

[AS REPORTED FROM THE NATIVE AFFAIRS COMMITTEE.]
House of Representatives, 15th September, 1938.

Hon. Mr. Langstone.

NATIVE PURPOSES.

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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, 1938. 10

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. 15

PART I.

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AMENDMENT OF LAWS.

Prevention of waste on Native land. Ibid., p. 335

3. Section five hundred and thirty-three of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one the word “wilfully”:

(b) By repealing subsection two, and substituting the following subsection:—

“(2) (a) The Court may at any time, on application made by any person interested or by a Registrar of the Court, or of its own motion, issue an order by way of injunction prohibiting any person or persons, whether European or Native (including an owner or owners), from cutting, or removing, or authorizing the cutting or removal, or otherwise making any disposition of any timber-trees, timber, or other wood, or any flax, kauri-gum, or minerals on or from any Native freehold land. 30 35

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“(b) In any case where it appears expedient so to do, the Court or a Judge thereof may give such directions as it or he deems necessary as to the manner in which and the person or persons to whom notice of the proceedings in respect of the issue of an injunction under this subsection shall be given, and notice given in accordance with such directions shall be deemed for all purposes to be sufficient notice.

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“(c) An injunction issued under this subsection may be directed to any particular person or persons or may be directed to any class or body of persons without specifying all or any of the names of the persons comprising such class or body. In any case where an injunction is directed to a class or body of persons, the injunction shall bind all the persons comprising such class or body, whether or not they are parties to or have had notice of the proceedings and whether or not they are subject to any disability.

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“(d) An injunction issued under this subsection against one person shall be served personally on the person affected by it. Where an injunction is issued against more than one person it may, as the Court shall direct, be served either on all the persons affected by it or upon any one or more of them, or the Court may direct that public notification be given of the issue of an injunction and of its purport. Such service or public notification, as the case may be, shall be deemed to be sufficient notice to all the persons affected of the fact that such injunction has been issued and of the terms thereof.

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“(e) The Court may from time to time vary, and may at any time dissolve any injunction issued under this subsection.

“(f) Any person disobeying an order of injunction issued under this subsection shall, upon conviction in a summary manner, be liable to a fine not exceeding *fifty* pounds or to imprisonment for a period not exceeding *three* months. 5

“(g) Nothing in this subsection shall relieve any person from any penalty to which he may be liable otherwise than under this section, but no person shall be punished twice in respect of the same matter.”: 10

(c) By inserting in subsection three, after the word “section”, the words “or of any injunction issued under the last preceding subsection”.

Amending section 11 of the Native Purposes Act, 1931. 1931, No. 32

4. Section eleven of the Native Purposes Act, 1931, is hereby amended by adding to subsection four the following words: “Fifthly, the Native reserve called or known as Section 12, Ohariu District, containing ninety-eight acres three roods one perch and six-tenths of a perch, situated in Block I, Port Nicholson Survey District, being all the land comprised in certificate of title, Volume 401, folio 280 (limited as to parcels and title), Wellington Land Registry”. 15 20

Extending definition of term “person under disability”. 1936, No. 53 See Reprint of Statutes, Vol. VI, p. 182

5. Without limiting the provisions of section forty-five of the Native Land Amendment Act, 1936, it is hereby declared that for the purposes of Part X of the principal Act the expression “person under disability” includes any person who, in the opinion of the Court, is of intemperate or recklessly extravagant habits, or is of an improvident nature, or is, having regard to the nature and extent of his property, incapable of managing it in a businesslike manner. 25 30

Constitution of Maori Councils. Ibid., Vol. VIII, p. 1256

6. (1) For every Maori district established under the Maori Councils Act, 1900, there shall be a Maori Council consisting of the official member referred to in section eight of that Act and seven other members, being Maoris of the district, to be appointed by the Governor-General. 35

(2) Every person who at the passing of this Act purports to hold office as a member of any Maori Council under the Maori Councils Act, 1900, shall be deemed to have been validly and lawfully appointed and shall hold office until the Council is dissolved or he is removed from office by the Governor-General. 40

7. (1) This section applies to the Taranaki Maori Trust Board constituted under section forty-nine of the Native Purposes Act, 1931, the Arawa District Trust Board constituted under section fifty-one of the said Act, and the Tuwharetoa Trust Board constituted under section fifty-five of the said Act.

Expenditure by Maori Trust Boards to be approved by Native Minister.
1931, No. 32

(2) No Board to which this section applies shall expend any moneys or incur any liability for expenditure unless the proposed expenditure has first been approved by the Native Minister under this section.

