

879

Hon. Sir Apirana Ngata.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS  
ADJUSTMENT.

ANALYSIS.

Title.	
1. Short Title.	
2. Interpretation.	
<i>Amendments to Native Land Laws.</i>	
3. Amendment of principal Act.	
4. Amending section 17 of the Native Land Amendment Act, 1912.	
5. Amending Native Land Amendment Act, 1913.	
6. Section 5 of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, repealed.	
7. Amending section 3 of the Native Land Amendment and Native Land Claims Adjustment Act, 1928.	
8. Section 6 of the Native Land Amendment and Native Land Claims Adjustment Act, 1929, amended.	
9. Amending section 23 of the Native Land Amendment and Native Land Claims Adjustment Act, 1929.	
10. Authorizing the Board to undertake any industry on behalf of Natives.	
11. Interpretation of wills of Natives.	
12. Enabling Native Trustee to act for absentee owner and others.	
13. Authorizing Native Minister to compound Native rates and acquire land in satisfaction thereof.	
14. Authorizing remission or reduction of survey charges.	
15. Enabling Court to readjust boundaries between Native lands and, by consent, between Native land and Crown or European land.	
16. Authorizing Court to declare trusts regarding land or moneys held for Natives.	
17. Authorizing and validating Crown leases of Native township lands.	
	<i>West Taupo Timber Lands.</i>
	18. Authorizing contract to be entered into regarding West Taupo timber lands.
	19. Obligations of Natives, <i>inter se</i> , as to West Taupo timber lands, may be apportioned.
	<i>Miscellaneous.</i>
	20. Providing for rehearing of appeals respecting Oturei and Okapakapa Blocks.
	21. Closing and vesting road traversing Allotments 136, 143B, and 143C, Tamahere Parish.
	22. Amending Schedules to the Native Land Amendment and Native Land Claims Adjustment Act, 1927.
	23. Authorizing inquiry into sale of Hikutaia 1H Block.
	24. Enabling disposal of land set apart for discharged Maori soldiers.
	25. Providing for reservation and administration of Manukorihi Pa, Waitara.
	26. Cancelling Proclamation over Punaruku Island.
	27. Relative interest in Anaura, Kaiawa No. 1, and Kopuatarakihi No. 1 Blocks may be redefined.
	28. Authorizing Court to exercise jurisdiction as to Patutahi Block.
	29. Authorizing disposal of part of Town Section 306, Napier.
	30. Exempting Latter Day Saints Maori Agricultural College from rates.
	31. Vesting Port Chalmers (Koputai) Reserve in the Native Trustee.
	32. Chief Judge may refer matters in Schedule for report.

A BILL INTITULED

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

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, 1930.

Interpretation.

2. In this Act the expression “the principal Act” means the Native Land Act, 1909. 5

*Amendments to Native Land Laws.*

Amendment of principal Act.

3. The principal Act is hereby amended as follows:—

(a) By omitting from subsection one of section seven the words “holding a permanent office in the Public Service”. 10

(b) By omitting from subsection two of the said section seven the words “or vested in a Judge as a member of the Appellate Court”.

(c) By adding to section two hundred and twenty-eight the following new subsection:— 15

“ (9) If any lease confirmed by the Board or Court or executed by the Board as agent of the Native owners contains any provision for the appointment by the lessor of a valuer, arbitrator, or umpire for any purpose connected with the lease, the Board may by order from time to time appoint any person to be a valuer or arbitrator or umpire on behalf of the lessor, as the case may require, and the person so appointed shall be as competent to act and bind the lessor as if he had been personally appointed by the lessor in that behalf. The Board may impose a condition that the lessee deposit a sum sufficient to defray the cost and charges of the person named in such order as valuer, arbitrator, or umpire, and the Board may direct that the deposit or any part thereof be disposed of as it thinks expedient.” 20 25 30

(d) By inserting in section four hundred and twenty-two, after the words “Native land”, the words “or land owned by Natives”; and by omitting the words “Native Minister” where they appear in the said section, and substituting therefor the words “Under-Secretary of the Native Department”. 35

Amending section 17 of the Native Land Amendment Act, 1912.

4. Subsection ten of section seventeen of the Native Land Amendment Act, 1912, is hereby amended by omitting the words “Native Minister”, and substituting therefor the words “Under-Secretary of the Native Department”. 40

Amending Native Land Amendment Act, 1913.

5. The Native Land Amendment Act, 1913, is hereby amended as follows:—

(a) By repealing subsection one of section twenty-three thereof, and substituting therefor the following new subsection:—

“ (1) (a) Every Board shall consist of two members, one of whom shall be the Judge and the other the Registrar of the Native Land Court District. The Judge shall be the President of the Board. 45

“ (b) If there is no Judge of the district, the Native Minister may by warrant under his hand appoint a Commissioner of the Court to be a member and the President of the Board.” 50

(b) By omitting from subsection two of section ninety-three thereof the word "Court", and substituting the word "Board" therefor.

5 (c) By adding the following new subsection to section one hundred and ten thereof:—

"(3) The provisions of section one hundred and thirty-six of the Land Act, 1924 (relating to "thirds" and "fourths"), shall not apply to a renewable lease under Part III of the Land Act, 1924, issued or granted pursuant to any right or authority conferred by this section."

10

6. Section five of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, is hereby repealed.

Section 5 of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, repealed.

15

7. Section three of the Native Land Amendment and Native Land Claims Adjustment Act, 1928, is hereby amended by the addition of the following subsections:—

"(17) (a) When any land is being administered or dealt with under this section the Board shall be deemed to be the agent of the owners for the purpose of granting leases of that land and may, without further authority than this Act, lease the land or any part thereof accordingly to any Native, but not to a European unless he be a beneficial owner.

Amending section 3 of the Native Land Amendment and Native Land Claims Adjustment Act, 1928.

20

"(b) Every such lease shall be in writing executed by the Board in its own name under its seal and shall, as between the Board and the lessee, constitute for all purposes the relation of landlord and tenant in the same manner in all respects as if the Board was the owner of the land for a legal estate in fee-simple, and the production for registration purposes of the certificate of title in the hands of the legal owner shall not be necessary.

25

"(c) Every such lease shall be for such term and for such rent and subject to such conditions as the Board may think fit, and the Board may at any time accept a surrender of any such lease. A lease may be granted hereunder notwithstanding that a limited period has been fixed in any order made by the Court under subsection thirteen hereof.

30

"(d) Except with the precedent consent of the Board, no lease or sublease of land leased by the Board under this section shall be capable of being assigned to any other person nor, except with the precedent consent of the Board, shall any sublease of any land so demised or of any part thereof be capable of being granted to any other person. Except with the approval of the Native Minister, the consent of the Board shall not be given to any assignment or sublease in favour of a European. Nothing in this section applies to any disposition by will or by operation of law.

35

40

"(18) In lieu of granting a lease under the last preceding subsection or in addition thereto, the Board may enter into a contract with any Native or any beneficial owner for milking, farming, or cropping on shares upon any land being administered or dealt with under this section, for such term and upon such conditions as to remuneration or otherwise as the Board thinks fit. Such contract shall be in the Board's own name and shall be as effective as if the Board was the legal owner of the land mentioned therein.

50

"(19) Notwithstanding the provisions of section two hundred and twenty-one of the principal Act, a Board may refuse to confirm an alienation of land which is being administered or dealt with under this section."

Section 6 of the  
Native Land  
Amendment and  
Native Land Claims  
Adjustment Act,  
1929, amended.

