommendation of the Chief Judge the Native Land Court is hereby authorized and empowered to amend the title of the Mangatu No. 1 Block so as to include therein the names of Maraea Kiwi Omana and Rina te Wai or their successors sharing together with Hirini Kereru *alias* Hirini Wharekete, Neri Wharekete and Epeniha *alias* Hape Wharekete or their representatives such of the relative interests as are awarded or allotted to those persons through their common ancestor Ngaariki as to the Court shall seem fit.

Authorizing amendment of title of Mangatu No. 1 Block.

40 (2.) The Court may make all consequential amendments in the title or in the records of the Court as the circumstances of the case may require.

45 36. (1.) The Native Land Court is hereby authorized and empowered, on application by any person interested, to define and determine the relative interests of the owners in the following blocks situate in the Tairawhiti Native Land Court District: (a) Taikatiki Block, (b) Waiaranga No. 1 Block.

Authorizing Court to redefine relative interests in Taikatiki and Waiaranga No. 1 Blocks.

50 (2.) The shares shown in the respective certificates of title of the said lands shall not be deemed to be binding in any way upon the

Authorizing amendment of orders regarding estate of Harawira Heperi or Pikirangi (deceased).

Court, and may be amended (if necessary) to conform to the relative interests as determined by the Court in accordance with this section.

37. (1.) To carry out a recommendation of the Chief Judge the Native Land Court is authorized and empowered to rehear the applications upon which orders were made on the seventeenth day of January, nineteen hundred and thirteen, and sixteenth day of January, nineteen hundred and eighteen, respectively, granting succession to Harawira Heperi or Pikirangi (deceased) in respect of his interest in the following lands: (a) Awarua 4A 3C 4C; (b) Awarua 4A 3C 4E; (c) Awarua 3D 3 No. 9; (d) Orumatua Kaimanawa 3B; (e) Motukawa 2B 3B; (f) Toka-  
anu B: with power to the Court to cancel, vary, or amend any order so made, and to make any new or other order it may see fit, irrespective of the fact that some of the said orders may have formed the subject of Native Appellate Court proceedings.

(2.) Notwithstanding any former order, the Court shall have power to make any order it considers just in respect of any sum of money held by the Aotea District Maori Land Board on behalf of the estate of the said Harawira Heperi or Pikirangi (deceased), and may determine what person or persons are entitled thereto. If any such person be a minor or other person under disability, the Court may direct payment of the share of such person under disability to the Native Trustee, to be held by him on behalf of such person under disability.

(3.) No cancellation, variation, or amendment of any order shall take away or effect any right or interest acquired by any person in good faith and for value before the passing of this Act, but any alienation heretofore made, together with the unpaid proceeds (if any), shall enure for the benefit of the proper successor or successors as found upon the rehearing.

(4.) All payments heretofore made in the faith of any order affecting the succession or estate of the said Harawira Heperi or Pikirangi (deceased) shall be deemed to be validated.

(5.) The successors appointed by the orders of the seventeenth day of January, nineteen hundred and thirteen, and the sixteenth day of January, nineteen hundred and eighteen, respectively, are hereby prohibited from alienating the interests derived through Harawira Heperi or Pikirangi (deceased) in the lands mentioned in subsection one pending the decision of the Court upon the rehearing hereby granted, and any alienation to the contrary shall be deemed to be void.

Validating definition of relative interests in Hauanu B Block.

38. (1.) The Native Land Court is authorized and empowered to amend an order on investigation made by the Court on the sixteenth day of September, eighteen hundred and ninety, in respect of the Hauanu B Block situate in the Tairāwhiti Native Land Court District, by substituting for the relative interests as set out in such order the relative interests as determined by the Court on the twelfth day of May, nineteen hundred and twenty-two (which determination the Court shall be deemed to have had jurisdiction to make), and to make such other consequential amendments as the case may require.

(2.) The payment or apportionment of any rent or other proceeds of any alienation which has already been paid or accrued shall not be disturbed or altered by reason of such amendment, but after notice of the amendment any further moneys accruing due shall be payable in accordance with the amended order.



