

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

House of Representatives,
3rd September, 1926.

Right Hon. Mr. Coates.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS
ADJUSTMENT.

ANALYSIS.

Title.	Miscellaneous.
1. Short Title.	18. Reopening investigation of Raumatangi Block.
2. Interpretation.	19. Authorizing amendment of title of Puketotara Block.
<i>Amendments to Native Land Laws.</i>	
3. Amendment of principal Act.	20. Providing for amended description of Rotoiti Scenic Reserve.
4. Amendment of section 7 of the Native Land Amendment and Native Land Claims Adjustment Act, 1925.	21. Authorizing readjustment of shares between Hone Tuari's family.
5. Authorizing variation of terms of payment of rent.	22. Authorizing issue of title for Lots 20 and 75, Tahawai Parish.
6. Authorizing execution by Maori Land Board of renewed leases.	23. Crown may accept gift of Te Koru Pa.
7. Amending section 17 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922.	24. Enabling rectification of Marangairoa 1d titles.
8. Authorizing Maori Land Board to make advances.	25. Authorizing issue of title for Section 890, Block XI, Bruce Bay Survey District.
9. Making provision for Board moneys to be a Common Fund.	26. Enabling confirmation of sale of Akura 8c 1 Block.
10. Amendment of section 417 of the principal Act.	27. Permitting appeals to be lodged in respect of Tarawera Block.
11. Authorizing the provisional registration of mortgages to State Loan Department.	28. Permitting adjustments with regard to the successors to Te Mahuri Rauoha, deceased.
12. Board may be empowered to administer land when rates in default.	29. Enabling further owners to be admitted into title to Kopuni Block.
13. Amending section 140 of the Native Land Act, 1909.	30. Extending time for appeal regarding sheep on Wharekauri 1g Block.
<i>Taupo Waters.</i>	
14. Declaring bed of Lake Taupo to be vested in His Majesty the King.	31. Enabling Court to exercise jurisdiction with regard to Ohinemutu and Whakarewarewa Villages.
15. Payment of annual sum to Tuwharetoa Trust Board authorized.	32. Enabling rehearing of application to succeed to interest of Waaka te Koi, deceased, in Te Akau A No. 5 Block.
16. Tuwharetoa Trust Board constituted.	33. Enabling Tapuinikau A and Tapuinikau B 2 to be created a scenic reserve.
17. Repeals.	34. Enabling exemption of Native land from liability for rates.
	35. Chief Judge may refer matters in Schedule for report.
	Schedules.

A BILL INTITULED

AN ACT to further amend the Laws relating to Native Lands, and to determine certain Claims and Disputes in relation to Native Lands, and to confer Jurisdiction upon the Native Land Court and the Native Appellate Court, and for other Purposes.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

2 *Native Land Amendment and Native Land Claims Adjustment.*

Short Title.

1. This Act may be cited as the Native Land Amendment and Native Land Claims Adjustment Act, 1926.

Interpretation.

2. In this Act the expression, "the principal Act" means the Native Land Act, 1909.

Amendments to Native Land Laws.

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Amendment of principal Act.

3. The Principal Act is amended as follows:—

(a.) By substituting the word "three" for the word "five" wherever it occurs in section three hundred and twenty-five.

(b.) By omitting from section three hundred and twenty-seven the words "but three members at least must concur in every act of the Committee." 10

Amendment of section 7 of the Native Land Amendment and Native Land Claims Adjustment Act, 1925.

4. Section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1925, is hereby amended by substituting the word "three" for the word "five" (as the minimum number of persons that may be appointed to be a Committee of Management). 15

Authorizing variation of terms of payment of rent.

5. (1.) Whenever any Native land is vested in a corporate body under Part XVII of the principal Act or is not so vested but is owned for an estate in fee-simple (whether legal or equitable) by more than ten owners as tenants in common, and is subject to a lease for a term of years, and it is desired to make a variation in the terms of payment of the rent reserved and payable under such lease, then, notwithstanding anything in the principal Act to the contrary, the Committee of Management of the corporate body or the assembled owners, as the case may be, may from time to time by resolution agree to release, reduce, or extend the time for payment of the whole or any part of the rent reserved and payable or to become payable under such lease. 20 25

(2.) Subject to the concurrence of the lessee and of those claiming through him, any such resolution may contain a provision that the rental payable shall be increased during any part of the unexpired term of such lease. 30

(3.) Such resolution shall not become effective unless and until the same or the terms thereof have been approved of by a Maori Land Board (herein called "the Board"). The Board may approve of the same, subject to such conditions as it thinks to be in the interests of the Native owners. 35

(4.) Upon such resolution being approved the Board shall thereupon become the agent of the corporate body or of the owners for the time being, as the case may be, to execute in the name of the Board a memorandum setting out the terms of such release, reduction, increase, or extension of the time for payment, and the corporate body or the owners shall not be competent to revoke the authority of the Board in that behalf. 40

(5.) It shall be deemed to be within the powers of the assembled owners to pass under Part XVIII of the principal Act such a resolution as is herein referred to, whether such resolution was passed before or after the coming into operation of this Act, but it shall not be necessary for any such resolution to be confirmed, nor shall any said resolution lapse for want of confirmation. The provisions of Part XVIII in reference to any such resolution are hereby modified accordingly. 45 50

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(6.) A memorandum executed under this section shall contain a statement or recital that the Board is authorized to execute the same as the agent of the corporate body or of the owners under this section, and this shall be accepted by the District Land Registrar and
5 all Courts as sufficient *prima facie* evidence of the facts so stated or recited. Such memorandum shall, without confirmation under Part XIII of the principal Act, have the same force and effect as if it had been lawfully executed by the corporate body or by all of the owners or their trustees, and as if these owners or trustees had been fully
10 competent in that behalf. Any such memorandum so executed shall have the effect of amending or varying, according to its tenor, the terms of the lease, and may be registered by the District Land Registrar.