8. Section six of the Native Land Amendment and Native Land Claims Adjustment Act, 1929, is hereby amended as follows :—

(a) By adding to subsection one of the said section six the following words :—

“ The jurisdiction of the Court shall extend to the making of an order in respect of any existing tramway, notwithstanding that such tramway may have been constructed or laid down with or without authority.” 5

(b) By omitting in subsection seven of the said section six the words “ not exceeding one year ”, and substituting therefore the words “ not exceeding two years ”. 10

9. Section twenty-three of the Native Land Amendment and Native Land Claims Adjustment Act, 1929, is hereby amended as follows :—

(a) By adding to subsection three (a) the following words : “ The Native Minister may, *for the better protection of the security*, in addition, pay and discharge any *outstanding* rates, taxes, charges, or liabilities of whatsoever kind or nature, due and payable, ~~or which may become due and payable~~, in respect of any land to which the provisions of this section are being applied or intended so to be ”. 15 20

(b) By adding to subsection three (b) the following words : “ The Native Minister for all or any of such purposes may direct the acquisition of any interest in land, and may from time to time authorize the disposal thereof as he may think expedient.” 25

(c) By adding to subsection four of the said section twenty-three the following additional paragraphs :—

“ (c) If and whenever the Native Minister deems it expedient that further or additional security be obtained with respect to the expenditure or proposed expenditure under the provisions of this section on any Native land or land owned by Natives, he may apply to the Court for an order charging any other land owned by the same Natives or any of them, and the Court may make an order charging such other land or interest therein belonging to the same Natives or some of them (and notwithstanding that such other land may be held jointly with other persons) with repayment of the amounts paid or expended under the provisions of this section, together with such interest and by such instalments, and subject to such conditions, as the Court thinks expedient. 30 35 40

“ (d) If and whenever the Native Minister is of opinion that any adjoining land or other land not included in the development scheme is being improved or increased in value by reason of the expenditure of money on any work undertaken or being carried out under the provisions of this section, he may apply to the Court to ascertain and allocate what part (if any) of the cost of and expenditure on any such work ought fairly and justly to be charged against such adjoining or other land in respect of the betterment thereof, and the Court may in its discretion, subject to all prior encumbrances, make an order charging such adjoining or other land with 45 50

Amending section  
23 of the Native  
Land Amendment  
and Native Land  
Claims Adjustment  
Act, 1929.

the payment of any such amount as may be fixed by the Court, which amount shall thereupon become due and payable to the Crown by the person named in such order or his successor in title :

“ Provided that no such charge shall be granted against land owned by a European unless he shall have consented to contribute towards the cost of any such work.

“ (e) All the provisions of paragraph (b) shall apply to orders made under paragraphs (c) and (d) hereof.

“ (f) A certificate under the hand of the Native Minister, the Native Trustee, a Maori Land Board, or a Registrar of the Native Land Court that the amount secured by any charge granted under this subsection or any part thereof has been paid or otherwise satisfied shall be accepted as sufficient proof of the satisfaction and discharge (*pro tanto*) of such charge, and may be registered accordingly.”

*Struck out.*

(d) By inserting, after the words “ leased to them ” in subsection seven (a) of the said section twenty-three, the words “ or to pay any rates, taxes, charges or other liability thereon ”.

(e) By adding at the end of the said section twenty-three the following new subsections :—

“ (10) (a) Where the Native Minister has under subsection three hereof delegated to a Maori Land Board ~~or the Native Trustee~~ the powers conferred upon him by the said subsection, the Maori Land Board ~~or the Native Trustee~~, as ~~the case may be~~, may, if so directed by the Native Minister, expend from its ~~or his~~ account such sum or sums as may be deemed expedient for all or any of the purposes of the said subsection three.

“ (b) A charging-order may be granted or made under subsection four hereof in favour of a Maori Land Board ~~or the Native Trustee~~ for or in respect of any money expended or intended so to be under the last preceding paragraph.

“ (c) If and whenever any land subject to a charge in favour of a Maori Land Board ~~or the Native Trustee~~ becomes vested in the Crown under subsection five hereof, a sum equivalent to the value of land so vested in the Crown shall be paid out of moneys in the Native Land Settlement Account or otherwise available for the purchase or acquisition of Native lands to the Maori Land Board ~~or the Native Trustee~~, as ~~the case may require~~.

“ (11) (a) Where in the course of carrying out under the provisions of subsection three hereof any operations for development of Native land or land owned by Natives it is deemed expedient to extend the same to any Crown land, the Native Minister may, with the consent of the Minister of Lands, apply such operations to any adjoining or other Crown lands, and may expend moneys thereon in the same manner as if the Crown land was Native land or land owned by Natives.

“ (b) If and whenever ~~the Native Minister is of opinion~~ that any adjacent Crown land is being improved or increased in value by reason of any operations or expenditure

of money under the provisions of this section upon Native land or land owned by Natives, ~~he may apply to the Court~~  
*Struck out.*

to ascertain and allocate what part (if any) of the cost of and expenditure on any such work ought fairly and justly to be charged against such Crown land in respect of the betterment thereof, and the Court may in its discretion, and from time to time, make an order charging such Crown land with the payment by the Crown of such sums as it shall deem just in respect thereof.

*New.*

there may, without further appropriation than this section, be transferred to the credit of the Native Land Settlement Account from the Land for Settlements Account such amount as may be mutually agreed upon by the Native Minister and the Minister of Lands in respect of the benefit to such Crown land.

Any money paid by the Crown so transferred shall be applied so far as it will extend in satisfaction of the charge (if any) created upon the Native land or land owned by Natives in respect of such development, and if any doubt shall arise as to the apportionment or appropriation of such money, the matter shall be determined by the Court.

*Struck out.*

“(c) All moneys expended or charged upon Crown land under the provisions of this subsection shall be recouped to the Native Land Settlement Account out of funds in the Lands for Settlement Account, and such sums shall be deemed to be moneys properly payable out of the Lands for Settlement Account in respect of the administration of the Lands for Settlement Act, 1925, or the said sums (or any of them) may be paid out of such other moneys available for the improvement and settlement of Crown land as the Minister of Finance may direct.

“(12) A Maori Land Board may, and if directed so to do by the Native Minister shall, enter into a contract with any Native or any beneficial owner for milking, farming, or cropping on shares upon any land being administered or dealt with under this section, for such term and upon such conditions as to remuneration or otherwise as the Board thinks fit. Such contract shall be in the Board's own name and shall be as effective as if the Board was the legal owner of the land mentioned therein.

“(13) (a) If and whenever the Native Minister is of opinion that it would be in the interests of the beneficial owners or in the public interest that any lands to which the Minister has decided to apply the provisions of this section should be utilized for the purpose of some industry other than farming, and whether such land is vested in the beneficial owners or in the Maori Land Board, and whether such industry affects anything on the surface of the land or below the surface, he may so direct the Maori Land Board to

*Struck out.*

5 take such steps as he may think expedient for the purpose of engaging in and undertaking such industry, and for that purpose the Native Minister shall have all the powers and authorities conferred upon him by subsection three hereof.

“*(b)* The Native Minister may direct a Maori Land Board to engage in such industry for or on behalf of the beneficial owners, and in such case the Board may expend

10 ~~moneys in its account for the purpose, or~~ *and* the Board may, with the Minister's approval, contract with any person or company for the purpose of promoting, establishing, and carrying-on such industry, whether by way of *sale*, lease, or license or otherwise, and for the purpose of entering into any contract the Board shall be deemed to be the lawful agent of the Native owners and may execute any instrument required in its own name and under its seal, and such instrument when so executed shall, notwithstanding anything in the principal Act to the contrary, be valid and effectual for all purposes and shall take effect according to the tenor thereof in the same manner in all respects as if it had been duly executed by all the Native owners of the land concerned and as if all the said owners had been fully competent to execute the same and were entitled to do so by law.”

15  
20  
25 10. A Maori Land Board may, subject to the approval of the Native Minister, engage in or undertake any industry or business which it may deem to be in the interests of Natives, and may for that purpose buy, sell, or bail personal property, including shares in any dairy company or freezing company, and also with the Minister's approval may purchase or acquire the stock in trade or goodwill of any existing industry or business.

Authorizing the Board to undertake any industry on behalf of Natives.

30  
35  
40 11. In the will of any Native who dies after the commencement of this Act, the terms “heir,” “next-of-kin,” and any similar term shall, unless it is expressly stated to the contrary in the will, be construed to refer to the person who, in accordance with the provisions of the principal Act and its amendments, would be entitled to succeed to the property of the testator in the case of his complete or partial intestacy, and where it becomes necessary to determine the person so entitled, it shall be within the jurisdiction of the Court to so determine. This section shall extend and apply also to the will of any Native who died before, but whose will is not proved until after the commencement of this Act.

Interpretation of wills of Natives.

45 12. (1) If and whenever the Court is satisfied with respect to Native freehold land or land owned by Natives—

(a) That the land is unleased and unoccupied and is not kept properly cleaned of noxious weeds; or

(b) That any beneficial owner cannot be found; or

(c) That any beneficial owner is in a position which renders it necessary or advisable that his land should be dealt with under this section.

