

Hon. Mr. Coates.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS
ADJUSTMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. <p style="text-align: center;"><i>Amendments to Native Land Laws.</i></p> <ol style="list-style-type: none"> 3. Authorizing betterment fund for Maoris. 4. Administration expenses may be charged to Board funds. 5. Further powers to Court on consolidation. 6. European land acquired by Crown may be proclaimed. 7. Lease or other interest not affected by consolidation order. 8. Permitting non-adjacent areas to be incorporated. 9. Authorizing inclusion of other areas in incorporation. 10. Bodies corporate may be amalgamated. 11. District Land Registrar to rectify title of body corporate. 12. Provision for reviving former title on winding-up of corporate body. 13. Authorizing burial-grounds being revested in Natives. 14. Permitting modification of timber or flax contracts. <p style="text-align: center;"><i>Arawa District Lakes.</i></p> <ol style="list-style-type: none"> 15. Granting further powers to Arawa District Trust Board. 16. Permitting Arawa District Trust Board to charge its revenue with payment of sums due by it. <p style="text-align: center;"><i>Adjustment of Claims.</i></p> <ol style="list-style-type: none"> 17. Authorizing exercise of jurisdiction regarding Tawapata South. 18. Provision for prospecting and mining for mineral oils on West Coast Settlement Reserves. 19. Permitting payment to Natives of compensation or other moneys in respect of certain Native reserves. 20. Vesting Section 9, Block III, Totoranui Survey District, in Native Trustee. 21. Reinstating legislation erroneously repealed in respect of Kaiapoi Pa. 22. Authorizing Court to include Rora Kupa in certain titles. | <ol style="list-style-type: none"> 23. Enabling Waerenga East 2A partition to be adjusted. 24. Appointing Control Board for Rotoiti and Rotoehu Scenic Reserves. 25. Permitting appeal from interlocutory order concerning Aorangi Block 26. Enabling transfer of lease to be registered. 27. Authorizing Court to investigate title of Te Matai Block. 28. Revoking reservation over Section 64, Block VI, Waimumu Hundred, and Section 469, Block XVI, Forest Hill Hundred. 29. Empowering negotiations to be entered into with the Natives in respect of fishing-rights in Taupo waters. 30. Authorizing Court to confer easement in respect of Matata water-supply. 31. Extending time for appeal against investigation of Tikitiki Block. 32. Vesting reserves in Rotorua Township in Waiariki District Maori Land Board. 33. Setting aside the Kaiuku Pa as a Native reserve. 34. Permitting an appeal to be lodged in respect of Kawatiri lands. 35. Authorizing inquiry as to owners of Section 1, Allotment 120, Opotiki. 36. Exempting Ngatituwharetoa Tribe from paying heavy traffic fees on the Tokaanu Waimarino Road. 37. Cancelling title of Crown to the Tarata Block and declaring the same to be Native customary land. 38. Enabling the ascertainment of other persons entitled to inclusion in the title to Tarawera and Tatarakina Blocks. 39. Empowering Court to vest Huhuraumati B 3b in L. E. Cassrels. 40. Permitting variation of agreements between the Aotea Maori Land Board and the Tongariro Timber Company. 41. Permitting application for probate to be made in regard to will of Raniera Erihana (deceased). 42. Providing compensation for portion of Whangara Island taken for a quarry. 43. Chief Judge may refer matters in Schedule for report. <p style="text-align: center;">Schedules.</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, 1924. 10

Interpretation. 2. In this Act the expression “the principal Act” means the Native Land Act, 1909.

Amendments to Native Land Laws.

Authorizing betterment fund for Maoris. 3. Whereas by subsection five of section thirty-five of the Native Land Amendment Act, 1913, it is provided that any interest received by a Maori Land Board in respect of moneys invested under the authority of the said section thirty-five shall be paid to the Natives entitled to receive such moneys in proportion to their shares therein : And whereas owing to much of the money so invested being held for lessors and others in comparatively small amounts, and owing also to many accounts being of a transitory nature and subject to call, it has not been always practicable to fully carry out the provisions of the said enactment, and large sums of unallotted interest (sometimes called surplus funds) have accumulated in the accounts of the respective Maori Land Boards, and it is desirable that some provision should be made for the disposal of all such unallotted interest and with regard to future amounts that may be similarly earned for interest : Be it therefore enacted as follows :— 15 20 25

(1.) Subject to the provisions hereinafter contained, all sums of money earned from interest by a Maori Land Board not being on account of any specific investment on behalf of a particular beneficiary or beneficiaries and which now or at any time hereafter remain unallotted by the said Board (hereinafter called unallotted interest) shall be deemed to be the property of the Board. 30

(2.) The Board shall be at full liberty to allot to any account or accounts, or to any person or persons, such sum for interest as it thinks fair and reasonable, and shall so allot interest in accordance with any regulations for the time being in force. 35

(3.) Out of the present accumulations of unallotted interest (whether earned on moneys of Natives or on the Board's own money or otherwise howsoever) a sum of ninety thousand pounds, to be contributed by the various Maori Land Boards in such sums or proportions and at such time or times as the Native Minister in writing may direct, shall be paid or transferred by the Native Trustee out of moneys held by him for the respective Boards to an account to be kept by the Native Trustee to be called “The Maori Purposes Fund Account” (hereinafter called the said account). 40 45

(4.) For the purposes of administering the said account there shall be a Board to be called “The Maori Purposes Fund Control Board” (hereinafter referred to as the Control Board). The said Control Board 50

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shall be a corporate body with perpetual succession and a common seal. The Governor-General may make regulations for the constitution of the said Control Board and the conduct of its business, and for the administration of the said account, for the purposes for which the moneys in it
5 or the income arising therefrom are to be used or expended, and generally for such other purposes as may be necessary to give effect to this section.

(5.) Out of the future earnings of interest by the Maori Land Boards there shall be paid into the said account each financial year
10 commencing with the first day of April, nineteen hundred and twenty-five, a sum of seven thousand five hundred pounds, or such lesser amount as the Native Minister may direct, to be contributed by such Maori Land Boards in such sums or proportions and at such time or times as the Native Minister, by requisition under his hand, shall prescribe :
15 Provided that for the purpose of paying any such amount a Maori Land Board may resort to the accumulation of any former year or years.

(6.) Out of moneys so accrued from interest as aforesaid, or out of moneys in its profit and loss account, the Maori Land Board may, with
20 the precedent approval of the Native Minister, expend moneys for the acquisition of sites for office premises, and the construction, maintenance, improvement, repair, equipment, and furnishing of office premises. In respect of any such property the Maori Land Board shall possess and exercise all the powers and functions of a corporate body, subject
25 in the case of sale or mortgage of any land to the precedent approval of the Native Minister. This section shall apply to any property upon which money has been expended by a Maori Land Board under the provisions of section three of the Native Land Amendment and Native Land Claims Adjustment Act, 1916.

(7.) Subsection five of section thirty-five of the Native Land Amendment Act, 1913, and section three of the Native Land Amendment and Native Land Claims Adjustment Act, 1916, are hereby repealed.

4. (1.) A Maori Land Board shall, out of the funds of the Board,
35 pay into the Consolidated Fund such sum or sums as shall from time to time be requisitioned by the Native Minister in writing under his hand for the purpose of recouping the Consolidated Fund in respect of moneys paid out of that fund for the administration expenses of the Maori Land Board and of the Native Land Court.

Administration expenses may be charged to Board funds.

(2.) All moneys heretofore paid to the Consolidated Fund by any
40 Maori Land Board in respect of the administration expenses of that Board shall be deemed to have been lawfully paid.

(3.) Section sixteen of the Finance Act, 1923, is hereby repealed.

5. For the purpose of carrying into effect any consolidation scheme
45 or any matter arising thereout the Court shall have the following powers in addition to those conferred by sections six and seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1923 :—

Further powers to Court on consolidation.

