

NATIVE PURPOSES BILL.

EXPLANATORY NOTES.

Clause 3: Section 11 of the Native Purposes Act, 1933, empowers the Court to make an order vesting the Otorohanga Native-school site in the Natives. The beneficial owners practically comprise a whole sub-tribe, and they desire the land to be used as a sports-ground. This clause empowers the Court to vest the land in trustees upon such trusts for the benefit of Natives as the Court may deem expedient.

Clause 4: The Bank of New Zealand is mortgagee in possession of certain leasehold and undivided freehold interests in Native lands in the Raetihi district. The purchase of the lands by the Crown was commenced for the purpose of enabling the Bank to acquire the freehold for cash, but was subsequently discontinued at the request of the Lands Department. It is now desirable to enable the Bank to acquire and hold those undivided interests already purchased by the Crown, and any further interests it may acquire direct from the Native owners, and also two blocks of European land being worked in conjunction with the leaseholds.

Clause 5: Questions have arisen as to whether or not Section 141, Block VII, Carlyle Survey District (Crown land), was intended to be included in the Waioiture Reserve and whether or not that reserve should be vested in persons other than the representatives of the original grantee, Taurua. This section authorizes the Court to go into the points at issue, with power to make orders (including an order vesting either or both parcels or any part thereof in one or more trustees) if the circumstances of the case so require.

Clause 6: A claim has been set up, by way of petition and otherwise, that the trust which was found by the Court, in exercise of the jurisdiction conferred upon it by section 38 of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, to exist in respect of the Oturei and Okapakapa Blocks, exists in the case of Lot 44, Parish of Kopuru. This section authorizes the Court to inquire into the ownership of that land and to make such orders as may be found to be necessary to give effect to its findings.

Clause 7: The school-site is not required for the purpose, and this section enables the land to be re-vested in the Native owners.

Clause 8: This section, which gives effect to recommendations made by the Native Affairs Committee on several petitions, authorizes the Court to inquire into the appointment of the representatives or successors of certain deceased persons interested in the Nelson "Tenth", and to make such amendments of the Court's records as may be found to be necessary to carry out its determinations.

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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,
30th October, 1936.*

Right Hon. Mr. Savage.

NATIVE PURPOSES.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Provisions of Native Land Act, 1931, to apply to this Act.</p> <p><i>Waikato-Maniapoto District.</i></p> <p>3. Amending section 11 of the Native Purposes Act, 1933.</p> <p><i>Aotea District.</i></p> <p>4. Enabling the Bank of New Zealand to acquire certain lands notwithstanding Part XIII of the Land Act, 1924, and Part XII of the Native Land Act, 1931.</p> <p>5. Authorizing inquiry as to ownership of Waioitire Reserve.</p> <p><i>Tokerau District.</i></p> <p>6. Authorizing inquiry into ownership of Lot 44, Parish of Kopuru.</p> <p><i>Waiariki District.</i></p> <p>7. Revesting Whaiti-Kuranui 2d school-site in Natives.</p>	<p><i>South Island District.</i></p> <p>8. Authorizing inquiry as to certain interests in the Nelson "Tenths".</p> <p><i>Wakapuaka Block.</i></p> <p>9. Authorizing reinvestigation of title to the Wakapuaka Block.</p> <p><i>Ikaroa District.</i></p> <p>10. Providing for control and administration of Raukawa Marae.</p> <p><i>Tairāwhiti District.</i></p> <p>11. Setting aside land for Sir James Carroll Memorial.</p> <p><i>Miscellaneous.</i></p> <p>12. By-laws relating to waterworks.</p> <p><i>Reference of Petitions to the Court.</i></p> <p>13. Chief Judge may refer matters in Third Schedule for report. Schedules.</p>
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A BILL INTITULED

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.

No. 70—3.

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, 1936. 5

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

See Reprint of Statutes, Vol. VI, p. 103

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. 10

Waikato-Maniapoto District.

Amending section 11 of the Native Purposes Act, 1933.

1933, No. 50

3. Section eleven of the Native Purposes Act, 1933, is hereby amended by repealing subsections two and three, and substituting the following subsections:— 15

“(2) The Court is hereby authorized to inquire and determine in whom the said land ought to become vested, and the Court may make an order either— 20

“(a) Vesting the said land or any part thereof in the person found entitled for an estate of freehold in fee-simple, and in the case of more than one person being found entitled, then as tenants in common in the relative proportions defined by the Court; or 25

“(b) Setting apart the said land or any part thereof for some purpose for the benefit of Natives and vesting the same in one or more persons on trust to hold and administer the same for the purpose aforesaid, and the District Land Registrar is hereby authorized to issue without payment of any fee a certificate of title in favour of the said persons. 30

“(3) The Court may ascertain the ownership of the said land as if the title had not been previously investigated, and shall not be bound or restricted by any former order of the Court made in respect of that land. 35

“(4) The provisions of the Public Reserves, Domains, and National Parks Act, 1928, shall not apply to the said land.” 40

See Reprint of Statutes, Vol. VI, p. 1134

Aotea District.