Enabling Native Trustee to act for absentee owner and others.

and the Court is of opinion that it is in the interest of the owner or in the public interest that the land or any interest therein should be alienated, it may make an order appointing the Native Trustee to execute in his own name as agent for and on behalf of the owner any instrument of alienation which shall be subject to confirmation by the Board, and any such instrument shall, on confirmation, have the same force and effect and may be registered in the same manner as if lawfully executed by the owner or his trustee and as if that owner or his trustee was fully competent in that behalf: 5

Provided that no alienation by way of sale under the provisions of this section shall be valid, except with the written consent of the Native Minister. The proceeds of any alienation under this section shall be paid to the Native Trustee, who shall hold the same in trust for the person beneficially entitled thereto or as the Court may direct. 10

(2) No owner shall have power to revoke an agency created under this section, nor shall the death of the owner determine or put an end to such agency, but the Court may from time to time cancel or amend any order made hereunder. The cancellation or amendment of an order or the death of the owner, whether before or after the granting of an order under this section, shall not invalidate any alienation made or contracted to be made under the provisions of this section. 15 20

Authorizing Native Minister to compound Native rates and acquire land in satisfaction thereof.

13. (1) It shall be lawful for the Native Minister to arrange with any local authority for the payment to it in full settlement and satisfaction of all or any rates due or to become due to the local authority in respect of lands situate within the district over which such local authority has control and which are owned by or leased to Natives such sums as may be agreed upon between the Native Minister and the local authority, and the provisions of section sixteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1928, shall apply to every such compromise. 25 30

(2) A certificate under the hand of the Native Minister that an agreement or compromise under this section has been entered into with the local authority named in the certificate and of the amount that is payable to the local authority thereunder shall be accepted as sufficient *prima facie* proof of the facts therein stated, and the said sum, together with a sum to cover the costs of distribution, shall thereupon be paid out of the Native Land Settlement Account as and for the purchase or acquisition of Native land. 35

(3) The amount payable under any agreement or compromise entered into under this section shall be paid to the Maori Land Board of the district for disbursement to the local authority. The Board may inquire into any matter affecting the amount of rates alleged to be due in respect of which any payment is being made under this section, and may rectify and adjust any error that may be found to have been made in the claim of the local authority, and make any necessary deduction from the amount payable to the local authority. 40 45

(4) (a) The payment of any amount by the Crown under the provisions of this section shall, as and when paid, constitute an equitable charge upon the land or interest in land affected by the said rates and upon every part thereof. Upon apportionment as hereinafter mentioned such amount may be recovered from the persons who would have been liable for such rates, or their successors in title, notwith- 50

887

standing the provisions of section four hundred and twenty-four of the principal Act or any other Act to the contrary :

5 Provided that the amount to be recovered from any person in respect of any particular land shall not exceed the amount levied against such land for the rates included in the compromise, *together with interest at such rate as may be approved by the Minister of Finance.*

10 (b) In case it becomes for any reason necessary to ascertain the amount of the rates so levied in respect of any land a certificate from the Registrar or from the County Clerk shall for all purposes be accepted as sufficient proof of the amount to be paid, and upon repayment to the Crown of the sum stated in the certificate the land in respect of which the payment is made shall be deemed to be freed and discharged from the statutory charge hereby imposed.

15 (5) (a) The Native Minister, or some person appointed by him for that purpose, may apportion among the lands included in a compromise for rates the amount paid to a local authority in such manner as he thinks expedient, and may from time to time grant a certificate under his hand imposing a charge or charges upon the different portions of the land or the interests in land affected by the rates compromised  
20 under this section, together with interest thereon at such rate as may be approved by the Minister of Finance and stated in the certificate. Any such certificate shall constitute a legal charge upon the land or upon the several parcels according to its tenor in lieu of the equitable charge aforesaid, and may be registered against the title to land under  
25 the Land Transfer Act, 1915.

(b) It shall be within the discretion of the Native Minister as to what (if any) amount should be charged on each parcel of land :

30 Provided that the total amount to be recovered by the Crown in respect of payments under this section shall not be less than the amount paid to the local authority as aforesaid.:

*New.*

35 Provided further that if for any reason there is a shortage in the amount recovered by the Crown the same shall be recoverable from the Maori Land Board of the district wherein the land is situated, and shall be paid by the said Board to the Crown out of moneys in its account.

(c) On and after any subsequent partition, exchange, alienation, or other disposition of the land so charged, the Court may make an order apportioning the charge in such manner as it thinks just.

40 (d) A certificate under the hand of the Registrar that any charge has been paid or extinguished, either wholly or in part, shall be accepted as sufficient proof thereof, and may be registered against any title to any land subject to the Land Transfer Act, 1915.

(6) Any charge so constituted may from time to time, on the application of the Native Minister, be enforced by the Court either—

45 (a) By the appointment of a receiver in respect of the land or interest in land so charged ; or

(b) By making an order vesting in His Majesty the King an area of land (whether part of the land charged or whereon the rates have been paid or not) as is sufficient, in the opinion  
50 of the Court, to satisfy the charge, together with all interest, costs, and expenses.

Any such vesting order shall vest the land affected thereby in His Majesty the King ~~subject, however, to any estate or interest having priority to the charge,~~ and the charge shall thereupon be deemed to be extinguished. The vested land may be proclaimed and dealt with as if it was land acquired by the Crown under Part XIX of the principal Act or its amendments. 5

(7) The Court in proceedings under this section may exercise all the powers and jurisdiction conferred upon the Court by section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, and the amendments thereof as fully and effectually as if proceedings for consolidation were in progress : 10

Provided that it shall not be necessary for the purpose of this section to have any scheme of consolidation either proposed, formulated, approved, or being carried into execution. 15

(8) A payment under a compromise entered into under the provisions of this section shall, for the purpose of section fifty-seven of the Counties Act, 1920, and any provision in any other Act to the like effect, operate as a payment in full of the rates on the lands affected by the compromise. 20

*Struck out.*

Authorizing remission or reduction of survey charges.

14. Whereas it is desirable in the interests of settlement that power should be given to remit or write off survey charges granted to the Crown in respect of Native land : Be it therefore enacted as follows :— 25

(1) The Native Minister, with the approval of the Minister of Finance and the Minister of Lands, may direct that any survey or other charges (including interest) due to the Crown in respect of Native Land in any Native Land Court District, either generally or with regard to some particular area within a district, shall be adjusted, remitted, or written off, as the case may require ; and thereupon the Minister of Lands may, by writing under his hand and in accordance with such direction, adjust, remit, or write off the whole or any part of any survey and other charges directed to be so dealt with as aforesaid ; and such charges shall, to the extent of such remission or writing-off, be deemed to be discharged and no longer payable. A certificate under the hand of the Chief Surveyor of the district wherein the land affected is situated or of the Registrar of the Court that such charge has been remitted or written off shall be accepted as sufficient evidence that the amount named therein has been discharged under this section, and such certificate may be registered as a discharge against any land subject to the Land Transfer Act, 1915. Notwithstanding anything to the contrary in any other Act, this section shall be sufficient authority for remitting or writing off any money that may be remitted or written off under its provisions. 30 35 40

(2) Where a general remission or writing down or off of survey or other charges due to the Crown is directed under the provisions of this section the sum named in the direction of the Native Minister shall, where necessary, be deducted *pro rata* from the amount of the survey or other charges affected by such direction, unless the Native Minister in any particular case shall decide otherwise. 45

889

Enabling Court to readjust boundaries between Native lands and, by consent, between Native land and Crown or European land.

15. (1) If and whenever the Native Minister is of opinion that any two or more areas of land owned or partly owned by Natives ought to have any of the boundaries of such land readjusted, he may apply to the Court for a redefinition of the boundaries of the lands affected, and the Court, if satisfied that it is in the public interest or in the interests of the owners so to do, may make an order readjusting and redefining the boundaries and parcelling out the areas in accordance with a scheme of subdivision to be adopted by the Court.