6. (1.) If and whenever any lessee under any lease of Native
15 freehold land (whether granted before or after the coming into operation of the principal Act) is entitled to an equitable right to claim a renewal of such lease, the person entitled to such renewed lease, or any person claiming through or under him, may apply to the Maori Land Board to execute as the agent of the owner a new lease in accordance with
20 the provisions in the lease in that behalf.

Authorizing execution by Maori Land Board of renewed leases.

(2.) If the Board resolves to execute such new lease it shall thereupon become, without further authority, the agent of the owner for the time being to execute in the name of the Board an instrument of alienation by way of lease, and the owner shall not be competent to
25 revoke the authority of the Board in that behalf.

(3.) Every such instrument of alienation may contain all such terms, conditions, and provisions as are agreed upon between the Board and the other parties to the instrument other than the owner, as well as such conditions not being repugnant to the prior lease as the
30 Board may impose.

(4.) Every instrument of alienation executed by the Board as the agent of the owner in accordance with the foregoing provision shall, without confirmation under part XIII of the principal Act, have the same force and effect, and may be registered in like manner, as if it had
35 been lawfully executed by all the owners or their trustees, and as if those owners or trustees had been fully competent in that behalf.

(5.) The instrument so executed by the Board shall contain a statement or recital that the Board is duly authorized to execute the same as the agent of the owner under this section, and any such
40 statement or recital shall be accepted by the District Land Registrar and all Courts as sufficient *prima facie* evidence of the facts so stated or recited, and except as against any person guilty of fraud no such instrument of alienation executed by the Board shall be invalidated by any breach or non-observance of the provisions of this section prior
45 to the execution of the instrument by the Board.

(6.) The Board in acting as such agent as aforesaid may deal with any part of the land or with any one or more interests in the land. Where two or more lessees are entitled to leases of certain interests in land the Board may allot the portion to which each lessee is to be deemed
50 entitled, and grant the lease as from all the owners of the portion allotted. Where in such cases the covenants vary in their terms, whether as to

payment of rent or otherwise, the Board shall have power to recast such terms and to make such terms as uniform as possible.

(7.) Where in any lease referred to in subsection *one* hereof it is provided that it shall be necessary for the purpose of fixing compensation or securing a renewal of such lease to give or serve any notice upon the lessor, it shall be a sufficient compliance with such covenant if the notice is served upon the Maori Land Board as agent of the owner. Where it is necessary in terms of the lease for the lessor to appoint a valuer or arbitrator such valuer or arbitrator may be appointed by the Board, and shall be as competent to act as if he had been personally appointed by the lessor in that behalf. Before making any such appointment the Board may require the lessee to deposit a sum sufficient to defray the cost of such valuer or arbitrator.

(8.) There shall be payable to the Board for any proceedings under this section such fees as may be prescribed by regulation.

7. Section seventeen of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, is hereby amended by adding to subsection three thereof the following proviso:—

“Provided that such consent shall not be required in any case where the Board, after notice given to the owners in such manner as it shall direct, either receives no objection against the grant of such new lease, or if having received any such objection the Board considers it should not prevail.”

8. (1.) Subject to the approval of the Native Minister, given either generally or with respect to any particular Native freehold land, a Maori Land Board may from time to time advance out of its account moneys for any of the following purposes:—

- (a.) For the purposes of any agricultural or pastoral business carried on by it under section two hundred and ninety-two of the principal Act.
- (b.) For the payment of any debts or liabilities of any body corporate constituted under the principal Act.
- (c.) For the discharge of any charge, encumbrance, rates, or taxes affecting any Native freehold land.
- (d.) For the farming, improvement, or settlement of any Native freehold land.
- (e.) For any other purpose that the Governor-General in Council may authorize.

(2.) Any moneys so advanced shall become a charge upon the land, and shall bear interest at such rate as the Board shall from time to time decide.

(3.) A memorandum of charge may from time to time be executed by the Board under its seal having the effect of charging the land therein mentioned with the repayment upon demand of the principal sum and interest mentioned in such memorandum of charge. The said memorandum of charge may be registered against the said land, and shall have the same force and effect as if it were a memorandum of mortgage duly executed by the owners of the land or their trustees or by a corporate body, and as if such persons or body were fully competent to execute the same, and may be discharged or otherwise dealt with or enforced accordingly. This subsection shall apply notwithstanding the legal estate of the land may be vested in the Board.

Amending section 17 of the Native Land Amendment and Native Land Claims Adjustment Act, 1922.

Authorizing Maori Land Board to make advances.

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(4.) No memorandum of charge issued hereunder shall require to be confirmed under Part XIII of the principal Act.

(5.) A memorandum of charge may extend to and include any moneys advanced or expended by a Board prior to the passing of this Act for any of the purposes mentioned in this section.

(6.) The powers conferred by this section are in addition to any other powers of investment now possessed by the Board.

9. (1.) For the purpose of making investments and advances all moneys held by a Maori Land Board, whether received by such Board before or after the passing of this Act, and whether directed to be invested or not, shall, unless expressly forbidden to be invested, be one Common Fund, and any investments made from such Common Fund shall not be made on account of or belong to any particular estate.

Making provision for Board moneys to be a Common Fund.

(2.) Moneys expressly invested on behalf of a particular estate or trust shall not form part of the Common Fund.

