

NATIVE LAND CLAIMS ADJUSTMENT AND LAWS AMENDMENT.

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A BILL INTITULED

AN ACT to determine certain Claims and Disputes, and to fulfil certain Contracts and Promises made by or on behalf of the Government, and to amend the Laws in relation to Native Lands.

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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. The Short Title of this Act is "The Native Land Claims Adjustment and Laws Amendment Act, 1901."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Court" means the Native Land Court as defined by "The Native Land Court Act, 1894":

"Appellate Court" means the Native Appellate Court established by the said Act:

"Validation Court" means the Court established by "The Native Land (Validation of Titles) Act, 1893":

"District Land Registrar" means the District Land Registrar for the district in which the land referred to in each case is situated.

Appellate Court to hear appeal as to Lot 66, Waipa Survey District.

3. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the eighth day of September, one thousand eight hundred and ninety-six, on the petition of Anatipa Pukatea and others in reference to the partition of Lot Sixty-six, Waipa Survey District, the Appellate Court is hereby empowered and directed to deal with any appeal which has been lodged against the decision of the Court in making the said partition as if such appeal had been lodged in due time.

Power to investigate claims of descendants to money derived from sale of Purapura Block.

4. It shall be lawful for the Governor by Order in Council to appoint a Royal Commission to investigate and decide the claims of certain Natives, descendants of Wetera te Kaue and Katariana, to certain moneys arising out of the sale of Purapura Block, which were advanced by them to pay for the original survey of Opuatia Block, Lower Waikato; and, upon the amount (if any) so found to be due being ascertained, the said Commission may make an order directing payment thereof by such Natives as shall be found liable to pay the same to the Natives entitled thereto, and such order may be registered as a survey lien or charging order against the interest of all or any of the owners of the said Opuatia Block who may be found liable to contribute, or may have benefited by such survey: Provided that no such order shall affect any portion of the said block already sold and awarded to the Crown.

Power to investigate claims to Tauranganui or Opuatia Block.

5. The said Royal Commission is further authorised and empowered to investigate and decide the claims of Wiremu Karaka te Aho and others to a block of land known as Tauranganui or Opuatia, Nos. 11A, 16, 17, and 18 Blocks, as if the same had not been heard and decided by the Native Land Court.

Pending such decision the Registrar of the Native Land Court at Auckland is directed to impound the existing partition orders for the said land.

Rehearing as to Maungatapu and Te Au o Waikato Blocks.

6. To give effect to the report of the Native Affairs Committee upon the petitions of Teni Tuhakaraina and others the Native Appellate Court is directed and empowered to rehear and determine who are the Natives (if any), in addition to those named in the original titles, beneficially entitled to certain blocks of land situate in the Piako Survey District, known as Maungatapu and Te Au o Waikato Blocks, and for the purpose aforesaid to order the cancellation or amendment of any existing order of the Native Land Court, and the issue of such fresh orders and other instruments of title as may be necessary.

7. The Court is empowered and directed to inquire into the circumstances under which the Native owners executed transfers of portion of Waitakaruru No. 2 Block, and if satisfied that such transfers have been executed in conformity with the requirements of subsection two of section fifty-three of "The Native Land Court Act, 1894," and that the provisions of the said subsection have been complied with, may certify accordingly.

Court to inquire as to transfers of Waitakaruru No. 2 Block.

8. (1.) Nothing contained or implied in "The Onewhero Grant Act, 1879," shall be deemed to prevent the grantees or their successors from leasing all or any portion of Lot 99, Onewhero, and the said grantees or their successors are hereby empowered and authorised to lease the said land for any term of years not exceeding *twenty-one* years, with or without covenant for a right of renewal for a fresh term of *twenty-one* years, or with or without covenant for compensation for tenants' improvements on the expiration of the said term. Provided that any such lease shall be of no effect unless or until confirmed by the Court.

Power to lease Lot 99, Onewhero.

(2.) The District Land Registrar at Auckland is hereby authorised and directed to register all or any succession orders heretofore or hereafter to be made by the Court appointing successors to any deceased grantee of Lot 99, Onewhero, upon payment of the registration fee, and for such purpose the grantees set forth in "The Onewhero Grant Act, 1879," shall be deemed to be tenants in common and not joint tenants.

Succession orders to be registered.

9. Whereas the Native Affairs Committee of the House of Representatives have recommended that effect be given to their report, bearing date the eleventh day of September, one thousand nine hundred, on the petition of Kahu Huatare, in reference to the granting of probate of the will of Wahanui Huatare by the Appellate Court: Be it therefore enacted as follows: Any person claiming an interest in the estate of the said Wahanui Huatare may, within *two months* after the coming into operation of this Act, appeal from the order of the Court granting probate of the said will; and, if such appeal be lodged, the Court shall have jurisdiction to hear and determine the same as if no appeal from the said decision had been already heard and determined: Provided that before the said Court shall proceed to hear and determine the case the appellants shall lodge with the Registrar of the Court at Auckland a sum of money which, in the opinion of the Chief Judge of the Court, shall be sufficient to cover the costs of the respondents in case the decision of the Appellate Court shall be in their favour.

Extended time for notices of appeal by Natives in succession to Wahanui Huatare.

10. The Appellate Court is hereby directed and authorised to hear and determine the appeals of Paora te Ahuru and others in the estate of Hakiriwhi te Purewa (deceased) in the following lands: Maungatautari No. 5A No. I., Maungatautari No. 4H (Section 8), Tamahere (Lots 53, 90, 71, 99, and 144), Tauwhare (Lot 90), Tawhaka-poro, Maniapoto (Lot 61, Tamahere), and Te (Urenui) Karangi Blocks, as if such appeals had not been struck out or dismissed by the Appellate Court. Pending the hearing of the said appeals, the Registrar of the Court at Auckland is directed to impound the existing succession orders for the estate of the said Hakiriwhi te Purewa in the said lands.