(2) If in the course of such proceedings it appears desirable to include in any such scheme of subdivision any Crown or any European land not owned by Natives, the Court may, with the consent of the Minister of Lands in the case of Crown lands, and of the owners or majority of the owners in the case of European-owned land, and of the proprietors of any registered encumbrance thereon, make orders accordingly readjusting or redefining the boundaries of such Crown or European land. No European having given his consent to the Court dealing with the matter shall, unless with the leave of the Court, be entitled to withdraw his area from the scheme of subdivision or from the jurisdiction of the Court. The provisions of the principal Act and its amendments relating to limitation of area or as to the acquisition of limited areas by disqualified persons shall not apply to any land comprised in an order made under this section.

(3) When any order is made under this section the Court may in that order, or by any subsequent order made on the application of any person interested or of the Native Minister, apportion between the several parcels into which the land has been readjusted or parcelled under the scheme of subdivision all rights, obligations, or liabilities arising from any lease, license, mortgage, or charge to which the land is subject at the date of any order made under this section, and any such order of apportionment shall have effect according to its tenor in the same manner in all respects as if all necessary transfers, releases, covenants, and other dispositions or agreements had been duly made in that behalf by all persons concerned, and may be registered and dealt with under the Land Transfer Act, 1915, accordingly.

(4) For the purpose of carrying-out any scheme of subdivision, the Court may grant to the Crown or any Native or other person an interest in any land, notwithstanding that the Crown or such person may not theretofore have had any interest in that land, and may give to the land so awarded such name or description as it thinks expedient, notwithstanding that a title may have issued in some other name or by some other description. The Court may vest any portion of Crown land that comes within the scheme of subdivision in any person who, in the opinion of the Court, should receive a title for the same, and a title may be issued by the District Land Registrar therefor without other warrant than this Act.

(5) (a) The Court, in carrying any scheme of subdivision into effect, may exercise in the same manner and with the like effect all the jurisdiction and powers which the Court is authorized and empowered to exercise by section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, and its amendments in the same manner and with the same effect as if the Court was carrying into execution a scheme of consolidation under that section.

(b) The Court may engage and appoint any person to advise and assist the Court on any questions that may arise as to location, value, or boundaries of the land being dealt with under this section, or any part thereof, but such person shall exercise no judicial function. Any person so engaged and appointed by the Court shall be paid, out of moneys appropriated by Parliament for the purpose, such remuneration and travelling allowances and expenses as the Court shall think reasonable or as the Native Minister may approve. 5

(c) The costs and expenses incurred in regard to such an appointment may be allocated against the respective lands included in the scheme of subdivision in such manner as the Court thinks fair and just, and the Court may, if and when it thinks it necessary, make an order charging any land with any sum payable in respect of any costs and expenses so incurred. 10

(6) The Court may, if in its opinion it is expedient so to do, vest in any person a greater quantity of land than he would appear to be entitled to under the scheme of subdivision, subject to the payment of such sum by way of equality as the Court shall find to be just. In such case, or in any case where the Court finds it convenient to allow a liability to remain upon any land or when it is necessary in the course of any proceedings to protect the rights of any person, the Court may make an order having the effect of charging the interests of any person or any number of persons (including the Crown when it is interested in the lands affected by the scheme of subdivision) with the payment of any sum of money to any other person, or to the Crown, together with interest at such rate as the Court shall decide. 15 20 25

(7) The District Land Registrar is hereby authorized to cancel, vary, or amend any title that may be registered or provisionally registered under the Land Transfer Act, 1915, to conform to the orders of the Court made under this section, but no such cancellation, variation, or amendment shall take away or affect any right or interest acquired in good faith and for value prior to the order of the Court. For the purpose of correcting any error that may have inadvertently occurred, the Court shall be deemed to have authority to make such order as may be necessary to restore or preserve the rights of any person prejudicially affected. 30 35

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

16. Whereas certain lands and moneys have from time to time been set aside or reserved by the Crown for the use, support, or education of aboriginal Natives, or for the physical, social, moral, or pecuniary benefit of Natives, or for some purpose having for its object the benefit, betterment, and welfare of Natives: And whereas in many of such cases the nature of the trust is either insufficiently defined or is uncertain or incapable of being administered in the way it was intended, or it has become expedient that for some reason the object of the trust should be changed: And whereas the Native Land Court has made orders for various reserves, the original purpose of which requires to be changed: Be it therefore enacted as follows:— 40 45 50

(1) If and whenever any land or any sum of money has been heretofore or may hereafter be set aside by the Crown or was intended so to be upon trust for any of the purposes referred to in the preamble to

Authorizing Court  
to declare trusts  
regarding land or  
moneys held for  
Natives.

891

this section, and it appears to the Native Minister that it is desirable that the trusts affecting the said land or money should be more expressly defined or should be altered or changed in any respect, the Native Minister may from time to time apply to the Court, and the Court shall have jurisdiction, to make an order determining and declaring upon what trust and for what purpose applicable to Natives the said land or money shall be held, and thenceforth the land or money referred to in such order shall be held upon the trusts and subject to the conditions set forth in the said order.

(2) Where in any order made by the Court land has been set aside for some purpose not being for the benefit of individual Natives, and except in the case of any Native graveyard or burial place, the Court may, upon the application of any person claiming to be interested or upon the application of the Native Minister, make an order declaring upon what trusts and conditions the land shall be held, and the land shall thenceforth be held upon the trusts and conditions set forth in the order of the Court made under this section, notwithstanding that they may differ from those originally laid down by the Court.

(3) Any order made under this section may from time to time be annulled or varied by the Court upon the Court being satisfied that the order ought to be annulled or varied, and the Court may thereupon or at any time thereafter make a new order declaring the trusts and conditions upon which the land or money affected shall be held, and such subsequent order shall supercede all earlier orders so far as they are inconsistent therewith.

(4) The Court shall as far as possible be guided by the original purpose for which the land or money was reserved, but no order shall be invalidated by reason of any variance from any former trust under which the land or money affected was held.

(5) Where there is any revenue arising from any land or money under the circumstances set out in the preamble hereto and there is any doubt as to what purpose such revenue should be applied, the Court may, on the application of the Native Minister, make an order that it be paid to the Native Trustee or such statutory Board as the Native Minister shall approve for expenditure on behalf of Natives in accordance with the terms of the order directing the payment or any further order that may be made in the premises.

(6) Nothing in the Public Reserves, Domains, and National Parks Act, 1928, or any other Act to the contrary, shall affect or prevent the operation of this section.

17. (1) If and whenever the Crown acquires or has acquired by way of purchase or exchange any land situated in a Native township and vested in a Maori Land Board, and such land is subject to a lease issued or granted under the Native Townships Act, 1910, or under any Act or portion of an Act repealed thereby, every lease thereafter issued in respect of such land, and every renewal of a lease of such land, shall be executed in duplicate by the Commissioner of Crown Lands of the district in which the land being dealt with is situated on behalf of His Majesty the King and by the lessee.

(2) Every such lease after execution thereof may be registered under the Land Transfer Act, 1915, and upon registration the lease which is retained in the office of the District Land Registrar shall form a

Authorizing and validating Crown leases of Native township lands.

folium of the register-book in such office, and on it all dealings there-  
with shall be registered,

*Struck out.*

but no fee shall be payable by way of contribu-  
tion to the Assurance Fund on the registration of any such lease. 5

(3) Every dealing with the land comprised in such lease shall be  
made in accordance with the provisions of the Land Transfer Act,  
1915, and shall in all respects be subject thereto.

(4) Where a lease is issued in renewal of a former lease the new  
lease shall be deemed to be subject to all existing registered encum- 10  
brances, liens, and interests to which the former lease is subject, and  
the District Land Registrar shall transfer to the register the record of  
all memorials and entries affecting such land so far as may be necessary  
to preserve existing interests.

(5) Every lease of land situated in a Native township and acquired 15  
by the Crown, heretofore executed by the Commissioner of Crown Lands,  
shall be deemed to be validly executed and may be registered in  
accordance with the provisions of this section, and if already registered  
shall be deemed to be valid and effectual for all purposes.

*New.* 20

Duty of Boards to  
protect Native  
burial places.

17A. It shall be the duty of a Board in confirming alienations of  
Native freehold land and in proceedings under Part XVIII of the principal  
Act to make inquiry as to whether there is any Native burial ground  
situate upon the land the alienation of which is being effected, and, if so, 25  
to take steps to protect such Native burial ground either by excepting  
it from the alienation or by such other means as to the Board shall seem  
sufficient for the purpose.