(3.) Where the funds of any Maori Land Board are insufficient for its purposes any profits held by any other Board may, on the requisition of the Native Minister, be made available for and applied to meet the requirements of the first-mentioned Board.

10. Section four hundred and seventeen of the principal Act is hereby amended by adding the following paragraphs :—

Amendment of section 417 of the principal Act.

“(d.) The payment into the account of any Maori Land Board of such sums as the Native Minister may from time to time requisition for the purpose of investing the same in advances secured by the mortgage of any freehold or leasehold interest in Native freehold land, or in Crown land leased to Natives, or the like interest in any other land where it is found necessary to have additional or collateral security, and such sums may be applied by the Board for such purpose. Such sums or any part thereof may at any time be repaid into the Native Land Settlement Account. Interest at such rate as may from time to time be prescribed by regulation shall be paid by the Board in respect of such sums as are paid into its account under this section.

“(e.) For the purpose of forming and constructing roads and bridges and otherwise opening up and preparing for settlement any land or interest in land purchased or acquired under the authority of Part XIX (dealing with purchases of Native land by the Crown), or land in respect of which negotiations for its purchase or acquisition are contemplated or are in progress.

“(f.) For the purpose of improving, developing, or protecting any such land or interest in land as is mentioned in the last preceding paragraph, or of discharging any mortgage, charge, or other liability to which the same is subject, whether incurred before or after the passing of this Act.”

11. (1.) Where a memorandum of mortgage to a State Loan Department affecting Native freehold land has been executed by one or more of the owners thereof, and such memorandum of mortgage cannot be immediately registered by reason of the orders for title being

Authorizing the provisional registration of mortgages to State Loan Department.

incomplete or not being upon the Land Transfer Register, the following provisions shall apply :—

- (a.) The Registrar of the Native Land Court shall, at the request of the mortgagee, sign and forward to the District Land Registrar a certificate showing the date and nature of the order made, the name of the land affected thereby, the supposed area thereof, and the names of the persons entitled thereto, which certificate shall be embodied in the Provisional Register, and all the provisions of the Land Transfer Act, 1915, as to provisional registration shall apply thereto. 5 10
- (b.) It shall not be lawful to register against a Provisional Register constituted under the authority of paragraph (a) hereof any instrument other than a memorandum of mortgage to a State Loan Department, and any discharge or other dealing therewith or thereunder, and any succession or other order (including an order of incorporation) transmitting title to the persons executing such mortgage, and any order creating a charge upon the land affected. 15
- (c.) Upon receipt for registration of the order for title in respect of such land by the District Land Registrar, the order shall also be embodied in the Provisional Register as a separate folium, and shall be numbered accordingly, and when so numbered shall be deemed duly registered, and all entries and memorials affecting the title to the land in such order shall be transferred to the folium so constituted. The folium mentioned in paragraph (a) hereof shall thereupon be cancelled as regards the land in the order for title so registered. 20 25

(2.) The registration of a certificate mentioned in subsection one hereof shall be deemed to be a bar to any proceedings being taken under section one hundred and twenty-one of the principal Act with respect to the land mentioned in such certificate. 30

12. (1.) Wherever default is made in the payment of rates that are levied upon any land owned by Natives other than Native freehold land, the Court may, on the application of the Native Minister or of any person interested or of a Maori Land Board, appoint the Board a receiver in respect of the property so charged. 35

(2.) A receiver so appointed shall have the same rights as a receiver appointed under section thirty-one of the principal Act, and the provisions of subsections five and six of that section shall apply to such receiver in the same manner as if the receiver had been appointed in respect of Native land, save that it shall not be necessary to obtain the leave of the Court to the grant of any lease or other instrument. 40

(3.) In addition to other powers conferred by the said section thirty-one, the receiver shall have power to mortgage the property of which it is appointed receiver. 45

(4.) The receiver shall, out of the revenues derived from the land, satisfy any rates levied upon the said land, whether such rates are levied before or after the appointment of such receiver.

13. (1.) Section one hundred and forty of the principal Act is hereby amended by the addition of the following subsection :— 50

“(6.) The time limited under this section for making an application may be extended for such further period as the Court or a Judge thereof

Board may be empowered to administer land when rates in default.

Amending section 140 of the Native Land Act, 1909.

may direct, after hearing such of the parties affected as the Court or Judge thinks necessary, but no distribution of any part of the estate not being Native freehold land, nor any alienation of the Native freehold land being part of the estate made prior to the application, shall
5 be disturbed by reason of the application or of an order made thereon."

(2.) The power granted by this amendment shall extend to cases where the time for making application has already expired, including cases where it expired before the coming into operation of this Act.

Taupo Waters.

10 14. For the purpose of giving effect to an agreement entered into under the provisions of section twenty-nine of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, it is hereby enacted as follows :—

Declaring bed of Lake Taupo to be vested in His Majesty the King.

15 (1.) The bed of the lake known as Lake Taupo, and the bed of the Waikato River extending from Lake Taupo to and inclusive of the Huka Falls, together with the right to use the respective waters, are hereby declared to be the property of the Crown, freed and discharged from the Native customary title or any other Native freehold title thereto :

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

25 Provided further that the Governor-General may reserve any portion of the bed of the lake or any Crown lands on the border thereof for the use of Natives, and may vest the management and control thereof in the Board hereinafter mentioned or in any trustee.

30 (2.) There shall be reserved to the Natives the right to fish for and catch for their own use any indigenous fish in the said lake, but no such fish shall be sold except with the consent of the Board hereinafter mentioned. The sale of any such fish without consent shall be deemed to be unlawful, and any person who commits any such offence shall be liable on summary conviction to a penalty not exceeding *five* pounds.