(1.) To cancel, vary, or amend any succession or exchange order theretofore made, provided that no such cancellation, variation, or
50 amendment shall take away or prejudicially affect any right or interest acquired in good faith and for value prior to such cancellation, variation, or amendment.

(2.) To authorize any surveyor to undertake any survey required.

(3.) To apportion between the various areas of land all rights, obligations, or liabilities arising from or under any lease, license, mortgage, or charge to which the area is subject.

(4.) To order that any lease, license, mortgage, or charge shall apply to part only of the area stated in such lease, license, mortgage, or charge, or to release and discharge the whole or part of any area from such lease, license, mortgage, or charge: Provided that the Court shall not exercise the power contained in this subsection save with the consent of the lessee, licensee, mortgagee, or other person interested. In the case of survey charging-orders the consent required shall be that of the Chief Surveyor for the district affected.

(5.) The Court may, if it thinks it expedient (subject to the consent of the lessee), by order declare that any lease shall be deemed to be surrendered with or without conditions as to release of any liabilities thereunder, and thereupon such lease shall determine accordingly subject to any conditions imposed.

(6.) The Court may grant a new lease or license of any area. Any such lease shall be executed under the seal of the Court and by the Judge, and shall contain such terms or conditions as the Judge shall consider necessary. Every instrument of alienation so executed shall, without the necessity of confirmation under Part XIII of the principal Act, have the same force and effect and be registrable in like manner as if it had been lawfully executed by all of the owners or their trustees, and as if those owners or trustees had been fully competent in that behalf. A statement in the instrument of alienation that it is executed under this section shall be accepted by the District Land Registrar and by all Courts as sufficient *prima facie* evidence that the memorandum of lease was properly executed under authority of this section. Except as against a person guilty of fraud, no such instrument of alienation shall be invalidated by any breach or non-observance of any statutory provision prior to its execution, or by any repugnancy between the terms of the order and the terms of the instrument of alienation executed in pursuance thereof.

(7.) The Court may exercise all the powers of incorporation conferred on it by Part XVII of the principal Act. The provisions of subsection two of section three hundred and seventeen or of subsection two of section three hundred and eighteen of the principal Act, or of subsection *two* of section *eight* hereof (as to consent), shall not apply to any such order.

(8.) Notwithstanding that land may have been vested by the Court in the beneficial owners, the Court may direct that any incorporation order formerly granted shall still apply to such land or any portion thereof, or it may exclude the whole or any part of any area from any such incorporation orders, and the provision of section four of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, shall apply to any such order of exclusion.

(9.) In any case where either because the holding in any area of the Native affected is comparatively small, or for any other reason which to the Court seems sufficient, the Court is satisfied that it is not against the interest of such Native that he should cease to retain such holding, the Court, with the consent of the Native concerned, may order that the interest of such Native in any area affected by a consolidation

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scheme shall vest in some other person or persons, and the said interest shall thereupon vest accordingly subject to any prior lease, license, mortgage, or charge. By the same or any other order the Court shall assess what is a fair value to be paid for such interest, and may secure the payment thereof in the manner prescribed by subsection four of section six of the Native Land Amendment and Native Land Claims Adjustment Act, 1923.

(10.) The provisions of subsections fifteen, sixteen, and seventeen of section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, shall apply to any order made under this section.

(11.) The District Land Registrar is hereby authorized to register against the relative title any order made under the provisions of this Act or of sections six and seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1923. The production of any certificate of title issued in respect of the land affected shall not be necessary for the purpose of such registration.

6. Section fourteen of the Native Land Amendment Act, 1914, shall apply to all lands (whether Native or European) vested in His Majesty the King under the provisions of sections six and seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1923.

European land acquired by Crown may be proclaimed.

7. No lease, mortgage, or other encumbrance of any area in a consolidation scheme shall be prejudicially affected by any order of the Court made in pursuance of this Act or of section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, further or otherwise than as mentioned in this Act. Such area shall still remain subject to the lease, mortgage, or other encumbrance as fully as if there had been no change in the ownership, but all rights to which the former owners were at that date entitled by contract or otherwise shall pass to and enure for the benefit of the persons in whose favour the Court has made the order.

Lease or other interest not affected by consolidation order.

8. (1.) When the whole or any of the owners in common of one area of land are also the whole or any of the owners in common of any other area or areas of land the Court may, notwithstanding anything in the principal Act contained, make a single order of incorporation in respect of the whole or any part of the combined areas, and the order shall take effect as if the whole of the area affected was owned in common by the owners of the several portions thereof.

Permitting non-adjacent areas to be incorporated.

(2.) No such order shall be made except—

(a.) In pursuance of separate resolutions of the assembled owners of each of the areas affected by the order passed in accordance with the provisions of Part XVIII of the principal Act ; or

(b.) On proof to the satisfaction of the Court that the legal owners of not less than one-half of each of those areas (or their trustees in the case of owners under disability) consent to the making of the order ; or, where there are three owners or less, that all the owners have consented ; or

(c.) In pursuance of such resolution as aforesaid in the case of any one or more of those areas, and on proof of such consent as aforesaid in the case of remaining areas.

Authorizing
inclusion of other
areas in
incorporation.

9. (1.) When any area of Native freehold land is owned for a legal estate in fee-simple, and the whole or any of the owners in common thereof are also the whole or any of the owners of any other area of Native freehold land the subject of an order of incorporation under Part XVII of the principal Act, the first-mentioned area, although not contiguous, may, by order of the Court, be made subject to such order of incorporation, and such first-mentioned area shall be deemed to be included in that order of incorporation, and the order shall thereupon take effect as if the whole of the land included therein was owned in common by the owners of the several portions thereof. 5 10

(2.) No order under this section shall be made except with the consent under seal of the body corporate affected, and—

(a.) In pursuance of a resolution of the assembled owners of such first-mentioned area ; or

(b.) On proof to the satisfaction of the Court, where the land is owned by more than three persons, that the legal owners of not less than one-half the area (or their trustees in the case of owners under disability) consent to the making of the order ; or 15

(c.) On proof to the satisfaction of the Court that the legal owners, where they consist of not more than three persons (or their trustees in the case of owners under disability), consent to the making of the order. 20

(3.) The Court may make such amendment in the order of incorporation or in the designation of the body corporate as the circumstances of the case seem to require. 25

Bodies corporate
may be
amalgamated.

10. (1.) When two or more bodies corporate constituted under Part XVII of the principal Act consent in writing under their respective seals the Court may amalgamate such bodies corporate by making, in respect of the owners of the combined area, an order of incorporation under Part XVII in lieu of the several orders of incorporation theretofore made with regard to the same areas, and the order shall take effect as if the whole of the land included therein was owned in common by the owners of the several portions thereof. 30

(2.) Upon an order of incorporation being made as aforesaid the lands in respect of which it is made shall vest for a legal estate in fee-simple in the body corporate thereby constituted, subject, however, to all leases, mortgages, charges, or other interests by which the title thereof is affected at the date of such order. All rights, powers, and privileges appertaining to the amalgamated bodies corporate shall pass to the body corporate constituted hereunder, which shall likewise become subject to and be liable for all and every the requirements, claims, and liabilities to which the amalgamated bodies corporate were respectively subject. 35 40

(3.) Upon the appointment of a committee of management under section three hundred and twenty-five of the principal Act all other committees of management attaching to the superseded bodies corporate shall cease to hold office. 45

District Land
Registrar to rectify
title of body
corporate.