*West Taupo Timber Lands.*

Authorizing contract  
to be entered into  
regarding West  
Taupo timber lands.

18. Whereas the agreement made under section thirty-seven of  
the Maori Land Laws Amendment Act, 1908, between the Maori Land 30  
Board and the Tongariro Timber Company, Limited, has been cancelled  
and determined as by law provided, and doubts have arisen as to the  
position of the Native owners and of the Egmont Box Company,  
Limited, with regard to certain agreements made between the Egmont  
Box Company, Limited, and the Tongariro Timber Company, Limited, 35  
and it is desirable that these doubts should be removed: Be it there-  
fore enacted as follows:—

(1) The Maori Land Board of the district in which are situated the  
lands affected by this section shall be deemed to be the agent of the 40  
owners of such lands for the purpose of executing the instruments here-  
inafter mentioned, and may, without further authority than this Act,  
deal with the said lands and the timber thereon but not so as to affect  
the freehold thereof ~~further or other than to give security thereon if~~  
~~necessary.~~ Every such instrument shall be in writing executed by the 45  
Board in its own name under its seal and shall as between the Board  
and the Egmont Box Company, Limited, be as effectual as if the Board  
was the owner of the land affected for a legal estate in fee-simple. *The*  
*expression "Egmont Box Company, Limited," used in this section shall*  
*be deemed to include its successors and assigns.*

893

(2) The said Maori Land Board is hereby authorized, empowered, and directed to enter into a contract with the Egmont Box Company, Limited, respecting the timber on the lands affected by this section and the other matters referred to in an agreement made between the  
5 Tongariro Timber Company, Limited, and the Egmont Box Company, Limited, and dated the twenty-third day of October, nineteen hundred and nineteen,

*Struck out.*

10 and may give security over such lands for any moneys found to be payable by the Native owners to the Egmont Box Company, Limited.

(3) The contract so to be made shall incorporate such of the terms and provisions of the above-mentioned agreement of the twenty-third day of October, nineteen hundred and nineteen, as the Maori Land  
15 Board and the Egmont Box Company, Limited, shall mutually agree upon, together with such other terms and provisions for the due fulfilment of the contract and the proper protection of the interests of the Natives as the Maori Land Board may reasonably require. The  
20 Maori Land Board may in its discretion, but subject to the approval of the Native Minister, agree to terms which in its opinion are fair, reasonable, or equitable, notwithstanding that they may not be strictly in accord with the agreement of the twenty-third day of October, nineteen hundred and nineteen. If any dispute shall arise as to what  
25 terms and conditions shall be included in the contract to be entered into by the Maori Land Board under this section, it shall be within the province of the Native Minister to decide any questions in dispute and his decision shall be final :

30 Provided that the Egmont Box Company, Limited, may, if it is dissatisfied with the Minister's decision, decline to execute the contract proposed, and in such case the parties shall be left to their respective rights and obligations under the hereinbefore-mentioned agreement of the twenty-third day of October, nineteen hundred and nineteen, and the various statutory provisions which affect the same as if this section had not been enacted.

35 (4) (a) Upon the execution of the *any* instrument evidencing the contract, the instrument so executed shall, notwithstanding the provisions of the principal Act or any other Act to the contrary, be deemed to be valid and effectual for all purposes and shall take effect according to the tenor thereof in the same manner in all respects as if it was  
40 duly executed by all the Native owners of the said lands and as if all the said owners had been fully competent to execute the same and were entitled to do so by law.

(b) The contract witnessed by such instrument shall be deemed to be in substitution for and in discharge of the said agreement of the  
45 twenty-third day of October, nineteen hundred and nineteen, and of another agreement made between the same parties and dated the ninth day of September, nineteen hundred and fourteen.

(5) Any instrument executed pursuant to the provisions of this section by a Maori Land Board shall contain a statement or recital that  
50 the Board is duly authorized to execute the same as the agent of the owners under this section, and every such statement or recital shall be accepted by the District Land Registrar and by all Courts as

sufficient *prima facie* evidence of the facts so stated or recited. Every such instrument and every dealing therewith shall, notwithstanding anything to the contrary in the Land Transfer Act, 1915, be capable of being registered against land subject to that Act and when registered shall be entitled in priority in the same manner as are other registered instruments. Section seventy-four of the Native Land Amendment Act, 1913, shall not apply to the Egmont Box Company, Limited, its successors, or assigns so far as the land affected by any instrument executed under the provisions of this section is concerned. 35

(6) The Maori Land Board of the District within which the land is situated (or if there is no Maori Land Board, then such person or body as the Court may appoint) shall be and remain the irrevocable lawful agent of the Native owners for the purpose of collecting and receiving all the purchase-moneys, royalty, and other revenue and profits to arise from the said contract, to enforce the provisions thereof and to commence, prosecute, or enforce or defend or oppose any action or other proceeding, claim, or demand of and concerning the said contract or the lands which are the subject-matter thereof, and to settle, adjust, compound, submit to arbitration or compromise all actions, claims, or demands arising out of the said contract or any breach or non-performance of any of the covenants or conditions thereof or for any trespass by any person not a party to such contract in the same manner in all respects as if the Maori Land Board was the legal owner of the fee-simple of the land and of the timber-trees, timber, and other wood or flax or minerals thereon. And it is hereby declared that notwithstanding the termination of the said contract, whether by cancellation, forfeiture, or otherwise, the agency hereby created shall continue for such time as the Maori Land Board may consider it necessary or expedient in the interests of the Native owners. The Native Minister may at any time after the termination of the said contract, by writing under his hand, direct that the Maori Land Board shall cease to act as the agent of the owners, and thenceforth the Board shall cease to act as agent hereunder. In all Courts and proceedings it shall be assumed the agency is an existing one until the contrary is proved. 10 15 20 25 30 35

(7) Where the land affected by this section consists of several parts owned by different owners or different groups of owners in common, the Maori Land Board shall apportion the benefits to be derived from and the obligations and liabilities imposed by the said contract in such manner as it considers just between those several parts or it may from time to time apply to the Court to apportion between the several parts all rights, obligations, and liabilities arising from the said contract and the Court may make orders accordingly. 40

(8) (a) If for any reason the contract referred to in subsection *two* hereof is not entered into within *nine* months after the commencement of this Act (or within the extended time hereinafter referred to), the right of the Egmont Box Company, Limited, to obtain a contract under this section shall cease and determine: 45

Provided that the Governor-General may by Order in Council extend such period of *nine* months for such time as he shall think expedient. 50

895

(b) If the right of the Egmont Box Company, Limited, to obtain a contract under this section is determined, then the Egmont Box Company, Limited, and the Aotea District Maori Land Board respectively may claim and exercise whatever rights (if any) that the said company or Board is entitled to and shall be bound to perform any obligations that the said company or Board is liable to respectively under the said agreement of the twenty-third day of October, nineteen hundred and nineteen, in the same manner as if this section had not been passed.

(c) Notwithstanding that a contract is not entered into under this section, the Maori Land Board shall remain the statutory agent of the Natives with as full authority to act as if the Maori Land Board was the legal owner of the premises.

(9) The land referred to in this section is the following :—

All that block of land known as Whangaipeke Block, situate in the Aotea Native Land Court District, which has been partitioned by the Native Land Court into various parcels as described in the orders of the Native Land Court made on the twenty-third day of January, nineteen hundred and twenty-four.

19. The Court shall have jurisdiction, upon application made by the Maori Land Board, to make from time to time orders apportioning between the several parcels of land that are affected thereby or between the various owners or groups of owners, *inter se*, the rights, obligations, liabilities, and equities arising under the agreements made under section thirty-seven of the Maori Land Laws Amendment Act, 1908, between the Maori Land Board and the Tongariro Timber Company, Limited, or under any contract entered into under this *the last preceding* section, or as between the Native owners and the Egmont Box Company, Limited, *its successors or assigns*, or as between the Native owners and the Maori Land Board or the Crown, and may in its discretion and from time to time make orders charging upon the said lands or any part thereof, including any of such land or any interest therein acquired or owned by the Crown, *where the Minister of Finance consents thereto*, any moneys which it may find to be due in respect of such apportionment, together with interest thereon at such rate as the Court thinks expedient, in favour of any person named in the order, including His Majesty the King, or in favour of the Board as agent for the person entitled thereto. Any such order shall constitute a legal charge upon the land named therein and may be registered against the title of land subject to the Land Transfer Act, 1915.