35 (3.) Subject as herein mentioned there shall be reserved to the public a right-of-way over a strip of land not exceeding one chain in width around the margin of the said lake. Should any dispute arise as to the position or location of such right-of-way the matter shall be referred to the Surveyor-General, whose decision thereon shall be final :

40 Provided that the Governor-General may from time to time by Proclamation exempt any portion thereof from public use, or restrict or limit the right of such public user in such manner as he may think fit, and thereupon the public right of user over the portion specified shall cease or be limited accordingly.

45 (4.) (a.) The Governor-General may from time to time by Proclamation declare the bed of any river or stream flowing into the said lake, or such portion of such bed as may be described in the Proclamation, to be Crown Land, and thereupon the land so proclaimed shall become Crown land freed from the customary or other title of Natives, and the Crown shall have the right to use and control the waters flowing over
50 such bed.

(b.) The Governor-General may from time to time by Proclamation reserve to holders of special licenses a right-of-way over a strip of land not exceeding one chain in width along the banks of the beds of rivers or streams so vested in the Crown, and such holders shall be deemed to have the right of access accordingly :

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Provided that the Governor-General may from time to time by Proclamation exempt any defined portion thereof from use by the holders of special licenses or may restrict or limit the right of user thereof in such manner or to such persons or class of persons as he thinks fit, and the right of user on the portion specified shall cease or be limited accordingly.

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(c.) The Crown shall have the exclusive right to let for camping-sites any part of the land so reserved, and it shall not be lawful for any person owning an interest in the land over which a right-of-way is reserved to alienate or deal with the land comprised in such right-of-way except with the consent of the Governor-General in Council :

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Provided that if any person having an estate or interest in such land, or being possessed of any valid rights of camping or fishing thereon is injuriously affected or suffers damage through the exercise of any powers conferred by this subsection, he shall be entitled to compensation for such injury.

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(d.) Any person claiming compensation as aforesaid (herein called the claimant) must, within *three* months from the date of the publication of the Proclamation in respect of which the claim arises, make and lodge with the Under-Secretary of Internal Affairs a claim therefor giving full particulars of the amount and nature of his claim, the grounds of such claim, and the name and address of the claimant.

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(e.) All claims for compensation shall be determined by a Commissioner to be appointed from time to time by the Governor-General. Such Commissioner shall have all the powers and jurisdiction conferred upon Compensation Courts by Part III of the Public Works Act, 1908, and shall be deemed to be a Compensation Court accordingly. It shall not be necessary that assessors be appointed, but the Court may appoint one or more assessors to assist it in its deliberations.

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(f.) All sums of money found to be due hereunder by the award of the Compensation Court shall be paid out of the Consolidated Fund to the person entitled without further appropriation than this Act.

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(5.) Any Proclamation made under this section shall be conclusive of its own validity, but may from time to time be amended, varied, or revoked as the Governor-General may think fit.

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(6.) No person owning an estate or interest in any land over which a right-of-way is granted pursuant to this section shall be deemed to obstruct any such right-of-way by reason only of the erection of fences over or upon it if reasonable and ready access by gates or otherwise is provided for foot passengers through or over such fence :

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Provided that no fence or building shall be erected upon any place let or laid out by the Crown as a camping-site without the consent of the Minister of Internal Affairs.

(7.) The Crown may expend such sums as may from time to time be appropriated by Parliament for the purpose, in providing and laying out sites for camping-grounds for anglers, and in the erection thereon of necessary buildings for their accommodation, and in otherwise pro-

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viding for their convenience. Such sites may be laid out upon the rights-of-way granted or proclaimed under this section, or upon Crown land, or upon any other land acquired for the purpose.

5 (8.) For the purpose of regulating fishing and other use of the waters in this section referred to, the Governor-General may by Order in Council define a district (herein called the said district) in which the provisions of this section shall apply.

(9.) The operation of the Fisheries Act, 1908, so far as it applies to the said district, shall be modified as follows:—

10 (a.) Paragraph (e) of section eighty-eight and section ninety of the said Act shall have no force within such district.

(b.) No license issued by or on behalf of any acclimatization society, and no license issued under the regulations regarding trout fishing in the Rotorua Acclimatization District, shall have any force or effect within the district defined under this section.

15 (c.) Such members of the Tuwharetoa Tribe as are nominated by the Board hereinafter referred to shall be entitled to have issued to them, free of charge, licenses to fish for imported fish in accordance with the regulations:

20 Provided that not more than fifty such licenses shall be issued in any one year without the consent of the Governor-General in Council.

(d.) The Governor-General may by Order in Council make special regulations as to any matter or thing relating to or that is in any manner deemed necessary for the due administration of this section. Sections ninety-eight and ninety-nine of the Fisheries Act, 1908, shall apply to such regulations as fully and effectually as if they were regulations made under that Act. The power to make regulations shall include the power in so far as there may not be provision for doing so under the Harbours Act, 1923, to license boats and vessels plying for hire over or upon the waters herein referred to, with power to impose such conditions as may be deemed necessary or prudent for the safety and convenience of passengers, to prescribe fees therefor, to declare the grounds upon which a license may be revoked or suspended, and to restrain any person from plying for hire with unlicensed boats or vessels. It shall also include the power to prescribe the fees to be paid for fishing licenses and camping-sites within such district. The said fees need not be uniform, but may differentiate between such classes of persons as are defined by the regulations, and any class or classes may include divisions of age or sex, or of residence or non-residence within such district, or by reference to fishermen from overseas and those permanently resident within the Dominion of New Zealand, or in any other manner that the Governor-General in Council may see fit. Such license fees may be made payable in respect of a whole season or any lesser part thereof, and a license may limit the rights of the holder thereof to be exercised only within the said district or at some particular place or locality within the said district.