Appeals of Paorate Ahuru and others in the estate of Hakiriwhi te Purewa.

Appeals from decision of Appellate Court as to Taheke Block validated.

11. The decision of the Appellate Court on the rehearing of the Taheke Block shall, so far as relates to the partition of the said block, and to the definition of the shares or interests therein, be deemed to have been a decision of the Court. And all appeals from such decision heretofore lodged with the Registrar of the Court at Auckland, or which shall be so lodged within two months from the date of the passing of this Act, shall, as regards such partition and definition of interests, be deemed valid appeals, and shall be dealt with accordingly. 5

Orders of Appellate Court *re* Tihoi Block declared void.

12. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the third day of November, one thousand eight hundred and ninety-eight, on the petition of Tokena Kerehi te Kehakeha and others, the judgment of the Appellate Court, dated the twenty-first day of May, one thousand eight hundred and ninety-eight, and all orders made in pursuance thereof, on the appeals against the decision of the Court, dated the fifth day of June, one thousand eight hundred and ninety-seven, as to the definition of relative interests and partition of the Tihoi Block are hereby declared void, and the appeals aforesaid shall be deemed to be still subsisting and undisposed of, and shall be dealt with by the Appellate Court accordingly. 10 15 20

Court to ascertain names of beneficial owners of part of Motiti B Block.

13. (1.) The Court is hereby authorised and directed to ascertain who were the one hundred and eighty-seven Natives, referred to in paragraph twelve of the First Schedule to "The Special Powers and Contracts Act, 1886," whose names were decided upon at a meeting of the Patuwai Tribe, held at Tauranga in February, in the year one thousand eight hundred and eighty-six, as the beneficial owners of the northern portion of Motiti B Block, containing one hundred and sixty-six acres, and being the whole of the land comprised in Volume Forty-six, folio one hundred and eighty-four, of the Land Transfer Register of the Auckland District, and what was the individual share or interest of each person. 25 30

(2.) A duplicate or certified copy of the order of the Court, or of the Appellate Court, under the provisions of this section, shall be deposited with the District Land Registrar for safe custody and reference, as provided by section one hundred and twenty-two of "The Land Transfer Act, 1885." 35

Court to ascertain owners of certain sections. Parish of Waimana.

14. (1.) The Court is hereby directed and authorised to ascertain who are the persons beneficially interested in the lands known as sections numbered one hundred and eighty-three and one hundred and eighty-four (containing together one hundred and fifty acres), and of section two hundred and sixty-six (containing fifty acres), Parish of Waimana, and in what shares or proportions, and to make orders accordingly. 40

(2.) Every order made by the Court under this section shall declare the land the subject thereof to be absolutely inalienable except by lease for a period not exceeding twenty-one years. 45

Thomas Hawkins Smith's claim to 600 acres in the Maungarangi Block.

15. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the eleventh day of September, one thousand nine hundred, on the petition of Thomas Hawkins Smith, in reference to certain Native land transactions in the Bay of Plenty District, the Governor may, by warrant 50

under his hand, direct the District Land Registrar to issue a certificate of title to the said Thomas Hawkins Smith for six hundred acres of the Maungarangi Block, in full satisfaction of all claims which he may have, either against the Natives or the Government in respect
5 of all such transactions, or otherwise howsoever.

16. The Governor may, by Order in Council, confer on the Court jurisdiction to inquire into and determine all questions as to the boundaries of the Pukehina Block, and to adjudicate upon as Native land any land which the Court shall find ought to be included
10 in the said block, notwithstanding that the same may have become land of the Crown.

17. In order to determine disputes respecting ownership and boundaries, the Awanui-Haparapara Block, containing one thousand eight hundred and eighty-seven acres; the Maraehako Block, containing one thousand eight hundred and ninety-four acres; the Tunapahore Block, containing five thousand four hundred and forty-nine acres; and the subdivisions of the Kapuarangi Block, known as Kapuarangi West, containing nine thousand acres, Kapuarangi No. 1A, containing five hundred acres, Kapuarangi No. 1B, containing two thousand nine hundred acres, and Kapuarangi No. 3, containing ten thousand five hundred and forty-nine acres, be all the aforesaid acreages more or less, are hereby declared to be Native land as defined by "The Native Land Court Act, 1894," and may be dealt with as such by the Court accordingly. All former orders of the
20 Court or of the Appellate Court affecting these lands aforesaid are hereby declared void.

18. Whereas upon sale to the Crown of certain Native land known as "Te Awanui" it was agreed between the late Sir Donald McLean and the late Major Ropata Wahawaha that a small portion
30 of such land should be reserved for and granted to the latter, and upon the land being surveyed sections numbered 12 and 13, Awanui Village, were set apart for the purpose, and in pursuance of section two of "The Special Powers and Contracts Act, 1884," section numbered 12 aforesaid was granted to him; but as he and his personal representatives have been allowed to retain possession of the remaining
35 portion of the land for about twenty-seven years, it is equitable that a grant should be issued for the same: Be it therefore enacted as follows:—

The Governor may grant in fee-simple to the late Major Ropata Wahawaha section numbered 13 in the Village of Awanui, situated in Waiapu Survey District, Land District of Auckland, containing by admeasurement one rood, and may antedate such grant to such period as may be necessary.

19. Whereas the Validation Court, in the exercise of its jurisdiction, or supposed jurisdiction, under "The Native Land (Validation of Titles) Act, 1893," appointed Henry Cheetham Jackson to be receiver of (*inter alia*) the rents and profits of certain portions of the Whangara Block, and also authorised the said Henry Cheetham Jackson to grant leases of the said land subject to the approval
50 of the said Validation Court: And whereas the said Henry Cheetham Jackson, under the authority aforesaid, has from time to time granted leases of the said land, which leases have been

Boundaries of Pukehina Block to be determined.

Power to determine disputes as to ownership and boundaries of certain blocks.]