(3) Every Board to which this section applies shall in the month of April in each year furnish to the Native Minister a statement showing in detail the estimated income and the proposed expenditure of the Board for the financial year ending on the thirty-first day of March next following, *pursuant to its powers in that behalf.*

(4) The Native Minister, in his discretion, may refuse his approval to any proposed expenditure shown in the said statement, or to any other proposed expenditure by the Board, or may grant his approval, either unconditionally or upon or subject to such conditions as he thinks fit.

8. Section five hundred and forty-six of the principal Act is hereby amended by inserting the words " His Majesty the King or to " before the words " a State Loan Department " wherever those words occur.

Section 546 of principal Act amended.
See Reprint of Statutes, Vol. VI, p. 344

PART II.

MISCELLANEOUS POWERS.

Waiariki District.

9. Whereas by an order of the Court dated the tenth day of December, eighteen hundred and eighty, the Tauhara Middle Number 1 Block was declared to be the property of His Majesty the King: And whereas the land described in subsection *five* hereof (hereinafter referred to as the said land) formed part of the said Tauhara Middle Number 1 Block and was included in the aforesaid order of the Court: And whereas, after inquiry pursuant to section thirteen of the

Vesting Wharewaka Reserve in the Crown.

1936, No. 56

Native Purposes Act, 1936, the Court has reported that the said land was intended to be returned to the Native owners thereof as a reserve for their use and benefit: And whereas it is now deemed expedient to extinguish the rights of the Native owners to the said land and to award them compensation therefor: Be it therefore enacted as follows:—

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(1) The said land shall, as from the passing of this Act, be deemed to be vested in His Majesty the King freed and discharged from any Native title thereto.

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(2) The Native owners of the said land shall be entitled to compensation for the said land so vested in His Majesty the King as if the said land had been taken for a public work under the Public Works Act, 1928.

See Reprint
of Statutes,
Vol. VII, p. 664

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(3) The Minister of Lands shall, within *six* months after the passing of this Act, cause application to be made to the Court to ascertain what amount of compensation ought to be paid to the Native owners of the said land and who are the persons entitled to be paid such compensation, and, after hearing such evidence as may be produced before it or may be thought necessary, the Court may make such order or orders as it thinks fit. In addition, the Court may order that any compensation found to be payable shall be paid on behalf of the persons entitled thereto to the Maori Land Board or to the Native Trustee, and may direct that such compensation shall be distributed among the persons entitled or applied for any special purpose or purposes for their use or benefit.

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(4) For the purposes of this section the Court may exercise any additional powers or authority conferred upon it by Part IV of the Public Works Act, 1928.

(5) The land to which this section relates is all that parcel of land in the Auckland Land District situated in Blocks V and VI, Tauhara Survey District, containing six acres one rood twenty perches, known as the Wharewaka Reserve, and more particularly delineated on plan 4214 (red), deposited in the office of the Chief Surveyor at Auckland.

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New.

9A. Whereas the Native Affairs Committee of the House of Representatives recommended that petition Number 167 of 1937, of Wetini Taku and others, concerning the ownership of Tunapahore Block, should be referred to the Government for inquiry by a special tribunal: Be it therefore enacted as follows:—

Enabling ownership of Tunapahore Block to be finally determined.

(1) A Commission of not less than three Judges of the Native Land Court shall be appointed by the Chief Judge to hear and determine the claims made in the said petition regarding the ownership of the said block, and the said Commission is hereby authorized and empowered to make such order or orders in the premises as the circumstances may require.

(2) In hearing and determining the said claims the Commission shall proceed as if it were hearing appeals from the original decision of the Native Land Court upon the investigation of the title to the said block, and it shall not be bound or estopped by any former decision of the Appellate Court or by any former finding, judgment, or order of the Native Land Court.

(3) The Commission may amend any orders of the Appellate Court or of the Native Land Court relating to the said block, whether as to boundaries, names of owners, relative interests, or otherwise, and may admit into the title any person found to be rightfully entitled, and the orders as amended, and all orders made by the Commission under this section, shall take effect accordingly as if they were made by the Court with full power and authority in that behalf in its ordinary jurisdiction.

(4) No appeal shall lie to the Appellate Court from any order made by the Commission under this section.

Tairawhiti District.

