

NATIVE PURPOSES BILL

EXPLANATORY NOTES

PART I.

AMENDMENT OF LAWS.

Clause 3: Husbands and wives, being Natives, may join in the adoption of Native children, but the Native Land Court has held that it has no power to make an order of adoption of a Native child in favour of both husband and wife where one is a European. As the Native Land Act, 1931, provides that it shall not be lawful for any Magistrate to make an order under the Infants Act, 1908, for the adoption of a child by a Native, the result is that neither Court has jurisdiction to make an order in favour of the parties to a mixed marriage. The purpose of this clause is to confer such jurisdiction on the Native Land Court in respect of Native children and to enable any applications already pending in the Native Land Court and made since 1st January, 1941, to be dealt with.

Clause 4: The Board of Native Affairs has power to declare land owned or occupied by Natives to be subject to the provisions of Part I of the Native Land Amendment Act, 1936. This Act empowers the Board to develop and settle the land for Natives. The practice of the Board, however, is to require the consent of the owners to any land being brought under the Act, but cases have arisen, especially where there are a number of owners, where the owners have been divided on the question of the development of their lands. In some such cases it appeared to be eminently desirable that the land should be developed, but the reluctance of some of the owners to agree has resulted in the proposals being deferred or dropped. There are distinct disadvantages to the present practice as it is usually impossible to contact all owners. The purpose of the present clause is to enable new development proposals to form the subject-matter of an inquiry by the Native Land Court in open Court. In that way all owners will be given the opportunity of stating their views and recording their consents or their objections as the case may be. Upon an investigation of all the circumstances the Court will then make its report and recommendation for consideration by the Board as to whether or not action should be taken to bring the land under development for the benefit of the general body of Native owners.

Clause 5: Section 5 of the Native Purposes Act, 1937, enables Native land or land owned by Natives to be set apart and reserved by Order in Council as a Native reservation for the common use of Natives as a village-site, meeting-place, recreation-ground, church-site, burial-ground, source of water-supply, or for other purposes mentioned therein. Land so set apart thereupon becomes absolutely inalienable, whether to the Crown or to any other person, except that leases for terms not exceeding seven years may be granted with the consent of the Native Land Court. The section, however, applies only to Natives within the meaning of the principal Act—*i.e.*, persons

of full-blood, including half-castes, and persons intermediate in blood between half-caste and pure Maori. It is considered desirable that similar privileges should be extended to those persons of Maori descent who are not Natives within the meaning of the Act, and the purpose of this clause is to extend the operation of section 5 accordingly.

Clause 6: The Native Land Court has no jurisdiction to grant succession to the interests in the Native reserves of a person who is less than a half-caste. It appears also that the interests of such a person will devolve according to European law as to the distribution of intestate estates, in which case the purpose of the reserves—namely, the preservation of an estate for the maintenance of the descendants of the Natives who sold their lands in the early days of colonization—will tend to be defeated. The clause confers power on the Native Land Court to appoint successors and provides, in effect, that the interests will go according to Native custom.

PART II.

MISCELLANEOUS POWERS.

Tokerau District.

Clause 7: The Kenana Native School was closed some years ago and, as there is no likelihood of it being reopened, the Education Department desire to have the land revested in the Natives. This clause empowers the Court to make any necessary revesting orders. The area affected is five acres.

Waiariki District.

Clause 8: The Ruatoki Nos. 1, 2, and 3 Blocks were made exempt from rating during the time consolidation of the Natives' interests therein was being undertaken. The scheme having been completed and it being desired to bring the lands on to the rating roll again a notice was issued under the authority of section 16 of the Urewera Lands Act, 1921-22, declaring them to be no longer outside the Rating Act. Owing to the wording of the statute questions have been raised as to whether the notice is effective. This section is to clear the situation.

Waikato-Maniapoto District.

Clause 9: The land affected by this section was granted to the owners of the Whaingaroa Block in substitution for one of the four reserves made for them on the sale of that block to the Crown in 1851. In accordance with the original idea of preserving for the sellers "places of abode," a restriction was placed on the title making the land absolutely inalienable. The land, however, is not being used by the owners, of whom there are about 170, for settlement purposes. It contains 91 acres, is situated in the midst of European-owned land, the noxious weeds on it are becoming a menace to the surrounding properties, and, as it is not considered suitable for development under any of the State schemes, it is thought desirable to have the restrictions removed to enable the land to be disposed of. Any alienation will be subject to confirmation by the Native Land Court.

Ikaroa District.

Clause 10: In a notice published in the *Gazette* of the 11th December, 1930, the control and management of certain lands was declared to be vested in the Native Trustee under section 25 of the Native Trustee Act, 1930, which gives the Native Trustee power to farm. But to accord with the provisions of the statute, the notice should have been given in the *Kahiti*. This was not done owing to an office error. The Native Trustee has been, and is, farming the areas, and it is desirable that his authority to do so should be put beyond question. The proposed clause vests the control and management of the lands in him and validates past acts.