Grant to late Major Ropata Wahawaha, Village of Awanui.

Leases of Whangara Block validated.

duly approved by the said Validation Court: And whereas doubts have arisen as to the validity of the said leases, and the District Land Registrar has refused to register the same: Now, therefore, for the purpose of removing such doubts and of giving effect to the recommendations of the Native Affairs Committee of the House of Representatives upon the several petitions in relation thereto: Be it enacted that every lease heretofore granted as aforesaid in respect of any portion of the Whangara Block shall be, and shall as from the date thereof be deemed to have been, as good, valid, and effectual as if such lease had been duly executed under the provisions of "The Land Transfer Act, 1885," by all the registered proprietors in fee-simple under the said Act, and had been duly confirmed by the Court under the provisions of "The Native Land Court Act, 1894."

Powers of Validation Court to make further orders, decrees, and declarations.

20. Whereas the Validation Court in making certain of its decrees, hereinafter called original decrees, reserved therein power to itself, on the application of the parties concerned, to make further orders, decrees, and declarations concerning the lands affected thereby, and the interest, claims, and responsibilities of the said parties, and the said Court has from time to time made numerous orders, decrees, and declarations by virtue of such reserved powers: And whereas the said original decrees have been duly confirmed by Parliament in terms of section sixteen of "The Native Land (Validation of Titles) Act, 1893": And whereas doubts have arisen as to the jurisdiction of the said Court to reserve such powers, and also as to the jurisdiction of the said Court to make such further orders, decrees, and declarations: It is hereby declared that the said Court had and still has the respective jurisdictions aforesaid, and that all the orders, decrees, and declarations of the Validation Court, subject in each case to any right of appeal now existing, shall be and be deemed to have been, from the date of such orders, decrees, and declarations respectively, of full force and effect according to the terms thereof for all purposes whatsoever. The District Land Registrar in any district, upon presentation of any deed or document executed under the authority or by the direction of the said Court affecting or relating to land within his district, the registration of which under "The Land Transfer Act, 1885," is necessary to its validity, shall forthwith register the same: Provided that no such deed or instrument shall be registered pending an appeal from any order of the Court directing the execution thereof: Provided also that nothing hereinbefore contained shall affect the rights of any caveator under any now existing caveat.

Power to lease allotment, Native Township of Parata.

21. Whereas Section 42, Block V., of the Native Township of Parata, was, in accordance with the provisions of "The Native Townships Act, 1895," set apart as a Native allotment, but is no longer required for that purpose:

Be it therefore enacted that the said land shall from the passing of this Act be released from the restrictions relating to such allotments, and may be leased in accordance with the provisions of section fourteen of the said Act, anything therein to the contrary notwithstanding.

22. The provisions of subsection ten of section fourteen of "The Native Land Court Act, 1894," shall apply to the Puketotara Native Reserve (otherwise Sections Three hundred and thirty-four and Three hundred and thirty-five, Carnarvon).

Certain provisions applied to Puketotara Native Reserve.

5 23. Whereas it is desirable that a creamery should be erected on a portion of the Ruatangata No. 1E Block, in the Wellington Land District, which is Native land, and there is a doubt whether the owners are permitted to lease a portion of the Block, containing one acre one rood fifteen perches, for the purpose: Be it therefore enacted that, notwithstanding any laws dealing with Native lands, the owners of the Ruatangata No. 1 Block may lease to the Waverley Co-operative Dairy Factory Company (Limited) a portion of the said Block, containing one acre one rood fifteen perches, upon such terms and conditions as may be agreed between such owners and the company, provided that no lease can be given for a longer period than twenty-one years.

Native owners may lease portion of Ruatangata No. 1E Block for a creamery.

20 24. In order to determine disputes amongst Natives claiming to be interested, it is hereby enacted that any appeal lodged within two months from the coming into operation of this Act against the judgment and finding of the Court on proceedings under "The Native Equitable Owners Act, 1886," in relation to the Tahoraite No. 2 Block may be dealt with by the Appellate Court as a valid appeal still subsisting and undisposed of, and the Appellate Court in dealing with any such appeal may annul, amend, or vary, if necessary, any order heretofore made in connection with any other appeal respecting the judgment and finding aforesaid.

Appeals as to Tahoraite No. 2 Block.

30 25. Whereas disputes have arisen as to whether the Native title to the land described in the *First* Schedule hereto has been effectively extinguished according to law, and whether the said land was a portion of the Kaihinu Number Two Block purported to have been included in the sale to the Crown by deed dated the tenth day of October, one thousand eight hundred and seventy-one, registered at the Deeds Registration Office, Wellington, on the second day of December, one thousand eight hundred and 35 seventy-one, under the registration number of 14018, purporting to be a transfer and surrender to the Crown of the said Kaihinu Number Two and nine other blocks, for the consideration and subject to the reservations in the said deed set out: And whereas the said disputes are the subject matter of an action, Number 5496, now 40 depending in the Supreme Court of New Zealand between Nireaha Tamaki and John Holland Baker, Commissioner of Crown Lands for the Land District of Wellington: And whereas it is expedient to provide for the settlement of all such disputes: Be it therefore enacted that, if within sixty days after the passing of this Act, or 45 such extended time as the Governor authorises in that behalf, the said action is duly and effectively discontinued by the plaintiff on the terms of his not being liable to pay the defendant's costs, then, forthwith upon such discontinuance being duly filed, the following provisions shall take effect:—

Certain land declared portion of Kaihinu No. 2 Block acquired by Crown.

50 (1.) The Native title to the land described in the *First* Schedule hereto shall be deemed to have been duly and properly extinguished according to law, and the said lands shall be deemed to have been properly and lawfully

included in the transfer and surrender to the Crown purported to have been effected by the said deed; and the title of the Crown to any portion of the land purported to have been included in the said sale shall not hereafter be called in question: Subject nevertheless 5
to the provisions following, that is to say,—

(2.) The Court is hereby empowered and directed to ascertain and declare who were the former owners or their successors according to Native custom of the land described in the *First* Schedule hereto, and what was the proportionate 10
share or interest of each; and, subject to the right of appeal as provided by "The Native Land Court Act, 1894," to make an order accordingly.

