

Hon. Mr. Coates.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS
ADJUSTMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;"><i>Amendments to Native Land Laws.</i></p> <p>2. Section 92 of the Native Land Amendment Act, 1913, amended.</p> <p>3. Enabling Crown and European-owned land to be included in scheme of consolidation of interests.</p> <p>4. Providing for the exception from an order of incorporation of any portion of the incorporated block.</p> <p>5. Public buildings owned by Natives may be vested upon trust in certain persons.</p> <p>6. Providing a fund, out of interest derived from money invested by Maori Land Boards for necessary expenditure in connection with Maori secondary schools.</p> <p>7. Authorizing Maori Land Boards to pay consideration money for transfer or assignment of lease under Part XVI of Native Land Act, 1909, to the Native owners.</p> <p style="text-align: center;"><i>Adjustment of Claims.</i></p> <p>8. Granting power to the Waerenga-a-hika Trust Board to borrow money upon the security of lands vested in it.</p> <p>9. Enabling the Native Land Court to ascertain and determine the names of other Natives entitled to rights in the Titi Islands.</p> <p>10. Empowering the Court to redetermine and redefine, if necessary, the relative interests in which the Natives hold the Pouakani Block.</p> <p>11. Authorizing the Court to ascertain and determine the rightful successors to Tarahuia Nahona (deceased) in Kinohaku East No. 2 Section 9 Block.</p> <p>12. Empowering the District Land Registrar to register a lease of Lot 2 of the Rotoiti No. 4 Block.</p> <p>13. Enabling the Court to rehear the applications for succession to Hoani Tatana (<i>alias</i> Hoani te Kaka), deceased, in Ararepe No. 1 and other Blocks.</p> <p>14. Authorizing the Court to inquire into the making of succession orders to Maihi te Uata (deceased) in Te Whetu 3B No. 3 and another block, and to amend them, if necessary.</p> | <p>15. Empowering the Court to redetermine the relative interests of the owners of the Ngamotu Block.</p> <p>16. Directing the Court to rehear the applications for succession to Te Owai Hakaraia (deceased) in the Rangitaiki Lot 41A No. 9C Block.</p> <p>17. Governor-General in Council deemed to have had power to impose certain conditions when granting extension of period within which the Tongariro Timber Company is required to complete construction of a certain railway.</p> <p>18. Provisions relating to cession by Native owners of certain lands near Lake Okataina to be held by His Majesty in trust for scenic purposes.</p> <p>19. Sections 116 and 117 of the Public Works Act, 1908 (relating to roads), not to apply to sale or subdivision of land situate within the Ohinemutu Pa.</p> <p>20. Authorizing issue of certificate of title to beneficial owners of the Opoutama Native Reserve.</p> <p>21. Section 31 of Native Land Amendment and Native Land Claims Adjustment Act, 1920, amended.</p> <p>22. Authorizing the Court to inquire and determine the rightful successors to Wiripine Makaiia and Harawira te Rea respectively.</p> <p>23. Enabling compensation to be paid for lands near Wairoa taken for purposes of East Coast Main Trunk Railway.</p> <p>24. Granting jurisdiction to the Court to ascertain and determine the beneficial owners of Tutuotekaha No. 1 Block.</p> <p>25. Vesting Sections 2 and 3, Block III, Aroha Survey District, in the Native Trustee in trust for certain Native owners.</p> <p>26. Governor-General may make regulations authorizing Ngati-Tuwaharetoa to take trout or other fish in Lake Roto-Aira.</p> <p>27. Exchanging Section 14, Block II, Mount Fyffe Survey District, for Native Reserve E in the Town of Kaikoura.</p> <p>28. Validating a transfer of Otangaroa No. 1c No. 1 to Tau Shepherd.</p> <p>29. Chief Judge may refer matters mentioned in Schedule to the Court or a Judge or Commissioner for investigation and report. Schedule.</p> |
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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, 1921-22. 10

Amendments to Native Land Laws.

Section 92 of the Native Land Amendment Act, 1913, amended.

2. Section ninety-two of the Native Land Amendment Act, 1913, is hereby amended by the addition of the following subsection :—

“(4.) No money required by a Board to be paid as in this section provided nor any deposit or investment representing such money, nor any income arising therefrom, shall be assets in the bankruptcy of the person for the time being beneficially entitled thereto or pass to the assignee of that bankruptcy.” 15

Enabling Crown and European-owned land to be included in scheme of consolidation of interests.

3. (1.) If and whenever the Crown has purchased any Native land or any interest in Native land in any district and it seems desirable that the interests of the Crown or of Natives who have not sold to the Crown should be respectively consolidated, the Native Land Court is hereby empowered and authorized to carry out such a scheme of consolidation as it approves and to make orders accordingly, defining the interest of the Crown and vesting in Natives such portions of the land affected by the scheme as the Court shall decide. 20 25

(2.) An order may be made in favour of His Majesty although the land named in such order may not have been wholly transferred to the Crown, and on the making of such order the land named therein shall absolutely vest in the Crown, freed and discharged from the interests of the Native owners as if instruments of transfer had been duly executed by all necessary parties. 30

(3.) The Court may recommend that any land vested in His Majesty be vested by way of exchange in any Native who, in the opinion of the Court, should receive the same, and the Governor-General may execute a Warrant authorizing the issue of a certificate of title accordingly. 35

(4.) For the purpose of the consolidation of the interests of any Native owners in two or more blocks of land the Court may grant to any Native an interest in any block, notwithstanding that such Native may not theretofore have had any interest in that block, and may give to the land being the subject-matter of that interest such name as it thinks fit, notwithstanding that a title may have been issued by some other name. 40

(5.) If for the purpose of carrying out the scheme it is deemed advisable to include land or interests in land owned by Europeans, the Court may make an order vesting any Native land in Europeans or vesting European land in Natives subject to any existing encumbrances. The provisions of the Native Land Act, 1909, and its amendments as to limitation of area, or as to the vesting of limited areas in disqualified persons, shall not apply to any land contained in any such order. 45 50

(6.) For the purposes of this section the Court may, by way of exchange or in such other manner as it thinks fit, vest in any Native any interests acquired by the Crown but which have not been declared Crown land.