4. Whereas it is desirable that the Bank of New Zealand (hereinafter referred to as the Bank) should be permitted to acquire the lands or interests in the lands hereinafter described: And whereas the Bank is precluded by law from acquiring such lands: Be it therefore enacted as follows:—

(1) Notwithstanding the provisions of Part XIII of the Land Act, 1924, or Part XII of the Native Land Act, 1931, or of any other statutory enactment or provision to the contrary, the Bank may, subject to the provisions of the last-mentioned Act as to confirmation of alienations of Native land by Natives where so required, purchase or acquire the lands described in the *First* Schedule hereto, or any share or interest therein, whether from the Crown or from any person or persons, including Natives, and may hold the same or any share or interest therein as aforesaid. The District Land Registrar is hereby empowered and directed to register a transfer or transfers of the said lands, or of any share or interest therein, to the Bank without requiring any declaration or declarations which, but for the provisions of this section, would have been so required.

(2) Where the Crown is the owner of any of the said lands, whether the same have been proclaimed Crown land or not, or of an undivided share or partial interest in any of the said lands, such lands or any undivided interest or interests therein may, with the approval of the Minister of Lands, be sold to the Bank without competition at such price as the Minister of Lands may determine, but in no case shall such price be less than the cost to the Crown of the acquisition of such lands or of such undivided interest or interests therein together with any expenses incurred by the Crown in the purchase of such lands or undivided interest or interests.

(3) Where the Minister of Lands has approved of the sale to the Bank of any of the said lands, or of any undivided interest or interests therein, it shall not be necessary to execute any conveyance or transfer to the Bank, or to register any transfer to or from the Crown,

Enabling the Bank of New Zealand to acquire certain lands notwithstanding Part XIII of the Land Act, 1924, and Part XII of the Native Land Act, 1931.

See Reprint of Statutes, Vol IV, p. 796; Vol. VI, p. 189

but upon the application of the Commissioner of Crown Lands for the Wellington Land District, together with a certificate by him that the said lands or any of them, or any undivided interest or interests therein, have been acquired by the Crown in manner aforesaid, and that the Minister of Lands has approved of their disposal under the provisions of this section, the Court may make an order vesting such lands or any of them, or any undivided interest or interests therein, in the Bank for an estate of freehold in fee-simple, and any such vesting order may be registered accordingly.

See Reprint
of Statutes,
Vol. IV, p. 796;
Vol. VI, p. 192

(4) Notwithstanding the provisions of Part XIII of the Land Act, 1924, or of section two hundred and forty-eight of the Native Land Act, 1931, or of any other statutory enactment or provision to the contrary, the Bank may purchase, acquire, and hold any of the lands described in the *Second* Schedule hereto, and the District Land Registrar is hereby empowered and directed to register a transfer or transfers of such lands to the Bank without requiring any declaration or declarations which, but for the provisions of this section, would have been so required.

Authorizing
inquiry as to
ownership
of Waiooture
Reserve.

5. (1) The Court is hereby authorized and empowered to inquire and determine whether or not the parcel of land known as Section 141, Block VII, Carlyle Survey District, was intended to be reserved for Natives as part of the Waiooture Reserve, and if the Court finds that it was intended so to be reserved, to deal with the said land in manner provided in subsection *two* hereof.

(2) The Court shall have jurisdiction to determine whether or not the parcels of land known as part Section 84, Block VII, Carlyle Survey District (Waiooture Reserve), and Section 141, Block VII, Carlyle Survey District, or either of them, or any part thereof, should be set apart for the use and benefit of the Pakakohe Native Tribe or any section of Natives, and if the Court finds that the said parcels of land, or either of them, or any part thereof, should be so dealt with, it may set apart the same accordingly, and may by order vest the same in the persons found by it to be entitled beneficially thereto for an estate in fee-simple in the relative interests defined by it. Alternatively, if the Court deems it expedient so to do, it may, without ascertaining the persons entitled beneficially to the land so set apart, by order vest the

same in one or more trustees in trust for the said Pakakohe Native Tribe or any section of Natives, to hold and administer it upon such trusts and conditions as the Court may in its order or in any subsequent orders from time to time declare. For the purposes aforesaid, the Court may order the cancellation or amendment of any existing instrument of title, and the issue of such new instrument of title as may be necessary, and notwithstanding any provision of the Land Transfer Act, 1915, to the contrary, the District Land Registrar may issue a certificate of title to the land comprised in any vesting order made under this subsection.

