

NATIVE PURPOSES BILL, 1935.

EXPLANATORY NOTES.

Clause 3 : Section 38 was enacted to enable injustices to be rectified without the necessity of obtaining special legislation for that purpose. The Supreme Court recently held that it does not apply where the Court has decided correctly on the evidence before it. It is usually on account of some witness giving mistaken evidence, not necessarily knowingly, that any question arises. A case in point is where a Native adopted a child under the Adoption of Children Act, 1895, before a Magistrate. The papers with regard to this were afterwards discovered, but the Court, in the meantime, had granted succession to other persons. If the Supreme Court decision is literally followed this miscarriage of justice which occurred could not be remedied.

Clause 4 : A trustee under Part X of the Native Land Act, 1931, has no power to apply any trust-moneys in his hands in payment of funeral and other expenses incurred on the death of the beneficiary or any child or relative of the beneficiary, and it is desirable that he should have that power.

Clause 5 : The Arawa District Trust Board owns considerable areas of land at Maketu in the Bay of Plenty District and, under the statute constituting the Board, it has power to purchase or sell land, but requires power to lease or let any land other than for Maori settlement. The purpose of this clause is to give it such power.

Clause 6 : It is desirable to extend by a further two years the period fixed by section 115 of the Native Purposes Act, 1931, within which concessions of rent payable under leases of Native Land shall cease. An extension of a similar period has been made in respect of contracts to which the provisions of the National Expenditure Adjustment Act, 1932, apply.

Clause 7 : This is to carry out a recommendation by the Native Affairs Committee, and is confined as it desired to Kekerione Blocks. It enables the Court to rehear all three applications, and to adjust all three in accordance with the rights subject to appeal to the Appellate Court.

Clause 8 : This land was by an error included in the Third Schedule of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, thereby being declared to be Crown land freed and discharged from any moral or other obligation to Natives.

Clause 9 : The Pukekohe Borough Council is taking steps to erect a shelter at Pukekohe to provide ordinary conveniences for Maori women when visiting the town. The shelter will be erected on land adjoining the railway, and the cost of erection and maintenance will be provided by the borough and the Native Trustee from the Auckland Hostelry Account, but legislative authority is required to enable the Native Trustee to provide the required moneys.

Clause 10: In ignorance of an Order in Council prohibiting private alienations, signatures were taken and the transfer confirmed by the Maori Land Board. The land was partitioned and the transfer was refused registration by the District Land Registrar because of the Order in Council.

Clause 11: The Native Reserves' Titles Empowering Act, 1886, and section 436 of the Native Land Act, 1909, authorized the issue of titles for certain lands in the Nelson Land District set apart for the benefit of Natives in terms of the Arahura Deed of Purchase. The actual disposition of these lands was based upon the findings of a Royal Commission, the minutes and proceedings of which were contained in parliamentary paper G.-3B of 1879, Session II. In the same session, however, a return for the Legislative Council was supplied of the reserves the titles to which were investigated by the Commission, together with the names of the Natives to whom the lands were awarded. (Legislative Council Paper No. 7, 1879, Session II.) Certain titles were issued upon the information contained in the latter paper, which was misleading.

Clause 12: The Court has not yet completed its inquiry into and report on the petitions Nos. 262/1933 and 123/1934. The trustees of the estate of Hemi Matenga being Europeans, any alienation of the land is not subject to the control of the Court by the requirement of confirmation. An injunction has been granted by the Court restraining the trustees from alienating the land or any portion thereof, but it is considered that the better course is to make any alienation subject to the leave of the Court so that the restraint on alienation will be coterminous with consideration by the Native Affairs Committee of the House of Representatives of the report and recommendation on the petitions.

Clause 13: The Court in refusing confirmation has declined to give any grounds except the general one that it was so refused as being against the interests of the Natives and it is desired to test the matter in the least expensive way, it being claimed that the certificate of confirmation was erroneously refused.

Clause 14: The Egmont Box Co., Ltd., held timber-cutting rights over Te Whangaipeke Block obtained from the Tongariro Timber Co., Ltd. By section 18 of the Native Land Amendment and Native Land Claims Adjustment Act, 1930, the former company was given the right to obtain a new agreement from the Aotea District Maori Land Board, and failing agreement as to the conditions of the new contract the old agreement was to continue. By section 10 of the Finance Act, 1934-35, the Board was authorized and empowered to extinguish the rights of the Egmont Box Co. for a sum to be agreed upon with the company. The payment was duly made and the rights extinguished, but there was a number of machinery amendments to be made in the section. This clause repeals the said section 10 and re-enacts that section with the required amendments incorporated therein. The Native Purposes Bill is considered the more suitable Bill for the proposed legislation, dealing as it does with Native lands.

Clause 15: This clause is to enable the owners of Whangaipeke Block to deal with the timber on the land as if the block had not been partitioned, as otherwise separate negotiations for purchase of each block would be required when it was desired to purchase a defined area of the timber which might be included in the whole or a number of the subdivisions of the block or where the whole of the timber-bearing area was being sought to be purchased.

Clause 16: This section makes provision for the Tuwharetoa Trust Board to assume all of the powers, rights, duties, functions, and liabilities of the Tongariro Maori Council. There is a precedent in the case of the Arawa District Trust Board, which assumed the functions of the Te Arawa Maori Council.