10. Whereas it is desirable that certain Native graves on Section 57 of the Township of Mahia should be protected from desecration, and with that object in view arrangements have been made with the European owner of the said Section 57 to exchange it for other land belonging to Natives, and the Court has made orders of exchange accordingly, but owing to certain

Authorizing Native Land Court to carry out arrangements as to Sections 57, 58, and 59, Mahia.

registered records having been destroyed in the Hawke's Bay earthquake of nineteen hundred and thirty-one it is desirable to give the Court further powers: Be it therefore enacted as follows:—

(1) The Court is hereby authorized to make an order or orders vesting Sections 57, 58, and 59 of the Township of Mahia (hereinafter referred to as the said land) or any part thereof in such persons as the Court thinks expedient for an estate of freehold free from all encumbrances, restrictions, liens, and interests, and the District Land Registrar for the Land Registration District of Hawke's Bay is hereby authorized upon any such order being transmitted to him to issue, without payment of any fee, one or more certificates of title for the said land, as the case may require. The issue of any such certificate of title shall, so far as the land comprised therein is concerned, effectually cancel any existing Crown grant or certificate of title for such land.

(2) If any part of the said land is vested by order in a Native, that part shall be deemed to be Native freehold land within the meaning of the principal Act.

New.

Enabling
ownership of
Marangairoa
1D Block
to be finally
determined.

10A. Whereas the petitions mentioned in subsection *six* of this section were presented to the House of Representatives by certain Natives alleging grievances in connection with findings of the Native Land Court and the Native Appellate Court with regard to the persons entitled to the various portions of the Marangairoa 1D Block and the relative interests of such persons in the said block: And whereas the Native Affairs Committee of the House of Representatives recommended that the said petitions should be referred to the Government for inquiry by a special tribunal: Be it therefore enacted as follows:—

(1) A Commission of not less than three Judges of the Native Land Court shall be appointed by the Chief Judge to hear and determine the claims made in the said petitions regarding the ownership of the said block, and the said Commission is hereby authorized and empowered to make such order or orders in the premises as the circumstances may require.

New.

5 (2) In hearing and determining the said claims the Commission shall proceed as if it were hearing appeals from the original decision of the Native Land Court upon the investigation of the title to the said block, and it shall not be bound or estopped by any former decision of the Appellate Court or by any former finding, judgment, or order of the Native Land Court.

10 (3) The Commission may amend any orders of the Native Land Court or of the Appellate Court relating to the said block, whether as to boundaries, names of owners, relative interests, or otherwise, and may admit into the title any person found to be
15 rightfully entitled, and the orders as amended, and all orders made by the Commission under this section, shall take effect accordingly as if they were made by the Court with full power and authority in that behalf in its ordinary jurisdiction.

20 (4) The Commission, while being guided as far as possible by Maori custom and usage, may, in hearing and determining the said claims, take into consideration and give effect to any claim by occupation, notwithstanding that the claim may appear to be inconsistent
25 or in conflict with any other right found by it to be the basis of the title.

(5) No appeal shall lie to the Appellate Court from any order made by the Commission under this section.

30 (6) The petitions to which this section relates are the following: Numbers 25 of 1937, 26 of 1937, 44 of 1937, 45 of 1937, 71 of 1937, 83 of 1937, 84 of 1937, 86 of 1937, 87 of 1937, 106 of 1937, and 17 of 1938.

35 **10b.** Whereas the Native Affairs Committee of the House of Representatives recommended that petition Number 47 of 1937, of Heni Morete and another, concerning the ownership of Herupara No. 1 Block, should be referred to the Government for inquiry by a special tribunal: Be it therefore enacted as
40 follows:—

(1) A Commission of not less than three Judges of the Native Land Court shall be appointed by the Chief Judge to hear and determine the claims made

Enabling
ownership of
Herupara
No. 1 Block
to be finally
determined.

New.

in the said petition regarding the ownership of the said block, and the said Commission is hereby authorized and empowered to make such order or orders in the premises as the circumstances may 5 require.

(2) In hearing and determining the said claims the Commission shall proceed as if it were hearing appeals from the original decision of the Native Land Court upon the investigation of the title to the said 10 block, and it shall not be bound or estopped by any former decision of the Appellate Court or by any former finding, judgment, or order of the Native Land Court.

(3) The Commission may amend any orders of 15 the Appellate Court or of the Native Land Court relating to the said block, whether as to boundaries, names of owners, relative interests, or otherwise, and may admit into the title any person found to be rightfully entitled, and the orders as amended, and 20 all orders made by the Commission under this section, shall take effect accordingly as if they were made by the Court with full power and authority in that behalf in its ordinary jurisdiction.

(4) No appeal shall lie to the Appellate Court 25 from any order made by the Commission under this section.

Enabling
ownership of
Wharekahika
Block to
be finally
determined.