11. The District Land Registrar is hereby authorized to cancel or amend any existing certificate of title and to issue any new certificate of title that may be necessary to give effect to any order made under the *two last preceding* sections. 50

12. Section three hundred and twenty-four of the principal Act is hereby amended by adding to subsection three the following words :
 “ or may make an order cancelling any title issued to the corporate body, and direct that the original title shall take effect with such amendments
 5 as may be necessary, and thereupon so much, if any, of such title as has been affected shall be revived, and in such case the former title shall become valid and effectual in favour of the persons beneficially entitled thereto as if no such incorporation order had been made. Upon production of a duplicate of such order the District Land Registrar may
 10 make any consequential amendment required in the Land Transfer Register, but so as not to take away or prejudicially affect any rights or interests already acquired.”

Provision for reviving former title on winding-up of corporate body.

13. (1.) If and whenever the Native Minister is of opinion that there is upon Crown land a Maori cemetery or burial-ground which ought
 15 to be revested in Natives he may, with the consent of the Minister of Lands, apply to the Court to make an order vesting any such land, not exceeding an area of ten acres, in such Native or Natives as the Court shall direct. Jurisdiction to make such order is hereby conferred upon the Court accordingly. Such land shall be absolutely inalienable except
 20 with the consent of the Governor-General in Council or by leave of the Court if a charge is granted under subsection *five* hereof.

Authorizing burial grounds being revested in Natives.

(2.) The Court, instead of vesting the said land in any particular Native, may vest the same in a Maori Land Board or any other body or person as trustee in trust for the purpose of a burial-ground.

25 (3.) In addition to the land so vested the Court shall have jurisdiction, subject to the consent of the Minister of Lands, to grant a right of way over other Crown lands to such Maori cemetery or burial-ground.

(4.) If any lessee or person other than the Crown having a particular interest is injuriously affected by any order made hereunder
 30 he shall be entitled to compensation, recoverable in the same manner as if the land were Native land taken under the Public Works Act, 1908, and the Court shall have jurisdiction, upon the application of any person claiming compensation, to ascertain and determine the same accordingly.

35 (5.) Any compensation so payable, together with interest at five pounds per centum per annum, shall be recoverable from any person in whose favour any order under subsection *one* hereof is made, and a charge against the land may be granted by the Court in favour of any person to whom compensation is so found to be payable.

40 (6.) An order made under subsection *one* hereof shall vest the land described in such order in the persons named in such order for an estate in fee-simple as tenants in common in the shares set out in such order, and a certificate of title may issue accordingly. An order made under subsection *two* shall operate according to its tenor, and a
 45 certificate of title may issue accordingly.

(7.) Any land the subject of a vesting-order hereunder shall be deemed to be Native freehold land within the meaning of the principal Act.

14. (1.) Notwithstanding anything in the principal Act or any
 50 other Act to the contrary, every instrument of alienation or partial alienation of timber, flax, or other indigenous usufructs which has been approved by a Maori Land Board under the provisions of section twenty-six of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, or of section twenty-eight of the Maori Land Laws Amendment
 55 Act, 1908, or of section two of the Native Land Claims Adjustment

Permitting modification of timber or flax contracts.

Act, 1910, may, without in any way affecting the validity of the contract already entered into, be varied, amended, modified, enlarged, or extended by the parties affected or their successors in title subject to the approval of the Maori Land Board.

(2.) The Maori Land Board in approving of such instrument may do so wholly or in part, or may by minute endorsed upon the instrument impose such conditions, limitations, or modifications as it thinks fit, and thereupon the instrument shall take effect as if the said condition, limitation, or modification had originally been inserted therein, unless the party taking under the instrument shall forthwith decline to accept such.

(3.) The approval shall be by writing endorsed on or annexed to the instrument under the seal of the Board, and shall have the effect of rendering the said instrument as varied, amended, modified, enlarged, or extended under the provisions of subsection *one* hereof, but subject to such conditions, limitations, or modifications (if any) imposed by the Board under the *last preceding* subsection, valid, and the same shall, according to the tenor thereof, be binding on all parties thereto and on all persons claiming from or under them respectively according to their several estates and interests for the time being in the land affected by such instrument, and may be enforced accordingly.

(4.) Any instrument so approved by the Maori Land Board may be registered against the title of the land upon which the usufructs are or were or are intended to be grown, and the provisions of Part XII of the principal Act and of sections seventy-two to seventy-six inclusive of the Native Land Amendment Act, 1913, shall not apply thereto.

(5.) Where the Crown has purchased an interest in the land affected by any such instrument, the Commissioner of Crown Lands for the district may assent thereto on behalf of the Crown, but the Crown shall not be bound unless and only so far as such assent is given.

(6.) The Maori Land Board shall not grant its approval until notice of its intention to do so has been given to the Native Minister, nor in any case where the Native Minister gives notice in writing that he objects to such grant unless and until such objection is withdrawn. The right of the Native Minister to object, or his reasons therefor, shall not be called in question in the Supreme Court or any other Court.

Arawa District Lakes.

Granting further powers to Arawa District Trust Board.

15. (1.) It shall be lawful for the Arawa District Trust Board, constituted under section twenty-seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1922 (and herein called the said Board), to purchase or sell land (whether Crown, European, or Native land); to raise money upon mortgage of any land vested in it; to subdivide and let lands for Maori settlement; to farm any lands owned by it; to lend money to Natives; and to act as guarantors to any State Loan Department or any person or body corporate for the repayment of principal or interest by any Native to whom advances have been made.

(2.) In addition to advancing money the said Board may pay money to any Maori Land Board or the Native Trustee for the purpose of making advances to Natives.

(3.) Any Native or Natives, whether incorporated or otherwise, owning land (whether European or Native) may transfer the same or any definite part thereof by way of trust to the said Board upon such terms as to selling, leasing, cutting up, managing, improving, or

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raising money upon the same as may be set forth in an instrument in writing between the parties thereto, and the said Board is authorized and empowered to accept such trust.

5 (4.) Notwithstanding anything in the principal Act to the contrary, a mortgage from a Native to the said Board shall not require confirmation, but shall be as valid and effectual as if a certificate of confirmation had been granted, and nothing in section two hundred and ten of the principal Act shall apply to any alienation, assignment, mortgage, charge, or other disposition in favour of the said Board.

10 (5.) The lands of the said Board may be included in the preparation or carrying into effect of any scheme for the consolidation of Native interests.

16. Subsection four of section twenty-seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, is hereby amended by adding thereto the following paragraph :—

Permitting Arawa District Trust Board to charge its revenue with payment of sums due by it.

20 “(d.) With the precedent consent of the Native Minister, the Board may from time to time, whether by way of bond or otherwise, charge all or any of its revenues and income with the payment of any sum due by it or for the purpose of acquiring any property, whether real or personal, under the powers vested in it in that behalf.”

Adjustment of Claims.

17. (1.) The Court is hereby authorized and empowered, notwithstanding the provisions of section one hundred and three of the Native Land Act, 1909, or any other statutory provision, to exercise the jurisdiction conferred by Part V of the said Act in respect of the land situate in the Gisborne Native Land Court District known as Tawapata South (herein called the said land).

Authorizing exercise of jurisdiction regarding Tawapata South.

30 (2.) Such jurisdiction may be exercised notwithstanding that any part of the said land is subject to decree of the Validation Court or is vested in the East Coast Commissioner, and any decree of the Validation Court or any order made under section eleven of the Native Land Amendment and Native Land Claims Adjustment Act, 1907, may (if necessary) be amended by the Court.

35 (3.) An order made in the exercise of such jurisdiction shall vest in the persons so found to be entitled only such estate as the nominal owners hold at the date of the commencement of this Act; and no order made shall invalidate any alienation heretofore made with respect to any part of the said land, nor shall it affect the title of the East Coast Commissioner to any part of the said land, save in so far as the names and shares of the beneficiaries entitled are concerned.