Clause 17: By Order in Council dated the 19th May, 1927, the Arawa District Trust Board was declared to be a local authority for the purpose of the Local Government Loans Board Act, 1926. Subsequent investigation revealed that this Board was not a public body and was therefore not competent to be declared a local authority. Treasury has requested that the Taranaki Maori Trust Board and the Tuwharetoa Trust Board be also declared local authorities for the purposes of the above-mentioned Act. The purpose of the clause is therefore to so declare all three Trust Boards and, as two loans of £29,000 and £2,000 to the Arawa District Trust Board have already been sanctioned, it is desirable to make the clause retrospective to the 1st April, 1935.

Clause 18: It is the desire of the beneficial owners of the East Coast Trust lands to have a personal part in the administration. Individual owners are so numerous that intervention by each beneficiary is impracticable. This legislation provides for the appointment of block committees as advisories.

Clause 19: Renewals of leases of West Coast Settlement Reserves have been held up on account of a recent decision of the Supreme Court, which held that the lessees were only entitled to be allowed the improvements effected by them during the previous term of twenty-one years. As this is contrary to what has always been assumed to be the position, it is necessary to provide that all the improvements on the lands leased will be the property of the lessees, and the section further provides that improvements are to have the same meaning as is contained in the Valuation of Land Act, 1925, and it is proposed that this shall operate as from the 1st January, 1934, to cover all leases due for renewal since that date. A number of valuations for renewal purposes have not been made within the period fixed by existing legislation, and it is proposed to extend that period to the 31st December, 1936, to enable all overdue valuations to be finalized.

Clause 20: It is desirable to re-vest this land in the Native owners in the same manner as Section 32, Block IX, Opunake Survey District, was vested by section 18 of the Native Purposes Act, 1933.

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

*House of Representatives
25th October, 1935.*

Right Hon. Mr. Forbes.

NATIVE PURPOSES.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Provisions of Native Land Act, 1931, to apply to this Act.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">AMENDMENT OF LAWS.</p> <p>3. Amending section 38 of the Native Land Act, 1931.</p> <p>4. Amending section 224 of the principal Act.</p> <p>5. Amending section 51 of the Native Purposes Act, 1931.</p> <p>6. Amending section 115 of the Native Purposes Act, 1931.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">MISCELLANEOUS POWERS AND JURISDICTION.</p> <p style="text-align: center;"><i>Ikaroa District.</i></p> <p>7. Authorizing rehearing regarding succession to Heta Namu (deceased).</p> <p style="text-align: center;"><i>Waikato-Maniapoto District.</i></p> <p>8. Revesting Section 131, Waiuku West Parish, in rightful owners.</p> <p>9. Providing for cost of erection and maintenance of shelter for Natives at Pukekohe.</p> <p style="text-align: center;"><i>Waiariki District.</i></p> <p>10. Empowering Court to vest Paeroa East 4B 2E 3D 1 in W. G. Butcher.</p> <p style="text-align: center;"><i>South Island District.</i></p> <p>11. Authorizing Court to inquire into the issue of titles for sections in Westport District.</p> <p>12. Alienation forbidden pending inquiry into Wakapuaka Block petitions.</p> | <p style="text-align: center;"><i>Tokerau District.</i></p> <p>13. Granting appeal in respect of Hauai 2G 3 Block.</p> <p style="text-align: center;"><i>West Taupo Timber Lands.</i></p> <p>14. Aotea District Maori Land Board to pay to Egmont Box Co., Ltd., in discharge of obligations a sum approved by Native Minister.</p> <p>15. Enabling Whangaiapeke Nos. 1 to 10 Blocks to be dealt with as a whole.</p> <p style="text-align: center;"><i>Tongariro Maori Council.</i></p> <p>16. Authorizing Tuwharetoa Trust Board to act as Maori Council.</p> <p style="text-align: center;"><i>Maori Trust Boards.</i></p> <p>17. Maori Trust Boards to be local authorities within the meaning of the Local Government Loans Board Act, 1926.</p> <p style="text-align: center;"><i>East Coast Native Trust Lands.</i></p> <p>18. Constituting committees for East Coast Trust Lands.</p> <p style="text-align: center;"><i>West Coast Settlement Reserves.</i></p> <p>19. Renewals of leases.</p> <p>20. Authorizing ascertainment of equitable owners of Section 51, Block XII, Cape Survey District.</p> <p style="text-align: center;"><i>Aorangi, Patutahi, and Waipuku-Patea.</i></p> <p>21. Directing inquiry as to compensation respecting Aorangi, Patutahi, and Waipuku-Patea.</p> <p style="text-align: center;"><i>Reference of Petitions to the Court.</i></p> <p>22. Chief Judge may refer matters in Schedule for report.</p> <p style="text-align: center;">Schedule.</p> |
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A BILL INTITULED

Title. AN ACT to amend the Laws relating to Natives and Native Land, to adjust certain Claims and Disputes in relation to Native Land, to confer Jurisdiction upon the Native Land Court and the Native Appellate Court, and for other Purposes. 5

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

Short Title. 1. This Act may be cited as the Native Purposes Act, 1935. 10

Provisions of Native Land Act, 1931, to apply to this Act.

2. Words and expressions used in this Act shall, unless the contrary intention appears, have the same meaning as in the Native Land Act, 1931 (hereinafter referred to as the principal Act), and the provisions of the principal Act so far as applicable shall extend and apply to the cases provided for by this Act in as full and ample a manner as if this Act had been incorporated with and formed part of the principal Act. 15

PART I.

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AMENDMENT OF LAWS.

Amending section 38 of the Native Land Act, 1931.