Payment therefor
to former owners.

(3.) On such order taking final effect, the Crown shall pay to the persons named therein, according to their proportionate 15
shares or interests, the sum of *four thousand five hundred and sixty-six* pounds, or the residue thereof after payment of costs as hereinafter provided; and their receipt shall be a complete and valid discharge and release to His Majesty the King, the Government of New Zealand, 20
and all officers and servants thereof, in respect of all claims in connection with the land described in the *First* Schedule hereto, or any of the lands purporting to have been included in the said sale.

Provided that the Court may give effect to any 25
voluntary arrangement between the persons ascertained to be former owners that one or more of their number shall, for the purposes of this section, be deemed to be sole former owner or owners:

(4.) The Court shall direct by its order that from the said sum 30
of *four thousand five hundred and sixty-six* pounds there shall be deducted and set aside a sum sufficient for the payment of all costs incurred by the plaintiff in connection with the prosecution of the said action, the amount of such costs to be ascertained and fixed in such manner as 35
the Court thinks fit; and the receipt of the plaintiff or his authorised agent for the amount named in the order of the Court shall in each case respectively be a complete and valid discharge to His Majesty the King, the Government of New Zealand, and all officers and 40
servants thereof, in respect of the amount so paid.

Verbal amendment
of "The Native
Contracts and
Promises Act,
1888."

26. Whereas by clause six of the Schedule to "The Native Contracts and Promises Act, 1888," an area of forty-one acres and thirty-eight perches of land, known as Section Number 2A of Block X., Taramarama Survey District, Wairoa County, Land 45
District of Hawke's Bay, was vested in ten Natives therein named as tenants in common, but by a mistake one was referred to as Te Waata Taiaroa instead of Te Waata Taunoa: Be it therefore enacted as follows:—

Clause six of the Schedule to "The Native Contracts and 50
Promises Act, 1888," is hereby amended by the insertion of the words "Te Waata Taunoa" in lieu of the words "Te Waata Taiaroa" therein mentioned.

27. Whereas lots numbered twenty-one, twenty-two, thirty-one, and thirty-two, Tikokino Agricultural Reserve, in the Township of Hampden, Land District of Hawke's Bay, containing by admeasurement two hundred and twenty-five acres one rood, were by "The Special Contracts Confirmation Act, 1877," authorised to be granted to Reihana Ikitahi and eight other Natives on payment by them to the Crown for the land at the rate of fifteen shillings per acre: And whereas it is alleged such purchase-money has been paid by one of the proposed grantees named Maraea Puri (formerly Heketa), who claims, therefore, that the Crown grant should be issued to her alone: Be it therefore enacted as follows:—

Claim of Maraea Puri to certain sections, Hampden, to be investigated.

The Governor may appoint any Judge of the Court to investigate the claim of the said Maraea Puri, and to report the facts to him, and if he is satisfied that the purchase-money has been wholly contributed by Maraea Puri, and that it is equitable that the title should issue in her name, he may grant the land to her in fee-simple, or he may include in such grant the name of any other person or persons (if any) who may be found to have any equitable title to the land, and such persons shall hold the land as tenants in common in such shares as the Governor shall direct.

28. In order to carry out the recommendation of the Native Affairs Committee of the Legislative Council on the petition (No. 4, 1898) of the Honourable Henare Tomoana, the order of the Court dated the twelfth day of September, one thousand eight hundred and ninety-five, determining successors to Te Haumihiata Pateriki in the Karamu Native Reserve, is (notwithstanding the subsequent affirmation thereof by the Appellate Court) hereby declared void, and the application of Pateriki Ngamotu to the Court to determine the said successors shall be deemed to be still subsisting, and shall with all other applications hereafter made, be dealt with accordingly.

Order determining certain successors to Karamu Native Reserve declared void.

29. Whereas on the sale to the Crown of the Ruakituri, Tukurangi, and Taramarama Blocks, situated in the Poverty Bay Land Registration District, the reserves in each block respectively enumerated in the *Second* Schedule hereto were reconveyed by the Crown each to the whole of the persons theretofore declared by the Court to be the owners (hereinafter called "the vendors") of the said blocks: And whereas it is now alleged that, according to the understood conditions of the sale aforesaid, each reserve should have been reconveyed in accordance with family and hapu interests and occupation, and not indiscriminately to the whole of the vendors of each block respectively: And whereas it is further alleged that the persons declared by the Court to be the owners of the said blocks were not in each case the whole of the persons so entitled: And whereas it is expedient that the Court should be empowered to rearrange the ownership of each reserve on a basis which will more equitably conserve the interests of all persons found to be beneficially interested:

Court to inquire into ownership on partition of reserves for Natives set aside from Ruakituri, Tukurangi, and Taramarama Blocks.

Be it therefore enacted as follows:—

(a.) On application being made to the Court for partition of the said reserves, or any of them, the provisions of section fifty-two of "The Native Land Laws Amendment Act, 1895," shall apply as if such lands were still held under

orders of the Court on original investigation of title, and had not become the subject of Crown grants or Land Transfer certificates of title.

(b.) The Court may, on such partition, include as owners of the said lands, or any of them, any persons, or the representatives of any persons deceased, who, in the opinion of the Court, were inadvertently and without intention on the part of the Court omitted from the list of owners of any of the said blocks on the investigation of the title thereto: Provided that no claim shall be admitted under the provision aforesaid except such as is consistent with the finding of the Court on the original investigation of title. 5 10

(c.) The District Land Registrar shall do all things necessary on his part to give effect to any order of the Court under the foregoing provisions, and may for that purpose cancel any existing certificate of title and issue such other certificates of title under the provisions of the Land Transfer Act as may be necessary or expedient: Provided also that all persons admitted into the title to any of the said lands under the provisions of this section shall hold the same subject to all leases or other dealings with such lands lawfully entered into prior to the passing of this Act. 15 20

Partition of Arapaoanui Block declared void.

30. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the second day of October, one thousand nine hundred and one, on the petition of Te Hata te Kani and others, all orders of the Court heretofore made effecting or purporting to effect partition of the Arapaoanui Block, situated in the Hawke's Bay Land District, are hereby declared void, and the Court may, on the application in due form of any person claiming to be interested, proceed to partition the said Arapaoanui Block as if such orders had not been made: 25 30

Provided that any orders made by the Court on partition proceedings under the provisions of this section shall be final and conclusive, and not subject to review by the Appellate Court:

Provided further that the validity of any dealings had with the said Arapaoanui Block prior to the passing of this Act, in accordance with the orders hereby declared void, shall in no way be affected by the provisions of this section. 35

Partition of Mohaka Block declared void.

31. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the thirty-first day of July, one thousand nine hundred, on the petition of Wi te Kahu and others, all orders of the Court heretofore made effecting or purporting to effect partition of the Mohaka Block, situated in the Hawke's Bay Land District, are hereby declared void, and the Court may, on the application in due form of any person claiming to be interested, proceed to partition the said Mohaka Block as if such orders had not been made: Provided that any orders made by the Court on partition proceedings under the provisions of this section shall be final and conclusive, and not subject to review by the Appellate Court. 40 45 50

For hearing by the Native Appellate Court of the investigation of the Poukawa Block.

32. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the fifteenth day of September, one thousand eight hundred and ninety-nine, on the petition of Maku Ellison and others in reference to the investigation of the title to the Poukawa Block, it is hereby enacted 55

that any Native interested or claiming an interest in the said land may, within *one month* after the coming into operation of this Act, appeal from any order of the Court made on the investigation of the title of the said block; and, if such appeal be lodged, the Appellate
5 Court shall have jurisdiction to hear and determine the same as if no appeal from the said decision had already been heard and determined: Provided that, before the Appellate Court shall proceed to hear and determine the case as between the parties claiming
10 ownership in the said block, the appellants shall lodge with the Registrar of the Court at Wellington a sum of money which, in the opinion of the Chief Judge of the Court, shall be sufficient to cover the costs of the respondents in case the decision of the Appellate Court shall be in their favour: And provided further that the right
15 of appeal hereby given shall be restricted to those persons who preferred claims to the said land upon previous investigations before the Court and the Appellate Court.

33. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the second day of October, one thousand nine hundred and one, on the petition
20 of Wharawhara and others in reference to the partition of the Maraekowhai Block, it is hereby enacted that the portions of the said block not alienated in freehold by the Native owners thereof, being subdivisions now known as Numbers 2A and 2B Number 2, containing
25 respectively five thousand and six acres and twenty-six thousand four hundred and sixty-four acres, or thereabouts, shall be deemed to be one unpartitioned block, and be known collectively by the name of Maraekowhai A; and the Court is, on the application of any person claiming to be interested, hereby authorised and directed to proceed with the
30 partition thereof as if comprised in one title containing the names of the persons found in the partition-orders for both the aforesaid subdivisions, bearing date respectively the first day of August, one thousand eight hundred and ninety-six, and the fifth day of June, one thousand eight hundred and ninety-nine, and on the basis of the
35 original shares or interests of such persons in the Maraekowhai Block. The Registrar of the Native Land Court for the Wellington District is hereby directed to impound the said partition-orders, pending proceedings under the provisions of this section, and the Court, on making partition as herein provided, shall have full power to cancel the partition-orders aforesaid:

Court to proceed with partition of Maraekowhai A Block.

40 Provided that the persons found to be the owners of the subdivision Number 2A, or any portion or portions thereof, other than kaingas or Native cultivations in *bona fide* use and occupation of Natives prior to the first day of August, one thousand eight hundred and ninety-six, shall hold the same, subject to all leases or other
45 dealings therewith lawfully entered into prior to the passing of this Act.

34. Whereas orders have from time to time been made by the Court in respect of the lands mentioned in the *Third Schedule* hereto, purporting to determine the ownership of such lands and the
50 persons entitled to receive Crown grants for the same: And whereas such orders were made in exercise of the jurisdiction supposed to have been conferred on the Court by a certain Order in Council, dated

Validation Court may inquire into and validate certain dealings.

the fourth day of March, one thousand eight hundred and eighty-seven, which said Order in Council is expressed to have been made in exercise and pursuance of the powers and authorities conferred on the Governor in Council by "The Native Land Court Act, 1886": And whereas numerous transactions have taken place in respect of the said lands, or some of them, in reliance on the said orders of the Court: And whereas it is claimed by the Public Trustee that the said lands, or some of them, at the date of the said Order in Council were and still are reserves vested in him as trustee for the Natives beneficially entitled, and that the said Order in Council and all things claimed to have been done under authority thereof are void and of no effect: And whereas, by reason of the matters aforesaid, persons who, in reliance on the said orders of the Court, have paid money to Natives for the purchase of interests in the said land are unable to obtain valid titles for the same, and it is desirable that relief be given in the premises:

Be it therefore enacted as follows:—

- (a.) Any person claiming to have paid money to any Native for the acquisition of interests in any of the lands specified in the *Third* Schedule hereto, or to have advanced money to any Native upon the security of such lands, may, within three months from the date of the passing of this Act, make application to the Validation Court to inquire as to the circumstances of such payment, and to grant relief as hereinafter mentioned.
- (b.) Upon receipt of such application, the Validation Court is hereby empowered and directed to inquire accordingly, and if it shall appear to the said Validation Court that any payment made as alleged was so made in reliance on any order of the Court made as aforesaid, or on any supposed validation of such order by Act of the Legislature, and that, assuming such order to have been well and validly made, the transaction in respect of which such payment was made is in all respects fair and reasonable, the said Validation Court shall ratify and confirm such transaction.
- (c.) Such ratification shall effectually bar all adverse claims by the Public Trustee in respect of the subject-matter thereof, and every transaction so ratified shall take effect as if the order of the Court forming the basis thereof had been valid and effectual. It shall be the duty of the District Land Registrar to do all things necessary on his part to give effect to the provisions of this section.
- (d.) It shall be the duty of the Registrar of the Validation Court to notify the Public Trustee of all applications made under the provisions of this section at least one month before the date of hearing thereof.
- (e.) The sum of five pounds shall be payable to the Registrar as hearing-fee on lodging any such application. If the transaction the subject of such application is confirmed the Court may order such sum, or any part thereof, to be refunded to the applicant.

(f.) No appeal shall lie from any decision of the Validation Court under the provisions of this section.

35. Whereas on the partition of the land known as Rangitoto Block, or D'Urville's Island, in July, one thousand eight hundred and ninety-five, certain of the owners expressed a desire to transfer their shares or portions of their shares in the said land to certain of their relatives, hereinafter called the beneficiaries, who had not been included in the original title. And whereas the Court, with a view to giving effect to such desire, vested such shares or portions of shares in certain of the registered owners of the land in trust for the said beneficiaries: And whereas it is desirable to admit the beneficiaries into the title as registered owners: Be it therefore enacted that the Court may, after making all necessary inquiries, amend the orders made on partition as aforesaid by including the names of the beneficiaries as registered owners of the shares or interests intended as aforesaid to be transferred to them.

Certain beneficiaries may be included as owners of Rangitoto Block.

36. (1.) Sections Eleven, Twelve, and Thirteen (Ellesmere Reserve), in Block Ten, Halswell Survey District, Canterbury Land District, containing one hundred and sixty-six acres one rood and eleven perches, which were reserved by section twenty of "The Reserves Disposal and Exchange Act, 1895," for the use of the aboriginal natives of the Ngaitahu Tribe for fishing and other purposes, are hereby vested in the Public Trustee for an estate in fee-simple as a Native reserve for the use and benefit of such Natives of the Ngaitahu Tribe as the Court shall, on the application of the Public Trustee or any person claiming to be interested, determine.

Reserve for Ngaitahu Tribe vested in Public Trustee, with power to lease.

(2.) The Public Trustee may lease any portions of the said reserve for any term not exceeding twenty-one years, in such manner and subject to such covenants and conditions as he shall think fit. The annual rents and proceeds of the said reserve shall be held by the Public Trustee, to be distributed by him for the physical, social, and moral benefit of the Natives individually and collectively interested therein, and the relief of such of them as are poor or distressed.

(3.) Any rent or sums of money accrued in respect of the said reserve since the first day of November, one thousand eight hundred and ninety-five, shall be paid to the Public Trustee, to be dealt with as hereinbefore provided. The District Land Registrar shall register the Public Trustee as the proprietor of the said sections without any further or other authority than this Act.

37. (1.) The first sub-paragraph in the second column of paragraph forty-two of the First Schedule to "The Special Powers and Contracts Act, 1886," and the Crown grant issued to Andrew Moore under the provisions thereof, are hereby repealed.

Repeal.

(2.) The Court is hereby authorised and directed to ascertain who were the children of Hine Koau, deceased, wife of the said Andrew Moore, surviving on the eighteenth day of August, one thousand eight hundred and eighty-six, and to allocate to each of them such share and interest as may be deemed equitable in the land known as Section Fifty-four, Block Five, Hawksbury District, in the Provincial District of Otago.

Court to ascertain who were children of Hine Koau, and their shares in certain land.

(3.) Every order of the Court, or of the Appellate Court, made under the provisions of this section shall vest the land as from the eighteenth day of August, one thousand eight hundred and eighty-six, subject to any previous or subsequent lawful dealings therewith by the said Andrew Moore under the Crown grant hereby repealed. 5

(4.) Every such order shall declare the land to be absolutely inalienable except by lease for a period not exceeding twenty-one years.

Grant of land,
Milford Sound, to
H. K. Taiaroa
authorised.

38. Whereas on the purchase by the Crown of certain land, known as the "Murihiku" Block, there was awarded by Mr. Commissioner Mantell to one Taiaroa (father of the Honourable H. K. Taiaroa) an area of one hundred acres of land at Milford Haven, but, owing to difficulties that arose, it was afterwards found to be impossible to give effect to the award, and the claim has never been satisfied, but the land in question is now available: Be it therefore 15 enacted as follows:--

The Governor may, after survey, grant to Honourable Hori Kerei Taiaroa an area of one hundred acres of land at Anita Bay, Milford Sound, to be laid off in conformity with "The Land Act, 1892," provided that he shall first of all agree in writing to accept the same 20 in full satisfaction of all claims and demands under the aforesaid award.

Power to adopt
recommendation of
Judge under
section 3, "Native
Land Act Amend-
ment Act, 1878."

39. Where any recommendation has been made to the Governor by a Judge of the Court under the provisions of section three of "The Native Land Act Amendment Act, 1878," the Governor may, not- 25 withstanding the repeal of the said Act, either adopt or decline to adopt such recommendation, and, in case of adoption, may impose restrictions accordingly, or may, apart from such recommendation, impose such other restrictions on the alienability of the land the subject of such recommendation as to him shall seem necessary or 30 expedient.

As to restrictions
imposed on adoption
thereof.

40. Every restriction so imposed shall take effect as from the date of such recommendation, and shall be deemed to have been incorporated in any instrument of title issued on the original order of the Court ascertaining the title to such land: Provided that no 35 such restriction shall invalidate any dealing with the said land which may have been effected in accordance with law prior to the imposition of such restriction.