45 18. In order to provide for prospecting and mining for minerals, including petroleum and other mineral oils, on any lands vested in the Native Trustee under the West Coast Settlement Reserves Act, 1892, and the Native Trustee Act, 1920, and its amendments, the following special provisions shall apply :—

Provision for prospecting and mining for mineral oils on West Coast Settlement Reserves.

(1.) The Native Trustee may, by instrument of license, grant to any person the right to prospect and mine for any specified mineral or mineral oil on or under any specified portion of the said lands.

50 (2.) The license may be granted for such period and upon such terms as to conditions of entry, right of access, payment of rent or

royalty, compensation to the lessee or other person in lawful occupation of the land for disturbance and surface damage, and generally on such terms and conditions as the Native Trustee thinks fit, subject nevertheless to regulations by the Governor-General in Council, which he is hereby empowered to make from time to time for the purpose of giving effect to this section. 5

(3.) Every such instrument of license shall be deemed to be an instrument affecting land under the Land Transfer Act, 1908, and may be registered accordingly.

(4.) Before granting the license the Native Trustee shall notify the person, if any, who is lessee or otherwise in lawful occupation of the land, and if such person considers that the proposed terms of the license are in any respect unfair to himself he may, by notice in writing to the Native Trustee, object to the issue of the license, and specify the points in which he considers they are unfair to him. 10 16

Provided that the terms shall not be deemed to be unfair to him merely because they do not provide for his receiving any portion of the rent or royalty.

(5.) If such notice of objection is duly given, the points of valid objection shall be settled by arbitration. 20

(6.) The costs of all parties to the arbitration shall be paid by the applicant for the license, and he shall give security for the payment thereof to the satisfaction of the Native Trustee before the arbitration is proceeded with.

(7.) When the award under the arbitration has been made, either the Native Trustee or the applicant for the license may decline to proceed further in the matter. 25

(8.) If the license is granted the terms of the award shall be conformed to, and the license shall bind the lessee or other person in lawful occupation of the land and all persons deriving title through him. 30

(9.) The rent or royalty payable under the license shall be applied by the Native Trustee in the same manner as rent derived from the land.

Permitting payment to Natives of compensation or other moneys to Natives in respect of certain Native reserves.

19. (1.) The Native Trustee is hereby authorized and directed to disburse to the beneficial owners, after deducting therefrom all his lawful charges and expenses, all funds in his hands arising from— 35

(a.) Royalties on stone, minerals, or timber removed from the lands ;

(b.) Compensation or other moneys for any lands taken under the Public Works Act or other statutory authority— 40

and standing to the credit of the beneficial owners of any lands vested in the said Native Trustee, whether by statute or otherwise, for administrative purposes only under the Native Reserves Act, 1882, the Westland and Nelson Native Reserves Act, 1887, or any amendment of such Acts. 45

(2.) Section twenty-two of the Westland and Nelson Native Reserves Act, 1887, is hereby repealed.

Vesting Section 9, Block III, Totaranui Survey District, in Native Trustee.

20. (1.) Whereas it is desirable that the administration and control of that parcel of land situate in the Provincial District of Nelson and known as Section 9, Square 3, of Block III, Totaranui Survey District, should be vested in the Native Trustee: Be it therefore enacted that 50

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the said land is hereby vested in the Native Trustee for an estate of fee-simple freed and discharged from the Native customary title thereto (if any).

5 (2.) The said land shall henceforth be deemed to be a Native reserve within the meaning of the Native Reserves Act, 1882, and shall be subject thereto as fully and effectually as if the land had been vested in the Native Trustee under section eight of that Act, and the District Land Registrar shall issue a certificate of title therefor accordingly.

10 (3.) The Native Trustee, in addition to any other powers he may possess, shall have the following special powers in respect of the said land :—

(a.) To dedicate for road purposes a strip of the said land one chain wide above and adjoining high-water mark :

15 (b.) To let the said land by public auction or private contract for such term and upon such conditions as he shall think expedient.

(4.) None of the provisions of the Westland and Nelson Reserves Act, 1887, shall apply to such land.

20 (21.) Whereas pursuant to section thirty-four of the Reserves, Endowments, and Crown and Native Lands Exchange, Sale, Disposal, and Enabling Act, 1898, the land known as Reserve 873A became vested in the Crown as a reserve for the purposes therein set forth, but by reason of the subsequent repeal of the said enactment doubts have arisen as to the status of the Board of Management constituted there-
25 under, and it is desirable to make provision for the control and management of the said reserve : And whereas it is desirable that the additional land hereinafter mentioned should be placed under the same control and management : Be it therefore enacted as follows :—

Reinstating
legislation
erroneously repealed
in respect of
Kaiapoi Pa.

30 (1.) The land known as the old Native pa at Kaiapoi, containing eleven acres or thereabouts, and situate in the Rangiora Survey District and called Reserve 873A, is hereby declared to be held by His Majesty the King as a reserve for the benefit of the Natives to whom the same was promised or their descendants.

35 (2.) The land and water known as the Waikuku Lagoon, containing twenty-four acres or thereabouts, situated in Block VIII, Rangiora Survey District, and being the balance or southern portion of Reserve 1873, is hereby declared to be held by His Majesty the King as a reserve for the same purposes and persons as is prescribed in sub-section one hereof.

40 (3.) The control and management of the said reserves shall vest in a Board of Managers to be called "The Kaiapoi Reserve Board" (and hereinafter referred to as the said Board), consisting of—

45 (a.) The Stipendiary Magistrate for the time being exercising jurisdiction at Kaiapoi, or if there be no such appointment, then the senior Magistrate at Christchurch or such other Stipendiary Magistrate as he shall appoint.

The Stipendiary Magistrate so acting shall be the Chairman of the said Board.

50 (b.) The members of Parliament for the time being for the Southern Maori Electoral District and for the Kaiapoi Electoral District, or such other districts as shall replace them and have the said reserves within their boundaries.

(c.) Three other persons to be appointed by the Native Minister.

(4.) For any cause which may seem to be sufficient, the Native Minister may, in writing under his hand, remove from office any member appointed under paragraph (c) of the *last preceding* subsection. Any vacancy caused by the death, resignation, or removal of any such member may be filled by the Native Minister. | 5

(5.) The said Board, with the approval of the Governor-General in Council, may from time to time make by-laws for—

(a.) The management, preservation, and disposition of the said reserves or any part thereof :

(b.) The governing and control of all persons, horses, carriages, and vehicles using or frequenting the same : 10

(c.) The fixing of an entrance fee for admission thereto :

(d.) Regulating the time of admission and exclusion :

(e.) The depasturing of cattle thereon :

(f.) The exclusion of dogs or other animals therefrom, and their destruction if intruding thereon : 15

(g.) The prevention of any nuisance :

(h.) The grant or regulating of fishing privileges :

(i.) Generally regulating the use of the said reserves.

(6.) Any person offending against any such by-law shall be liable on conviction to a penalty not exceeding *five* pounds. 20

(7.) All such penalties may be recovered in a summary manner, and shall be paid to the said Board and be applied as other moneys are hereinafter directed to be applied.

(8.) The Board is hereby empowered to lease any portion of the said reserves for such period not exceeding twenty-one years and subject to such rents or conditions and in such manner or form as it may think fit. 25

(9.) Any instrument requiring to be executed by the Board may be executed in the name of the Board by three members of the Board (one of whom shall be the Chairman), and any lease may be registered and may be dealt with in the same manner as if it were a lease of Crown lands granted by a Land Board, but the provisions of the Land Act, 1908, shall not otherwise apply to any such lease. 30

(10.) All sums of money received under or by virtue of this section shall be applied in managing, administering, and improving the said reserves, and generally towards carrying into execution the purposes and objects of this section, and for any other purpose which the Native Minister may approve, although it may not be strictly applicable to such reserves or to the persons intended to benefit thereunder. 40

(11.) The Board may, if it thinks it necessary or advisable, apply to the Native Land Court to ascertain and determine who are the persons entitled to the benefit of the said reserves, and the Native Land Court shall be deemed to have jurisdiction to determine such matters and make orders accordingly. In such case it shall not be compulsory for the Court to define the relative shares in which the beneficiaries are so entitled, but the Court may in the same or any subsequent order determine such relative shares. 45

22. (1.) In order to carry out a recommendation of the Chief Judge of the Native Land Court, the Court is hereby authorized to inquire and determine whether upon the investigation of the title of 50

Authorizing Court
to include Rora
Kupa in certain
titles.