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39. To give effect to a recommendation of the Chief Judge the orders made by the Native Land Court on the thirteenth day of June, nineteen hundred and sixteen, granting succession to Enoka Pani (deceased) in respect of his interest in the lands known as Waipipi
- 5 Lots 369 and 377 respectively, are hereby cancelled, and the Court records may be amended accordingly.
40. (1.) To give effect to the recommendation of the Chief Judge the Native Land Court is hereby directed and empowered to rehear the application whereon was founded an order made by the Court on
- 10 the seventeenth day of April, nineteen hundred and sixteen, ascertaining the beneficial ownership of the piece of land known as Te Puna Lot 154D, referred to in section eight of the Native Land Claims Adjustment Act, 1914, and to make such order thereon as to the Court may seem just.
- 15 (2.) Any such order shall be subject to appeal in the ordinary way.
- (3.) In ascertaining the persons entitled the Court shall not take into consideration the claims of those persons who sold the said land to the Crown and received payment therefor.
41. The Native Land Amendment and Native Land Claims
- 20 Adjustment Act, 1921-22, is amended by repealing subsection two of section thirteen. The order named therein shall be deemed not to have been cancelled.
42. (1.) The order of the Native Land Court dated the ninth day of June, nineteen hundred and nineteen, granting succession to
- 25 Rangitaiki Lot 41A No. 3, is hereby cancelled.
- (2.) The Native Land Court is hereby directed to rehear the application upon which the said order was founded.
- (3.) No alienation made by the present successors shall be invalidated or prejudicially affected, nor shall any right or interest acquired
- 30 in good faith and for value be taken away or affected, by such cancellation, but any purchase or other money payable under any such alienation and not already paid shall enure to the benefit of the rightful successors as found upon such rehearing.
43. (1.) To correct a clerical error the Urewera Lands Act, 1921-22, is hereby amended as follows: By striking out of the Second
- 35 Schedule the words "1911, No. 35—The Native Land Claims Adjustment Act, 1911," and substituting therefor the words "1911, No. 35—The Native Land Claims Adjustment Act, 1911, section 12."
- 40 (2.) The Native Land Claims Adjustment Act, 1911 (as amended by the Native Land Claims Adjustment Act, 1914), with the exception of sections twelve and seventeen thereof, shall be deemed to be revived.
- (3.) The said Urewera Lands Act, 1921-22, is hereby further amended by adding to section sixteen the following words: "It shall
- 45 not be necessary to wait such period in the case of the lands known as Ruatoki 1, 2, and 3 Blocks."
44. Whereas the land known as Section 1, Block VI, Puniu Survey District, containing three roods six perches, is a portion of the land formerly known as Pokuru 3A, which, for the purpose of conserving a
- 50 Maori burial-ground and to settle disputes concerning it, was expressly included as a separate area in the award to the Crown upon the

Cancelling orders respecting interest of Enoka Pani (deceased).

Authorizing rehearing of claim to Te Puna Lot 154D Block.

Amending section 13 of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22.

Cancelling orders respecting interest of Te Owai Hakaraia (deceased).

Amending the Urewera Land Act, 1921-22.

Vesting Section 1, Block VI, Puniu Survey District, in Natives.

purchase from the Native owners of the Pokuru 3 Block: And whereas it was decided that there should be a reservation of the said land, but, instead of being reserved for the use of aboriginal Natives, it was permanently reserved for a public cemetery by Warrant dated the thirteenth day of May, nineteen hundred and three: And whereas the land is not required for or likely to be used as a public cemetery, and the Native Land Court has reported that Rihi Huanga and Henare Tikitini are the Natives entitled to the control of such Maori burial-ground: Now, therefore, be it enacted that the reservation of the said land as a public cemetery is hereby annulled, and the said land, known as Section 1, Block VI, Puniu Survey District, is hereby vested in the said Rihi Huanga and Henare Tikitini for an estate in fee-simple as tenants in common in equal shares. 5 10

Authorizing readjustment of shares in Ohotu No. 2B and other blocks.