Repeal.

41. Paragraph forty-one of the First Schedule to "The Special Powers and Contracts Act, 1886," is hereby repealed. 40

Section 34 of "The
Reserves, Endow-
ments, and Crown
and Native Lands
Exchange, Sale,
Disposal, and
Enabling Act, 1898,"
amended.

42. Section thirty-four of "The Reserves, Endowments, and Crown and Native Lands Exchange, Sale, Disposal, and Enabling Act, 1898," is hereby amended by the substitution of the words "eleven acres" for the words "five acres" where the latter occur 45 in the said section.

"Native Land Court
Act, 1894,"
amended.

43. "The Native Land Court Act, 1894," is hereby amended as follows:—

(a.) A will shall not be deemed an alienation within the meaning of subsection ten of section fourteen thereof so as to bar 50 the operation of the said subsection.

(b.) The provisions of the said subsection shall apply to all lands held by Natives under grant from the Crown, other than such lands as are by the said subsection expressly excepted from the operation thereof.

(c.) The Court, in exercising jurisdiction under the said subsection, shall, as part of the inquiry thereby authorised, proceed to determine the relative interests of the persons whom it shall find entitled to be included in the ownership of any land, whether as original owners or otherwise, and may, at its discretion, afterwards proceed to partition any such land, and to determine and allocate all claims to land based on any alienation theretofore confirmed.

(d.) Every partition or determination of relative interests heretofore made by the Court in the course of any inquiry under the said subsection shall be as valid as if made after the passing of this Act.

(e.) The said subsection is hereby amended by the insertion of the words "unless an insufficiently defined trust is expressed in the Crown grant or other instrument of title," after the words "statutory provision" in the last proviso thereof.

(f.) The word "vary" in section thirty-nine thereof shall include, and be deemed to have included, power to revoke or annul any decision or intended decision.

(g.) Section eighty-six thereof is amended by omitting the words "at any time before the expiration of twenty-one days."

(h.) Section one hundred and ten thereof shall be read subject to section fifty-four thereof, and the provisions of the last-mentioned section shall apply to instruments registrable under "The Chattels Transfer Act, 1889," in the same manner as to instruments effecting an alienation of land.

(i.) Section one hundred and seventeen thereof is amended by the addition of the following proviso:—

"Provided also that land acquired by grant from the Crown otherwise than for monetary consideration shall not be deemed land acquired by purchase within the meaning of this section."

44. "The Native Land Laws Amendment Act, 1895," is hereby amended as follows:—

"Native Land Laws Amendment Act, 1895," amended.

(a.) Section forty-four thereof is hereby repealed.

(b.) Section fifty thereof is amended by inserting the word "such" before the words "letters of administration" where they last occur therein.

45. The Court may, at the request of the Chief Judge in respect of any objections lodged or hereafter to be lodged under section nine of "The Native Townships Act, 1895," exercise all the powers which are by the said section directed to be exercised by the Chief Judge, and any decision of the Court so given shall be final.

Powers of Chief Judge under Native Townships Act may be delegated to Native Land Court.

46. The Chief Judge is hereby empowered in respect of any application to the Appellate Court or of any application under section thirty-nine of "The Native Land Court Act, 1894," to require the person making such application to deposit with any Registrar of the Court such sum as to the Chief Judge shall seem fit as security for costs, and to stay all proceedings in the matter of such application until the amount required has been deposited, or on non-payment thereof to dismiss such application.

Applicants under section 39 of "Native Land Court Act, 1894," or to Appellate Court may be required to give security for costs.

In ascertaining successors to deceased Native, Court may award life-interest to widow.

47. It shall be lawful for the Court, in ascertaining successors to a deceased Native, to appoint the widow of such deceased Native to succeed to an estate in any land or personal property of the deceased during her life or widowhood, and, upon the determination of such estate, such land or personal property shall revert to the use of the persons who may be found entitled, according to Native custom, to succeed to the estate of the original deceased: Provided that where there has been no marriage or re-marriage according to English law, the terms "widow" and "widowhood" shall, for the purposes of this clause, be understood and construed according to Native custom.

Interest payable in respect of survey liens.

48. No more than five years' interest, at the rate of five per centum per annum, shall be recoverable in respect of any survey lien or charging order, or mortgage obtained in pursuance thereof, whether the same was created before or after the passing of "The Native Land Court Act, 1894," such interest to be computed from the date at which the principal sum became actually due and payable.

When a lessee requires lease to be determined, same may be taken over by Crown.

49. When notice shall be given to the Minister of Lands by any lessee under section seventy of "The Native Land Laws Amendment Act, 1895," requiring a lease to be determined as therein mentioned, the Governor may, by Order in Council, in lieu of determining such lease, order that the same shall be taken over by and vested in the Crown. And upon the gazetting of such Order in Council such lease shall pass to and become vested in His Majesty for all the residue thereof as if an assignment of such lease to His Majesty had been duly made and executed by all necessary parties; subject, nevertheless, to the payment of compensation where payable, as in the said section is provided.

Section 10 "Native Land Laws Amendment Act, 1896," amended.

50. Section ten of "The Native Land Laws Amendment Act, 1896," is amended by the insertion of the words "or on any subsequent partition thereof" after the words "Native land."

Conveyances to new trustees exempt from duty.

51. The exemption from certain duties which by section two of "The Native Land Laws Amendment Act, 1898," is provided for in the case of any conveyance or transfer of Native land by way of trust as mentioned in that section, is hereby extended, and shall be deemed to have extended, to the case of any conveyance or transfer of the trust property from the original trustee to any new trustee, and that section shall operate and be deemed to have operated as if every such new trustee were the original trustee.

Court may order investment in purchase of life annuities for aged Natives.