3. (1) Subsection one of section thirty-eight of the principal Act is hereby amended by omitting therefrom the words "such mistake or error", and substituting the words "such mistake, error, or omission". 25

(2) The provisions of the said section thirty-eight shall extend and apply to any mistake, error, or omission whether of fact or of law however arising, and whether of the party applying to amend or not, and shall authorize the Chief Judge to exercise jurisdiction under the said section whenever it shall appear to him that there has been an erroneous decision by the Court or the Appellate Court: 30

Provided that this subsection shall not prejudicially affect any application made under the said section which has been heretofore made the subject of proceedings in the Supreme Court of New Zealand. 35

4. Section two hundred and twenty-four of the principal Act is hereby amended by adding thereto the following paragraph :—

Amending section 224 of the principal Act.

- 5 “(i) Payment of funeral and other expenses incurred on the death of the beneficiary (for which purpose the trust shall be deemed to continue) or of any child or relative of the beneficiary.”

5. Section fifty-one of the Native Purposes Act, 1931, is hereby amended by adding to paragraph (e) of sub-section two thereof, after the words “(whether Crown, European, or Native land)”, the words “and to lease or let any land owned or held by it”, and by adding at the end of the said paragraph (e) the following proviso :—

Amending section 51 of the Native Purposes Act, 1931.

- 15 “Provided, however, that the Board shall not purchase, sell, lease, or let any land except with the precedent consent of the Native Minister.”

6. Section one hundred and fifteen of the Native Purposes Act, 1931, is hereby amended by omitting therefrom the word “four” in subsection five thereof, and substituting the word “six” therefor.

Amending section 115 of the Native Purposes Act, 1931.

PART II.

MISCELLANEOUS POWERS AND JURISDICTION.

Ikaroa District.

7. To give effect to a recommendation of the Native Affairs Committee of the House of Representatives upon petition Number 365 of nineteen hundred and thirty-four nineteen hundred and thirty-five with regard to the grant of succession to Heta Namu (deceased) in respect of his interest in the lands mentioned in subsection *one* hereof:

Authorizing rehearing regarding succession to Heta Namu (deceased).

30 Be it enacted as follows :—

- (1) The Court is directed and empowered to rehear the various applications upon which Succession Orders were made by the Court on the nineteenth day of January, nineteen hundred and thirty-two, and the eighteenth day of January, nineteen hundred and thirty-four, respectively appointing successors to the interest of Heta Namu (deceased) in the Kekerione Number 29A (or Torotoro Number 2) Block, Kekerione Number 33 (or Te Pukahū) Block, and Kekerione Number 60 (or Te Rotoiti) Block.

(2) On any such rehearing the Court may either affirm, vary, or annul its former determination on the said applications or any of them, and may exercise any jurisdiction which it might have exercised on the original hearing.

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(3) The period allowed for an appeal to the Appellate Court shall not commence to run until the rehearing directed by this section has been disposed of by final order of the Court.

Waikato-Maniapoto District.

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Revesting
Section 131,
Waiuku West
Parish, in
rightful owners.

8. Whereas by section thirty-nine of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, the land called or known as Section 131, Waiuku West Parish, was included in the Third Schedule to that Act, thereby being declared to be Crown land freed and discharged from any moral or other obligation to Natives: And whereas the said land was included in the said Third Schedule in error: Be it therefore enacted that the said Section 131, Waiuku West Parish, containing twenty-nine acres, shall be deemed never to have been included in the said Third Schedule, and shall again be held under the same title and ownership under which it was held and owned immediately before the passing of the said Act.

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Providing for
cost of erection
and
maintenance
of shelter for
Natives at
Pukekohe.

9. The Native Trustee is hereby authorized and directed on the requisition of the Native Minister to disburse from the Auckland and Onehunga Native Hostelries Account Fund an amount not exceeding five hundred pounds to complete the building of a shelter for Natives at Pukekohe, and such further sum or sums, not exceeding fifty pounds per annum, as may from time to time be required towards the upkeep of the said shelter.

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Waiariki District.

Empowering
Court to vest
Paeroa East 4B
2E 3D 1 in W. G.
Butcher.

10. To give effect to a recommendation of the Native Affairs Committee of the House of Representatives on petition Number 285 of nineteen hundred and thirty-four nineteen hundred and thirty-five, of William George Butcher: Be it enacted as follows:—

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(1) The Court shall, upon an application by or on behalf of the said petitioner, and subject to such conditions as it shall impose either as to the payment of

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fees and survey charges or otherwise, make an order vesting in the said William George Butcher, of Waiotapu, farmer, all that parcel of land containing fifty-three acres and twenty perches, and being called or known as the
 5 Paeroa East Number 4B Number 2E Number 3D Number 1 Block comprised in a partition order of the Court dated the thirtieth day of October, nineteen hundred and thirty-one.

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

South Island District.

15 11. Whereas by Warrants issued in terms of section two of the Native Reserves' Titles Grant Empowering Act, 1886, and section four hundred and thirty-six of the Native Land Act, 1909, the District Land Registrar for the Nelson Land Registration District
 20 was authorized to issue certificates of title for the parcels of land hereinafter described: And whereas it now appears that portions of the said lands were granted in error, and it is desirable that the Court should have authority to inquire and determine whether
 25 errors were made, and if so to make all orders necessary to correct the said errors and vest the said lands in the persons rightly entitled thereto: Be it enacted as follows:—

Authorizing
 Court to inquire
 into the issue of
 titles for
 sections in
 Westport
 District.