(e.) Where there is a conflict in any respect between the general regulations under the Fisheries Act, 1908, and the special regulations made in accordance with the provisions of this section, the provisions of the special regulations shall prevail within the said district. 5

(10.) With the exception of the provisions of subsection *nine* hereof, none of the provisions of this section shall affect the rights of any owner of European land within the said district at the date of the passing of this Act, but any person hereafter acquiring any Native land within the said district shall be deemed to acquire it subject to the rights reserved to the Crown by this section, and it shall be so subject. 10

Payment of annual sum to Tuwharetoa Trust Board authorized.

15. (1.) There shall be paid out of the Consolidated Fund to the Board hereinafter mentioned, without further appropriation than this Act, the annual sum of three thousand pounds, the first of such payments to be due and payable on the first day of April, nineteen hundred and twenty-seven. In addition a sum of one thousand pounds shall, without further appropriation than this Act, be paid to the Board on the first day of December, nineteen hundred and twenty-six. 15

(2.) There shall be paid to the said Board from time to time fifty per centum of all fees over and above the sum of three thousand pounds received for licenses issued for fishing or in respect of boats or vessels during the preceding financial year and also of the revenue received for camp-sites located upon the rights-of-way created under the *last preceding* section, together with one-half of all fines and penalties recovered for breaches or infringements of the Fisheries Act, 1908, or of the Harbours Act, 1923, or of the *last preceding* section, or the respective regulations thereunder, for offences committed within the said district. 20 25

Tuwharetoa Trust Board constituted.

16. For the purposes of the *two last preceding* sections there shall be constituted a Board to be called the Tuwharetoa Trust Board, and in respect thereof the following provisions shall apply :— 30

(a.) The Board shall be a corporate body with perpetual succession and a common seal. The number of its members shall be determined and the members thereof appointed by the Governor-General in Council. 35

(b.) The Board shall administer all funds held by it for the general benefit of the members of the Tuwharetoa Tribe or their descendants, and may provide moneys for a specific purpose for the benefit of the members of any particular section of that tribe. It shall be within the power of the Board to determine what may be a proper object for which payment may be made out of its funds. 40

(c.) The Board may purchase lands (whether Crown, European, or Native land) or may sell any land vested in it; may raise money upon land vested in it; may borrow money upon personal securities or by way of overdraft from a bank, person, or corporate body; may subdivide and let lands for Maori settlement; may erect, maintain, and improve buildings; may farm lands owned by it; may lend money to Natives and others; may deposit money with a Maori Land Board or with the Native Trustee; may act as guarantor for any Native, and generally may do all that a corporate body may do. 45 50

7114

- 5 (d.) Any Native owning land may transfer that land or any part thereof to the said Board upon such terms as to selling, leasing, cutting up, managing, improving, or raising money thereon as may be set forth in an instrument in writing creating or evidencing such trust, and the Board is authorized and empowered to accept such trust.
- 10 (e.) No mortgage from any Native to the said Board shall require confirmation under Part XIII of the principal Act, but such mortgage shall be of full force and effect without confirmation, and may be registered accordingly.
- 15 (f.) 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. The provisions of sections five and six of the Native Land Amendment and Native Land Claims Adjustment Act, 1925, shall apply to any assignment, charge, or disposition of moneys made in favour of the said Board.
- 20 (g.) With the precedent consent of the Native Minister the Board may from time to time, by way of bond or otherwise, charge all or any of the revenue or income of the moneys to become payable to it under the provisions of section fifteen hereof with the payment of any debt due or to become due by the Board.
- 25 (h.) The Governor-General may by Order in Council make, vary, or revoke regulations with respect to the term of office, the qualifications for membership, the mode of creating and filling vacancies on the Board, the payment of administration expenses, the keeping and auditing of accounts, and generally for such other purposes as may be necessary to give effect to this section.

30 17. Section one hundred and twenty-one of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1913, and section twenty-nine of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, are hereby repealed. Repeals.

35 *Miscellaneous.*

40 18. (1.) The Court is hereby authorized to reopen the proceedings for investigation of title of the Raumatangi Block, situate in the Ikaroa Native Land Court District, and to ascertain and determine the names of the persons who, according to Native custom, were at the time of such investigation the owners of the said Raumatangi Block, and to define the relative interests in which the persons so found are entitled, and to amend the title of the said land accordingly. Re-opening investigation of Raumatangi Block.

45 (2.) In proceedings under this section the Court shall not be bound by a finding of the Court dated the fifth day of April, eighteen hundred and seventy-three, so far as it affects the said Raumatangi Block.

50 19. (1.) The Court is hereby authorized to amend the freehold order dated the ninth of June, nineteen hundred and twenty-one, in respect of the Puketotara Block, situate in the Tokerau Native Land Court District, by adding the name of Hera Wiremu as one of those Authorizing amendment of title of Puketotara Block.

12 *Native Land Amendment and Native Land Claims Adjustment.*

found to be entitled to the said land for such relative interest as the Court may award.

(2.) The relative interests already awarded to Tamati te Maara and Hami Kingi (brothers of Hera Wiremu), and those claiming through or under them, may be reopened and reallocated amongst the family concerned in such manner as the Court thinks just, but the shares awarded to other owners shall remain undisturbed. 5

Providing for amended description of Rotoiti Scenic Reserve.