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the Urewera, Raetihi, and Waimarino Blocks, situate in the Aotea Native Land Court District, one Rora Kupa was entitled to be admitted to the titles of the said blocks or any of them, or whether on the grant of any succession order in respect of the said blocks or any portion thereof the said Rora Kupa was wrongly excluded. If it so finds, the Court shall have power to add the names of the children of the said Rora Kupa (now deceased) for such relative shares as it thinks expedient to the title of any one or more of such blocks, and to amend the original title or any subsequent order accordingly.

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15 (2.) No such amendment shall take away or affect any right or interest acquired in good faith and for value before the making of the amendment, and all rights to which the land affected by any such amendment is subject shall pass to and enure for the benefit of the persons found to be entitled under the amendment. The District Land Registrar is authorized to amend or rectify any Land Transfer title in accordance with the order of the Court.

20
25 (3.) Any shares to be awarded to the persons so found entitled shall be awarded and adjusted out of the shares of persons called Hiri Manurewa, Te Waonuiatane, and Koromatua, and their descendants or successors, and the Court is authorized to make any adjustments required. The Court is empowered to adjust the matter in any way that may seem to be expedient, notwithstanding that it may not be strictly in accordance with the rules of law, and it may confine its amendments to one or more of the said blocks, or may accept or confirm any settlement or adjustment arrived at by the parties interested or any one purporting to represent them at the hearing.

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35 23. The Native Land Court is hereby directed and empowered to rehear the applications upon which certain partition orders were made on the twenty-first day of March, nineteen hundred and seventeen (subsequently varied by the Native Appellate Court), respecting the land known as the Waerenga East No. 2A Block, in so far as the portions known as Waerenga East No. 2A 2 and Waerenga East No. 2A 3 are concerned, with power to cancel the partition orders so far as regards such blocks and to make fresh partition orders in lieu thereof, or to amend the orders or adjust the boundaries of the parcels in such manner as the Court thinks expedient or just.

Enabling Waerenga East 2A partition to be adjusted.

40 24. (1.) The administration of the reserves ceded to His Majesty pursuant to section twenty of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, 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.

Appointing Control Board for Rotoiti and Rotoehu Scenic Reserves.

45 (2.) The Governor-General is hereby authorized to appoint, in addition to the existing members of such Board of Control, two persons who shall be representatives of the Ngati-Tarawhai Tribe to be members of such Board of Control.

(3.) Subsection four of section twenty of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, is hereby repealed.

50 25. (1.) An appeal shall lie to the Appellate Court from a provisional or preliminary determination of the Native Land Court made on the twenty-third day of February, nineteen hundred and twenty-four, in the course of proceedings under section thirty-three of the

Permitting appeal from interlocutory order concerning Aorangi Block.

Native Land Amendment and Native Land Claims Adjustment Act, 1922, for the ascertainment of who are the persons that are entitled to any relief that may be granted in respect to the matters or grievances regarding the Aorangi Block mentioned in the said section.

(2.) Every such appeal shall be commenced by notice of appeal given in the prescribed manner within one month after the coming into operation of this Act. Any notice of appeal given before the passing of this Act shall be deemed to have been given in accordance with this subsection. 3

Enabling transfer of lease to be registered.

26. In order to give effect to a recommendation of the Aotea District Maori Land Board it is hereby enacted that the District Land Registrar may, if the instrument is otherwise in order, register any transfer from the Kaipokonui Co-operative Dairy Factory (Limited) to the Egmont Box Company of registered memoranda of lease numbered fourteen thousand four hundred and eight and fourteen thousand five hundred and fifty affecting the Taurewa West A No. 4A and the Taurewa West A No. 3 Blocks respectively, notwithstanding that any such transfer is not accompanied by the statutory declaration prescribed in section seventy-five of the Native Land Amendment Act, 1913; and it is hereby declared that Part XII of the principal Act and sections seventy-two, seventy-four, seventy-five, and seventy-six of the Native Land Amendment Act, 1913, shall not apply to any such transfer. 10 15 20

Authorizing Court to investigate title of Te Matai Block.

27. (1.) Whereas by virtue of a Proclamation dated the twelfth day of January, eighteen hundred and sixty-seven, issued under the provisions of the New Zealand Settlements Act, 1863, the Native title to the land known as Te Matai Block, estimated to contain about eight thousand three hundred and twenty-six acres, and situate in Block V of the Tarawera Survey District and Blocks VIII and XIII of the Kaweka Survey District (hereinafter referred to as the said land), became extinguished, and it is desirable in accordance with arrangements made with the Natives by or on behalf of the Crown that the said land should revert to the former Native owners thereof: Be it therefore enacted that any title or claim of the Crown to the said land other than claims arising out of the survey thereof or other monetary claim shall be deemed to be released and extinguished. 25 30 35

(2.) Notwithstanding anything in the principal Act or any other Act to the contrary, the said land shall henceforth be deemed to be Native land subject to the principal Act, and the title thereto may be investigated under the principal Act as fully and effectually to all intents and purposes as if the said land had never ceased to be held under the customs and usages of the Maori people. 40

Revoking reservation over Section 64, Block VI, Waimumu Hundred, and Section 469, Block XVI, Forest Hill Hundred.

28. (1.) Whereas pursuant to the powers contained in the South Island Landless Natives Act, 1906 (herein called the said Act), certain Crown lands more particularly described in the *Kahiti* and in the *New Zealand Gazette* of the twenty-eighth day of May, nineteen hundred and eight, became dedicated to the purpose of providing land for landless Natives in the South Island: And whereas there was included among the Crown lands so dedicated for the aforesaid purpose the land described in subsection *two* hereof, but such land has never been granted under the said Act, and is no longer required for the purpose for which it was dedicated: Be it therefore enacted that the reservation and dedication of the land described in subsection *two* hereof is 45 50

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hereby revoked, and it is hereby declared that the said land shall henceforth be held as Crown land under the Land Act, 1908, and may be administered and dealt with accordingly and as if it had not been dedicated to any public purpose.

- 5 (2.) The land to which this section applies is—
(a.) Section 64, Block VI, Waimumu Hundred, estimated to contain about one hundred and twenty-seven acres one rood.
(b.) Section 469, Block XVI, Forest Hill Hundred, estimated to contain about one hundred and eleven acres three roods
10 thirty-eight perches.

29. (1.) In this section, unless inconsistent with the context, "Taupo waters" means and includes Lake Taupo and all rivers and streams flowing into that lake, and the Waikato River between Lake Taupo and the Huka Falls.

Empowering negotiations to be entered into with the Natives in respect of fishing-rights in Taupo waters.

- 15 (2.) It shall be lawful for the Native Minister to enter into negotiations with Natives claiming to be owners of the lands bordering on Taupo waters for an agreement in respect of fishing-rights in Taupo waters and in respect of the beds and margins of Taupo waters.

- 20 (3.) It may be a term of any such agreement that special fees shall be charged by the Crown for fishing licenses in Taupo waters, and that a definite proportion of such fees in each year shall be appropriated to the Natives interested, and be distributed among them or applied for their benefit by methods to be agreed upon.

- 25 (4.) The Native Minister may, by notice in the *Kahiti*, convene a meeting or meetings of persons claiming to be such Native owners, to be held at such time or times, place or places, as he deems most suited for the purpose of such negotiations.