Obligations of Natives, *inter se*, as to West Taupo timber lands, may be apportioned.

*Miscellaneous.*

20. (1) The Appellate Court is hereby directed and authorized to rehear the appeals against the orders of the Native Land Court made on the twenty-first day of November, nineteen hundred and twenty-eight, and the third day of October, nineteen hundred and twenty-nine, respecting the lands known as Oturei and Okapakapa Blocks referred to in section thirty-eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, and the Appellate Court may upon such rehearing affirm, annul, or vary its previous orders.

Providing for rehearing of appeals respecting Oturei and Okapakapa Blocks.

(2) Any person aggrieved by the orders of the Native Land Court referred to in subsection *one* hereof or either of them may, notwithstanding the provisions of section forty-eight of the principal Act, appeal from such orders provided that such appeal shall be commenced by notice of appeal given in the prescribed manner within three months after the commencement of this Act. Every appeal shall be subject in all respects to the Rules of Court, and the Appellate Court shall have jurisdiction to hear and determine every such appeal.

Closing and vesting road traversing Allotments 136, 143B, and 143C, Tamahere Parish.

21. Whereas a certain Crown grant in favour of aboriginal Natives of New Zealand for a piece of land called or known as Allotment 143, Parish of Tamahere, and registered in Volume 20, folio 91, of the Land Registration District of Auckland, excluded therefrom two roads, each 150 links wide, and a road reserve: And whereas portions of the said land respectively called Allotments 143B and 143C were allocated on partition by the Native Land Court, and such partition orders inadvertently included therein portions of the said roads and road reserve: And whereas a certain lease or license in favour of a European lessee for another piece of land known as Allotment 136, Parish of Tamahere, registered in Volume 245, folio 278, of the aforesaid land registration district, likewise included therein a portion of road 150 links wide: And whereas such inclusions were due to an erroneous impression which existed as to the exact width and location of the said roads and road reserve: And whereas doubts have arisen as to the validity of the existing titles to the aforesaid lands consequently on the inclusion of the aforesaid road and road reserve: And whereas it is essential that such doubts should be removed: Be it therefore enacted that the portions of road so included are deemed to be stopped, and the reservation as a road reserve is cancelled, and the inclusion of the same in the titles to all such parts of the aforesaid allotments (whether derived through the aforesaid lease or partition orders respectively) is hereby validated, and the respective partition orders and certificates of title issued for Allotments 143B and 143C, Parish of Tamahere, or any part thereof, and the registered lease or license for Allotment 136, Parish of Tamahere, shall for all purposes be deemed to have taken full effect according to their tenor as from the respective dates thereof, notwithstanding anything in section seventy of the Land Transfer Act, 1915, or any other Act to the contrary.

Amending Schedules to the Native Land Amendment and Native Land Claims Adjustment Act, 1927.

22. (1) The Native Land Amendment and Native Land Claims Adjustment Act, 1927, is hereby amended as follows:—

(a) By repealing in the Second Schedule to that Act the description of part of Lot 145A, Tamahere Parish, and inserting in lieu thereof the following description:—

“All that part of Lot 145A, Tamahere Parish, situated in the Auckland Land District, containing by admeasurement twenty-three acres one rood thirty perches, more or less, being the southern portion of that lot cut off by a line parallel to the southern boundary; as more particularly shown on plan 14798, red, deposited in the office of the Chief Surveyor at Auckland.”

(b) By repealing in the Third Schedule to that Act the description of part Lot 145A, Tamahere Parish, and inserting in lieu thereof the following description:—

897

5 “ All that part of Lot 145A, Tamahere Parish, situated in the Auckland Land District, containing by admeasurement thirty-nine acres one rood seven perches, more or less, being the northern portion of the lot cut off by a line parallel to the southern boundary as more particularly shown on plan 14798, red, deposited in the office of the Chief Surveyor at Auckland.”

10 (2) This amendment shall take effect as from the commencement of the Native Land Amendment and Native Land Claims Adjustment Act, 1927.

15 23. The Waikato-Maniapoto District Maori Land Board is hereby authorized and directed to inquire into the circumstances of the alienation of Hikutaia 1H Block purported to be effected by memorandum of transfer bearing date the twenty-fourth day of March, eighteen hundred and ninety-seven, from Mata te Kura to Te Rare Pukeroa, and not yet confirmed as required by law. The Board may confirm or refuse to confirm the alienation purporting to be effected as aforesaid or any other alienation purporting to be heretofore effected by any other deed or instrument in respect of the said Hikutaia 1H Block upon such terms and conditions as the Board thinks just, including an order for payment of any sum of money by any person claiming to be interested in any such alienation as aforesaid to any other person, whether a Native owner or not, claiming to be so interested. Any such order for payment of money shall, as if it were an order of the Native Land Court, constitute a charge upon the said Hikutaia 1H Block within the meaning of the Native Land Act, 1909, and its amendments, and all provisions of the said Act and amendments as to enforcement shall apply accordingly.

Authorizing inquiry into sale of Hikutaia 1H Block.

*New.*

30 23A. Whereas upon investigation by the Native Land Court of the title to the land known as the Waipapa Block, now comprised and described in certificate of title, Volume 248, folio 274, of the Auckland Land Registration District, that land was awarded to certain Natives: And whereas it is alleged that upon such investigation of title the Court did not include in its investigation a certain burial place known as Kapui te Rangi, but nevertheless that burial place was included in the order for the title to the Waipapa Block, which has since become subject to the Land Transfer Act, 1915: Be it therefore enacted as follows:—

Authorizing Court to inquire as to burial place on Waipapa Block and make vesting order.

35 (1) Notwithstanding the fact that the said Waipapa Block is European land, the Court is hereby authorized and empowered to inquire into the circumstances of the issue of such title, and if it is of opinion that the portion of the land known as the Kapui te Rangi Cemetery has been erroneously included in the title to the said Waipapa Block it may make an order vesting in such person as trustee as it thinks proper such portion of the said Waipapa Block as shall be in its opinion sufficient to enclose all the Maori graves on the said land, and the said order shall take effect according to its tenor and may be registered against the title of the said land.

40 (2) By the same or any subsequent order the Court may lay out over the remaining portion of the Waipapa Block a right of way giving access to the land mentioned in a vesting order made under this section and appurtenant thereto.

50

*New.*

(3) For the purposes of this section all the provisions of Part XXI of the principal Act as to surveys shall apply to the said Waipapa Block.

(4) Every person having any estate or interest in any land dealt with under this section who suffers damage from the exercise of any of the powers given by this section shall be entitled to such reasonable compensation as the Court shall determine, and the Court shall have exclusive jurisdiction to ascertain and determine what amount of compensation ought to be paid to the owners of or other persons entitled in such land, and who are the persons entitled to be paid such compensation, and to make such order or orders as to it seems fit.

(5) The amount of compensation so found to be due by the Court shall be paid out of the Consolidated Fund, without further appropriation than this Act, to the person found entitled thereto.

(6) Any land vested in Natives under subsection *one* hereof shall be deemed to be Native freehold land as defined by the principal Act.

24. Whereas by virtue of the provisions of section four of the Native Land Amendment and Native Claims Adjustment Act, 1917, the blocks of Native land hereinafter described became vested in His Majesty by way of gift for the purpose of settling thereon discharged Maori soldiers: And whereas some of the lands were at the time of their acquisition under lease: And whereas the land is for the most part of such poor quality that it cannot be profitably occupied within the limitation of area set out in Part XIII of the Land Act, 1924: And whereas it has been found impracticable to settle discharged Maori soldiers upon the said land: Be it therefore enacted as follows:—

(1) The land herein described shall henceforth be held by His Majesty freed and discharged from any trust to settle thereon discharged Maori soldiers, and any proclamation of the said land or any part thereof under the provisions of sections three and four of the Discharged Soldiers Settlement Act, 1915, is hereby cancelled and revoked and the land shall be held and administered as Crown land under the Land Act, 1924, and may be disposed of accordingly.