20. (1.) Section thirty-one of the Native Land Amendment and Native Land Claims Adjustment Act, 1922 (herein referred to as the said section), is hereby amended by repealing subsection three of the said section, and substituting the following:— 10

“(3.) This section shall not apply to the roads known as Tamatea Street as now laid off and shown on plan numbered 23422, deposited in the office of the Chief Surveyor in Auckland, nor to the Rotorua—Te Teko Road. These roads shall be deemed to be public highways.” 15

(2.) The Governor-General is hereby authorized to amend and vary in such manner as he thinks fit the description in the Schedule to the Proclamation issued on the fourth day of May, nineteen hundred and twenty-three, under the authority of subsection five of the said section, and the Proclamation as amended shall then take effect as fully and effectually as if it had originally been issued in that form, and any title may be amended accordingly. 20

(3.) Subsection one of the said section shall apply to any land excluded from and no longer subject to the Proclamation by reason of such amendment in the same manner as if it had not been at any time included in such Proclamation. Such land shall be deemed to be and to have always remained Native freehold land and subject to the jurisdiction of the Court as from the fourth day of May, nineteen hundred and twenty-three. 25

Authorizing readjustment of shares between Hone Tuari's family.

21. (1.) The Court is hereby authorized and empowered to hear and determine any claim to have the relative interests awarded to Paranihi Tuari, Hone Tuari, and Heneti Ngakau, or their children, in the undermentioned blocks readjusted, and to make such order or orders as to the Court shall seem just. 30

(2.) The Court is further authorized and empowered to hear and determine the claim of any person to be included as a successor to the said Paranihi Tuari, Hone Tuari, or Heneti Ngakau (now deceased) in any of the said lands, and to cancel, amend, or vary any succession order heretofore granted in respect of the interests of the said deceased persons. The Court, if it finds it expedient so to do, may readjust any relative interests in such succession orders so as to give effect to any scheme of general readjustment, notwithstanding that the award may not be in strict conformity with the practice of the Court in such cases. 40

(3.) The amendments and readjustments heretofore referred to shall affect only the interests of the persons and of the respective families of the persons mentioned, and shall not affect the interests of the other owners of any of the said lands. 45

(4.) The lands referred to in this section are situated in the Tairāwhiti Native Land Court District, and comprise the Herenga L, Tapuaehikitia, Ngamoe No. 1, Ngamoe No. 3, Ngamoe No. 4, Tapuaeroa 1, and Tapuaeroa 2 Blocks, and the respective subdivisions thereof. 50

751

22. (1.) The Governor-General is hereby authorized by warrant under his hand to direct the District Land Registrar to issue a certificate of title for the land known as Lots 20 and 75, of the Parish of Tahawai, containing together by admeasurement one hundred and fifty-one acres, or thereabouts.

Authorizing issue of title for Lots 20 and 75, Tahawai Parish.

5 (2.) Such certificate of title shall be for an estate in fee-simple, antevested to the eighteenth day of May, nineteen hundred and seventeen, and shall be in favour of the persons whose names are set out in a report of the Native Land Court of that date as tenants in common
10 in the relative interests set out in such report.

(3.) The said land shall be deemed to be, and to have been, since the eighteenth day of May, nineteen hundred and seventeen, Native freehold land subject to the jurisdiction of the Court.

15 23. (1.) Notwithstanding anything to the contrary in the principal Act, the Crown may acquire by way of gift from the owners the Native land situate in the Taranaki Land District, being Section 167, Oakura District, Block II, Wairau Survey District, containing 3 acres and 1 rood, or thereabouts, and known as Koru Pa.

Crown may accept gift of Te Koru Pa.

20 (2.) Whenever the Governor-General is satisfied that the Native owners of the said land have assented to such gift, he may proclaim that the land has become Crown land, and thereupon the land shall be deemed to be Crown land. Any such Proclamation shall be conclusive as to its own validity.

25 (3.) Upon being so proclaimed the said land shall be deemed to be a scenic and historic reserve within the meaning of the Scenery Preservation Act, 1908, and shall be dealt with accordingly.

30 24. Whereas numerous petitions presented to the House of Representatives by Natives alleged that grievances had arisen during the investigation of title of the various portions of the Marangairoa 1D Block, situate in the Tairawhiti Native Land Court District, and the Native Affairs Committee of the House of Representatives recommended that such petition should be referred by the Chief Judge to the Court for inquiry and report: And whereas the report of the Court (herein called the said report) was transmitted to the Chief Judge on the seventh day
35 of January, nineteen hundred and twenty-six, and it is desirable that the Court should be authorized to give effect to the recommendations in such report: Be it enacted as follows:—

Enabling rectification of Marangairoa 1D titles.

40 (1.) The Court is hereby authorized and empowered to hear and determine any claim regarding the matters mentioned in the said report, and to make such order as the circumstances may require.

45 (2.) If necessary the Court may amend any orders respecting any of the divisions of the said Marangairoa 1D Block, whether as to boundaries, names of owners, or relative interests or otherwise, and including the admission to the title of any other person found to be right- fully entitled, and the orders as amended shall take effect accordingly.

(3.) The Court shall not be bound to hear any claim which is not referred to in such report, or being referred to is not recommended for relief, but the Court may at its discretion hear any such claim, and make order accordingly.

50 (4.) The Court is empowered to inquire into and adjudicate upon the question of the boundary-line between the Marangairoa 1C and Marangairoa 1D Blocks, and to make such order as the circumstances require.

Authorizing issue of title for Section 890, Block XI, Bruce Bay Survey District.