- 30 (5.) If at such meeting or meetings the Native Minister is satisfied that a substantial majority of those Natives present and in his opinion entitled to be present approve of and agree upon certain terms, provisions, and conditions, effect may be given to such terms and provisions notwithstanding the dissent therefrom of a minority; the intent and effect of this section being that terms, provisions, and
35 conditions with respect to the subject-matter of the negotiations authorized by this section shall be such as in the opinion of a substantial majority of the Natives present at such meeting or meetings are fair and reasonable.

- 40 (6.) The Native Minister may authorize any person or persons to represent and act for him in such negotiations and at any such meeting or meetings.

- 45 (7.) If the Native Minister is satisfied that terms, provisions, and conditions have been approved by a majority of the Natives claiming to be concerned in the subject-matter of the negotiations authorized by this section and present at such meeting or meetings, he may certify under his hand to the Governor-General that such terms, provisions, and conditions are fair and reasonable in the interest of the Natives concerned, and also in the public interest.

- 50 (8.) Upon receipt of such certificate the Governor-General may, by Order in Council, set forth such terms, provisions, and conditions, and declare that the same shall thenceforth have effect according to their tenor; and such terms, provisions, and conditions shall thereupon have the same statutory force and effect as if enacted in this section, any law or custom to the contrary notwithstanding.

(9.) The Governor-General may from time to time, by Order in Council, make regulations for giving effect to the provisions of this section.

Authorizing Court
to confer easement
in respect of Matata
water-supply.

30. Whereas by section seventy-four of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1922, it is enacted that the Governor-General may confer certain powers upon the Whakataane County Council (hereinafter called the said Council) with respect to the supply of water for domestic purposes for the Town of Matata and the district adjoining (hereinafter called the said water-supply): And whereas it is desirable to give the said Council power to obtain pipe-line easement and other rights and appurtenances over Native land through which the pipe-line connected with the said water-supply passes: Be it therefore enacted as follows:—

(1.) The Native Land Court is hereby authorized and empowered to grant to the said Council by order an easement in perpetuity or for a limited term for the use, occupation, and enjoyment of any Native land whereon or whereunder any pipe-line connected with or appertaining to the said water-supply shall be, together with the right to enter upon such land or through or over any adjoining land for the purpose of altering, renewing, repairing, or cleansing such pipe-line, subject to such terms and conditions as the Court may think fit to impose.

(2.) Any order made granting rights as aforesaid may be registered against the land which it affects, and it shall not be necessary in the case of land subject to the Land Transfer Act, 1915, to produce any certificate of title for the purpose of such registration.

(3.) If the said Council ceases for a period of two years to use any land in respect of which an order granting rights as aforesaid has been made, such land shall (subject, however, to any special conditions contained in the order made in respect thereof) upon the expiration of such period of two years revert to the then owner of the land from which the same was originally ordered, but the said Council shall not be liable to the owner or any other person for so ceasing to use the land. Upon proof to his satisfaction that the right has so reverted to the owner the District Land Registrar may enter upon the Register a memorandum thereof, and such right shall thereupon be deemed to have been determined.

(4.) The Council or any person interested may at any time apply to the Court for the surrender of any right granted hereunder, and the Court may order that the land therein mentioned shall cease to be subject to the right or easement, and any such order may be registered accordingly.

Extending time for
appeal against
investigation of
Tikitiki Block.

31. Notwithstanding that the time for appealing against a final order of the Court, dated the twenty-first day of September, nineteen hundred and twenty-one, respecting the investigation of the title of the Tikitiki Block has expired, an appeal against such order may be brought at the suit of Kereama Tihema, of Rangitukia (the petitioner named in petition number two hundred and eighty-two of nineteen hundred and twenty-four to the House of Representatives), to be commenced by notice of appeal given in the prescribed manner within two months from the date of the passing of this Act. Such appeal shall be subject in all respects to the Rules of Court, and the Native Appellate Court shall have jurisdiction to hear and determine the same.

Vesting reserves in
Rotorua Township
in Waiariki District
Maori Land Board.

32. Whereas the lands described in the First Schedule to this Act (herein called the said lands) have at various times been reserved and dedicated to the Native purposes set out in such Schedule, and it is desirable that the said lands should be controlled and managed in the manner hereafter appearing: Be it therefore enacted as follows:—

5 (1.) All the said lands shall on the commencement of this Act become vested for a legal estate in fee-simple in the Waiariki District Maori Land Board (herein called the Board).

10 (2.) The said lands so vested in the Board shall be held by it in trust for the persons for the time being beneficially entitled thereto in accordance with their respective interests and subject to the respective purposes set forth in the said Schedule, and shall be administered by the Board in accordance with the provisions of this section.

15 (3.) (a.) At the request of the Board the District Land Registrar shall issue to the Board one or more certificates of title in respect of the said lands.

(b.) Any such certificate of title shall have written thereon a memorial that the land therein contained is subject to the provisions of this section of this Act.

20 (c.) On the issue of such certificate of title the District Land Registrar shall transfer to that certificate all entries or memorials of any lease or other encumbrance affecting the title of the Board.

25 (4.) The vesting of the said lands shall not affect any valid lease, mortgage, charge, or encumbrance to which the said lands or any of them are subject at the commencement of this Act.

(5.) Notwithstanding the provisions of any Act to the contrary, all leases of the said lands or any of them heretofore granted by or on behalf of His Majesty or the Governor-General shall be deemed to have been validly granted for the term set out in the respective leases.

30 (6.) In respect of the said lands the Board shall be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908, and may exercise all the powers conferred upon a leasing authority by that Act.

35 (7.) The Board instead of leasing in accordance with the preceding subsection may, if it think fit, grant to any Native a lease thereof in accordance with the provisions of Part XVI of the principal Act (relating to Native lands for Native settlement); and all the provisions of that Part of the principal Act shall so far as applicable and with all necessary modifications extend and apply to any such lease accordingly.

40 (8.) The Board may, with the consent of the Governor-General in Council, sell or exchange any of the said lands, and may purchase land in lieu of such as is sold. Any land so exchanged or purchased shall be held upon the same trusts as the area sold or exchanged was subject.

45 (9.) (a.) The Board may permit Natives, whether beneficially interested or not, to occupy and use any of the said lands, or may hand over the control or management of any of the said lands to a committee of management, but such committee of management shall have no power of alienation.

50 (b.) A committee of management shall consist of such persons as may be appointed by order of the Court, and the Court is hereby authorized to appoint from time to time one or more of such committees of management.

(c.) The Court may at any time, whether on application made or on its own motion and for any reason which it may think sufficient, remove from office any member of the committee of management.

(d.) If any member of a committee of management dies or resigns or is removed from office the Court may appoint any other person in his place. 5

(e.) The Board may make by-laws for the guidance and direction of a committee of management in the conduct of its business or in the control of any of the said lands.

(10.) (a.) The Court is hereby empowered, on the application of the Board, to ascertain and determine who are the persons beneficially entitled to the said lands or any of them, and to define the relative shares or interests in which they are so entitled. If the Court thinks it expedient it may allocate the benefits of the said lands among sections of the beneficiaries. 10 15

(b.) Any order heretofore made by the Court determining the beneficiaries of the said lands or any of them shall be deemed to have been made with jurisdiction and may be acted upon accordingly.