5 (7.) The District Land Registrar is hereby authorized to cancel, vary, or amend any title that may be registered or provisionally registered under the Land Transfer Act, 1915, in accordance with the orders of the Court, but no such cancellation, variation, or amendment shall take away or affect any right or interest acquired in good faith
10 and for value prior to the order of the Court. For the purpose of correcting any error that may have inadvertently occurred, the Court shall be deemed to have authority to make such order as may be necessary to restore or preserve the rights of any person prejudicially affected.

15 (8.) Any Crown land or European land vested in Natives under this section shall be deemed to be Native freehold land subject to the Native Land Act, 1909, and may be dealt with accordingly.

20 4. (1.) The Native Land Court shall have jurisdiction to exclude, from time to time, from any order of incorporation, any portion of the area of land in respect of which it was made, and may make an order accordingly.

Providing for the exception from an order of incorporation of any portion of the incorporated block.

25 (2.) By the same or any subsequent order the land so excluded may be vested for an estate of freehold in fee-simple, and in one or more lots, in any persons whom the Court finds to be beneficially entitled thereto.

30 (3.) The land so excluded shall cease to be land subject to the order of incorporation, and to vest in the corporate body; but no order for the exclusion of any land from an order of incorporation shall invalidate or prejudicially affect any lawful alienation or the right to procure confirmation or registration of any instrument executed before the making of any order as aforesaid, but all such alienations shall, as far as the land comprised in such order is concerned, subject to all just claims of the incorporated owners, enure for the benefit of the owners as found by the Court.

35 (4.) All rights, obligations, or liabilities arising from any lease, license, mortgage, or charge to which the area in respect of which the order of incorporation was made is subject at the date of any order of exclusion made hereunder may be apportioned between the respective parcels of land, and any such apportionment shall have effect according
40 to its tenor as if all necessary transfers, releases, covenants, and all other dispositions had been duly made in that behalf by all parties concerned and may be registered under the Land Transfer Act, 1915, accordingly. The Court may also, if necessary, make an order adjusting
45 the list of incorporated owners and declaring the persons beneficially entitled to the land remaining subject to the order of incorporation.

50 5. (1.) The Native Land Court is empowered to hear and determine any claim (whether at law or in equity) by any Native or group of Natives to the ownership or possession of any church, church-house, meeting-house, kitchen, or other public or semi-public building usually occupied, used, or enjoyed by Natives, or the land whereon any such building stands, and which is usually used in connection therewith, and may vest the right to possession of the said building, either with or without the land, in such persons or group of persons as it thinks fit, upon such trusts as shall from time to time be determined by the

Public buildings owned by Natives may be vested upon trust in certain persons.

55 Court.

(2.) Where the right to possession of any building is vested as aforesaid, the Court may grant rights of way over the adjoining land for the due use thereof, and the trustees shall be entitled to hold and occupy and allow others to occupy the said building free of rent so long as the said building is in existence, or to remove the same if they see fit. If the building is burnt down, or is otherwise totally destroyed or is removed, the rights of the trustees and of those beneficially entitled over the land under such order shall cease. 5

(3.) Where the Court deems it proper so to do, it may award to the legal owners deprived of any land, by reason of any order hereunder, 10 compensation for the value of such land, and may charge the sum so awarded, together with such interest as may be allowed by the Court, upon that land or upon any other land.

(4.) Any property comprised in any order made as aforesaid shall be absolutely inalienable (whether by disposition *inter vivos* or by will) except with the consent of the Governor-General in Council, but this shall not affect the power of the Court under section nine of the Native Land Amendment and Native Land Claims Adjustment Act, 1916, to set aside any land as a site for a building for religious purposes and deal with it in accordance with that section. 15 20

Providing a fund, out of interest derived from money invested by Maori Land Boards, for necessary expenditure in connection with Maori secondary schools.

6. (1.) Out of the interest received by any District Maori Land Board from any moneys invested by it (including moneys so received before the passing of this Act) the Board shall, upon the requisition of the Native Minister, pay to a fund to be established, to be called the Maori Secondary Schools Aid Fund, in one or more sums, such amount as the Minister shall name in the requisition, and the Board is authorized to pay such sum or sums accordingly. 25

(2.) Out of the fund so established there may from time to time be paid such sums as the Native Minister shall direct for the purposes of necessary expenditure in connection with some Maori secondary school. The certificate of the Native Minister shall be conclusive proof that the school to be assisted is a Maori secondary school within the meaning of this section. 30

(3.) The total amount to be paid into the said fund under the authority of this section shall not exceed the sum of five thousand pounds in any one year. 35

Authorizing Maori Land Boards to pay consideration money for transfer or assignment of lease under Part XVI of Native Land Act, 1909, to the Native owners.