(2) All revenues or other money arising from the said land heretofore or hereafter received for and in respect thereof by the Land Board shall, subject to the deduction of all reasonable expenses of administration, and without further appropriation than this Act, be paid to such fund as the Native Minister by writing under his hand shall from time to time direct, to be applied for some purpose having for its object the assistance of Natives being discharged soldiers within the meaning of the Discharged Soldiers Settlement Act, 1915, or their dependants or successors.

(3) If and whenever the Native Minister is in doubt as to what (if any) money shall be applied to a particular purpose, or as to what person should benefit in the application of any moneys allotted, or if he desires that there should be indicated some purpose to which any such money should be applied, or if it becomes impracticable or unwise to any longer apply the proceeds for discharged soldiers, he may apply to the Native Land Court, which shall have jurisdiction to determine any such questions submitted to it and to make orders or give directions accordingly.

Enabling disposal  
of land set apart  
for discharged  
Maori soldiers.

899

(4) Part XIII of the Land Act, 1924, shall not apply to the said land, and any part thereof may be disposed of in such areas as the Land Board shall from time to time determine.

(5) The land referred to in this section is the following:—

5 Owhaoko A East, Owhaoko B East, and Owhaoko A No. 1B Blocks, containing in the aggregate twenty-three thousand and seventy-four acres, as the same are described in a Proclamation dated the nineteenth day of November, nineteen hundred and seventeen; part Owhaoko D 1 Block, containing three thousand nine hundred and thirty-four  
10 acres two roods, as the same is described in a Proclamation dated the twenty-fourth day of December, nineteen hundred and seventeen; part Owhaoko D 7 Block, containing eight thousand five hundred and seventy-four acres two roods, as the same is described in a Proclamation dated the fifth day of March, nineteen hundred and eighteen.

15 25. Whereas the Native owners of the land known as the Manukorihi A 1 Block, described in certificate of title, Volume 99, folio 93, of the Taranaki Land Registration District, are desirous of making a gift thereof or of some part thereof for use in connection with the Manukorihi Native Pa: Be it therefore enacted as follows:—

Providing for reservation and administration of Manukorihi Pa, Waitara.

20 (1) The provisions of section two hundred and thirty-two of the principal Act shall apply to the land known as Manukorihi A 1 Block, notwithstanding that it may not be owned by more than ten owners in common.

25 (2) The land known as Manukorihi A 2 Block, which was set apart and reserved as a Native reservation by the Governor-General by Order in Council dated the twentieth day of September, nineteen hundred and twenty-six, published in the *New Zealand Gazette* of the twenty-third day of September, nineteen hundred and twenty-six, page 2795, hereinafter referred to as Manukorihi Pa, together with any portion of the Manukorihi A 1 Block hereinbefore referred to which may be set aside as a  
30 Native reservation, shall be deemed to be one Native reservation and to be for a meeting-place for the common use of the members of the Atiawa Native Tribe, including the beneficial owners of the said land. Any person or body corporate in which the said Manukorihi Pa is  
35 vested shall hold and administer the same accordingly, and the land comprised in the said Manukorihi Pa and any further land therein included shall be deemed to be free and exempt from payment of rates to any local authority.

40 (3) It shall be in the power of the person or body corporate in whom the administration of the said Manukorihi Pa is vested under the said section two hundred and thirty-two to acquire by purchase, lease, or gift any land being any part of the Manukorihi A 1 Block or being adjoining or adjacent to the said Manukorihi Pa, and when so acquired such lands shall be deemed to become a Native reservation  
45 under the principal Act and form part of the said Manukorihi Pa.

(4) The Governor-General may from time to time, by Order in Council, make such regulations as he thinks fit for the administration and control of the said Manukorihi Pa and as to the use thereof or any part thereof by any person, and may in like manner impose fines not  
50 exceeding *twenty* pounds for any breach of those regulations. The regulations made on the seventh day of July, nineteen hundred and fourteen, relative to Native reservations shall not apply to the said Manukorihi Pa.

Cancelling  
Proclamation over  
Punaruiku Island.

26. Whereas by Proclamation dated the fourth day of October, nineteen hundred and seventeen, and published in the *New Zealand Gazette* of the eleventh day of October, nineteen hundred and seventeen, page 3856, the land known as Punaruiku Island hereinafter described was taken under the Public Works Act, 1908, and its amendments for the purpose of forest plantation: And whereas the land has not been used for such purpose and it is desired to cancel the Proclamation taking the same: Be it therefore enacted as follows:— 5

(1) The hereinbefore-recited Proclamation of the fourth day of October, nineteen hundred and seventeen, is hereby declared to be cancelled and revoked and to be absolutely void and of no effect as from the date when the same was made or issued. 10

(2) The Proclamation dated the twelfth day of September, nineteen hundred and twenty-seven, and published in the *New Zealand Gazette* of the twenty-second day of September, nineteen hundred and twenty-seven, page 2897, setting apart certain Crown lands therein described as a permanent State forest is hereby cancelled so far as it affects the land therein described as Punaruiku Island, and notwithstanding anything in the Forests Act, 1921-22, to the contrary the reservation of the said land as a permanent State forest shall be deemed to be revoked and the land disposed of as in this section provided. 15 20

(3) The control and management of all that parcel of land situated on the western portion of Lake Rotokakahi in Block X, Tarawera Survey District, containing two acres, be the same more or less, and known as Punaruiku Island, is hereby vested in the Board of Control constituted under section fourteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1923. 25

*New.*

Permitting partial  
rehearing of appeals  
respecting  
Maraingaroa 1D  
Block.

26A. Whereas section twenty-four of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, authorized the Court to hear and determine claims arising out of matters mentioned in the report of the Court referred to in that section: And whereas orders were made or decisions given by the Court against which appeals have been lodged: And whereas by section forty of the Native Land Amendment and Native Land Claims Adjustment Act, 1928, provision was made for appeals to be brought with regard to other matters mentioned in such report: Be it therefore enacted as follows:— 30 35

(1) All appeals brought either against the orders made under the provisions of section twenty-four of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, or under the authority of the provisions of section forty of the Native Land Amendment and Native Land Claims Adjustment Act, 1928, may be heard and determined by the Appellate Court, notwithstanding any defect in the giving or the form thereof or that a final order has or had not been pronounced by the Court. 40 45

(2) In hearing and determining any of the said appeals the Appellate Court shall proceed as if it was hearing appeals from the original decision of the Native Land Court upon the investigation of title so far as the land affected by such appeal is concerned, and it shall not be bound or estopped by any former decision of the Appellate Court or by any former finding, judgment, or order of the Native Land Court. 50

901

*New.*

(3) The Appellate Court, while being guided as far as possible by Maori custom and usage, may, in hearing and determining the said appeals, take into consideration and give effect to any claim by occupation which it deems it expedient so to do, notwithstanding that the claim of occupationary right may appear to be inconsistent or in conflict with any other right found by the Court to be the basis of title.

27. (1) The Court is hereby authorized and empowered, upon the application of any person claiming to be interested lodged with the Registrar within six months after the commencement of this Act, to inquire and determine within the limits hereinafter mentioned whether the relative interests in which the Native owners hold the following blocks, situate in the Tairāwhiti Native Land Court District—namely, (a) Anaura Block; (b) Kaiāua No. 1 Block; and (c) Kopuatarakihi No. 1 Block—are fair and equitable as representing the proportionate share that each owner was entitled to according to Native custom and usage.

(2) If the Court finds that in any of the said cases the relative interests as ascertained and determined are not in its opinion fair and equitable, the Court shall have power to redetermine and redefine such interests in such manner as to it may seem just and reasonable and to make an order accordingly, and may cancel, vary, or amend any former order so far as it defines the relative interests.

(3) In ascertaining the relative interests of the owners of the respective blocks the Court shall not be bound by any former order of the Court or of the Appellate Court in respect of the relative interests of the owners, but shall be guided as far as possible by Native custom and usage.

(4) Notwithstanding the provisions of section one hundred and twenty-one of the principal Act the Court may, if it finds it necessary to do so for the purpose of this section, cancel, vary, or amend any partition order heretofore made in respect of any of the said lands although finally or provisionally registered under the Land Transfer Act, 1915, and in such case the consent of any person who has acquired any interest by reason of an alienation not affecting the whole of the land partitioned shall not be required.