See Reprint of Statutes, Vol. VII, p. 1162

(3) Upon the making of a vesting order as aforesaid, the land included in such order shall become Native freehold land within the meaning of the principal Act, and the provisions of the West Coast Settlement Reserves Act, 1892, shall not apply thereto.

1892, No. 22

Tokerau District.

6. Whereas, pursuant to the provisions of section thirty-eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, the Court inquired into the ownership of the lands known as the Oturei and Okapakapa Blocks, and determined that persons other than the nominal owners thereof were entitled beneficially to the said lands: And whereas it is claimed that the land situate in the Tokerau Native Land Court District, known as Lot 44, Parish of Kopuru (hereinafter referred to as the said land), is held in trust by the nominal owners thereof for the same persons as were found by the Court to be entitled beneficially to the Oturei and Okapakapa Blocks, and it is desirable that jurisdiction should be conferred upon the Court authorizing it to inquire into the ownership of the said land: Be it therefore enacted as follows:—

Authorizing inquiry into ownership of Lot 44, Parish of Kopuru. 1927, No. 67

(1) The Court is hereby authorized and empowered, upon application made in writing by any interested person and lodged within six months after the commencement of this Act, to hear and determine any claim, whether at law or in equity, to the ownership of the said

land, and, if the Court finds that persons other than the nominal owners thereof are entitled beneficially to the said land, to order the inclusion of those persons in the title to the said land in the relative interests defined by the Court either together with or in lieu of the nominal owners and to order the cancellation or amendment of any existing instrument of title and the issue of such new instrument of title as may be necessary, subject to all existing registered encumbrances. 5

(2) No order made by the Court in pursuance of the provisions of this section shall invalidate any alienation made in respect of the said land before the commencement of this Act, and all rights to which the nominal owners of the said land are entitled at the date of any order made hereunder, by contract or otherwise, shall pass to, and enure for, the benefit of the persons found to be entitled beneficially to the said land. 10 15

Waiariki District.

Revesting
Whaiti-
Kuranui 2D
school-site
in Natives.

7. Whereas the land hereinafter described was vested in the Crown for the purpose of a Native school and is no longer required for that purpose: Be it therefore enacted as follows:— 20

(1) The land situate in the Waiariki Native Land Court District, and known as Whaiti-Kuranui No. 2D school-site, containing three acres, more or less, being the land more particularly delineated on plan numbered 5156D red, deposited in the office of the Chief Surveyor at Auckland, shall, as from the commencement of this Act, cease to be Crown land and shall thereafter be and be deemed to be Native land within the meaning of the principal Act. 25 30

(2) The Court is hereby authorized to inquire and determine in whom the said land ought to become vested, and the Court may make an order either—

(a) Vesting the said land or any part thereof in the person found entitled for an estate of freehold in fee-simple, and in the case of more than one person being found entitled then as tenants in common in the relative proportions defined by the Court; or 35 40

(b) Setting apart the said land or any part thereof for some purpose for the benefit of Natives, and vesting the same in one or more persons on trust to hold and administer the same for the purpose aforesaid, and the District Land Registrar is hereby authorized to issue without payment of any fee a certificate of title in favour of the said persons.

(3) The Court may ascertain the ownership of the said land as if the title had not been previously investigated, and shall not be bound or restricted by any former order of the Court made in respect of that land.

(4) The provisions of the Public Reserves, Domains, and National Parks Act, 1928, shall not apply to the said land.

See Reprint
of Statutes,
Vol. VI,
p. 1134

South Island District.

8. To give effect to the recommendations of the Native Affairs Committee of the House of Representatives upon certain petitions presented to Parliament concerning the beneficial ownership of the land known as the "New Zealand Company's Tenth", situated in the City of Nelson and the suburban districts of Moutere and Motueka (hereinafter referred to as the said land): Be it enacted as follows:—

Authorizing
inquiry as to
certain
interests in
the Nelson
"Tenth".