(1) Upon the application of the Native Minister,
 30 the Court shall have authority and power to inquire and determine whether errors were made in the granting of the fee-simple of the parcels of land described in subsection *four* hereof to the persons named in the certificates of title issued therefor.

(2) If upon such inquiry the said Court determines
 35 that an error or errors have been made, it may make such orders directing the cancellation or amendment of the certificates of title for the lands described in subsection *four* hereof, or of any of them, and directing the
 40 issue of new certificates of title therefor as may be necessary to correct any such error or errors.

(3) The District Land Registrar for the Nelson Land Registration District is hereby authorized to cancel or amend any title that may be registered under the Land Transfer Act, 1915, and to issue any new titles to conform to the order or orders of the Court made under this section, and any new title so issued shall be subject to all existing leases, licenses, or other interests registered against the title so cancelled or amended. 5

(4) The land to which this section relates is particularly described as follows:— 10

All that area in the Nelson Land District containing by admeasurement seventy acres and ten and one-tenth perches, more or less, being Sections 50 and 51, Square 141, Block VII, Kawatiri Survey District, and Sections 516, 249, 250, 121, 257, 414, 262, 218, 126, 105, 143, 267, 373, 380, 272, 147, 281, 390, 399, 292, 181, 182, 163, 297, 405, 630, 991, 522, 459, 460, 597, 637, 644, 599, 672, 715, 732, 721, 692, and 357, Town of Westport, being all the land comprised in certificates of title, Register-book Volume 45, folio 217, and Register-book Volume 43, folios 192, 193, 194, and 195, Nelson Registry. 15 20

Alienation
forbidden
pending
inquiry into
Wakapuaka
Block petitions.

12. Except with the leave of the Court, it shall not be lawful for any person to alienate or otherwise deal with any portion of the land comprised and described in certificates of title, Register-book Volume 61, folio 64, and Register-book Volume 67, folio 109, Nelson Registry, being portions of the Wakapuaka Block mentioned in petition Number 262 of nineteen hundred and thirty-three and petition Number 123 of nineteen hundred and thirty-four, referred to in section nine of the Native Purposes Act, 1934, until the report and recommendation in such section mentioned has been considered by the Native Affairs Committee of the House of Representatives. 25 30

Tokerau District. 35

Granting appeal
in respect of
Hauai 2c 3
Block.

13. To give effect to a recommendation of the Native Affairs Committee of the House of Representatives upon petition Number 25, of nineteen hundred and thirty-five, of Thomas Thomson, with respect to the land herein mentioned: Be it enacted as follows:— 40

(1) Notwithstanding the provisions of subsection two of section three of the Native Land Amendment Act, 1932, an appeal may be brought against the decision of the Court refusing a certificate of confirmation of an instrument of alienation by way of transfer from the Native 45

owners of the Hauai No. 2G, Section 3 Block, situate in the Tokerau Native Land Court District, to one Thomas Thomson, of Rawhiti, school-teacher :

5 Provided that any such appeal shall be commenced by notice of appeal given in the prescribed manner on or before the first day of February, nineteen hundred and thirty-six.

(2) The Appellate Court is hereby authorized to hear and determine any such appeal by way of rehearing.

10 (3) The application for confirmation shall be deemed to have been made in respect of all the successive executions of the instrument of alienation referred to in the application.

West Taupo Timber Lands.

15 14. (1) The Aotea District Maori Land Board (herein-
after in this section referred to as the Board) is hereby
authorized, empowered, and directed to accept the offer
of the Egmont Box Company, Limited, to release and
discharge the Board and the Native owners from all
20 claims and demands of whatever kind arising out of a
certain agreement made between the Tongariro Timber
Company, Limited, and the said Egmont Box Company,
Limited, dated the twenty-third day of October, nineteen
hundred and nineteen (including all amounts which the
25 said Egmont Box Company, Limited, claims to be entitled
to set off against royalties payable), in respect of timber-
cutting and other rights on the lands known and described
in the said agreement as Western Divisions A and B, in
consideration of a sum approved by the Native Minister
30 to be paid to the said Egmont Box Company, Limited,
by the Board.

Aotea District
Maori Land
Board to pay to
Egmont Box Co.,
Ltd., in
discharge of
obligations a
sum approved by
Native Minister.

(2) (a) The sum approved by the Native Minister,
together with all costs and expenses incurred by the
Board in connection with its negotiations with the Egmont
35 Box Company, Limited, and incidental hereto, shall be
paid by the Board out of moneys in its account, and
shall be deemed to be a loan to the owners, including the
Crown, of the whole of the lands described and referred
to in a certain deed of agreement bearing date the twenty-
40 third day of December, nineteen hundred and eight, and
made between the Maniapoto-Tuwharetoa District Maori

Land Board of the one part and the Tongariro Timber Company, Limited, of the other part, such deed being the deed entered into in pursuance of the provisions of section thirty-seven of the Maori Land Laws Amendment Act, 1908, excepting always, however, from such lands all such portions thereof as have been actually transferred to the Tongariro Timber Company, Limited, for an estate in fee-simple. 5

(b) Upon payment of such sum as aforesaid the Board shall by virtue of this Act and as security for the repayment of such sum together with the other moneys mentioned in paragraph (a) hereof (all hereinafter in this section referred to as the loan-moneys), and together with interest thereon as hereinafter mentioned, be deemed to have a charge upon all the lands and the revenue therefrom referred to in paragraph (a) hereof, excepting any of such land or any interest therein acquired or owned by the Crown. 10 15