(11.) All revenues heretofore received by the Crown in respect of the said lands (subject to deduction for all just claims and charges) shall be paid to the Board. 20

(12.) All revenues received by the Board in respect of such lands shall from time to time be applied by the Board—

(a.) In defraying the cost of administration by the Board, the cost being apportioned according to the expense properly incurred in respect of each separate area or trust: 25

(b.) In paying all rates, taxes, and other assessments and outgoings payable by the Board in respect of the land:

(c.) In discharge of any mortgage or charge to which the land is subject, or in payment of any advances or interest thereon, or in setting apart sinking funds in connection with improvements made by lessees: 30

(d.) With the consent of the Native Minister, for any other purpose in connection with the administration, improvement, or settlement of the land from which those revenues are derived, or for any purpose of general utility to the beneficiaries thereof: 35

(e.) For any other purpose recommended by a committee of management which the Board in its discretion shall approve:

(f.) In paying, at such time, in such amounts, and in such manner as the Board shall think fit, the residue of those revenues to the beneficial owners or other persons having any interest in the land in accordance with their respective interests. 40

(13.) After the commencement of this Act the provisions of the Public Reserves and Domains Act, 1908, shall no longer apply to the said lands, but subject to the provisions of this section the said lands shall be deemed to be Native freehold lands within the meaning of the principal Act, and all the provisions of the latter Act (save that the beneficiaries shall have no power of alienation) shall apply to the said lands accordingly. 45 50

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33. (1.) Whereas the land formerly known as Kaiuku Reserve, but more recently called Section 8 of Block II, Mahia Survey District, estimated to contain twenty acres, more or less, is shown upon departmental records as a public reserve for landing purposes, and also
5 as a reserve for Natives for use in landing and fishing, while it is claimed by Natives that the land was set aside out of land sold by them to the Crown for the purpose of conserving to them an historic spot known as the Kaiuku Pa, for which they have great attachment, and it is desirable that any doubt should be set at rest: Be it therefore enacted that the
10 above-described land, together with the stopped road traversing the same, which by Proclamation dated the sixteenth of March, nineteen hundred and twenty, was declared to be Crown land, shall become vested in the Tairawhiti District Maori Land Board for a legal estate in fee-simple in trust for the persons hereafter found to be beneficially
15 entitled thereto.

Setting aside the Kaiuku Pa as a Native reserve.

(2.) The Court is hereby empowered to ascertain and determine the persons beneficially entitled thereto, and to define their relative shares and interests.

(3.) Upon the passing of this Act the land so vested in the said
20 Board shall be deemed to be Native freehold land within the meaning of the principal Act, and shall be subject to all the provisions of that Act accordingly, save that the beneficiaries shall have no power of alienation.

34. (1.) To give effect to a recommendation of the Native Affairs Committee of the House of Representatives upon the petition number
25 two hundred and three of nineteen hundred and twenty-three (session II) by Hoani Mahuika and others it is hereby enacted that, notwithstanding the time for appealing against the final orders made by the Court, dated the twenty-sixth day of January, nineteen hundred and twenty-three, made upon proceedings to ascertain and determine the persons beneficially
30 entitled to the lands referred to in section fifty-three of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, has expired, an appeal against such orders or any of them may be brought at the suit of any of the petitioners who have signed the hereinbefore-mentioned petition, to be commenced by notice of appeal given in the prescribed
35 manner within two months from the date of the passing of this Act. Every such appeal shall be subject in all respects to the Rules of Court.

Permitting an appeal to be lodged in respect of Kawatiri lands.

(2.) The Native Appellate Court is hereby authorized and empowered to hear and determine any appeal hereunder, notwithstanding that other appeals against the same orders may have been
40 heard and determined, or that there may have been a rehearing of any part of the proceedings.

(3.) Any order of the Native Appellate Court hereunder shall not affect or prejudice any arrangements previously entered into by the Native Trustee or any payments theretofore made by him, save so far
45 as the Native Appellate Court shall expressly order.

35. (1.) Whereas the land known as Section 1 of Allotment 120 of the Town of Opotiki (herein called the said land) was granted to one Wiremu Kingi Tutahuarangi (now deceased), and it is claimed that the said land was awarded as compensation in lieu of money for certain
50 rights that the Ngaitai Tribe had in lands that were confiscated, and that other members of the Ngaitai Tribe besides the grantee were entitled thereto: Be it therefore enacted that the Court is hereby authorized

Authorizing inquiry as to owners of Section 1, Allotment 120, Opotiki.

and empowered to hear and determine any claim to the said land irrespective of the grant already issued, and to make an order vesting the said land in such person or persons as it shall find to be entitled thereto for an estate of freehold in fee-simple in the relative shares defined by such order. 5

(2.) Upon the making of such order the grant heretofore referred to shall be deemed to be of no further force or effect, and such grant and any subsequent orders founded thereon may be cancelled accordingly.

(3.) The Court may in any order made under this section impose such restrictions upon alienation as in its discretion it shall think desirable. 10

Exempting
Ngatituwharetoa
Tribe from paying
heavy-traffic fees
on the Tokaanu-
Waimarino Road.

36. Whereas under the Tongariro National Park Act, 1894, the Crown accepted the donation of an area of about 6,508 acres of land by the late Te Heuheu Tukino, Chief of the Ngatituwharetoa Tribe, for the purposes of a National Park: And whereas lands including the aforesaid area were set apart as a reserve under the Tongariro National Park Act, 1922, and the control thereof was placed under the Tongariro National Park Board: And whereas such Board may lease portions of such lands and issue licenses and otherwise derive revenue from such lands: And whereas the Ngatituwharetoa Tribe is being called on by the Crown to pay fees in respect of its two-ton motor-lorry used for the purpose of transporting for such tribe the necessaries of life over the Waimarino-Tokaanu Road: And whereas it is expedient that payment of such fees should be remitted: Be it therefore enacted as follows:— 15 20 25

No heavy-traffic fees shall be payable to the Crown in respect of one two-ton motor-lorry only used on the Tokaanu-Waimarino Road by or for the purposes of the Ngatituwharetoa Tribe or any member of such tribe, or any association or company composed principally of members of such tribe. 30

Cancelling title of
Crown to the Tarata
Block and declaring
the same to be
Native customary
land.

37. Whereas Sections 1, 2, 3, 4, 5, and 6, Block III, Waiapu Survey District, in the Land District of Gisborne, and known as the Tarata Block, were on the twenty-second day of February, eighteen hundred and sixty-two, ceded to the Crown by members of the Ngati-Porou Tribe as a gift for the purposes of a site for the residence of a Magistrate: And whereas the said land is not now required for the said purpose, and it is desirable that it should revert to the Native owners: Be it therefore enacted as follows:— 35

(1.) The title of the Crown to the said Sections 1, 2, 3, 4, 5, and 6, Block III, Waiapu Survey District, in the Land District of Gisborne, and known as the Tarata Block, is hereby cancelled. 40

(2.) From and after the passing of this Act the aforesaid land shall be deemed to be Native land within the meaning of the Native Land Act, 1909, and may for all purposes be dealt with under that Act as customary land. 45

(3.) The District Land Registrar of the Gisborne Land Registration District is hereby authorized and directed to amend the Register in such manner as may be necessary for the purpose of giving effect to this section.

Enabling the
ascertainment of
other persons
entitled to inclusion
in the title to
Tarawera and
Tataraakina Blocks.

38. To give effect to a recommendation of the Native Affairs Committee of the House of Representatives upon petitions numbers one hundred and one, and three hundred and thirty-seven of nineteen hundred and twenty-four it is hereby enacted as follows:— 50

(1.) The Native Land Court is hereby empowered to inquire and determine what persons, if any, other than those already admitted, ought to be included in the titles of the lands formerly known as Tarawera and Tataraaikina Blocks, situate in Hawke's Bay Land District, and comprised in orders of the Court dated the sixth day of July, eighteen hundred and eighty-two.

(2.) If the Court finds that other persons are so entitled to be admitted into the title it shall redetermine and readjust the relative interests of the Native owners in such manner as it shall think just.