(1) The Court is hereby authorized and empowered, upon application made in writing by any person claiming to be interested and lodged within six months after the commencement of this Act, to rehear the proceedings upon which the order of the Court, dated the fourteenth day of March, eighteen hundred and ninety-three, determining the beneficial owners of the said land is founded so far as such proceedings relate to the ascertainment of the representatives of the following persons, whose names are included in certain lists submitted to the Court on the twenty-fourth day of November, eighteen hundred and ninety-two, that is to say—Tana Maui, Ripeka Hikoia, Teone Ngaparu, Ritimana (Retimana) Ngaparu, Wakaupa, Wiremu Katene te Puoho, Hori te Karamu, Herewine te Roha, and Henare te Ranga (all deceased), and, so far as the Court thinks it just or proper, to rehear the proceedings upon which an order of the Court dated the eighth day of April, nineteen hundred and eleven, appointing successors to the interests of one, Huria Matenga, deceased, in the said land was made.

(2) The Court may affirm, vary, or annul any of its former determinations, and, if necessary, may amend any order of the Court heretofore made by including therein the name of any person found by it to be entitled beneficially to the said land, by deleting therefrom the name of any person found by it to be not so entitled, by redefining or readjusting the relative interests of the persons found entitled, and in such other manner as the Court may seem necessary or expedient, and may annul any order with or without the substitution of any other order therefor. In redefining or readjusting the relative interests of the persons found by it to be entitled beneficially, the Court may, if it thinks it equitable so to do, take into consideration any interests derived by such persons as representatives of any other person whose name is included in the lists referred to in subsection *one* hereof.

Wakapuaka Block.

Authorizing
reinvestigation
of title to the
Wakapuaka
Block.

9. In order to give effect to the report of John Harvey, Esquire, a Judge of the Native Land Court, dated the eighth day of July, nineteen hundred and thirty-five, and the recommendation of the Chief Judge of the said Court thereon, dated the eighteenth day of May, nineteen hundred and thirty-six, made pursuant to section nine of the Native Purposes Act, 1934: Be it enacted as follows:—

(1) The Native Appellate Court (hereinafter called the Court) is hereby empowered and directed, subject as hereinafter provided, to reinvestigate the title to the block of land situate in the Wakapuaka Survey District, in the Provincial District of Nelson, containing seventeen thousand seven hundred and thirty-nine acres, more or less, and known as the Wakapuaka Block, which land was by an order of the Native Land Court, made on the twentieth day of November, eighteen hundred and eighty-three, awarded to one Huria Matenga, and after her death became vested in her husband, Hemi Matenga, under her will.

(2) Such reinvestigation shall be for the purpose of inquiring into the claims of the petitioners in the following petitions to the House of Representatives—namely, petition Number 262, of 1933, of Hari Wi

Katene and others; petition Number 123, of 1934, of Waka Rawiri and another; and petition Number 329, of 1934, of John Arthur Elkington and others (hereinafter called the petitioners); and the Court is empowered to
5 ascertain and determine whether the petitioners or any of them, or any persons claiming by, through, or under them, have any rights or interests according to the ancient custom and usage of the Maoris in the said land either together with or in lieu of the estate of the said
10 Hemi Matenga.

(3) If the Court shall find that any of the petitioners or other persons as aforesaid are entitled to ownership in the said land it shall proceed to determine their relative shares and interests and the relative share and interest
15 of the estate of the said Hemi Matenga therein.

(4) The Court may thereupon make orders vesting in those persons so found to be entitled (hereinafter called the party of the petitioners), and in the relative shares and interests so determined, the whole or such
20 portion as it may adjudge to be just and equitable of the residue of the said land now remaining unsold and still vested in the estate of the said Hemi Matenga, being the land now comprised in certificates of title, Volume 61, folio 64, and Volume 67, folio 109, Nelson Registry, and
25 containing approximately eleven thousand three hundred and eighty-one acres twelve perches and five-tenths of a perch. Every such vesting order shall take effect as on the day of the date thereof.

(5) No vesting order made under this section shall
30 affect any portion of the said land heretofore alienated by way of sale, and nothing in this section shall invalidate any otherwise valid alienation for value of any portion of the said land heretofore made or affect the land comprised in certificates of title, Volume 64, folios 119
35 and 120, Nelson Registry.

(6) The Court is empowered to inquire whether in accordance with the rules of equity any sum of money should be paid to the party of the petitioners by way of mesne profits or compensation, and in what relative
40 shares or interests, and to make such order in respect thereof as it may deem just, directing payment of such mesne profits or compensation out of the assets in the hands of the trustees or trustee of the estate of the said

Hemi Matenga as such, and such order shall be sufficient authority to the said trustees or trustee for such payment. In any determination under this subsection the Court shall have regard as far as practicable to moneys derived from and expended upon the said land or any portion thereof prior to the making of a vesting order under this section. 5