10c. Whereas the Native Affairs Committee of the House of Representatives recommended that petitions Numbers 82 of 1937, 85 of 1937, and 165 of 1937, 30 concerning the ownership of Wharekahika Block, should be referred to the Government for inquiry by a special tribunal: Be it therefore enacted as follows:—

(1) A Commission of not less than three Judges of the Native Land Court shall be appointed by the 35 Chief Judge to hear and determine the claims made in the said petition regarding the ownership of the said block, and the said Commission is hereby authorized and empowered to make such order or orders in the premises as the circumstances may 40 require.

(2) In hearing and determining the said claims the Commission shall proceed as if it were hearing appeals from the original decision of the Native Land

New.

5 Court upon the investigation of the title to the said block, and it shall not be bound or estopped by any former decision of the Appellate Court or by any former finding, judgment, or order of the Native Land Court.

10 (3) The Commission may amend any orders of the Appellate Court or of the Native Land Court relating to the said block, whether as to boundaries, names of owners, relative interests, or otherwise, and may admit into the title any person found to be rightfully entitled, and the orders as amended, and all orders made by the Commission under this section, shall take effect accordingly as if they were made by 15 the Court with full power and authority in that behalf in its ordinary jurisdiction.

(4) No appeal shall lie to the Appellate Court from any order made by the Commission under this section.

20 **10d.** Whereas by a deed dated the fourteenth day of April, eighteen hundred and ninety-nine (hereinafter referred to as the trust deed), made between Wi Pere, Arapera Pere, Hetekia Pere, Moanaroa Pere, Riria Mauaranui, and Riripeti Rangikohera (therein and hereinafter referred to as the assignors) of the one 25 part, and Walter George Foster, of the other part, certain real and personal property in the Poverty Bay District was transferred to the said Walter George Foster upon certain trusts declared in the trust deed: And whereas by Order in Council dated the ninth day 30 of January, nineteen hundred and nine, His Excellency the Governor, by virtue of the powers vested in him by section forty-seven of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, removed the said 35 Walter George Foster from his position as trustee under the trust deed, and appointed Henry Cheetham Jackson and Hetekia te Kani Pere as trustees in place of the said Walter George Foster, and declared fresh trusts in respect of the residue of the real and personal 40 property then remaining subject to the said trust: And whereas the said Hetekia te Kani Pere died on or about the twenty-first day of March, nineteen hundred and twenty-five; and the said Henry Cheetham Jackson died on or about the seventh day of April, nineteen

Wi Pere
Trust.

1907, No. 76

New.

hundred and twenty-five: And whereas by a deed dated the first day of August, nineteen hundred and twenty-five, Moanaroa Pere, the then sole survivor of the assignors, in exercise of the powers conferred upon him by the trust deed, appointed himself and Charles Alfred Smith and Heathcote Beetham Williams (hereinafter referred to as the former trustees) to be trustees in place of the said Henry Cheetham Jackson and Hetekia te Kani Pere, and that appointment was approved by His Excellency the Governor-General by writing endorsed upon the said deed of appointment: And whereas the said Moanaroa Pere died on or about the third day of February, nineteen hundred and thirty-five: And whereas, each of the survivors of the former trustees having expressed his desire to resign his office of trustee, His Excellency the Governor-General, by Order in Council dated the second day of March, nineteen hundred and thirty-eight, removed the said surviving trustees from office, and appointed Owen Neil Campbell, Rongowhakaata Halbert, and Harold Walter Symes to be trustees of the said trust: And whereas it is expedient that new trusts should be declared in respect of the residue of the real and personal property now remaining subject to the trust hereinbefore recited, and that further powers should be conferred upon the trustees, and that provision should be made for the administration of the trusts and the release and discharge of the former trustees as hereinafter set forth: Be it therefore enacted as follows:—

(1) The trust created as hereinbefore recited and known as the Wi Pere Trust shall continue to exist, and the trust property shall comprise all property, real and personal, that at the passing of this Act is vested in the trustees for the time being, and shall include any real or personal property that may hereafter be acquired by the trustees for the purposes of the trust.

(2) (a) For the purpose of administering the trust property the Governor-General may from time to time, by Order in Council, appoint trustees who shall hold office during his pleasure. There shall be three trustees, but in the event of the number being reduced to less than three by death, resignation, removal, or

New.

otherwise, the surviving or continuing trustees or trustee may act pending the appointment of a new trustee or trustees.

5 (b) Notwithstanding anything to the contrary in the Native Trustee Act, 1930, or in any other Act, the Native Trustee may be appointed, and it shall be competent for him to act as, one of the trustees.