52. Where it is made to appear to the Court that it is expedient, for the purpose of promoting the welfare of aged Natives, that moneys derived by them from the proceeds of sales should be expended on their behalf to purchase a life annuity for their future maintenance and benefit, it shall be lawful for a Judge of the Court to order that an investment of that nature be made for the behoof of such persons, under the provisions of "The Government Insurance and Annuities Act, 1874," and the amendments thereof.

Right of adopted children to succeed.

53. (1.) Where a Native, according to Native custom or usage, has adopted or shall adopt a child, then, upon the death of such Native, the following provisions as to the appointment of a successor to such deceased Native's property shall apply:—

(a.) If the deceased Native leaves him surviving children or the issue of children, or a grandfather, father, grand-

mother, or mother, the Court shall not award to such adopted child a greater share than that awarded to the surviving children or issue of children, grandfather, father, grandmother, or mother, as the case may be.

5 (b.) If the deceased Native leaves him surviving brothers and sisters, or the issue of brothers and sisters, but no children or issue of children, or grandfather, father, grandmother, or mother, then the Court may award to such adopted child a share not greater than two-thirds.

10 (c.) In all other cases, except as hereinbefore provided, the Court may award the whole of the deceased Native's property to the adopted child:

Provided always that in any of the above cases, if the Court is satisfied that the adopted child has property, or is according to
 15 Native custom and usage likely to succeed to property, or the surviving brothers and sisters (if any) of the deceased or their immediate successors have not a sufficiency of other lands, it may take such fact into consideration, and diminish the share of the adopted child in the property of the deceased Native, and may altogether
 20 exclude such adopted child from any share in such property.

(2.) Notwithstanding any devise or bequest by the will of the deceased Native to an adopted child, the provisions of this section shall apply, and the Court may limit the effect of any such devise or bequest so as to carry into effect the provisions of this section.

25 (3.) The Court in exercising the powers conferred by this section shall be guided by equity and good conscience solely.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

DESCRIPTION OF LAND DECLARED TO BE A PORTION OF KAIHINU No. 2 BLOCK, Section 25.
 ACQUIRED BY THE CROWN.

ALL that area, situated in the Tararua Survey District, containing about 5,943 acres, bounded generally towards the east by a line starting at Trig. Station Pohehe, and produced through Trig. Station Putara to the Makakahi River; generally towards the west by a line starting at Pohehe, and produced through Trig. Station Kaiparoro to the Makakahi River; and on the south by the Makakahi River.

SECOND SCHEDULE.

RESERVES FOR NATIVES OUT OF LANDS SOLD TO THE CROWN.

Section 29.

Ruakituri Block.

	A.	R.	P.		A.	R.	P.
Whataroa	1,001	0	0	Tapatangata	20	0	0
Rimuroa	416	2	0	Tarake	324	0	0
Makareao	202	2	0	Matakubia	400	3	30
Okarae	188	0	0	Paraumu	100	0	0
Ngaipu	20	1	0	Oriwha	100	0	9
Raupo	96	1	0	Waikatea	100	2	24

18 *Native Land Claims Adjustment and Laws Amendment.*

<i>Tukurangi Block.</i>					
	A.	R.	P.		A. R. P.
Te Kahotea East ...	377	2	15	Tarapatiki ...	206 0 0
Te Kahotea West ...	1,585	0	33	Tukurangi ...	507 3 15
Te Kiwi ...	600	0	0		

<i>Taramarama Block.</i>					
	A.	R.	P.		A. R. P.
Ohiwa ...	669	0	0	Wharepapa ...	96 0 0
Otamariki ...	90	0	0	Pukewhinau ...	289 2 25
Mangapapa ...	201	3	0	Te Rara... ...	200 0 0
Koariari ...	102	0	0		

THIRD SCHEDULE.

Section 34.

LANDS IN RESPECT OF WHICH THE VALIDATION COURT IS EMPOWERED TO INQUIRE INTO AND VALIDATE DEALINGS.

Number or Name of Land.	Sectional No.	District or Borough.	Area.
			A. R. P.
No. 1, part Moturoa ...	...	Fitzroy ...	110 0 0
No. 2, part Araripi ...	...	Grey ...	203 3 21
No. 3, Puketotara ...	...	" ...	560 0 0
No. 4, Rutahangae ...	...	" ...	50 0 0
No. 5, part Ratapihipihi ...	...	Omata ...	156 3 23
No. 6 ...	...	" ...	10 0 0
No. 14, part Pukenui ...	...	Borough of New Plymouth	17 3 2
No. 15, Henui ...	...	" "	3 0 0
No. 17 ...	...	Fitzroy ...	86 0 0
No. 18, part Pukaka ...	...	" ...	5 0 0
No. 20, Pukewarangi ...	...	" ...	17 0 0
No. 23, part Raiomiti ...	...	" ...	6 0 0
No. 24 ...	Part 30	" ...	0 2 0
"a," Puia ...	159	" ...	50 0 0
A, Purakau ...	...	Hua ...	49 1 25
B, Raupiu ...	...	" ...	100 0 0
C ...	...	" ...	200 0 0
E ...	...	Hua and Waiwakaiho	75 0 0
G ...	...	"	75 0 0
H ...	...	"	54 0 0
L ...	...	"	55 0 0
K ...	...	"	50 0 0
L ...	...	"	200 0 0
M, Arahehe ...	...	"	464 0 0
N, Mangorei ...	9	"	50 0 0
Upokotauaki ...	151	Hua ...	50 0 0
Hoehoe ...	152	" ...	50 0 0
Paraiti ...	153	" ...	51 0 0
Ruatangata ...	154	" ...	5 0 0
Tapuirau ...	155	" ...	50 0 0
Hua ...	156	" ...	97 0 0
Rirongia ...	22	Tarurutangi ...	10 0 0
Mangati ...	27	Bell ...	165 0 0
Raiomiti ...	158	Fitzroy ...	15 0 0
Waiwakaiho ...	...	Hua ...	435 0 0
Manganaha ...	149	" ...	55 0 0