7. (1.) Where any District Maori Land Board acting under section three hundred and eleven of the Native Land Act, 1909, has heretofore made it a condition of granting the consent therein prescribed that any portion of the consideration-money for any transfer or assignment shall be paid or distributed through the Board to or among the owners of the fee-simple of the land affected, the Board is hereby authorized to distribute or pay such money among or to such owners, notwithstanding that the Board may not have had power to impose any such condition. All payments of any such moneys already made are hereby declared to have been lawfully made, and no person shall have any right of action against the Board or against the Native owners in respect of any such distribution or payment. 40 45

(2.) This section shall not apply to any case in respect of which judicial proceedings have been taken for the recovery of such money prior to the passing of this Act, nor where the Board has already paid or thinks it proper to pay to the transferor or assignor the whole or any part of any money retained by it in the first instance for payment to the owners. 50

Adjustment of Claims.

8. (1.) The Waerenga-a-hika Trust Board is hereby empowered to borrow upon the security of the lands vested in that Board (being the land comprising five hundred and ninety-nine acres and twenty-seven perches, more or less, parts of the Waerenga-a-hika Block (school estate) and the whole of the land comprised and described in certificate of title, Volume 45, folio 65, Poverty Bay Registry, such sum or sums as it thinks fit, not exceeding in all the sum of five thousand pounds, for the purposes of refunding certain advances made to the Board and for maintaining the Waerenga-a-hika Native College.

Granting power to the Waerenga-a-hika Trust Board to borrow money upon the security of lands vested in it.

(2.) The power to borrow money hereunder may be exercised from time to time as occasion requires, but shall cease on the seventh day of October, nineteen hundred and twenty-nine, unless the Governor-General, by Order in Council, directs that it shall continue for any defined period thereafter; but no memorandum of mortgage or other security shall be prejudicially affected by the power so ceasing as aforesaid.

(3.) In any security given a power of sale may be granted and no person lending money upon any such security shall be concerned to inquire as to the necessity for the loan or as to the application of such money, and every such security duly executed by the Board shall be as valid and effectual for the protection of the mortgagee and his assigns and may be registered accordingly as if the said Board were fully authorized under the terms of their trust to borrow money and to give such security.

New.

30 Sa. (1.) Any will executed by a Native soldier in actual military service within the meaning of section eleven of the Imperial Act intituled "An Act for the Amendment of the Laws with respect to Wills" (7 William IV and 1 Victoria, Chapter 26) in the manner prescribed by section one hundred and thirty-four of the Native Land Act, 1909, or, in the case of a will executed out of New Zealand, in the manner authorized by subsection three of that section, shall, notwithstanding anything to the contrary in subsection three of section thirty-four of the War Legislation Amendment Act, 1916, and notwithstanding that the testator may have been under the age of twenty-one years, be and be deemed at all times to have been as valid and effective with respect to the disposal both of real estate and of personal estate as if he had not been under that age.

Provision for validation of wills made by infants, being Native members of the New Zealand Expeditionary Force.

40 (2.) This section shall be read together with section thirty-four of the War Legislation Amendment Act, 1916, and shall be deemed to have been in operation at all times since the commencement of the late war with Germany.

45 9. (1.) For the purpose of more fully ascertaining the names of the persons interested in the Titi Islands referred to in section twenty-four of the Land Act, 1908, the Native Land Court is hereby authorized and empowered to inquire and determine whether the names of any persons other than those already mentioned in the order of the Court dated the twenty-first day of February, nineteen hundred and ten (as varied upon appeal), were entitled to be included in the lists of any such island, and, if it so finds, to amend or vary the said order accordingly.

Enabling the Native Land Court to ascertain and determine the names of other Natives entitled to rights in the Titi Islands.

50 (2.) The order so amended shall have the same force and effect as if the names had been included upon the original hearing.

(3.) Upon such determination, and any appeals therefrom (if any) being disposed of, the Registrar of the Native Land Court shall cause to be published in the *Kahiti* a complete list of all persons shown on the amended order as entitled to rights in the respective islands.

(4.) The Native Land Court shall be deemed to have been fully authorized to make the order above referred to, dated the twenty-first day of February, nineteen hundred and ten, as if it were a matter within its ordinary jurisdiction, and the persons found by such order, as varied on appeal or amended as hereinbefore set forth, to be entitled to the rights therein named shall be deemed as from the date thereof to be the beneficial owners without power of alienation or disposition of the respective islands. 5 10

(5.) The Crown shall hold the said islands named in such order in trust for the persons so beneficially entitled, and in trust for their successors in title, and shall administer and deal with the same in accordance with section twenty-four of the Land Act, 1908, except that it shall not be necessary to formally consult the Native owners before making regulations thereunder. All regulations purporting to be made by virtue of such section shall be deemed to be validly made, and shall have effect accordingly. 15 20

(6.) The Native Land Court shall have, and be deemed to have had, exclusive jurisdiction to determine relative interests, appoint successors, effect exchanges, and appoint trustees for persons under disability, in respect of the beneficial ownership of the said islands, as fully and effectually as if the said islands were Native freehold land subject to the Native Land Act, 1909, and may exercise such jurisdiction notwithstanding that the person in respect of whose interest the jurisdiction is to be exercised is not a Native as defined by the Native Land Act, 1909, if he be a descendant of a Native as so defined. 25 30

(7.) No will, whether of a Native or European, shall have any effect as regards the beneficial ownership of the said islands or any of them. 30