See Reprint
of Statutes,
Vol. VI, p. 373

10 (c) The Governor-General may, by Order in Council, remove any trustee from office, and may appoint a new trustee in place of any trustee who is so removed, or who dies or becomes incapable of acting or retires.

15 (3) Any trustee appointed under this section shall have the same rights and powers as he would have if appointed by decree of the Supreme Court in an action duly instituted.

20 (4) The appointment by Order in Council dated the second day of March, nineteen hundred and thirty-eight, pursuant to section sixty-one of the Native Purposes Act, 1931, of Owen Neil Campbell, Rongowhakaata Halbert, and Harold Walter Symes as the trustees of the Wi Pere Trust is hereby confirmed and they shall be deemed to have been appointed under this section.

1931, No. 32

25 (5) There shall be paid to each of the trustees out of the trust estate such salary or other remuneration and such travelling expenses and allowances as shall be fixed by the Native Minister upon the recommendation of the Court.

30 (6) Subject to the provisions of this section, the trustees may from time to time—

(a) Sell and dispose of or lease any lands comprised in the trust property upon such terms and subject to such conditions as they think fit:

35 Provided that the power of sale shall not be exercisable without the consent of the Native Minister given upon the recommendation of the Court:

(b) With the consent of the Native Minister, acquire any land or any interest therein:

40 (c) Borrow money upon the security of the trust property and expend it for the purpose of improving, subdividing, farming, selling, or leasing the trust property, and for the purpose of paying off any liabilities:

New.

- (d) Farm lands, purchase, sell, and dispose of stock, implements, and chattels, fell and dispose of timber, make and dedicate roads, construct houses, wool-sheds, and other buildings, construct drains and fences, and generally manage and improve any lands comprised in the trust property: 5
- (e) Engage and dismiss farm managers, servants, workmen, accountants, and others, and determine the salary, wages, or other remuneration payable to such persons for their services: 10
- (f) Permit any of the beneficiaries to occupy any part or parts of the lands comprised in the trust property upon such terms and subject to such conditions as the trustees think fit: 15
- (g) Set apart any part or parts of the lands comprised in the trust property as sites for dwellings for the beneficiaries or any of them, and erect dwellings thereon, and repair, alter, and improve the dwellings of beneficiaries. 20
- (7) All moneys received by the trustees from or in respect of the trust property or in respect of the farming or other utilization of the trust property shall be paid into one banking account in the name of the trustees in some bank carrying on business in the Borough of Gisborne. 25
- (8) No person lending money upon the security of the trust property shall be concerned to inquire as to the necessity for the loan, or as to the application by the trustees of the moneys raised thereby, and every such security executed by the trustees shall be as valid and effectual for the protection of the mortgagee and his assigns as if the trustees had been entitled in their own right to the lands or other property comprised in the security, and in any such security a power of sale on default may be granted. 30 35
- (9) In respect of the trust property vested in the trustees the Court may from time to time, on the application of the trustees or of the beneficiaries, settle the lists of the beneficiaries in the trust property or any part thereof, may determine their relative interests, may appoint successors to any deceased beneficiaries, 40

New.

and trustees for any beneficiary under disability, and generally may exercise jurisdiction with regard to the trust property so far as the equitable estate of the beneficiaries is concerned.

(10) The Court may from time to time, upon the application of the trustees, order that any part of the land comprised in the trust property and not for the time being subject to any mortgage be transferred to any beneficiary or beneficiaries of the trust upon or subject to such terms and conditions as may be equitable for the purpose of providing a residential building site or sites for such beneficiary or beneficiaries freed and discharged from the trust.

(11) The trustees shall apply and dispose of all income arising from the trust property as follows:—

(a) In defraying the cost of administration by the trustees of the trust property:

(b) In payment of all outgoings and costs, charges, and expenses (including rates, taxes, wages, and salaries, and the cost of erecting, insuring, maintaining, and repairing buildings) properly payable or incurred by the trustees in the due execution of their trust:

(c) If the trustees think it necessary or desirable, in providing a sinking fund for paying off and discharging any moneys owing by the trust and secured upon the trust property:

(d) In payment, at such times, in such amounts, and in such manner as the trustees think fit, of the residue of the income to the beneficiaries in accordance with their respective interests in the trust property.

(12) No beneficiary of the trust shall be capable of disposing of his interest in the trust property or in the rents, profits, or income thereof, or in any moneys borrowed upon the security thereof, whether by way of sale, mortgage, assignment, or otherwise. Nothing in the foregoing provisions of this subsection shall apply to any disposition by will or by operation of law.

(13) All freehold lands vested in the trustees and forming part of the trust property shall be deemed to be and at all times and for all purposes to have been

New.