(7) The Court may inquire as to moneys expended or services rendered by any of the party of the petitioners or by their elder relatives in prosecuting their claims to the said land by way of petitions to Parliament or proceedings in the Native Land Court, or otherwise, and as to any other costs and expenses incurred or to be incurred, and may make such adjustments by way of increase or decrease of the relative interests of the party of the petitioners in the said land and in such mesne profits or compensation (if any) as it deems fair and equitable in order to recompense any such petitioners for moneys so expended or services so rendered or to meet the said costs and expenses. 10 15 20

(8) Save as in this section expressly provided, nothing herein shall be deemed to be an authority for calling in question any act of administration or management of the said land or of any moneys arising thereout or the status of any person in relation thereto prior to the making of a vesting order under this section. 25

(9) The District Land Registrar is empowered and directed to make such alterations and amendments in the Register and to issue such fresh certificates of title as may be necessary to give effect to any orders affecting the said land made by the Court under this section. 30

(10) The Court may, in its discretion, by order from time to time, authorize the trustees of the estate of the said Hemi Matenga to continue to administer and manage such portion of the said land as may have been vested in the party of the petitioners as if the same still formed part of the estate of the said Hemi Matenga, upon such terms and conditions as to division of profit and loss, remuneration to the said trustees, and all other matters arising in relation to such administration and 35 40

management as upon hearing the parties the Court may by the same order or any other order from time to time direct.

(11) In exercising its jurisdiction under this section
5 the Court shall have and may exercise all its ordinary powers.

Ikaroa District.

10 **10.** Whereas the Native owners (or their successors) of the lands mentioned in subsection *one* hereof are desirous of setting them apart for the common use of the members of the Ngati-Raukawa and associated Maori tribes: Be it therefore enacted as follows:—

Providing for control and administration of Raukawa Marae.

15 (1) The lands affected by this section and herein referred to as the said lands are Sections 166 and 168 of the Town of Otaki, and such portions of Sections 167 and 169 of the said Town of Otaki to be defined by partition or other orders of the Native Land Court.

20 (2) The said lands (herein referred to as the Raukawa Marae) shall as from the commencement of this Act become vested for an estate of freehold in fee-simple in the persons mentioned in the *Third* Schedule of this Act (who, together with the trustees for the time being, are herein referred to as the said trustees), upon trust to hold and administer the said lands for the
25 common use of the members of the Ngati-Raukawa and associate tribes for the purpose of a meeting-place and meeting-house site.

30 (3) Notwithstanding the provisions of section one hundred and thirty of the Land Transfer Act, 1915, the District Land Registrar is hereby authorized to issue one or more certificates of title for the said lands in favour of the said trustees, freed and discharged from all right, title, or interest of the present owners and their successors and of the Ikaroa District Maori Land Board,
35 provided that the certificate of the Registrar of the Native Land Court, sealed with the seal of the Court, shall be sufficient evidence to the District Land Registrar and all Courts and persons as to the portions of the said lands which consist of Sections 167 and 169 of the Town
40 of Otaki.

(4) It shall be in the power of the said trustees, under the name of the Raukawa Marae Trustees, to acquire by purchase, lease, or gift any land adjoining or adjacent to the said lands for the purpose of enlarging or improving the said Raukawa Marae, and to be held upon the same trusts. 5

(5) The said lands, together with any further land acquired under subsection *four* hereof, shall be exempt from rating under the Rating Act, 1925.

(6) (a) Any contract which must be in writing signed by or on behalf of the party to be charged therewith must in order to charge the trustees be in writing signed by at least three trustees authorized by resolution of the said trustees. 10

(b) Any contract which may be made verbally without writing may be made in like manner by some one authorized on their behalf by resolution of the said trustees. 15

(7) (a) All questions coming before the said trustees shall be decided by resolution at a meeting of the said trustees at which a quorum is present by a majority of the votes of the said trustees then present thereat. 20

(b) A quorum shall consist of not less than fifteen trustees or all the trustees where there are less than sixteen trustees in office. 25

(c) The said trustees shall cause minutes of every meeting and the proceedings thereat to be duly entered in a book provided for the purpose, and a copy of the minutes or of any resolution of the said trustees, signed by at least two of the said trustees, shall be received in all Courts and by persons acting judicially and by any other public functionary or officer as *prima facie* evidence of the matter stated in such minute or resolution. 30

(8) The said trustees may from time to time make such regulations as they think expedient for the proper administration and control of the said lands or any part thereof, or of any building erected thereon, and shall have power to prosecute any person committing a breach of any such regulations. 35

(9) (a) If a member of the said trustees becomes insane or desires to be removed, or for other good reason should be removed, the Native Land Court may on the application of the said trustees remove such trustee. 40

(b) If a trustee dies, or is removed under the *last preceding* paragraph, the Court may, on the application of the said trustees, appoint a new trustee or new trustees to fill the vacancy, or may appoint additional trustees:

5 Provided that trustees appointed to fill vacancies shall as far as practical be chosen from the relative hapu or section from which his predecessor was selected.