10. (1.) To give effect to the recommendation of the Chief Judge made in pursuance of section thirty-two of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, in connection with the petition No. 313/1915 of Haeata Henare and ten others, praying for an inquiry into the matter of the shares allotted to the owners of the Wairarapa-Moana Block, the Native Land Court is hereby directed and empowered to inquire and determine whether the relative interests in which the Maori owners hold the Pouakani Block mentioned in section fifty-seven of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1914, as ascertained and defined by an order of the Court dated the twenty-second day of January, nineteen hundred and fifteen, are fair and equitable as representing the proportionate undivided share that each Maori owner was entitled to according to Native custom and usage in the land known as "Wairarapa-Moana," formerly held under certificate of title of the Native Land Court, dated the thirteenth day of November, eighteen hundred and eighty-three, and to make an order accordingly. 35 40 45

(2.) If the Court finds that such relative interests are not in the circumstances fairly and fully ascertained and defined, the Court shall have power to redetermine and redefine such interests in such manner as shall seem to it just and equitable, and to make an order accordingly, or to amend or cancel the former order, but without prejudice to the title of the owners of the said Pouakani Block. 50

Empowering the Court to redetermine and redefine, if necessary, the relative interests in which the Natives hold the Pouakani Block.

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(3.) Upon any order made under this section maturing, the District Land Registrar for the Auckland Land Registration District upon production of such order, with a plan approved by a Judge of the Court endorsed thereon, together, if necessary, with a list of the Maori owners and their respective relative interests, shall forthwith issue a certificate of title in fee-simple in possession to the said Maori owners as from the twenty-second day of January, nineteen hundred and fifteen.

(4.) Notwithstanding anything to the contrary in any Act, the Native Land Court is hereby declared to have had jurisdiction as from the twenty-second day of January, nineteen hundred and fifteen, to make succession and trustee orders with respect to the land being the subject-matter of this section.

11. (1.) Notwithstanding the order of the Native Land Court of the twenty-third day of July, nineteen hundred and fifteen, granting succession to Hinewai Tarahuia in respect of the interest of Tarahuia Nahona (deceased) in the Kinohaku East No. 2 Section 9 Block, the proceeds of the sale of such interest now held by the Waikato-Maniapoto District Maori Land Board shall be deemed to be the property of the persons who would be rightfully entitled to succeed if such succession order had not been made, to be ascertained in the manner hereinafter provided.

Authorizing the Court to ascertain and determine the rightful successors to Tarahuia Nahona (deceased) in Kinohaku East No. 2 Section 9 Block.

(2.) The order of the Native Land Court referred to in the *last preceding* subsection is hereby cancelled.

(3.) The Native Land Court is hereby directed and authorized to ascertain and determine the rightful successors to the said Tarahuia Nahona (deceased) in respect of his interests in the said land and the proceeds from the sale thereof, and to make in any order made by it such special allowance (if any) as it may deem fit to Hinewai Tarahuia in respect of any debts, liabilities, funeral, or tangi expenses paid by her on behalf of, or out of respect to, the deceased Tarahuia Nahona.

12. Notwithstanding anything to the contrary in section two hundred and twenty-seven of the Native Land Act, 1909, the District Land Registrar at Auckland is hereby authorized to register a memorandum of lease, dated the fourth day of November, nineteen hundred and twelve, from the Proprietors of Rotoiti No. 4 Block to Mita Makiha and Kerei Hori Taiawhio, affecting Lot 2 on deposited plan No. 10120 of the Rotoiti No. 4 Block and confirmed by the Waiariki District Maori Land Board, and such lease shall thereupon take effect according to its tenor, and all valid dealings therewith may be registered accordingly.

Empowering the District Land Registrar to register a lease of Lot 2 of the Rotoiti No. 4 Block.

13. The Native Land Court is hereby directed and authorized to rehear the applications upon which are founded certain orders made in respect of the succession of Hoani Tatana (sometimes known as Hoani te Kaka), deceased, in the Ararepe No. 1, New Zealand Company's Tenths, Pariwhakaoho Nos. Z 2, Z 3 and Section 101 Blocks, and, if it thinks fit, to cancel, vary, or amend any existing order, or to make such new order as it deems just:

Enabling the Court to rehear the applications for succession to Hoani Tatana (alias Hoani te Kaka), deceased, in Ararepe No. 1 and other blocks.

Provided that no valid alienation or proper payment made in good faith prior to the passing of this Act shall be invalidated or otherwise prejudicially affected.

14. (1.) To give effect to the recommendation of the Chief Judge made in pursuance of section thirty-two of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, the Native Land Court is hereby authorized to inquire into the making of succession orders dated the seventh day of September, nineteen hundred and one, in respect of the interest of Maihi Te Uata (deceased) in the Te Whetu 3B No. 3 and Whaiti-Kuranui 2D Blocks, and, if it is satisfied that any of

Authorizing the Court to inquire into the making of succession orders to Maihi te Uata (deceased) in Te Whetu 3B No. 3 and another block, and to amend them, if necessary.

the rightful successors have been wrongfully excluded, to amend the said orders or either of them in such a manner as may seem just, and to make all consequential amendments accordingly.

(2.) While exercising the powers conferred by the *preceding* subsection the Court may, for the purpose of rectifying as far as possible any injustice that may have happened, exclude any of the present successors or make such order as to it may seem meet. 5

(3.) No such amendment shall take away or affect any right or interest acquired in good faith and for value before the making of any such amendment. 10

15. (1.) Section five of the Native Land Amendment and Native Land Claims Adjustment Act, 1917, is hereby repealed.