25. (1.) The District Land Registrar is hereby authorized to issue a certificate of title for the land known as Section 890, Block XI, Bruce Bay Survey District, containing two hundred and ninety-seven acres and twenty-eight perches, or thereabouts, to the persons whose names are set out in the *Second* Schedule hereto, for an estate of freehold in fee-simple in the relative interests set out in the said Schedule. 6

(2.) The said land shall vest in the said persons as from the twenty-first day of May, nineteen hundred and eight, and shall remain and be subject to the provisions of section seventeen of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, in the same manner as if the title had issued under that Act. 10

Enabling confirmation of sale of Akura 8c 1 Block.

26. (1.) To give effect to a recommendation by the Native Affairs Committee of the House of Representatives upon petition number seventeen, of nineteen hundred and twenty-six, of Mary Cummins, of Masterton, widow, the Ikaroa District Maori Land Board is hereby authorized to hear an application for the confirmation of an alienation by way of conveyance from any of the Native owners of the Akura 8c Number 1 Block, situated in the Ikaroa Native Land Court District, to one John Cummins, since deceased, and to confirm the said alienation, notwithstanding that the consent required by law had not been given thereto. 15 20

(2.) Such application may be heard and determined notwithstanding that such alienation was executed prior to the passing of the principal Act, and notwithstanding that the alienation may have been prohibited by the law for the time being in force, and it shall not be necessary to lodge any further declaration of qualification. 25

(3.) If confirmation of the said alienation is granted by the Board the alienation shall be deemed to be retrospectively validated, and the instrument of alienation shall take effect according to its tenor as from the execution thereof, and may be registered and dealt with accordingly. The provisions of section seventy-five of the Native Land Amendment Act, 1913, shall not apply to such instrument. 30

Permitting appeals to be lodged in respect of Tarawera Block.

27. Notwithstanding that the time has expired for appealing against a final order made by the Court on the twenty-seventh day of May, nineteen hundred and twenty-six, in respect of the land known as the Tarawera Block, the Native Appellate Court shall have jurisdiction to hear and determine appeals from the said final order if commenced by notice of appeal given in the prescribed manner within three months after the date of the passing of this Act. Every such appeal shall be subject in all respects to the Rules of Court. 35 40

Permitting adjustments with regard to the successors to Te Mahuri Rauroha, deceased.

28. The Court is hereby authorized to hear any application to remedy an injustice claimed to have been done by reason of the appointment by the Court of certain persons as successors to Te Mahuri Rauroha, deceased, in respect of his interests in Subdivisions F and G of the Taumarunui Native Township, and omitting one Waikura te Awhitu therefrom, and any claim for compensation arising out of such omission, and the Court may in such proceedings make such order as it thinks fit in order to remedy or adjust such matters, including the power to grant a charge upon or to make a vesting-order in respect of any land or interest in land. 45 50

29. (1.) The Court is hereby empowered to inquire into and determine what persons (if any) other than those already included ought to be admitted into the title of the Kopuni Block, situate in the Tairāwhiti Native Land Court District, and now held under Crown grant.

Enabling further owners to be admitted into title to Kopuni Block.

5 (2.) If the Court finds that other persons are so entitled to be admitted it may include such persons in the title, and define the relative interests of the owners including those so admitted, and may amend the existing title in such way as it deems necessary, or make such other order as the circumstances require.

10 (3.) In ascertaining the persons entitled to be included the Court shall not be bound to regard any former decision or judgment of the Court or of the Native Appellate Court in respect of such land, but shall proceed as nearly as may be as if the Native customary rights of the parties still existed.

15 (4.) The Court may in defining the relative interests take into consideration any circumstances which in its opinion might be fairly considered, although such finding may not be strictly in accordance with Native customary rights.

20 (5.) No order made hereunder shall take away or affect any interest heretofore acquired in good faith and for value, but all rights to which the former owners are entitled by contract or otherwise at the date of such order shall pass to and enure for the benefit of the persons found by such order to be entitled.

25 30. Notwithstanding that the time has expired for appealing against the decision of the Court given on the twenty-first day of March, nineteen hundred and twenty-five, in respect of the ownership of certain sheep running or depasturing upon the Wharekauri 1G Block, situated in the Chatham Islands, any person aggrieved may appeal therefrom by notice of appeal given in the prescribed manner within three months
30 from the passing of this Act. Every 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.

Extending time for appeal regarding sheep on Wharekauri 1G Block.

35 31. Whereas a Commission appointed by the Governor-General has by report dated the nineteenth day of July, nineteen hundred and twenty-six, made certain recommendations with regard to replanning or reconstructing the Native Villages of Ohinemutu and Whakarewarewa at Rotorua: And whereas it may be necessary in carrying out such recommendations to rearrange the ownership or boundaries of certain
40 Native lands: It is hereby enacted that, if and whenever the Court shall think it necessary for the due execution of any scheme of planning and laying-out of such villages or of reconstructing them upon the same or any other site, it shall be competent for the Court to cancel, vary, or amend any order of the Court or of the Native Appellate Court whether
45 as to boundaries, names of owners, or otherwise, or to consolidate the land or names of owners in one or more orders so as to facilitate dealing with or by such owners, or to make such other orders as the Court may deem necessary for the purposes named.

Enabling Court to exercise jurisdiction with regard to Ohinemutu and Whakarewarewa Villages.

50 32. (1.) The succession order made by the Court on the fourth day of February, nineteen hundred and thirteen, in respect of the interest of Waaka te Koi, deceased, sometimes known as Waaka te Raho, or Waaka Taraho, in the land situate in the Waikato-Maniapoto Native Land Court District, and called Te Akau A No. 5 Block, is hereby cancelled

Enabling rehearing of application to succeed to interest of Waaka te Koi, deceased, in Te Akau A No. 5 Block.

and the Court is directed to rehear and determine the application upon which such order is founded.