Native freehold land within the meaning of the principal Act, but no alienation thereof, or of any part thereof, by the trustees shall require to be confirmed by the Court under the provisions of that Act. 5

(14) (a) The trustees shall cause to be made up to the thirtieth day of June in each year a balance-sheet and a statement of accounts setting forth all receipts and payments and income and expenditure of the trustees. 10

(b) Such balance-sheet and statement shall be audited by a person to be approved by the Minister, and as soon as possible after every such audit shall be submitted to the Minister.

(c) Every beneficiary shall be entitled at all reasonable times to inspect and take copies of the accounts and at his own expense to be furnished with copies thereof or extracts therefrom. 15

(15) The former trustees and their and each of their estates and effects are hereby released and discharged from all actions, claims, and demands for or in respect of any act, matter, or thing whatsoever done, omitted, or suffered by them or any of them as trustees in good faith under the trust deed, or arising out of the administration of the trusts thereof. 20

(16) The trusts hereby declared are in substitution for and replacement of the trusts declared by the trust deed and the said Order in Council dated the ninth day of January, nineteen hundred and nine. 25

Repeal.
1931, No. 32

(17) Section sixty-one of the Native Purposes Act, 1931, is hereby repealed. 30

Waikato-Maniapoto District.

Authorizing
Court to vest
part of the Te
Au-o-Waikato
Block in
Taupoki
te Aho.

11. Whereas by means of an order of exchange the Court vested the European land described in subsection *three* of this section (hereinafter referred to as the said land) in one Taupoki te Aho, a Native: And whereas registration of the order of exchange was not effected and the said land has continued to be dealt with as if it were still the property of the registered European owner: And whereas it is desirable that the said land should be legally vested in the Native entitled 35 40

thereto, and that further jurisdiction be conferred upon the Court for that purpose: Be it therefore enacted as follows:—

(1) The Court is hereby authorized and empowered
 5 to inquire into the circumstances of the said exchange, and, if satisfied that it is just and proper so to do, to make an order vesting the said land in Taupoki te Aho or her successors for an estate in fee-simple free from encumbrances, as from the third day of May,
 10 nineteen hundred and twenty-one, or such later date as the Court thinks fit.

(2) Upon receipt of such order the District Land Registrar at Auckland shall cancel or amend the certificate of title mentioned in subsection *three* hereof and
 15 the registration of any encumbrance as far as the said land is concerned and make any memorial he deems necessary to carry such order into effect, and shall, without payment of any fee, issue a certificate of title
 20 for the said land to the person or persons named in that order free from all encumbrances. The said land shall be deemed to be Native freehold land within the meaning of the principal Act as from the date of such order.

(3) The land to which this section relates is that
 25 piece of land containing four acres, more or less, being Lot 1 on a plan deposited in the office of the Chief Surveyor at Auckland under Number 12862 (red), and being portion of Te Au-o-Waikato A 5B 1 Block and part of the land comprised in certificate of title,
 30 Volume 335, folio 175, Auckland Registry.

12. Whereas on the twenty-fifth day of May, nineteen hundred and thirty-six, and the seventh day of February, nineteen hundred and thirty-eight, certain
 35 Mining District, amounting in the aggregate to one thousand one hundred and fifty-four pounds seventeen shillings and tenpence or thereabouts, were, pursuant to section five hundred and forty-four of the principal Act, paid to the Waikato-Maniapoto District Maori
 40 Land Board: And whereas, in respect of certain of the said revenues, the persons entitled thereto cannot

Authorizing application of certain goldfield revenues to general purposes of Ngatimaru and associated tribes.

See Reprint of Statutes, Vol. VI, p. 343

be ascertained: And whereas other persons known to be entitled, being members of Ngatimaru, Ngatiwhanunga, Ngatitamatera, and associated Maori tribes (hereinafter in this section collectively referred to as the said tribes), have, personally or by their representatives, generally expressed a desire that their shares of the said revenues should not be distributed to them, but should be devoted to general tribal purposes: And whereas it is desirable to make the following provisions in respect of the said revenues: Be it therefore enacted as follows:—

(1) The said sum of one thousand one hundred and fifty-four pounds seventeen shillings and tenpence is hereby declared to be a common fund which shall be separately accounted for in the books of the said Board and be held and administered in accordance with the provisions of this section.

(2) With the consent of the persons entitled thereto or upon the order of the Court, there may be paid into the fund any moneys which may hereafter become payable to Natives under the provisions of the Mining Act, 1926, or any other moneys that may be payable to Natives, and upon payment of any such moneys into the fund the said Board shall be discharged from liability to the individual persons entitled to receive such moneys.