(2.) The orders of the Native Land Court dated the twelfth day of May, nineteen hundred and seventeen, and the seventh day of October, nineteen hundred and twenty, partitioning the Ngamotu Block in the Gisborne Native Land Court District, and the order dated the twelfth day of September, nineteen hundred and nineteen, made under the Act referred to in the *last preceding* subsection are hereby declared ineffective. 15

(3.) The Native Land Court is hereby directed and authorized to amend the original order of investigation of title to the said Ngamotu Block dated the thirty-first day of August, eighteen hundred and ninety-two, by striking out therefrom the following names : Te Aira Akuhata, Hori Marena, Rewi te Nahu, Rora Pareke, Rapihana None, and Netana Tinohi, and to cancel the definition of interests made thereunder. 20

(4.) The Native Land Court is further directed and empowered to adjudicate upon and redetermine the relative interests of the remaining beneficial owners of the said Ngamotu Block according to their several rights and irrespective of any order heretofore made by the Court or by the Appellate Court, and at the same or any future time to partition the said land among the beneficial owners named in the amended order or their successors, as if they were the legal owners of the land, with power to define the relative interests with regard to any portion as partitioned if the Court thinks it expedient so to do. 30

(5.) For the purpose of exercising the jurisdiction of laying out road-lines or right-of-ways the said Ngamotu Block shall be deemed to be legally vested in the beneficial owners. 35

(6.) Upon any partition order becoming matured the legal estate in fee-simple shall vest in the persons named in any partition order freed and discharged from the provisions of Part XV of the Native Land Act, 1909, and from the title of the Tairawhiti District Maori Land Board or any trust thereunder. 40

(7.) The District Land Registrar of Hawke's Bay is hereby authorized to issue certificates of title for the portions so partitioned to the persons named in the partition orders and to cancel the present certificates of title as to the land contained in any such partition order. 45

(8.) Until any road-line is proclaimed to be a public road, the Tairawhiti District Maori Land Board shall hold the land comprised in such road-line in trust for all the beneficial owners of the Ngamotu Block, subject to all rights of way thereon.

Empowering the Court to redetermine the relative interests of the owners of the Ngamotu Block.

16. (1.) To give effect to the recommendation of the Chief Judge made in pursuance of section thirty-two of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, the orders of the Native Land Court dated the ninth day of June, nineteen hundred and nineteen, granting succession to the interest of Te Owai Hakaraia in respect of the lands known as Rangitaiki Lot 41A No. 9c are hereby cancelled.

Directing the Court to rehear the applications for succession to Te Owai Hakaraia (deceased) in the Rangitaiki Lot 41A No. 9c Block.

(2.) The Native Land Court is hereby directed to rehear the applications upon which the orders referred to in the *last preceding* subsection were founded, and to make any order as to it may seem just.

(3.) No alienation made by the present successors shall be invalidated or prejudicially affected, nor shall any right or interest acquired 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.

17. Whereas by Order in Council made the twelfth day of September, nineteen hundred and twenty-one, a copy whereof is printed in the *Gazette* of the sixteenth day of September, nineteen hundred and twenty-one, the Governor-General in Council, in purported exercise of the powers conferred by section nineteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1915, did conditionally extend the period within which the Tongariro Timber Company (Limited) is required to complete the construction of the railway therein referred to for the period therein defined: And whereas by the said Order in Council the Governor-General in Council purported to impose certain terms and conditions of the grant of such extension: And whereas doubts exist concerning the power to impose such terms and conditions: Be it therefore enacted as follows:—

Governor-General in Council deemed to have had power to impose certain conditions when granting extension of period within which the Tongariro Timber Company is required to complete construction of a certain railway.

(1.) The Governor-General in Council shall be deemed to have had full power and authority to make the said Order in Council and to impose every term and condition therein expressed.

(2.) The Tongariro Timber Company (Limited) and its assigns shall be bound by all and singular the terms and conditions of the said Order in Council as fully and effectually as if the said company had executed a covenant with His Majesty to comply with and perform such terms and conditions, and as if the said company had full power and authority by its memorandum and articles of association to enter into and execute such covenant; and every such term and condition may be enforced accordingly against the said company at the suit of His Majesty, and His Majesty shall be entitled to the same remedies in damages or otherwise for any default by the said company as if such covenant had been so executed.

(3.) The Governor-General in Council shall have all the powers, rights, and authorities conferred or reserved by the said Order in Council.

(4.) The said Order in Council shall have full force and effect according to the tenor thereof as if the making thereof had been in all respects in pursuance of prior statutory authority enabling the same.

(5.) Section nineteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1915, is hereby amended by omitting

from subsection one the words "the expiration of two years from the date at which the present war shall cease," and substituting the words "the sixteenth day of September, nineteen hundred and twenty-two."

(6.) It is hereby declared to be a condition of the right of the said company to claim the benefit of the said Order in Council, or the extension thereby granted, that the said company shall pay, and the said company is hereby required to pay, on or before the thirtieth day of June, nineteen hundred and *twenty-two*, to the Aotea District Maori Land Board the sum of six thousand pounds, as part of the moneys which the said company is required by the said Order in Council to pay to the said Board as representing the Native owners, within twelve months from the date of the said Order in Council.

Provisions relating to cession by Native owners of certain lands near Lake Okataina to be held by His Majesty in trust for scenic purposes.

18. Whereas the Native owners of certain subdivisions of the Okataina Block bordering upon Lake Okataina in Rotorua County, Auckland Land District, have offered to cede portion 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 enacted as follows:—

(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 shall thereupon be defined by the Crown by 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 as 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 subject to the Scenery Preservation Act, 1908.