(2.) In rehearing such application the Court shall not be bound by any former finding of the Court or of the Native Appellate Court in respect of such application or any order thereunder. 5

(3.) If the Court finds that one Paeroa Nopera is according to Native custom entitled to succeed solely to the interest of the deceased in such land, then notwithstanding such finding the Court shall award the interest to the persons named in the decision of the Court given on the twenty-ninth day of July, nineteen hundred and twelve, in respect of such interest, so as to give effect to and to accord with an arrangement by the said Paeroa Nopera agreeing to the inclusion of certain persons in the succession to the said interest. 10

Enabling
Tapuinikau A and
Tapuinikau B 2 to
be created a scenic
reserve.

33. Whereas the land hereinafter defined possesses scenic and historic interest, and the Native owners thereof desire to cede it to the Crown by way of gift for scenic purposes: Be it therefore enacted as follows:— 15

(a.) The Governor-General may by Proclamation declare that the land mentioned in paragraph (g) hereof shall become vested in His Majesty, to be held and administered as a reserve under the Scenery Preservation Act, 1908. Such Proclamation shall define and describe the land to be so vested. 20

(b.) Upon such Proclamation being gazetted the land described therein shall be deemed to be ceded to His Majesty as from the date thereof, and shall thereupon be and become a reserve under the Scenery Preservation Act, 1908, and vest in the Crown accordingly, freed and discharged from the Native and any other title or interest to which it is now subject. 25

(c.) Notwithstanding any provision in the Scenery Preservation Act, 1908, such reserve shall not be alienated in any way. 30

(d.) Full, free, and uninterrupted right of ingress, egress, and regress is hereby reserved to all Natives being members of the Ngati-moehau hapu or their descendants into and upon any Maori burial-ground situate on the land so proclaimed, and to bury their dead in such burial-ground: 35

Provided that care shall be taken that in exercising the right hereby reserved no damage shall be done to the reserve.

(e.) The control of such reserve shall, in accordance with the Scenery Preservation Act, 1908, be vested in a special Board, the members of whom shall include at least three members of the Ngatimoehau hapu if a sufficient number of them are found willing to act. 40

(f.) Any person (other than the Native owners) owning any estate or interest in the land mentioned in the said Proclamation who is injuriously affected thereby, or suffers any damage from the exercise of the powers hereby given, shall be entitled to compensation for the same, to be paid by the Crown. Such compensation shall be assessed in the manner prescribed by the provisions of section ninety-one of the Public Works Act, 1908, and all the provisions of that Act shall apply to the said land as fully and effectually as if it were land taken for a public work under that Act. 50

5 (g.) The land referred to in this section is situate in the Aotea Native Land Court District, and comprises the area known as the Tapuinikau A Block and an area adjoining such block containing fifteen acres or thereabouts, and being portion of the Tapuinikau B Block, to be more particularly defined by the said Proclamation.

10 (h.) The power to make a Proclamation hereunder shall include the power to rectify any error that may occur in making such Proclamation. Any Proclamation issued hereunder shall be deemed to be conclusive of its own validity.

34. Section one hundred and four of the Rating Act, 1925, is hereby amended as follows:—

Enabling exemption of Native land from liability for rates.

15 (a.) By inserting, before the words "the Governor-General may from time to time," the words "On the recommendation of the Native Minister, or of the Chairman of a local authority, or of a Commissioner of Crown Lands, or of a Judge or Commissioner of the Native Land Court":

20 (b.) By repealing subsection two of the said section, and substituting the following subsection:—

25 " (2.) Where any rate theretofore made by any local authority in respect of the land so exempted remains unpaid, the Native Minister may, by warrant under his hand, release such land from payment of the whole or any part of such rate. The local authority is hereby authorized to write such rate off accordingly and to remove from the rate-book any property which may be exempted from rating under this section."

30 35. (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 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.

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

Schedules.

SCHEDULES.

FIRST SCHEDULE.

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

1. PETITION No. 167, of 1925, of Maki Pirihi and another: Petitioners dispute the sale to the Crown of the island known as Tawhitirahi or Ponaiti Island; and they pray for restitution.
2. PETITION No. 238, of 1925, of Hone te Tai and 28 others: Praying for compensation for loss incurred through a false report by a Government Valuer as to the value of the timber on the Waireia D Block.
3. PETITION No. 78, of 1926, of Henry Acker and 8 others: Praying that inquiry be made into the rights of their late mother, Pi, in the Ngaitahu (South Island) Native reserves, and that relief be granted.
4. Petition No. 213, of 1926, of Moroati Taiuru: Praying for further hearing as to succession to Ngakaraihe te Rango, deceased.
5. Petition No. 222, of 1926, of Rutu Here Mokena: Praying for a rehearing as to ownership of Kaipiha Block.

SECOND SCHEDULE.

NAMES OF OWNERS OF SECTION 890, BLOCK XI, BRUCE BAY SURVEY DISTRICT.

	Shares.
Kura Arapeta Horau (Margaret Potaka) (F.)	$4\frac{8}{20}$
Ehau Kohi (M.)	$44\frac{71}{160}$
Ema Paipeta Tainui (F.)	50
Hoani Terua Huanui Tainui (M.)	20
Kiti Tainui (F.)	20
Ritihia te Iwi Karo Tainui	20
Ihaia Karino Tainui (M.)	20
Rita Tumake Tainui (F.)	20
Teoti Henare Tainui (M.)	20
Ema Puku Ohipara (F.)	20
Ihaia Tainui (M.)	$48\frac{98}{160}$
Total	$287\frac{7}{40}$