45. (1.) In order to give effect to the recommendation of the Chief Judge the Court is hereby authorized and empowered to carry out by such order, amendment, or otherwise, as the Court deems best, the arrangement referred to in the report of the Native Land Court dated the eighteenth day of September, nineteen hundred and twenty-two, under section thirty-two of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, in respect of petition No. 219 of nineteen hundred and twenty, by Kuku Haweti, praying for readjustment of shares in Ohotu No. 2B and other blocks. 15 20

(2.) No such order or amendment shall prejudice or take away any right or interest acquired by any person in good faith and for value before the making thereof. 25

Fixing adequate consideration for the Kahaka Block.

46. For the purpose of giving effect to a recommendation by the Native Affairs Committee of the House of Representatives it is hereby enacted that in respect of an application to the Tokerau District Maori Land Board to confirm an instrument of alienation by way of transfer dated the twenty-second day of August, 1919, from Peti Nopera Kiriona to Henry Blencoe Matthews, of the Kahaka Block, the sum of eighty-five pounds, the Government valuation of the said land at the date of the execution of the alienation, shall be deemed to be a consideration which is adequate within the meaning of paragraph (c) of subsection one of section two hundred and twenty of the Native Land Act, 1909. 30 35

Enabling appeal in re succession to Miri Arapata (deceased).

47. To give effect to a recommendation of the Chief Judge the time for commencing an appeal against an order of the Court dated the thirteenth day of October, nineteen hundred and nineteen, appointing successors to Miri Arapata (deceased) in respect of her interest in land known as Ngatirahiri 6 and 14, is hereby extended to the thirty-first day of January, nineteen hundred and twenty-three. 40

Authorizing exercise of jurisdiction regarding Allotment 39A, Matata.

48. The Court is hereby authorized and empowered to inquire and determine if the land comprised in a Crown grant dated the twenty-fifth day of September, eighteen hundred and seventy-eight, and known as Allotment 39 of the Parish of Matata, in the Rotorua Survey District, and containing thirteen thousand six hundred and seventy-five acres, was either at or before the time of being so granted intended by the Crown, or the Confiscation Commissioners, or by the nominal owners thereof or any of them, to be held by the nominal owners in trust for persons not named in the title to such 45 50

land; and to determine who (if any) are the persons entitled beneficially to so-much of such land as has not been alienated or exchanged to the Crown, and the relative interests of all persons so entitled. The Court shall have power to order the inclusion of those persons in the title together with the nominal owners, and, if necessary or expedient, to cancel any partition or other order, and to repartition the land known as Allotment 39A among the persons so found to be entitled; and for the purpose aforesaid to order the cancellation or amendment of any existing instrument of title or to issue such new title, as may be found necessary. No order made as aforesaid shall invalidate any alienation heretofore made in respect of the above land or any part thereof, but all rights to which the nominal owners are entitled by contract or otherwise shall pass to and enure for the benefit of the persons so found to be entitled.

49. (1.) Notwithstanding the provisions of section thirty-eight, section one hundred and seven, or section four hundred and thirty-two of the Native Land Act, 1909, or any other provision to the contrary, the Court is hereby authorized to exercise in respect of the land known as Pakowhai, situate in Block XVI, Taramarama Survey District, containing five hundred and sixty-two acres, and comprised in a Crown grant or certificate of title dated the thirteenth day of July, eighteen hundred and seventy-two, the jurisdiction conferred by Part V of the said Act.

Authorizing exercise of jurisdiction regarding Pakowhai Block.

(2.) No order made by the Court shall invalidate any alienation made in respect of the land before the date of the passing of this Act. All rights to which the nominal owners are at that date entitled, by contract or otherwise, in respect of the land shall pass to and enure for the benefit of the persons so found to be entitled.

50. (1.) Whereas the land known as Reserve 385, Little River, Canterbury Land District, containing seventy acres two roods thirty-three perches, more or less, was by a notification appearing in the *Canterbury Provincial Gazette* of the fifteenth day of June, eighteen hundred and sixty-five, set apart for Native and other purposes: And whereas the said reserve has always been looked upon and treated as wholly a Native reserve, and it is desirable that it should be ascertained on behalf or for what Natives it may fairly be said that the land mentioned is held: Be it enacted that the said land shall be deemed to be land owned by such Natives or descendants of Natives as the Native Land Court shall find entitled thereto.

Vesting Reserve 385, Little River, in the Natives.