(3) For the purpose of administering the fund the Court may, by order, appoint a committee consisting of not less than six nor more than ten persons, who shall be members of one or more of the said tribes. The Court may from time to time, and for any reason it thinks sufficient, remove members of the committee and appoint new members of the committee, and may make rules regulating the proceedings of the committee.

(4) Subject to the approval of the Court, the committee may expend the moneys in the fund for any purpose having for its object the advancement of the interests and general welfare, or for the general benefit of one or more of the said tribes or of any particular section or sections of the said tribes. It shall be within the power of the Court to determine what may be a proper object for which payment may be made out of the fund.

See Reprint
of Statutes,
Vol. V, p. 943

(5) No payment shall be made by the said Board from the fund except by order of the Court, and the Court may from time to time make such *ex parte* or other orders in that behalf as it thinks fit.

5 (6) No appeal shall lie against any order made by the Court under this section.

Tokerau District.

10 **13.** Whereas it is alleged by the Native owners of Parengarenga Block (Wairahi), situated in Muriwhenua and Tarawera Survey Districts in the North Auckland Land District, that a portion of the said Parengarenga Block was wrongfully included within the boundaries of the Muriwhenua South Block on the purchase of the said Muriwhenua South Block by the Crown: And
 15 whereas pursuant to the reference to it, under section five hundred and forty-two of the principal Act, of the said allegation the Court has reported that it was prepared to recommend that the Natives be given an area of Crown land; that some reasonable com-
 20 pensation for the deprivation of land since eighteen hundred and ninety-six should presumably also be allowed; and that if it is not practicable to give land reasonable monetary compensation therefor should be given: And whereas the Native claimants have agreed
 25 to accept the land hereinafter described in full satisfaction and discharge of all claims and demands whatsoever in respect of the loss of the area alleged by them in the said Parengarenga Block: Be it therefore enacted as follows:—
 30 (1) The land described in subsection *three* of this section shall be deemed to be Crown land set aside or reserved for the use and benefit of the Native owners of Parengarenga Block and their descendants.
 35 (2) The Court is hereby authorized and empowered to exercise in respect of the said land the jurisdiction conferred upon it by section five hundred and twenty-seven of the principal Act, and all the provisions of that section shall apply to the said land accordingly.
 40 (3) The land to which this section relates is all that area of land situated in the North Auckland Land District, comprising a total area of eight hundred and sixty-five acres three roods thirty-two perches, more or

Wairahi claim.

See Reprint of Statutes, Vol. VI, p. 342

Ibid., p. 329

less, and being Sections 4, 5, 6, 7, and 8 of Block XVI, Muriwhenua Survey District, as shown edged red on Plan Number 29755 (blue) in the office of the Chief Surveyor at Auckland.

Ikaroa District.

5

Authorizing inquiry as to estate of Renata Paora te Iriwhare, deceased.

14. To give effect to a recommendation of the Native Affairs Committee of the House of Representatives upon the petition Number 29 of nineteen hundred and thirty-five of Hori Taare Jury (hereinafter referred to as the petitioner) in respect of the estate of Renata Paora te Iriwhare, deceased: Be it enacted as follows:— 10

(1) It shall be lawful for the Court, on the application of the petitioner, to inquire into the circumstances set forth in the petition and any other evidence submitted to it regarding the claims of the petitioner, and to determine whether in fairness the petitioner ought to have some part of the estate of the said Renata Paora te Iriwhare, deceased, awarded to him, and, if the Court considers it fair and equitable so to do, to make at its discretion such order or orders as it may deem expedient in respect of the estate of the said Renata Paora te Iriwhare, deceased. 15 20

(2) The Court in the exercise of the jurisdiction hereby granted shall not be bound by any rule of Native custom nor by any succession order heretofore made in respect of the estate of the said deceased. It may cancel or amend any succession order already made and may make such other order or orders as the circumstances of the case may require, or, if it thinks it expedient, the Court may make an order or orders charging the lands of the deceased with the payment of such sum (if any) as it thinks should be paid to the petitioner. 25 30

New.

35

Declaring Section 1, Block V, Moeangiangi Survey District, to be Native freehold land.

14A. Whereas the land known as Section 1, Block V, Moeangiangi Survey District, being the whole of the land comprised in certificate of title, Volume 84, folio 114, Hawke's Bay Registry (hereinafter in this section referred to as the said land), was acquired from the Crown by a Native named Hami Tutu ostensibly for a pecuniary consideration but actually in settlement of a dispute over the purchase of a larger 40

New.

block of land of which it formed part, and it is desirable that the said land should be declared to be Native land: Be it therefore enacted as follows:—

5 The said land is hereby declared to be Native freehold land, and it shall be deemed to have been Native freehold land from the date of the warrant directing the District Land Registrar to issue the said certificate of title.