(c) The Court may at any time cancel, amend, or vary any order made by it appointing a trustee. An
10 order made under this section may be registered under the Land Transfer Act, 1915.

(10) For the purpose of attending to matters of detail in connection with the Raukawa Marae, the said trustees may by resolution appoint an executive committee, consisting of not more than fifteen of such
15 trustees, to be called the Ruakawa Marae Management Committee, to whom the said trustees may delegate such duties as they think fit. Such executive committee shall be in all respects subject to the control and direction of
20 the said trustees.

(11) The Court shall have jurisdiction to inquire into all disputes which may arise out of the trust hereby created, and to make such order as the circumstances of the case may require.

(12) If, in the opinion of the Court, it becomes unnecessary to retain the said lands or any part thereof for the purposes of this section, the Court may from time to time by order vest the said lands or the part thereof unnecessary to be retained in the persons who
30 at the commencement of this Act owned the said lands, or their successors according to Native custom, for an estate of freehold in fee-simple freed and discharged from the trust created by this section.

Tairawhiti District.

35 **11.** Whereas it is proposed to erect a memorial to the late Sir James Carroll which is intended to include the construction of a Maori meeting-house and other appurtenances and accessories: And whereas the Native owners of the following lands situated in the Tairawhiti
40 Native Land Court District—namely, Taumata-o-teo Number 22E, Taumata-o-teo Number 24A, Taumata-o-teo Number 25B, Taumata-o-teo Number 34, Taumata-o-teo

Setting aside
land for
Sir James Carroll
Memorial.

Number 35, Hinewhaki West (or Number 2), Section 29, Hiniwhaki West (or Number 2), Section 30, and Hinewhaki West (or Number 2), Section 31 (all which lands are hereinafter in this section referred to as the said land, and shall be known as the Waihirere Marae)—desire to set aside such lands as a site or sites for the purpose aforesaid and as a Native reservation for the purposes of this section: Be it therefore enacted as follows:—

(1) The Court is hereby authorized and empowered to make an order vesting the said land in two or more trustees in trust to hold and administer the same for the purpose of this section. On the making of a vesting order or orders under this section the land affected thereby shall be deemed to be one Native reservation within the meaning of section two hundred and ninety-eight of the principal Act, set apart and reserved for the common use of the Wairoa section of the Ngati-Kahungunu Native Tribe, including the beneficial owners of the said land, as a meeting-place, a building-site, a recreation-ground, or in any other manner.

(2) It shall be in the power of such trustees to acquire by purchase, lease, or gift, and without confirmation under Part XIII of the principal Act, any other land which it may be thought expedient to acquire for use in conjunction with the said land, and the land when so acquired shall be deemed to be and become part of the Native reservation created by this section, and be deemed freehold land within the meaning of the principal Act.

(3) The Court may from time to time make such rules as it thinks expedient for the administration and control of the Native reservation hereby created, and for the proper use thereof, or any part thereof by any person. Any regulation in force under section two hundred and ninety-eight of the principal Act shall not (except where such regulations are expressly made so to do) apply to the Native reservation created under this section.

(4) Notwithstanding anything in the Land Transfer Act, 1915, the District Land Registrar may, without payment of fee, issue a certificate of title for the said land to the trustees appointed under this section.

(5) (a) For the purpose of erecting a memorial as aforesaid and accessories and appurtenances thereto on the said land for the improvement of the Native reservation, and for the management of any gathering or ceremony
5 taking place in connection with the memorial, including the acquisition of furniture and other chattels, there is hereby constituted a committee, to be called the Carroll Memorial Committee, consisting of the President of the Tairawhiti Maori Land Board, the East Coast Commissioner, and Te Hata Tipoki of Wairoa (or if he shall
10 die or be incapable of acting, such other Native of the Wairoa District as the Native Minister may appoint), and the said committee is hereby empowered to make all arrangements and to do all things necessary for the construction of buildings and for any other purpose specified
15 in this paragraph of this subsection. The said committee shall appoint one of its members as chairman and shall otherwise regulate its own proceedings. The committee shall continue in office until the said memorial and
20 accessories and appurtenances thereto are completed and handed over to the trustees appointed under this section, and until the ceremony taking place in connection with the memorial is concluded.