(2.) The said Court is hereby authorized and empowered to ascertain and determine what Natives or descendants of Natives should be included in the title to the said, land and the relative interests in which they should hold the same, and to make an order vesting the land or any part thereof in the persons so found entitled for an estate in fee-simple.

(3.) The land shall, on the making of such order, be deemed to be Native freehold land and become subject to the Land Transfer Act, 1915. All provisions for registration of freehold orders shall apply to any such order.

51. (1.) The Native Appellate Court is hereby empowered and directed to inquire into and report upon the claims and allegations made by the petitioners in a petition to the House of Representatives,

Empowering Native Appellate Court to determine the identity of the person named Raho in Grant No. 3749, Okahu Block.

No. 21, of nineteen hundred and twenty-one (Session II), of Rangihawe te Kaho and four others, respecting the identity of the person named as Raho in Grant No. 3749 of the Okahu Block, and praying for relief accordingly.

(2.) The Native Appellate Court shall make to the Native Minister 5 such recommendation as seems to it to accord with the equities of the case.

(3.) The report and recommendation under this section shall be laid before Parliament at as early a date as possible, and shall stand referred to the Native Affairs Committee of the House of Representatives. 10

Enabling Court to determine what provision ought to be made for Niniwaiterangi Heremaia out of estate of Rangih Kerehoma (deceased).

52. Whereas the will of Te Raro Te Rangikatuakina, otherwise known as Rangih Kerehoma (deceased), (herein called the testator) made provision for one Niniwaiterangi Heremaia, of Martinborough, an aboriginal Native relative, in case no child of the testator should acquire an absolutely vested interest in his trust estate by virtue of his will, but made no provision for her in the meantime, although the other persons equally entitled in the like event have been so provided for: Be it therefore enacted as follows:— 15

(1.) It shall be lawful for the Native Land Court, on the application of the said Niniwaiterangi Heremaia, to inquire and determine what (if any) provision ought in equity to be made towards the support and maintenance of the said Niniwaiteranga Heremaia out of the estate of the said testator and to make, at its discretion, an order for payment to the said Niniwaiterangi Heremaia of such periodical or other sum as to the Court shall seem meet. The Court may attach such conditions to the order as it thinks fit. 20 25

(2.) Every order made under this section shall have the same effect as if it was a disposition lawfully made by the testator by will.

(3.) No mortgage, charge, or assignment of any kind whatsoever of or over such provision shall be of any force, validity, or effect unless made with the permission of the Native Land Court or a Judge thereof, nor shall it be capable of being attached or taken in execution or pass to the assignee in the bankruptcy of the beneficiary. 30

Native Land Court empowered to ascertain and determine persons entitled to lands in Third Schedule.

53. (1.) Notwithstanding anything to the contrary in any Act, the Native Land Court is hereby empowered, on the application of any person claiming an interest therein, to ascertain and determine the persons beneficially entitled to the lands set out in the *Third Schedule* hereto, and to define their respective relative interests therein, and to make such orders as are deemed necessary to give effect thereto. 35

(2.) Any orders heretofore made by the Native Land Court purporting to ascertain the ownership of the said lands are hereby declared to be void and of no effect. 40

(3.) The control and management of the said lands shall continue in the Native Trustee to the same extent as at present.

(4.) The Native Trustee may at his discretion pay to the beneficial owners so found by the Court the whole or any part of the revenue derived from any of the respective lands to which they may be found to be beneficially entitled. 45

Authorizing the Native Trustee to execute a transfer of land in Orakei 4A 2 Block.

54. Whereas in the year nineteen hundred and ten, at the ceremonial opening of the Ohinemutu Maori Church of England at Rotorua, one Otene Kawharu or Paora, a well known chief of the Ngati-whatua Tribe, publicly offered to donate one acre of land as a contribution towards the funds of the said Church: And whereas on the twenty-first day of January, nineteen hundred and twenty, he attempted to 50