(3) As between the Crown and the Native owners the respective liability for repayment of the said loan-moneys and the proportion in which they shall be borne shall be ascertained and determined in the manner following:—

(a) A Commission is hereby set up consisting of the Chief Judge of the Native Land Court, or some Judge of the Native Land Court appointed by him, who shall be Chairman of such Commission, and two other persons, one to be appointed by the Minister of Finance and the other by the Native Minister: 25 30

(b) Such Commission shall have all the powers and authorities of a Commission set up under the Commissions of Inquiry Act, 1908:

(c) After hearing such evidence as to such Commission seems fit and such matters as may be brought before it by the Crown and by the Board as representing the Native owners, the Commission shall make a report setting out in detail in respect of every block of land mentioned in the said agreement of the twenty-third day of December, nineteen hundred and eight, referred to in paragraph (a) of subsection *two* hereof, the proportion of such loan-moneys that should be apportioned to each 35 40

such block, and, also, in every block in which the Crown has acquired an interest, the proportion that should be apportioned to the Crown in respect of such block :

5 (d) In every case in which there is a difference of opinion amongst the members of the Commission in regard to the amount to be so apportioned, the decision of the majority of the members shall be deemed to be the decision
10 of the Commission :

(e) When the final report of the Commission is ascertained in the manner aforesaid, the report shall be signed by the members of the Commission and shall be filed by the Chairman in the
15 Native Land Court office in Wanganui, and shall form part of the records of the Court :

(f) Upon the filing of such report, the same shall have all the force and effect of a judgment or order of that Court, except that there shall
20 be no appeal therefrom.

(4) Upon the filing of such report as aforesaid the Board shall by virtue of this Act be deemed to have a charge over the Native interests in each block mentioned in such report for the proportion of the loan-moneys
25 allocated by the report to the Native interests in each such block, together with interest thereon as hereinafter mentioned.

(5) Any charge created by this section shall be deemed to be a charge under the principal Act, and
30 shall be enforceable in the same manner as charges are enforceable under that Act.

(6) The charges created by this Part of this Act shall, on application by the Board, be registered by the District Land Registrar against the title to any of such lands that
35 are or may become subject to the provisions of the Land Transfer Act, 1915. The production of the certificate of title shall not be necessary for the purposes of any such registration under the Land Transfer Act, 1915.

(7) In respect to any of the aforesaid land in which
40 the interests of the Crown and the Native owners have not been defined or partitioned, the Native Minister may

authorize the Board to exercise in regard to those lands or any of them the same or any of the powers as the Board would be entitled to exercise either in regard to its remedies under any charge over the interest of the Natives in such land or otherwise howsoever, and the Board shall thereupon be deemed to be the lawful agent of the Crown in respect of the matters in which it is so authorized to act. 5

(8) The Board shall be entitled to charge and be paid interest at a rate not exceeding five pounds per centum per annum on the said loan-moneys until repayment thereof, such interest to be charged as from the respective dates each or any portion of such loan-money is paid out. 10

(9) The expenditure hereby authorized shall be deemed to be a proper investment by the Board of its funds and such investment is hereby approved. 15

(10) Upon payment to the Egmont Box Company, Limited, of the said sum, the agreement between the Tongariro Timber Company, Limited, and the Egmont Box Company, Limited, dated the twenty-third day of October, nineteen hundred and nineteen, shall be deemed to be determined and cancelled, and any right, title or interest acquired thereunder by the Egmont Box Company, Limited, shall pass to and vest in the Board. 20

(11) Upon payment of the said sum to the Egmont Box Company, Limited, all moneys due and owing by the Tongariro Timber Company, Limited, to the Egmont Box Company, Limited, upon any account whatsoever, including moneys which the Egmont Box Company, Limited, has paid or may hereafter pay in respect of its liability as guarantor under debentures issued by the Tongariro Timber Company, Limited, for twenty-six thousand pounds shall be deemed to be due and owing by the Tongariro Timber Company, Limited, to the Board, and the Egmont Box Company, Limited, shall, at the cost of the Board, assign to it all securities it may hold for the payment of any such moneys. 25 30 35

(12) The provisions of this section shall take effect as from the fifth day of April, nineteen hundred and thirty-five, being the date of the passing of the Finance Act, 1934-35. 40

(13) Section ten of the Finance Act, 1934-35, is hereby repealed.

15 15. (1) Notwithstanding that the land situate in the Aotea Native Land Court District, formerly known as Whangaipeke Block, was by partition orders made by the Court on the twenty-third day of January, nineteen hundred and twenty-four, partitioned into several parcels, some of which parcels have been further partitioned by orders of the Court made from time to time, the provisions of Part XVIII of the principal Act shall apply in all respects to the alienation of or dealing with any timber growing or being upon the said parcels or any of them in the same manner as if the said Whangaipeke Block was still held in one area, and as if all the owners of the several parcels were beneficially entitled to the Whangaipeke Block in fee-simple as tenants in common in the respective shares they would have been entitled to if the said Whangaipeke Block had not been partitioned, and meetings of the assembled owners may from time to time be summoned and resolutions to alienate the timber may be passed and proceedings taken thereunder accordingly.

20 (2) Any instrument of alienation of timber by the Maori Land Board as agent of the owners executed under the provisions in that behalf may be registered under the Land Transfer Act, 1915, against the title of the particular parcel upon which the timber dealt with is situate in the like manner as if the instrument had been executed by all of the owners of that parcel or their trustees, and as if those owners or trustees had been fully competent in that behalf.