(b) For the purpose of making payments in
25 connection with the construction of the memorial and the accessories and appurtenances thereto, and in connection with any ceremony taking place in regard thereto, and for any other purpose which the Carroll Memorial Committee may think expedient,
30 the Tairawhiti District Maori Land Board shall whenever required so to do by the committee, make payments from moneys in the Carroll Memorial Fund referred to in the *next succeeding* subsection. Any payment made by the said Board out of the Carroll
35 Memorial Fund shall be deemed to be a proper payment if made upon the certificate of the committee. Such certificate may be given before or after the payment it refers to.

(6) (a) For the purpose of this section a fund is hereby established to be called the Carroll Memorial Fund (herein called the said fund), to be kept by the Tairawhiti Maori Land Board, and the Board may, subject to the provisions of the *last preceding* subsection, from time to time expend the moneys in such fund for the acquisition of land, the improvement of the Native reservation, the erection, replacement, repair, upkeep, and insurance of buildings, the preparing and paying the upkeep of sports-grounds, the expenses of any gathering or ceremony taking place in connection with the memorial, the acquisition of furniture and other chattels, and generally for any purpose in connection with or incidental to the said land as the Board may think proper. The expenditure of moneys upon the said land or any part thereof in respect of improvements, buildings, or chattels prior to the commencement of this Act shall be deemed to be expenditure duly authorized.

(b) Any Maori Land Board or East Coast Commissioner, or any local authority, corporate body, company, trustee, or person may contribute to the said fund for the purpose of furthering the objects thereof, and any payment or contributions so made shall be deemed to be a payment lawfully made, anything in any Act to the contrary notwithstanding.

(c) The assembled owners of any parcel of Native land, or the committee of any land vested in the East Coast Commissioner, may pass a resolution that such sum as may be indicated shall be paid to the said fund out of any rents or other moneys which are due or accruing due or payable in the future either in one sum or by instalments. Any resolution heretofore passed for the purpose set forth in this section shall enure for the purposes of this Act as if it had originated under this section, and shall be deemed to have so originated.

(d) It shall be lawful for a Maori Land Board, the Native Trustee, or the East Coast Commissioner to make advances out of their respective accounts of the whole or any part of the amounts directed by any resolution passed under the *last preceding* paragraph in anticipation of the rents or other moneys to become due or payable, and to charge the money so advanced against

the land affected. In the case of a Maori Land Board a memorandum of charge may be executed under section one hundred and nine of the principal Act.

(7) When the Carroll Memorial Committee has fulfilled the purposes for which it was constituted the provisions of subsection *five* of this section shall cease to operate, and thereafter all payments out of the said fund shall be made as the regulations prescribe, or, if there are no regulations, on the certificate of two or more of the trustees as the Court may authorize. The Tairawhiti Maori Land Board shall not be bound to pay any amount so certified by the trustees, but if any dispute shall arise between the Board and the trustees the matter shall be referred to the Native Minister, whose decision shall be final and shall be acted upon accordingly.

Miscellaneous.

12. Section sixteen of the Maori Councils Act, 1900, as amended by paragraph (c) of section two of the Maori Councils Amendment Act, 1903, is hereby further amended by inserting, after paragraph sixteen, the following new paragraph:—

By-laws relating to waterworks. See Reprint of Statutes, Vol. VIII, p. 1260

“(16A) For the imposition of charges in relation to water-supplies to Maori kaingas, villages, and pas, whether on users of the water supplied, or on owners or occupiers of premises in respect of which water is used or is available for use, or on families or individuals resident in the Maori kaingas, villages, or pas; for the collection, and recovery of such charges, by any persons and in any manner (whether in the manner provided by section twenty-five hereof for the enforcement of fines, or otherwise); and for the application of the proceeds of such charges.”

Reference of Petitions to the Court.

13. (1) The Chief Judge is hereby authorized to refer to the Native Land Court, or to a Judge or Commissioner thereof, for inquiry and report, the claims and allegations made by the petitioners in the petitions mentioned in the *Fourth* Schedule hereto.

Chief Judge may refer matters in Fourth 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 be lawful for any person to alienate or otherwise deal with any land the subject of a petition mentioned in the *Fourth* Schedule hereto until the report and recommendation under this section shall have been considered by the Native Affairs Committee of the House of Representatives. 5

(4) The report and recommendation under this section shall be laid before Parliament on as early a date as possible, and shall stand referred to the Native Affairs Committee of the House of Representatives. 10

Schedules.

SCHEDULES.

FIRST SCHEDULE.

LANDS THAT MAY BE ACQUIRED BY THE BANK OF
NEW ZEALAND.