(3.) The Court in ascertaining the persons to be entitled, or in determining the relative interests of the Native owners, shall not be bound to regard the agreement of the thirteenth day of June, eighteen hundred and seventy, affecting the said lands, nor the provisions of subsection two of section four of the Native Land Claims Adjustment Act, 1914, directing the Court to treat the persons named as owners as having been entitled to equal shares, but the Court shall proceed as near as may be as if the Native customary rights of the parties still existed.

(4.) The Court may amend the titles to the said lands in such way as it may deem expedient, and may, if necessary, cancel any partition order already made, excepting as regards such portions or interests as are affected by alienation to the Crown.

(5.) In case the said partitions are cancelled the Court may award a portion of the respective lands to the Crown in satisfaction of the cost of any former survey effected by the Crown, and may make an order vesting the land so awarded in His Majesty. The land so awarded shall be dealt with in the same manner as land acquired under Part XIX of the principal Act.

(6.) Nothing herein contained and no proceeding to be taken hereunder shall prejudicially affect in any way the rights however acquired of the Crown, or invalidate any alienation heretofore made to the Crown.

(7.) The said lands are hereby declared to be restricted from alienation otherwise than to the Crown for a period of one year from the date of the passing of this Act, except with the consent of the Governor-General in Council first had and obtained, and any alienation made in breach hereof shall be invalid.

39. (1.) To give effect to a report of the Native Affairs Committee of the House of Representatives on petition number eighty-two of nineteen hundred and twenty-four of Lewis Emanuel Cassrels: Be it enacted that the Native Land Court shall, upon an application by or on behalf of the said petitioner, and subject to such condition as it shall impose as to the payment of fees and survey charges, make an order vesting in the said Lewis Emanuel Cassrels, of Paeroa, farmer, all that the respective interests of Karauna Poono and Raiha Poono in the parcel of land, containing about five acres and nine perches, and being called or known as the Huhuraumati B Number 3A Block: as the same is comprised in a partition order dated the seventh day of December, nineteen hundred and seventeen.

Empowering Court to vest Huhuraumati B 3A in L. E. Cassrels.

(2.) Upon the making of such order as aforesaid the said land shall thereupon vest in the said Lewis Emanuel Cassrels for an estate of freehold in fee-simple, and the District Land Registrar is hereby authorized to issue a certificate of title therefor accordingly.

Permitting variation of agreements between the Aotea Maori Land Board and the Tongariro Timber Company.

40. Whereas the Tongariro Timber Company (Limited) has, under and in pursuance of the provisions of section thirty-seven of the Maori Land Laws Amendment Act, 1908, certain rights under agreements with the Aotea District Maori Land Board (hereinafter called the Board) with respect to the lands described in such agreements and the timber thereon, and is under obligation to the Board to construct a railway and otherwise as expressly set forth in the agreements: And whereas for the purpose of securing the construction of the said railway and in the best interests of all parties concerned variation of the said agreements may be required, and it is expedient that there should be statutory provision to enable to be made such variation (if any) as may be found necessary: Be it therefore enacted as follows:—

(1.) The Board is hereby authorized and empowered (subject to the approval of the Governor-General in Council, but not otherwise) to vary all or any of the conditions of the existing agreements between the Board and the said Company in such manner, and to such extent, and subject to such conditions, as the Board may deem just and not prejudicial to the interests of the Native owners of the lands affected.

(2.) This section shall be read together with and not in substitution for section nineteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1915, and any amendments thereof heretofore made.

Permitting application for probate to be made in regard to will of Raniera Erihana (deceased).

41. To give effect to a report of the Native Affairs Committee of the House of Representatives upon petition number ninety-three of nineteen hundred and twenty-four by Daniel Ellison of Te Aute, Hawke's Bay, be it enacted as follows:—

(1.) The provisions of section one hundred and thirty-eight of the Native Land Act, 1909, shall be deemed not to apply to any will heretofore made by Raniera Erihana (deceased).

(2.) The Native Land Court shall have jurisdiction to hear and determine any application regarding the last will of the said Raniera Erihana (deceased), and, if it is satisfied of the authenticity and due execution of any such will, to grant probate thereof or letters of administration with the will annexed as the case may require.

(3.) If any such will is admitted to proof the Court may vary or cancel any succession order heretofore made in respect of the interests of Raniera Erihana (deceased) in any lands affected by such will.

Providing compensation for portion of Whangara Island taken for a quarry.

42. Whereas it is proposed to take, under the Public Works Act, 1908, for the purposes of a quarry, a portion of the Whangara Island, in the Gisborne Native Land Court District, not exceeding three acres, and not including any graves or places of historical interest: And whereas the said island is still customary land: And whereas an arrangement has been made with representatives of the Natives claiming to own the said island, that a sum of five hundred pounds be paid by way of compensation, and that such sum shall be used for the improvement of burial-grounds, the renovation of public buildings, and other purposes of a public nature in and about the Whangara Native Settlement: Be it therefore enacted as follows:—

(1.) The sum of five hundred pounds shall be paid by way of compensation for the portion of Whangara Island if and whenever such land is taken under the Public Works Act, 1908, for the purposes of a quarry:

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Provided that the area to be so taken shall not exceed three acres and shall not include any graves or places of historical interest.

(2.) The said sum shall be paid to the Committee of Management of Whangara B 1 and adjoining blocks (incorporated) in trust, to devote the same towards the improvement of burial-grounds, the renovation of public buildings or other purposes of a public nature in and about the Whangara Native Settlement.

(3.) The said sum shall be paid out of the Public Works Fund without any further appropriation than this Act.

10 (4.) It shall not be necessary to take any proceedings under the Public Works Act, 1908, for the assessment of compensation.

20 43. (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 Second Schedule hereto.

Chief Judge may refer matters in Schedule for 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.

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

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL the following lands situate in the Town and suburbs of Rotorua :—

Land.	Area.			Nature of Reservation.
	A.	R.	P.	
1. Section 1, Block 57	1	0	0	Reserved for use of Ngatiwhare Tribe.
2. Sections 5, 6, and 7, Block 51 ..	0	3	0	
Sections 5 to 16 inclusive, Block 52	3	0	0	Reserved for use of Ngatiwhakaue, Ngatirangiwehi, and Ngatiuenukukopako Tribes.
Section 1, Block 61	0	2	36	
Section 1, Block 62	5	3	0	
Sections 1 and 24 to 28 inclusive, Block 69, formerly described as Section 1, Block 63.	1	2	0	
Suburban Section 22 and its various divisions, but excluding Ti Street	6	1	26	
3. Sections 1 and 2, Block 52 ..	0	2	0	Reserved for use of Ngati te Kohu Tribe.
4. Sections 3 and 4, Block 52 ..	0	2	0	Reserved for use of Ngati Tiki Tribe.
5. Sections 1 and 2, Block 51 ..	0	2	0	Reserved for use of Ngatiruanamo Tribe.
6. Section 3, Block 49	0	1	0	Reserved for Tuhourangi Tribe.
7. Section 11, Block 51	0	1	0	Reserved for use of Ngati-Wahiao Tribe.
8. Sections 2 and 3, Block 57 ..	1	0	22	Reserved for use of Tuhoi Tribe.
9. Section 1, Block 71, Town of Rotorua Extension	0	1	39	For use of Ngatiawa Tribe and the various hapus comprising the same.

SECOND SCHEDULE.

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

1. PETITION No. 63 of 1924, of Tamaho Maika and 172 others : Praying for an inquiry *re* price paid in 1875 for Te Kauae-o-Ruru-wahine Block, and for compensation.

2. Petition No. 19 of 1921, of Mere Hape and 6 others : Praying for inquiry as to the ownership of Rakaukaka Block.

3. Petition No. 162 of 1924, of Herepete Rapihana : Praying that the report of the Royal Commission *re* Kaitaia Block be given effect to.

By Authority : W. A. G. SKINNER, Government Printer, Wellington.—1924.