(5) The inquiry to be made by the Court regarding the lands known as Kaiāua No. 1 and Kopuatarakihi No. 1 Blocks, or either of them, shall be limited to the relative interests allotted to or divided between the ancestors Makuraatea and Tangiawha and any of their descendants, and the inquiry to be made by the Court with regard to the land known as Anaura Block shall be limited to the relative interests awarded to or divided between the ancestor Whakarara and any of his descendants; but the Court shall not disturb or alter in any manner the relative shares or interests determined or awarded under an order of the Court made on the twenty-third day of February, nineteen hundred and eighteen, in pursuance of section three of the Native Land Claims Adjustment Act, 1913, with reference to the Anaura Block.

28. Whereas the Court has made an order pursuant to section thirty-three of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, determining the persons beneficially entitled to any compensation which may be allotted or become payable in respect of

Relative interests in Anaura, Kaiāua No. 1, and Kopuatarakihi No. 1 Blocks may be redefined.

Authorizing Court to exercise jurisdiction as to Patutahi Block.

the grievances alleged in respect of the Patutahi Block referred to in the said section: And whereas amongst other claimants for admission into the list of beneficiaries was a section of Natives known as the Whanau-a-Kai hapu, whose claims for and in respect of the said hapu were rejected by the Court: And whereas it is alleged that, apart from their being members of the Whanau-a-Kai hapu, some of such persons would be entitled according to Maori custom to be admitted into the list of beneficiaries as members of the tribe or hapus to which the successful claimants belonged: And whereas it is desirable that the claims of these persons as distinct from any rights they claimed to have as members of the Whanau-a-Kai hapu should be investigated and dealt with: Be it therefore enacted as follows:—

(1) Upon the application of any person claiming to be interested made in writing to the Court within six months after the commencement of this Act the Court may hear and determine the claim of any member of the Whanau-a-Kai hapu to be included in the list of beneficiaries settled by the Court under the order of the Court hereinbefore referred to, and the Court may make an order admitting into the list of beneficiaries such persons, being members of the Whanau-a-Kai hapu or being closely allied to them by relationship (and not being already included in the list), as are in the opinion of the Court entitled by reason of ancestry and occupation to be admitted and included:

Provided that the claimants shall not be entitled to set up any "take" or right which has already been dismissed or ruled against by the Court or Appellate Court.

(2) The Court shall have full jurisdiction to hear the said claim and may reopen the proceedings so far as in the opinion of the Court may be necessary for that purpose, but nothing in this section shall entitle any person to call in question any of the former decisions of the Court or of the Appellate Court with regard to the said matter:

Provided that the Court shall not be estopped by any former decision from deciding upon the merits any claim of the persons mentioned in subsection *one* hereof, the intention of this section being to enable the members of Whanau-a-Kai hapu to establish their claims as individual members of one or more of the successful hapu or tribes as distinct from the claims formerly set up on behalf of the Whanau-a-Kai hapu.

(3) If the Court admits any further beneficiaries it shall determine the relative interests they are entitled to either by readjusting and amending the relative interests already defined and allotted to the Rongo-whakaata section, or by creating additional shares and allotting them to the new beneficiaries found by the Court.

Authorizing disposal  
of part of Town  
Section 306, Napier.

29. Whereas the land hereinafter mentioned is vested in the Crown under the circumstances set out in the preamble to the Napier Native Hostelry Site Sale Act, 1892: And whereas the land is no longer required for a Native hostelry site and it is desirable to authorize the disposal thereof: Be it therefore enacted as follows:—

(1) The land comprised and described in certificate of title, Volume 4, folio 290, of the Hawke's Bay Registry, and being part of Section 306 of the Town of Napier, is hereby declared to be freed and released from any trust or claim of trust of any nature whatsoever, and the said land may be administered and dealt with as Crown land under the Land Act, 1924.

903

(2) Notwithstanding anything to the contrary contained in the Land Act, 1924, all proceeds of the alienation or use or occupation of the said land or arising in any other manner therefrom shall, without further appropriation than this Act, be paid to the Maori Purposes Fund Control Board to be expended or applied by that Board for such purpose as the Native Minister may from time to time approve, being for the benefit of the members of the Hawke's Bay and Wairoa sections of the Ngati-Kahungunu Tribe either generally or for any section or individual thereof.

10 30. The land containing ten acres in extent, being part of that comprised and described in certificate of title, Volume 54, folio 248, of the Hawke's Bay Registry, and being part of Lot 1, on Deposited Plan No. 2142 of the Ngatarawa No. 4 Block, situate in the Hawke's Bay Registration District, and the buildings erected thereon and used for the purpose of the Latter Day Saints Maori Agricultural College, shall cease to be "rateable property" within the meaning of the Rating Act, 1925, and be exempted from the levy or payment of rates thereon while used for the purpose of the said agricultural college.

Exempting Latter Day Saints Maori Agricultural College from rates.

20 31. Whereas the land hereinafter mentioned sometimes known as the Port Chalmers or Koputai Native Reserve, was vested in Hori Kerei Taiaroa, Hone (Te One) Topi Patuki, and Hoani Wetere Korako, and it is claimed that, although vested absolutely in the said nominal owners, it was intended by the Court that the land should be held by them in trust for other Natives: And whereas it is desirable that the said land shall be henceforth held under the trusts and conditions herein set out: Be it therefore enacted as follows:—

Vesting Port Chalmers (Koputai) Reserve in the Native Trustee.

25 (1) The land referred to in this section is the land known as sections numbered 401 and 412 of the Town of Port Chalmers, the latter of which is comprised and described in certificate of title, Volume 88, folio 60, of the Otago Land Registry, and the former is comprised and described, *inter alia*, in Crown Grant Registered Number 26475.

30 (2) The said land is hereby vested for an estate of freehold in the Native Trustee. The District Land Registrar is authorized to issue one or more Land Transfer certificates of title for the said land in favour of the Native Trustee, subject to any existing encumbrances, and thereupon to cancel any previous certificate of title that may be inconsistent therewith. Any certificate of title issued hereunder shall have endorsed thereon a memorial to the effect that it is issued pursuant to the provisions of this section.

35 (3) The Native Trustee may (without the necessity of confirmation by a Maori Land Board) lease and otherwise deal with the said land upon such terms and conditions as he thinks expedient, but shall not alienate the same by way of sale or mortgage, except with the prior consent in writing of the Native Minister.

40 (4) All revenue or other moneys received from the occupation or alienation of the said land, including any sum already received or held by the Native Trustee, shall be applied for such purposes for the benefit of the members of the Ngaitahu Tribe as the Native Minister or the Court may direct, including the payment of any sum to the Maori Purposes Fund Control Board or to the Ngaitahu Trust Board for expenditure for some purpose benefiting members of the Ngaitahu Tribe either generally or with respect to some particular section or individual of that tribe.

(5) The Native Trustee shall pay out of such revenue or other moneys such sum for such purpose as the Native Minister may by writing under his hand direct.

(6) It shall be within the discretion of the Native Minister to decide what is a proper purpose for the application of money under this section, and he may from time to time change or vary the purpose. 5

Chief Judge may refer matters in Schedule for report.

32. (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. 10

(2) The Chief Judge may, upon such inquiry and report, make to the Native Minister such recommendation in any case as appears to accord with the equities of the case.

(3) The report and recommendation under this section shall be laid before Parliament on as early a date as possible, and shall stand referred to the Native Affairs Committee of the House of Representatives. 15

Schedule.

SCHEDULE.

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

1. Petition No. 82, of 1930, of Matene Naera and 42 others: Praying for relief in connection with their sacred burial-places on the Wairau North and Waimamaku Blocks.

*Struck out.*

2. Petition No. 92, of 1930, of Rua te Kanga Kihirini and another: Praying that power be given to the Native Land Court, Waikato-Maniapoto District, to reopen the investigation of title to the Kapui te Rangī Cemetery.
---

3. Petition No. 124, of 1930, of Hemi Putiputi Roki, alias Hemi te Matekino: Praying for relief in connection with moneys derived from Hare Pikoi's interests in Waiaranga and Taikatikati Taikatikati Blocks.

*New.*

- |  |
|--|
| 4. Petition No. 357A of 1909, of H. Hei: That legislation may be passed to ensure the owners of Maraehako Block receiving a higher rental for their lands. |
| 5. Petition No. 251, of 1927, of Piki Kotuku and 125 others: That compensation be granted in respect of Native rights on the Wanganui River.               |