(3.) Notwithstanding the cession of His Majesty to any lands under this section, the former Native owners thereof shall have at all times free right of access to any ancestral burial-grounds that may be included therein, and shall also have the right to bury deceased Natives in any such burial-grounds.

(4.) For the administration of the reserves ceded to His Majesty pursuant to this section, the Governor-General shall, acting under the authority of section thirteen of the Scenery Preservation Act, 1908, appoint a special Board of control, consisting of not less than six persons, of whom five shall be members of the Ngati-te-Takinga and Ngati-Tarawhai Tribes.

(5.) 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 owners, such lease or interest shall thereupon be deemed to be determined, and compensation in respect thereof shall be payable to the persons entitled thereto as if the land had been taken as for a public work under the Public Works Act, 1908.

63

19. Sections one hundred and sixteen and one hundred and seventeen of the Public Works Act, 1908 (relating to roads) and the various amendments thereof shall not apply to the sale or subdivision of any portion of the land situate within what is generally known as the Ohinemutu Pa or Village, bounded as follows: towards the east by Lake Rotorua; towards the north by the Utuhina Stream; towards the west and south-west by the main Tauranga-Rotorua Road, commencing where the said road crosses the Utuhina Stream, and continuing past the Lake House to where the road passes down to the public wharf at Rotorua; and thence on the south by the last-mentioned road to Lake Rotorua.

Sections 116 and 117 of the Public Works Act, 1908 (relating to roads), not to apply to sale or subdivision of land situate within the Ohinemutu Pa.

20. The District Land Registrar at Napier is hereby authorized to issue a certificate of title to the beneficial owners of the Opoutama Native Reserve named in an order of the Native Land Court, dated the seventeenth day of September, 1920, for an estate of freehold in fee-simple, subject to the existing lease, dated the nineteenth day of November, 1908, and registered in the Deeds Registry Office, Napier, under No. 42476.

Authorizing issue of certificate of title to beneficial owners of the Opoutama Native Reserve.

21. Section thirty-one of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, is hereby amended by omitting therefrom the word "Gisborne," and substituting in lieu thereof the word "Napier."

Section 31 of Native Land Amendment and Native Land Claims Adjustment Act, 1920, amended.

22. (1.) The Native Land Court is hereby authorized to inquire and determine whether the rightful successors have been found by the Court with respect to the following orders:—

Authorizing the Court to inquire and determine the rightful successors to Wiripine Makaia and Harawira te Rea respectively.

25 (a.) Orders dated the thirteenth day of September, eighteen hundred and ninety-four, in respect of the interest of Wiripine Makaia, senior (deceased), in the Kahaatureia A and Mangapoiki No. 2 Blocks:

30 (b.) Orders dated the seventh day of October, nineteen hundred and eleven, in respect of the interest of Harawira te Rea (deceased) in the Hereheretau B 2, Hereheretau B 3, and Hereheretau B 11 Blocks;

and, if it finds any other persons should have been included, to amend the said orders, either by way of adding or substituting the names of the persons so found entitled, with power also to make all consequential amendments in any other order.

40 (2.) No such amendment shall invalidate any alienation or take away or affect any right or interest acquired in good faith and for value before the passing of this Act, but such rights shall pass to and enure for the benefit of the persons eventually found by the Court as entitled to succeed.

23. Whereas by Proclamations dated respectively the eleventh day of August, nineteen hundred and nineteen, and the eighteenth day of August, nineteen hundred and nineteen, certain Native lands in the Hawke's Bay Land District have been taken under the Public Works Act, 1908, for the purposes of the East Coast Main Trunk Railway, and of a certain branch railway therefrom, and of certain road-diversions in connection therewith: And whereas by virtue of section three hundred and eighty-nine of the Native Land Act, 1909 (saving certain rights conferred on the Crown by former Acts), no compensation is payable by the Crown in respect of certain

Enabling compensation to be paid for lands near Wairoa taken for purposes of East Coast Main Trunk Railway.

areas of the land so taken : And whereas by reason of special circumstances it is deemed equitable that compensation should be payable, as provided in this section, for those lands in respect of which compensation is not otherwise payable : Be it therefore enacted as follows :—

(1.) The Minister of Public Works is hereby authorized to pay to such persons as he deems entitled thereto such compensation as he thinks fit in respect of any Native lands heretofore taken as aforesaid for or in connection with the East Coast Main Trunk Railway (including the branch railway therefrom, and the road-diversions hereinbefore referred to).

(2.) No compensation shall be payable under this section in respect of any lands for which compensation would be payable under the Public Works Act, 1908.

(3.) All compensation payable under this section shall be paid out of moneys to be appropriated for the purpose not exceeding in the aggregate the sum of one thousand eight hundred and forty-one pounds.

24. Notwithstanding the provisions of section thirty-eight or section four hundred and thirty-two of the Native Land Act, 1909, or any other provision to the contrary, the Native Land Court is hereby authorized under section one hundred and three of the said Act to exercise the jurisdiction conferred on the Court by Part V of the said Act in respect of so much of the land originally known as Tutuotekaha No. 1 Block comprised in an order of the Native Land Court dated the eighteenth day of September, eighteen hundred and sixty-eight, as still remains Native freehold land.

25. (1.) To carry into effect a report of the Native Land Court made pursuant to section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1918, and dated the twenty-sixth day of September, nineteen hundred and nineteen, the Governor-General is hereby authorized by Warrant under his hand, to direct the District Land Registrar at Auckland to issue a certificate of title for the land situate in the Auckland Registration District, containing seven hundred and ninety-nine acres two roods six perches, more or less, and known as Sections 2 and 3, Block III, Aroha Survey District, in favour of the Native Trustee as from the twenty-sixth day of September, nineteen hundred and nineteen. No assurance or other fees shall be payable in respect of the issue of such title.