Ratana Pa.

Clause 11: Various suggestions have been made for the purpose of ameliorating the present difficulties confronting the Health Department with regard to sanitation, delapidation, and overcrowding in the Ratana Pa. Discussions with the leaders of the Ratana Movement and others have given rise to the desirability of making provision for the better administration and more effective control of the land on which the settlement is situated and adjacent lands by constituting a Board in which the lands will be vested and by which such lands will be managed. The Board will be known as the Ratana Trust Board and will consist of eight members, six of whom will represent beneficial owners and adherents of the Ratana Movement and two will be representatives of the Health Department and the Native Department. The Native Land Court is given power, with the consent of the owners, to vest the land in the Board. The Board in turn is given power to subdivide the lands, install water-supplies, sanitary conveniences, remove, erect, or repair buildings, and generally improve the settlement. It may grant leases of the lands limited to a maximum term of fifty years, the revenues from which will be paid partly to the owners and the residue into the general funds of the Board. The Board may levy a rate on the lands, impose a tenement tax, inflict fines for breaches of by-laws, and the moneys collected will be paid to the funds of the Board and expended in carrying out its powers and functions. Maori Land Boards, local authorities, trustees, and others may make contributions to the funds of the Board. Wide powers of local government are conferred upon the Board and it may make by-laws providing for the proper and effective control of the civic life of the settlement. The general duty of the Board is to promote, control, and conserve the moral, physical, educational, social, and economic welfare of the inhabitants of the Pa, and to encourage them in the adoption of such habits of life as will be conducive to their health and general well-being.

General.

Clause 12: The need for the Native Trustee's continuing to run a hostelry at Havelock for the use of the Natives beneficially interested in the South Island Tenth's Reserves has disappeared. This clause authorizes the Native Trustee to sell the property and provides for the destination of the proceeds.

Clause 13: In 1900 Teo Tipene, now deceased, and his then wife according to Native custom, purported to adopt a child called Robert Victor Tipene. An order of adoption under the Adoption of Children Act was orally pronounced by the Magistrate and a minute of the order entered on

the records of the Court, but the order was never drawn up and signed by the Magistrate. In 1936 the Supreme Court found that the omission to have the order drawn up and signed was fatal. It accordingly found that no order of adoption had been made and, in addition, that Teo Tipene and his wife were not husband and wife as required by the Act. Proceedings in the Native Land Court were taken to establish that Robert Tipene was the natural son of Teo Tipene thus giving him the right to succeed to the estate of Teo Tipene according to Native custom. The Chief Judge found that Robert Tipene was the natural son, but this decision was subsequently overruled by the Native Appellate Court. The estate is held at present under succession orders of the Native Land Court by the next-of-kin of Teo Tipene. The purpose of this clause is to empower the Native Land Court to inquire into all the circumstances and to award the whole or a part of the estate to Robert Tipene if it considers him to be fairly and equitably entitled thereto.

Hon. Mr. Mason

NATIVE PURPOSES

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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 for other Purposes. **Title.**

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

Short Title.

1. This Act may be cited as the Native Purposes Act, 1941.

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.

PART I.

AMENDMENT OF LAWS.

Adoption order in favour of husband and wife where one spouse is a European.

3. (1) In any case where a Native is married to a European the husband and the wife may jointly make an application for an order of adoption under Part IX of the principal Act, and the Court may make an order of adoption in favour of the husband and the wife jointly.

(2) In any case where a child has, whether before or after the coming into force of this section, been adopted by a Native, the Court may, in the lifetime of the adopting parent and while the order of adoption remains in force, make an order of adoption in accordance with the said Part IX in favour of the European husband or wife of that parent.

(3) This section shall be deemed to have come into force on the *first* day of *January*, nineteen hundred and forty-one.

Development of land upon recommendation by the Court. 1936, No. 53

4. If it is proposed that any Native land or any land owned or occupied by Natives should be declared to be subject to the provisions of Part I of the Native Land Amendment Act, 1936, the Court may, upon the application of the Board of Native Affairs, or of a Registrar of the Court, or of any person interested, inquire into any such proposal and make such report and recommendation thereon as it thinks fit for the guidance of that Board.

Section 5 of the Native Purposes Act, 1937, amended. 1937, No. 34

5. Section five of the Native Purposes Act, 1937, is hereby amended by adding the following subsection:—
“(14) For the purposes of this section, any person who is a descendant of a Native shall be deemed to be a Native.”