THE following parcels of land situated in the Wellington Land District:—

Block.	Area.			Survey District.
	A.	R.	P.	
Raetihi 3B 1	322	2	12	Block IV, Makotuku.
Raetihi 2B 1A	79	0	37·3	Block VII, Makotuku.
Raetihi 2B 1B	238	3	23	Block VII, Makotuku.
Raetihi 2B 2C 3C 2	338	0	6	Block VII, Makotuku.
Raetihi 2B 2C 2A 1	107	1	8	Block VII, Makotuku.
Raetihi 2B 2C 2B	190	0	37	Block VII, Makotuku.
Raetihi 2B 3C 2	236	0	7	Block VII, Makotuku.
Raetihi 2B 2C 3A	96	2	36	Block VII, Makotuku.
Raetihi 2B 2C 2A 2	53	2	24	Block VII, Makotuku.

SECOND SCHEDULE.

LANDS THAT MAY BE ACQUIRED BY THE BANK OF
NEW ZEALAND.

THE following parcels of land situated in the Wellington Land District:—

Block.	Area.			Survey District.
	A.	R.	P.	
Raetihi 2B 1C	79	2	11·3	Block VII, Makotuku.
Raetihi 2B 1D 2	93	1	4	Block VII, Makotuku.

THIRD SCHEDULE.

RAUKAWA MARAE COMMITTEE.

Ngati-Pare.

1. Hori te Waru.
2. Maremare Hori te Waru.
3. Arapata Mita.
4. Hopi Mahima.
5. Puke to Ao.
6. Puna Taipua.
7. Matenga Baker.

Ngati-Maiotaki.

8. Pirimi Tahiwī.
9. Utiku Hapeta.
10. Hona Webber.

Ngati-Ngarongo.

11. Hawea te Hana.
12. Hone Makimereni.

Ngati-Koroki.

13. Rota Hohipuha.
14. Tiemi Rikihana.
15. Taipari Rikihana.
16. Rikihana Kakiki.

Ngati-Kikopiri.

17. Horima Naera.
18. Aperahama Roera.
19. Wiremu Rooti.

Ngati-Wehiwehi.

20. Hema Whata.
21. Mita Honatana.
22. Parima Warahi.
23. Parakipane Kiingi.

Ngati-Kapu.

24. Tarawaraki Arekatera.
25. Wiremu Pewene.
26. Whetu Enoka.

Ngati-Pareraukawa.

27. Tuainuku Winiata.
28. Nepia Winiata.
29. Te Pate Hakopa.
30. Wiremu Kingi te Awe Awe.

Ngati - Te Atiawa.

31. Rakaherea Pomare.
32. Tohuroa Parata.
33. Herehere Ropata.
34. Heremaia Eruini.

Ngati-Tukorehe.

35. Rehua Heperi.
36. Ti Patuaka.
37. Valentine Bevan.
38. Tumeke Wehipeihana.
39. Tira Putu.

Ngati-Huia.

40. Tamati Hawea.
41. Kupa Hawea.
42. Huia te Kapukai.
43. Rawiri Tatana.

Ngati-Toa.

44. Te Uenuku Reene.
45. Hari Wi Katene.
46. Hohepa Wi Neera.
47. Kohe Webster.
48. Rawiri Puaha.

Ngati-Whakatere.

49. Taite te Tomo.
50. Takerei Wi Kohika.
51. Keepa Hihira.

Ngati-Rakau.

52. Potaka Hotereni.
53. Te Ahau Renata.

Ngati-Kauwhata.

54. Meihana te Rama.

Ngati-Takihiku.

55. Hare Makirika.

Ngati - Te Au.

56. Haeana Hemara.
57. Pitihira Reihana.

Ngati-Parewahawaha.

58. Hone Reweti.
59. Aperahana Kati.
60. Kereama te Ngako.

Ngati-Pikiahu.

61. Maraenui.
62. Wero Keeni.
63. Waeroa.

Ngati-Turanga.

64. Aputa-ki-Wairau.
65. Papi Nikora.
66. Tawhai Eruera.
67. Roore Rangiheuea.

FOURTH SCHEDULE.

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

1. Petition No. 203, of 1936, of Tutawa Paraeroa and others, relative to the ownership of Otautu No. 17 (Section 136, Block VII, Carlyle Survey District).
2. Petition No. 224, of 1936, of Tupito Maruera and others, relative to a certain devise under the will of Waewae Tutange, deceased.
3. Petition No. 123, of 1936, of Waaka te Arakai and others, so far as it relates to Wharewaka Reserve.
4. Petition No. 22, of 1931, of Rongowhakaata Pere and another, relative to Waihirere Block.