10 **14B.** Whereas the Native Affairs Committee of the House of Representatives recommended, upon petition Number 77 of nineteen hundred and thirty-eight, of Taunatapu Rimene, that provision be made as hereinafter mentioned: Be it therefore enacted as follows:—

Authorizing amendment of informal determination as to succession to Ropiha Moturoa in Wellington Tenth.

15 The Chief Judge may, upon the application of the petitioner, exercise the powers conferred upon him under section thirty-eight of the principal Act, in respect of any determination by the Court of the succession to Ropiha Moturoa, deceased, in respect of any interest in the Wellington Tenth, notwithstanding that the determination may have been made otherwise than by order.

Aotea District.

25 **15.** (1) Notwithstanding anything to the contrary in any Act or regulations, it shall not be lawful, except as provided in this section, for any person to fish in, or to take trout or other fish from, the lake known as Lake Roto-Aira or that portion of the Poutu Stream
30 situated in Blocks VI and VII, Pihanga Survey District, in the Wellington Land District, between Lake Roto-Aira and the head of a waterfall in the said stream, as more particularly delineated on the plan numbered 20161 lodged in the Wellington District Office,
35 Department of Lands and Survey, and marked A-B thereon (hereinafter in this section referred to as the said lake and stream).

Fishing in Lake Roto-Aira.

(2) It shall be lawful for the members of the tribe of Maoris known at Ngati-Tuwharetoa, and their
40 descendants (hereinafter in this section referred to as the said Natives), to fish in, and take trout or other fish from, the said lake and stream, and it shall not be necessary for any of the said Natives to take out any license or pay any fee for fishing in, and taking
45 trout or other fish from, the said lake and stream.

(3) No person shall sell, expose, or offer for sale, or buy or offer to buy, any trout or any part thereof taken from the said lake and stream.

(4) Every person who commits a breach of the provisions of this section shall be liable, on summary conviction, to a fine of *two* pounds for every such offence. 5

Repeal.
1931, No. 32

(5) Section sixty-eight of the Native Purposes Act, 1931, is hereby repealed.

New.

General.

10

Chief Judge
may refer
petitions in
Schedule
to Native
Land Court
for report.

16. (1) The Chief Judge is hereby authorized to refer to the Native Land Court, or to a Judge or Commissioner thereof, for inquiry and report, the claims and allegations made by the petitioners in the petitions mentioned in the Schedule hereto. 15

(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 Schedule hereto until the report and recommendation under this section have been considered by the Native Affairs Committee of the House of Representatives. 20 25

(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.

New.
SCHEDULE.

Schedule.

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

1. Petition No. 14 of 1937, of Henare Rako and others, praying for a reopening of the title of Hiwarau Block.
2. Petition No. 32 of 1937, of L. W. Parore and another, of Dargaville, praying for an investigation as to the disposition and ownership of certain Native reserves in the Maunganui Block.
3. Petition No. 43 of 1937, of Henare Matanuku and others, of Rangitukia, praying for a re-adjustment and redistribution of shares in Maraehara Block.
4. Petition No. 49 of 1937, of Teoti Timoti Karetai, praying for an investigation of the Native reserve in Princes Street, Dunedin.
5. Petition No. 88 of 1937, of Hori Kaiwai, of Ruatoria, praying for relief in respect of an area of 37 perches in Manutahi A 7A Block.
6. Petition No. 164 of 1937, of P. Tureia and others, of Gisborne, praying for a re-adjustment and redistribution of shares in Hauturu No. 2 Block.
7. Petition No. 174 of 1937, of Te Hekenui Whakarake and 22 others, of Wanganui, praying for a redistribution of titles to property known as Ngatimaru Landless Natives Block.
8. Petition No. 177 of 1937, of Rangirumaki Pereniki, of Paeroa, praying for an inquiry in respect of the ownership of Muraoteahi Block.
9. Petition No. 66 of 1938, of Wairama te Whakaunua, of Ruatoki North, praying for a re-adjustment of her interests in respect of Waiohau Block Subdivisions under the Ruatoki Consolidation Scheme.
10. Petition No. 33 of 1938, of Ata Paniora and another, praying for relief in respect of injustice allegedly suffered by them in relation to Waipoua 2B 3B 1 Block, Waipoua 2B 3D 2 Block, and Waipoua 2B 3A Block.