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transfer an undefined acre of his interest in the Orakei 4A 2 Block to carry out his promised gift, but such transfer was void inasmuch as all alienations of that land, other than alienations to the Crown, were expressly prohibited by Order in Council issued pursuant to section three hundred and sixty-three of the Native Land Act, 1909: And whereas the Crown is desirous of acquiring the area so agreed to be given, and the Church authorities prefer to receive the cash value of the same: And whereas the said Otene Kawharu or Paora is now a person under disability: Be it therefore enacted that the Native Trustee is hereby authorized and empowered to execute in the name and on behalf of the said Otene Kawharu or Paora a transfer to His Majesty the King of one acre of the said Otene Kawharu or Paora's interest in the said Orakei 4A 2 Block, at a price to be agreed upon between the Crown and the Reverend Piri Munro. The Native Trustee shall hold the purchase-money in trust to pay it, subject to any charges for administration, to Taiporutu te Mapu and Piri Munro on behalf of the body or the persons known as the Ohinemutu Maori Church of England Committee for Church purposes.

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

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

(2.) The Chief Judge may, upon such inquiry and report, make to the Native Minister such recommendation in any case 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 stand referred to the Native Affairs Committee of the House of Representatives.

## SCHEDULES.

Schedules.

### FIRST SCHEDULE.

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

1. PETITION No. 225 of 1921 (Session II), of Mita Taupopoki and three others: Praying for reinvestigation into the title to the Tauri Block.
2. Petition No. 331 of 1920, of Hawhe Pakeha: Praying for rehearing as to succession to Paheha (Nohotu) in Hinewhaki Nos. 2, 7, 3 Blocks.
3. Petition No. 314 of 1919, of Wiremu Karaka and nineteen others: Praying for reinvestigation of title to the Mangahauini No. 7 Block.
4. Petition No. 265 of 1922, of Horomona Teo Paipa and others: Praying that the decision of the Native Appellate Court *re* Mangahauini No. 7A be cancelled.
5. Petition No. 207 of 1921 (Session II), of Hapua Hutana: Praying for inquiry into his claim as part owner of the Rangiauria Block.
6. Petition No. 220 of 1922, of Inia Ranginui and six others: Praying for rehearing of the matter in connection with the papakainga in Okahukura Block.
7. Petition No. 118 of 1922, of Ata Tamihana Turoa Kupa and another: Praying for inclusion in the right of succession, as the descendants of Rora Kupa, to the Waimarino, Urewera, and Raetihi Blocks.
8. Petition No. 159 of 1921 (Session II), of Mare Mare Taki: Praying for cancellation of succession orders made to the interests of Haora Taki (deceased).

9. Petition No. 157 of 1922, of Keita Rangitukia: Praying for inquiry as to the succession orders made to Rapata Nepia and Mereana te Marohuia with a view to cancellation thereof and for compensation.

10. Petition No. 252 of 1922, of Jane Brown: Praying for inquiry to determine the absentee members of the Ngatimutunga Hapu under the agreement with the Government of 1867.

11. Petition No. 295 of 1922, of Roimata Wi Tamihana and others: Praying that the Native Land Court be empowered to further investigate matters in connection with the Ngatimutunga Reserve.

12. Petition No. 308 of 1922, of Huitau te Hau: Praying for inquiry into the title of Tawapata South, parts 1, 3, 5, 6, and 7.

13. Petition No. 336 of 1922, of Karauri Tiweka Anaru: Praying for inquiry into the succession orders made *re* Takimoana (deceased).

### SECOND SCHEDULE.

#### LAKES REFERRED TO IN SECTION 27.

Rotoehu.	Okareka.	Ngahewa.
Rotoma.	Rerewhakaitu.	Tutaeinanga.
Rotoiti.	Tarawera.	Opouri.
Rotorua.	Rotomahana.	Ngakaro.
Okataina.	Tikitapu.	

### THIRD SCHEDULE.

	Acres.
1. SECTION 1, Native Reserve, Block 6, Mawheranui .. .. .	1,000
2. Blocks 3 and 4, Mawheranui .. .. .	700
3. Block 1, Native Reserve 752, Arawata .. .. .	10
4. Block 1, Kawatiri; Block 1, Ohika .. .. .	500
5. Section 26, Block 1, Kawatiri .. .. .	520
6. Section 5, Block 16, Mokihinui .. .. .	160
7. Block 14, Oparara .. .. .	10
8. Section 6, Block 5, Whakapoai, Heaphy Reserve .. .. .	100
9. Section in Karamea .. .. .	500