(2.) The Native Trustee shall hold the land and the proceeds thereof in trust for the persons whose names are set out in the said report of the twenty-sixth day of September, nineteen hundred and nineteen, in equal shares as tenants in common with full powers of sale, leasing, and otherwise dealing with the said land, except that no sale thereof or of any part thereof shall be valid without the consent of the Governor-General in Council to such sale first had and obtained.

(3.) The said land on the issue of such certificate of title shall be deemed to be Native freehold land subject to the Native Land Act, 1909.

(4.) The Native Land Court shall have power from time to time to amend or add to the list of beneficial owners as may seem just and equitable, and may at any time and from time to time make an order declaring who are the then beneficial owners.

Granting jurisdiction to the Court to ascertain and determine the beneficial owners of Tutuotekaha No. 1 Block.

Vesting Sections 2 and 3, Block III, Aroha Survey District, in the Native Trustee in trust for certain Native owners.

(5.) Subsection two of section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1918, is hereby repealed.

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

26. Notwithstanding anything contained in the Fisheries Act, 1908, the Governor-General may make regulations authorizing the tribe of Maoris known as Ngati-Tuwharetoa to take trout or other fish in Lake Roto-Aira, subject to such conditions as he thinks fit to impose.

Governor-General
may make
regulations
authorizing Ngati-
Tuwharetoa to take
trout or other fish
in Lake Roto-Aira.

27. Whereas by section thirty-two of the Reserves, Endowments, and Crown and Native Lands Exchange, Sale, Disposal, and Enabling Act, 1898, it was provided that upon the taking by the Crown of Native Reserve E in the Town of Kaikoura, containing twenty-two acres, more or less, for recreation purposes, an area of Crown land containing five hundred and seventy acres, more or less, and situated in the Mount Fyffe Survey District, should be deemed to be set apart as a Native reserve in exchange for the said Native Reserve E: And whereas upon re-survey the area of the said Native Reserve E, exclusive of certain Native burial-grounds, was found to be nineteen acres two roods twenty-four perches, which area was designated Section 410, Town of Kaikoura, and was duly taken for the purposes of a recreation-ground and site for a cottage hospital by Proclamation dated the twentieth day of August, nineteen hundred: And whereas to equalize values the parcel of Crown land originally allocated for the purposes of the exchange hereinbefore referred to has been reduced in area, and it is desired that the exchange should now be completed and a title issued to the Natives for the Crown land referred to: Be it therefore enacted as follows:—

Exchanging
Section 14, Block II,
Mount Fyffe Survey
District, for Native
Reserve E in the
Town of Kaikoura.

(1.) The Crown land described in subsection *six* hereof shall be deemed to be the land set apart in exchange for Native Reserve E hereinbefore referred to.

(2.) The persons found to be entitled by the Native Land Court in its order of the third day of November, nineteen hundred and eight, shall be deemed to be the persons beneficially entitled to such land, and a certificate under the hand and seal of a Judge of the Court setting out the names and relative interests of the persons so entitled shall, so soon as practicable after the passing of this Act, be forwarded to the Governor-General.

(3.) Upon receipt of such certificate the Governor-General may, by Warrant under his hand, direct the District Land Registrar of the district wherein the land is situate to issue a certificate of title for such land in favour of the persons so certified for an estate of fee-simple in possession as tenants in common in the relative interests set out as from the third day of November, nineteen hundred and eight, and the District Land Registrar shall issue a certificate of title accordingly. No assurance or other fees shall be payable upon the issue of such title.

(4.) The land shall be deemed to be Native freehold land within the meaning of the Native Land Act, 1909.

(5.) If any person named in the certificate of title is dead before the issue thereof, the interest shall enure for the benefit of such person or persons as would have been entitled to succeed on the intestacy of that person if he had died immediately after the third day of November, nineteen hundred and eight, and the Native Land Court shall be deemed to have had jurisdiction to make succession orders as from that date. 5

(6.) The Crown land set apart in terms of subsection *one* hereof is more particularly described as follows:— 10

All that land in the Marlborough Land District, being Section 14, Block II, Mount Fyffe Survey District, containing by admeasurement an area of five hundred and twenty-four acres, more or less: commencing at the south-west corner of Section 13, Block II, Mount Fyffe Survey District—bounded towards the north generally by Section 13 aforesaid, 1227·7 and 750 links; and by Section 12, Block II aforesaid, 4638·6 links; towards the east by Native Reserve A (Mangamaunu) 996, 9527·3, and 1580·3 links; towards the south-west and south generally by the Kaiwhare Estate, 3210·9, 602·6, 424, 550·6, 526·6, 20 308·2, 1172·7, 1774·6, 2674·8, and 1566·5 links; and towards the west generally by a road reserve along the east bank of the Puhipuhi River, 9640 links, to the point of commencement: be all the aforesaid admeasurements more or less.

Validating a transfer
of Otangaroa No. 1c
No. 1 to Tau
Shepherd.