30 (3) All moneys being the proceeds of any alienation under this section shall be payable to the Aotea District Maori Land Board, and shall be held by the said Board, subject to all just deductions for fees, commissions, and other charges and outgoings, in trust for all the owners of the several parcels of the said Whangaipeke Block according to their rights and interests as defined by the Court, and in the same shares as if the said block still remained unpartitioned, but such moneys, or such part thereof as the Native Minister may direct, shall be retained by the said Board and remain undistributed pending a determination as to what portion (if any) of such moneys is liable to the charge created under section *fourteen* of this Act.

Enabling
Whangaipeke
Nos. 1 to 10
Blocks to be
dealt with as a
whole.

Tongariro Maori Council.

Authorizing
Tuwharetoa
Trust Board to
act as Maori
Council.

16. (1) The Tuwharetoa Trust Board constituted under section fifty-five of the Native Purposes Act, 1931 (hereinafter in this section referred to as the said Board), shall be the successor in office of the Maori Council for the Tongariro Maori District (hereinafter in this section referred to as the said Maori Council) constituted under the Maori Councils Act, 1900, and upon the coming into operation of this Act the said Maori Council shall cease to exist.

(2) All property, contracts, debts, or liabilities of the said Maori Council shall by virtue of this Act become the property, contracts, debts, or liabilities of the said Board.

(3) In addition to any other powers the said Board may have, and subject as herein mentioned, all powers, rights, duties, and functions of the said Maori Council and of a Maori Council under the Maori Councils Act, 1900, shall pass to and may be exercised by the said Board as fully and effectually as if it were the Maori Council constituted under the Maori Councils Act, 1900, for the Tongariro Maori District, and the Maori Councils Act, 1900, shall be read and construed accordingly.

(4) All rates, fines, fees, and other moneys collected by the said Board under the provisions of the Maori Councils Act, 1900, shall, as and when received, be paid into the bank account of the said Board and be dealt with in accordance with the regulations governing the said Board. Any such moneys shall, after payment of the necessary expenses, be applied to or set apart for sanitary works or such other purposes as the Native Minister may from time to time approve.

(5) The provisions of sections eight to fourteen inclusive and sections twenty-six to twenty-eight inclusive of the Maori Councils Act, 1900, shall not apply to the said Board.

(6) No power which the said Board is authorized to exercise under any other Act shall be in any way limited or otherwise affected by any of the provisions of the Maori Councils Act, 1900.

Maori Trust Boards.

17. (1) The Taranaki Maori Trust Board, constituted under section forty-nine of the Native Purposes Act, 1931, the Arawa District Trust Board, constituted under section 5 fifty-one of the said Act, and the Tuwharetoa Trust Board, constituted under section fifty-five of the said Act, shall, as from the first day of April, nineteen hundred and thirty-five, be deemed to be and to have been local authorities within the meaning and for the 10 purposes of the Local Government Loans Board Act, 1926.

Maori Trust Boards to be local authorities within the meaning of the Local Government Loans Board Act, 1926.

(2) No application for the sanction of the Local Government Loans Board to a loan shall be made by any of the Boards referred to in subsection *one* hereof except with the precedent consent of the Native Minister.

15 (3) It shall not be lawful for any of the said Boards referred to in subsection *one* hereof to borrow money by way of overdraft from any bank, person, or body corporate in anticipation of its revenue except with the precedent consent of the Native Minister.

20 *East Coast Native Trust Lands.*

18. To give effect to a recommendation of the Native Affairs Committee of the House of Representatives upon petition Number 149 of nineteen hundred and thirty-four 25 nineteen hundred and thirty-five of Turi Carroll and others with regard to trust lands vested in the East Coast Commissioner (hereinafter in this section referred to as the Commissioner): Be it enacted as follows:—

Constituting committees for East Coast Trust Lands.

(1) (a) Upon the application of the Commissioner or of any beneficiary of the said trust lands, the Court 30 may, from time to time, by order constitute a committee (hereinafter in this section referred to as the block committee) in respect of any area of land vested in the Commissioner, consisting of not less than three and not more than seven members, as the Court may from time 35 to time determine, with the powers and duties herein set forth.

(b) If the Court thinks it expedient, such committee may be constituted in respect of two or more areas jointly.

40 (c) Each block committee shall be called "The [*Name of land*] Block Committee", and shall be a corporate body with perpetual succession and a common seal.

(d) The seal of each block committee shall be such as is determined from time to time by the Native Minister.

(e) The seal of the block committee shall not be affixed to any document except in the presence of two members of the committee, both of whom shall attest the sealing of the document. 5

(2) (a) By the same or any other order, the Court may, from time to time, appoint such persons as it deems expedient to be members of the block committee for the period set forth in such order. 10

(b) The Court may, at any time, whether on application made or on its own motion, and for any reason which it thinks sufficient, remove from office any member of a block committee. 15

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

(3) No order appointing any person as a member of any such block committee shall be questioned or invalidated on the ground of error or irregularity in the mode of his appointment, and no act of the block committee shall be questioned or invalidated on the ground of any vacancy in the membership thereof. 20

(4) The Court may make, if it thinks it expedient so to do, an order dissolving any block committee, but if it subsequently appears that any such order of dissolution has been made in error the Court may revoke the same as from the making thereof, and the block committee shall thereupon revive, and the same proceedings may be taken thereafter as if no such order of dissolution had been made. 25 30

(5) An annual general meeting of the beneficiaries of each parcel of land for which a block committee is appointed under this section shall be held each year at such time and place as may be determined by the block committee. If the block committee makes default in doing so the Court may appoint a time and place for the holding of such meeting. 35

(6) It shall be the duty of the block committee to consider all matters referred to it by the Commissioner and to advise the Commissioner on all matters he thinks necessary in connection with the administration and 40

management of the land in respect of which the block committee is appointed, and to report to the Commissioner all matters affecting such land and the beneficiaries thereof as it may think should be brought
5 to his attention.

(7) It shall be the duty of the Commissioner to submit for the consideration of the block committee all important matters and undertakings relating to the particular land in which it is concerned, to explain to
10 it any material changes being made with regard to the trust estate, and to give heed to, and adopt so far as he thinks the same is practicable or expedient, any advice tendered by the block committee in connection with the administration, management, or disposal of the
15 trust estate. The Commissioner shall also supply to each block committee a copy of his official balance-sheet, including the balance-sheet for the year ending thirtieth June, nineteen hundred and thirty-five.

(8) The block committee may by requisition in
20 writing under its seal direct that out of any rent or out of any accumulated funds whatsoever held by the Commissioner, and due or payable to the beneficiaries of the particular land in respect of which the block committee is appointed, the Commissioner shall pay for any
25 purpose approved by the Native Minister such amount and to such fund as shall be specified in the requisition, and the Commissioner may disburse such amount or such lesser amount as he deems expedient accordingly, provided that no sum shall be so payable until the approval
30 of the Native Minister as to the amount to be paid has been obtained.

(9) The Commissioner shall not be personally liable in damages for any act done or omitted by him in good
35 faith while acting in pursuance of any direction in writing given under the seal of the block committee.

(10) The Governor-General may by Order in Council make regulations prescribing the procedure for the appointment of the members of a block committee, the holding of meetings, the proceedings of the block
40 committee, the appointment of Chairman or other officers, the remuneration and travelling-allowances of members, and on all other matters and things which he may deem necessary for giving effect to the provisions of this section.

*West Coast Settlement Reserves.*Renewals of
leases.

19. (1) In this section, if not inconsistent with the context, "the said Act" means the West Coast Settlement Reserves Act, 1892, and includes the Schedule thereto and all amendments of the said Act and Schedule. 5

(2) The words "value of the fee-simple of the lands" or "the gross value of the lands" where they occur in section fifty-six of the said Act shall mean the capital value of the lands or the exchangeable value in money or the marketable value or the sum which the land if unencumbered by any mortgage or other charge thereon or any lease might be expected to realize at the time of valuation if offered for sale on such reasonable terms and conditions as a *bona fide* seller might be expected to require. 10 15

(3) Notwithstanding anything to the contrary in any other Act, the words "substantial improvements of a permanent character" in sections fifty-six and fifty-seven of the said Act shall have the same meaning as improvements in the Valuation of Land Act, 1925, and any amendments thereof, and any Act passed in substitution thereof. 20

(4) Where in the said Act it is provided that in ascertaining the rental to be paid by the lessee for the renewed term of any lease granted under the said Act a valuation by arbitration of the fee-simple of the lands comprised in the lease and a valuation of all substantial improvements of a permanent character made by the lessee and then in existence on the land comprised in the lease must be made, it shall be lawful for the lessor to offer to the lessee a lease for the renewed term at a rental based at not more than five per centum per annum on the unimproved value of the leased land as disclosed by a special valuation made for the purpose, under the Valuation of Land Act, 1925, or any Act amending or passed in substitution thereof in lieu of such arbitration. 25 30 35

(5) Section fifty-six of the said Act is hereby amended by omitting from the first paragraph thereof the words "made by the lessee during the term and", and this amendment shall be deemed to have taken effect from the first day of January, nineteen hundred and thirty-four. 40

(6) Whereas cases have occurred and are likely to occur where the valuations required to be made by sections fifty-six and fifty-seven of the said Act have not been made or may not be made within the time limited
 5 either by the said section fifty-six as amended by section twenty-five of the West Coast Settlement Reserves Amendment Act, 1913, or the said section fifty-seven now for the purpose of enabling such valuations to be carried out, it is hereby enacted that the same may be made at
 10 any time not later than the thirty-first day of December, nineteen hundred and thirty-six, and the said sections are modified accordingly.

20. Whereas the land mentioned in subsection *one* hereof is vested in the Native Trustee in trust
 15 for certain Natives, and is subject to the West Coast Settlement Reserves Act, 1892, and it is desirable to authorize the Court to ascertain the equitable owners thereof: Be it therefore enacted as follows:—

Authorizing
 ascertainment of
 equitable
 owners of
 Section 51,
 Block XII, Cape
 Survey District.

(1) The land known as Section 51, Block XII, Cape
 20 Survey District, comprised and described in certificate of title, Register-book Volume 10, folio 52, Taranaki Registry, shall, on the commencement of this Act, cease to be subject to the provisions of the West Coast Settlement Reserves Act, 1892, and shall no longer remain vested
 25 in the Native Trustee but shall revert to the owners thereof.

(2) Notwithstanding the provisions of section one hundred and thirty, one hundred and thirty-four, or one hundred and thirty-five of the principal Act, the
 30 Court may, in respect of the said land, exercise the jurisdiction and powers conferred upon the Court by section one hundred and thirty-one or any other section of that Act.