28. Notwithstanding the fact that the land known as Otangaroa No. 1c No. 1, containing by admeasurement four hundred and seventy-four acres, more or less, was restricted from alienation by section one hundred and seventeen of the Native Land Court Act, 1894, it is hereby declared that the certificate of confirmation endorsed on a certain memorandum of transfer of the above-named land to Tau Shepherd (otherwise Tau Hapa), of Whangaroa, Aboriginal Native, dated the twenty-eighth day of June, nineteen hundred and seven, shall be a sufficient authority to the District Land Registrar to issue a certificate of title for the said land in favour of the said Tau Shepherd (otherwise Tau Hapa). 25 30 35

New.

Vesting Wainui or
Section 313, Parish
of Waimana, in
trustees for the
Ringatu Church.

28A. Whereas the land known as Wainui or Section 313, Parish of Waimana, in the Bay of Plenty, comprising six hundred acres, was reserved under sections two hundred and thirty-five and two hundred and thirty-six of the Land Act, 1892, for the use, support, and education of aboriginal Natives: And whereas during the lifetime of Te Kooti Rikirangi the said land was occupied by him and his adherents, known as members of the Ringatu Church, by arrangement with a former Native Minister, the late Honourable Alfred Cadman: And whereas since the death of the said Te Kooti Rikirangi the said land has been occupied by members of his family and by members of the Ringatu Church, and disputes have arisen among them from time to time as to the occupation and administration of the said land: And whereas it is desirable that the said land shall be vested in the Ringatu Church and that provision be made for its better occupation and administration: Be it therefore enacted as follows:— 40 45 50

(1.) The said land is hereby vested in trustees, to be appointed in accordance with this section, in trust for the Ringatu Church.

(2.) The Native Land Court shall, on the application of the Native Minister and in such manner as it may think fit, appoint from members of the Ringatu Church not less than seven and not more than twelve persons to be trustees, in whom the said land may be vested as aforesaid.

(3.) The Court may at any time, whether on application made or on its own motion, and for any reason which it thinks sufficient, remove any trustee from office.

(4.) If any trustee dies, or resigns, or is removed from office, the Court may appoint any other person in his place.

(5.) The trustees shall, in respect of the said land, have and exercise all the powers of a committee of management under Part XVII of the Native Land Act, 1909, and its amendments.

28B. Whereas in pursuance of section thirty-four of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, the claims and allegations made by the petitioner in Petition No. 293 of 1919, of Ngawharewiti Tiwai, were inquired into and reported upon by a Judge of the Native Land Court: And whereas the Chief Judge of the said Court dissented from the report of the said Judge and made a recommendation directly opposed to the recommendation of the said Judge: Be it therefore enacted as follows:—

Empowering Native Appellate Court to inquire into and report on the claims and allegations contained in petition No. 293 of 1919 of Ngawharewiti Tiwai.

(1.) The Native Appellate Court is empowered and directed to inquire into and report upon the claims and allegations made by the petitioner in the said petition, and for the purposes of such inquiry and report may review the opposing recommendations of the Chief Judge and the said Judge and all such other matters or things as it may consider necessary or expedient.

(2.) The Native Appellate Court shall make to the Native Minister 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.

29. (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 Schedule to the Court or a Judge or Commissioner for investigation 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.

SCHEDULE.

Schedule.

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

1. PETITIONS No. 300 of 1920 and No. 19 of 1921, of Hera Wharawhara: Praying for a rehearing as to succession to Harawira Heperi (deceased).

2. Petition No. 161 of 1920, of Pita Tarapiko: Praying for succession to Maaka Tarapiko in Kaiawa Sections 12 and 13.

3. Petition No 81 of 1921, of Amokeiha te Mete : Praying that the succession order of the 29th April, 1916, in respect of Te Papa Lot 95 be cancelled.
4. Petition No. 82 of 1921, of Hemi Hemi : Praying that the succession order of the 29th April, 1916, in respect of Te Papa Lot 95, be cancelled, and that the name of petitioner's father, Heemi, be included in the list of original owners.
5. Petition No. 342 of 1920, of Te Hata Tipoki and another : Praying for inquiry into the title of Pakowhai Reserve.
6. Petition No. 57 of 1920, of Poutahi Hapimana : Praying that the beneficiaries in Pakowhai No. 2359 be ascertained.
7. Petition No. 309 of 1920, of Hare Maruata and five others : Praying for succession to Maraea Whakaki in the Puhunga Block.
8. Petition No. 151 of 1921, of Maraea Kiwi Omana : Praying for legislation in relation to the title to Mangatu No. 1 and other blocks.
9. Petition No. 21 of 1921 (Session II), of Rangihawe te Kaho and four others : Praying for an inquiry as to who are the rightful successors to Te Kaho or Raho in Grant No. 3479, Okahu Block, and for the cancellation of the succession order of the 4th December, 1914, relating to the said block.
10. Petition No. 241 of 1921 (Session II), of Taitoko-ki-ngamotu Bailey : Praying for an inquiry as to succession to interests of Ngawhairepo Hakaraia in Sections 7 and 13, Ngatirahiri Block.
11. Petition No. 228 of 1920, of Te Rawhi Enoka Pani : Praying for inquiry into the titles of the Waipipi Block, Lots 270, 369, and 377.
12. Petition No. 322 of 1920, of Tuhere Tautuhi : Praying for inquiry as to succession to Hekiera Taurare in Rangikohua and other blocks.
13. Petition No. 61 of 1920, of Te Rarua Hairini : Praying for rehearing of partition of Kourateuwhi 1E 1B Block.
14. Petition No. 345 of 1920, of Haki Tamati : Praying for inquiry into the disposal of Allotment 39, Parish of Matata, Kawerau.
15. Petition No. 17 of 1921 (Session I), of Pare Makerapata : Praying for reinvestigation of title to the Waihou Block.