(3) The Court may, if it thinks it expedient, and
 35 notwithstanding that an order ascertaining the beneficial owners may not have been made under this section, or, if made, has not matured, and without the consent provided for in Part XVII of the principal Act, make, in respect of the owners of the said land, an order of
 40 incorporation under the said Part XVII, and may appoint a Committee of Management for the said land.

Aorangi, Patutahi, and Waipuku-Patea.

Directing
inquiry as to
compensation
respecting
Aorangi,
Patutahi, and
Waipuku-Patea.

21. Whereas a difference of opinion exists between the Crown and the beneficiaries as to the amount of compensation that should be paid under sections ninety-four, one hundred, and one hundred and eight of the Native Purposes Act, 1931, in respect of the Patutahi Block, the Waipuku-Patea Reserve, and the Aorangi Block, in such sections mentioned: Be it therefore enacted as follows:— 5

(1) The Governor-General may by Order in Council appoint any number of persons, not exceeding three, to be a Commission (hereinafter in this section referred to as the said Commission) for the purpose of inquiring into and determining what compensation it is in the circumstances reasonable to award to the persons found by the Court as beneficially entitled in respect of the matters and grievances referred to in the Reports of the Commission contained in the Appendix to the Journal of the House of Representatives, 1921 (G.-5), under the headings (a) Aorangi Block, (b) Patutahi Block, and (c) Waipuku-Patea Reserve. 10 15 20

(2) The said Commission when appointed shall be deemed to be a Commission appointed under the Commissions of Inquiry Act, 1908, and shall have all the powers and functions conferred by that Act. 25

(3) The said Commission shall not be bound by any former finding as to the amount of compensation to be awarded, but may recommend such greater or lesser sum as the said Commission may find to be just and equitable in the circumstances. 30

(4) The amounts recommended by the said Commission appointed under this section to be paid in respect of the several matters hereinbefore mentioned shall not become payable unless and until each such amount shall have been approved by the Minister of Finance and shall have been appropriated by Parliament for the purpose. 35

(5) The said Commission in its report may recommend in what manner and for what purpose any sums so found to be reasonable compensation shall be paid, expended, or administered. 40

(6) Any money payable under this section may be paid to a Maori Land Board for distribution to the

beneficiaries entitled thereto, subject to the deduction of a reasonable commission for distributing the same, and sections five hundred and fifty and five hundred and fifty-two of the principal Act shall apply thereto as if
5 the money were compensation-money payable under the Public Works Act, 1928, and the money payable as aforesaid shall immediately upon its appropriation by Parliament be deemed to be a Trust Fund in the possession of a Maori Land Board.

10 *Reference of Petitions to the Court.*

22. (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
15 the Schedule hereto.

Chief Judge may refer matters in Schedule for report.

(2) The Chief Judge may upon such inquiry and report make to the Native Minister such recommendation in any case as appears to him just and equitable.

(3) Except with the leave of the Court, it shall not
20 be lawful for any person to alienate or otherwise deal with any land the subject of a petition mentioned in the Schedule hereto until the report and recommendation under this section shall have been considered by the Native Affairs Committee of the House of Representatives.

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

Schedule.

SCHEDULE.

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

1. Petition No. 166 of 1934-35, of Maui Rangihaeata and others, relative to the ownership of the land comprised in Crown Grant No. 3692, of part Section 84, Block VII, Carlyle Survey District, containing 14 acres 1 rood, in favour of Taurua, and known as Waiture Block, and also as to the ownership of Section 141, Whenuakura District (Town of Patea) now described as Crown land.

2. Petition No. 225 of 1933, of Rangi Tuanui Tamihana and others, praying that the Native Land Court be authorized and empowered to investigate the title to, and ascertain the owners of, the piece or parcel of land known as part Section 65, Turanganui Block, in the Wairarapa District.

3. Petition No. 313 of 1934-35, of Tarehurangi te Waari, praying for the cancellation of orders of the Native Land Court respectively dated the 20th August, 1902, appointing successors to the interest of Peraniko Rakuku, *alias* Peraniko Rakuraku, and 18th May, 1922, appointing successors to the interest of Ema Peraniko in Section 325, Parish of Whangamarino.

4. Petition No. 344 of 1934-35, of Wi Hapeta and others, praying for a rehearing of the application for probate of the will of Ngakete Hapeta, deceased.

5. Petition No. 347 of 1934-35, of Rihitoto Mataia and 32 others, relative to the purchase or acquisition by the Crown of the Ohinemuri Block and other lands within the Ohinemuri and Hauraki districts which were subject to certain agreements dated the 19th day of December, 1868, and the 18th day of February, 1875, and to the purchases and payments referred to in the said petition.

6. Petition No. 23 of 1931, of Rihitoto Mataia and 83 others, relative to the goldfields revenue in respect of gold-mining rights over Native lands within the district extending from Mochau (Cape Colville) to the Aroha Mountain.

7. Petition No. 66 of 1935, of Te Auta te Rou Ngatai, relative to the sale of Lot 108B, Parish of Te Papa.

8. Petition No. 373 of 1934-35, of Rutene Tuhi and others, praying for a redefinition of the boundary between Mangapoike 2A 3 and 2D Blocks.

9. Petition No. 56 of 1935, of Potikai Ieni Tapihana, praying for relief *in re* Te Koutu B Block.

10. Petition No. 196 of 1935, of Hoani Te Anini and 501 others, with regard to the mining rights in respect of Native lands within the Coromandel and Hauraki Districts and the payment of goldfields revenue arising therefrom.