6. (1) Where any descendant of a Native has died, whether before or after the passing of this Act, and whether testate or intestate, leaving any beneficial freehold interest in any land which is subject to the provisions of the Native Reserves Act, 1882, or the Westland and Nelson Native Reserves Act, 1887, the Court shall have exclusive jurisdiction to determine the right of any person to succeed to the interest so left by the deceased, and may make in favour of every person so found to be entitled the same succession order as it might have made if the deceased had been a Native.

Court may appoint successors to interests of descendants of Natives in Native reserves.
1882, No. 52
1887, No. 29

(2) Any final order heretofore made by the Court which by virtue of this section would have been valid if this section had then been in force shall be deemed to be and at all times to have been a valid order and of full force and effect according to the tenor thereof.

PART II.

MISCELLANEOUS POWERS.

20 *Tokerau District.*

7. Whereas the land hereinafter described is 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:—

Revesting
Kenana Native
School site
in Natives.

25 (1) The land described in subsection *five* hereof shall, as from the passing of this Act, cease to be vested in the Crown for the purpose of a site for a Native school and shall thereafter be and be deemed to be Native freehold land within the meaning of the principal Act.

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

35 (a) Vesting the said land or any part thereof in such persons as may be found by the Court to be entitled thereto for an estate of freehold in fee-simple, and, if more than one, as tenants in common in the relative shares or interests defined by the Court:

(b) Setting apart the said land or any part thereof for some purpose for the benefit of Natives, and vesting the land so set apart in one or more persons in trust to hold and administer it for the purpose aforesaid, and the District Land Registrar is hereby authorized in any such case to issue, without the payment of any fee, a certificate of title in favour of that person or those persons. 5

(3) The Court may ascertain the ownership of the said land as if the title had not previously been investigated, and shall not be bound or restricted by any former order of the Court or of the Appellate Court or by any report under the provisions of the Native School Sites Act, 1880, made in respect of that land or any part or parts thereof. 10 15

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

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

(5) The land to which this section relates is: All that area in the Mangonui County, North Auckland Land District, situated in Block X, Mangonui Survey District, containing by admeasurement five acres, more or less, being parts of Kohumaru No. 1 Block, and being Kenana Native School site, appropriated and proclaimed in *New Zealand Gazette* of the nineteenth day of January, eighteen hundred and ninety-three, page 86, and of the tenth day of March, nineteen hundred and four, page 813: Bounded on the north-west by a public road, 548 links; on the north-east by part Kohumaru Block, 913 links; and on the south generally by Kohumaru A No. 2 Block, 548 links and 913 links; be the aforesaid linkages more or less: as the same is more particularly delineated on the plan marked N.D. 21/4/59, deposited in the Head Office of the Native Department, at Wellington, and thereon edged red (N.L.C. Plan 7019). 20 25 30 35

Waiariki District.

Validating
notice making
Ruatokei Blocks
rateable.

8. Whereas by a notice published in the *Gazette* of the twenty-second day of August, nineteen hundred and forty, at page 1962 (hereinafter in this section referred to as the said notice), the Native Minister, 40

purporting to act in pursuance of the provisions of section sixteen of the Urewera Lands Act, 1921-22, notified that all the land which was comprised in the Ruatoki No. 1, No. 2, and No. 3 Blocks, and which

1921, No. 55

5 by virtue of certain provisions of the said section sixteen had been deemed to be excepted from the term "rateable property" as defined by the Rating Act, 1925, should cease to be so excepted: And whereas doubts have arisen concerning the validity of the said
10 notice, and it is desirable that those doubts should be resolved: Be it therefore enacted as follows:--

The said notice is hereby declared to have been validly and lawfully issued and to have and at all times to have had full force and effect according to the tenor
15 thereof, and all acts done before the passing of this Act which by virtue of this section would have been valid and lawful if this section had been in force when they were done shall be deemed to have been as validly and lawfully done as if this section had then been in
20 force.

Waikato-Maniapoto District.

9. (1) The restriction against the alienation of the land known as Allotment 56, Parish of Karioi, imposed by certificate of title, Volume 251, folio 135, Auckland
25 Registry, in accordance with the direction contained in a certain Warrant issued under the authority of section eleven of the Native Land Amendment Act, 1912, and section thirteen of the Native Land Amendment Act, 1914, is hereby removed, and shall with respect to any
30 alienation made either before or after the commencement of this Act be of no force or effect.

Removing
restriction
against
alienation
of Lot 56,
Karioi Parish.

1912, No. 34

1914, No. 63

(2) The District Land Registrar is hereby authorized and directed to amend the said certificate of title by cancelling the restriction against alienation aforesaid
35 and to enter upon the Warrant mentioned in subsection *one* hereof a memorial to the effect that the said land is subject to the provisions of this section.

Ikaroo and Tairarwhiti Districts:

Control and
management
of Waipiro
A16 and other
blocks vested
in Native
Trustee.

See Reprint
of Statutes,
Vol. VI, p. 382

10. Whereas by a notice published in the *Gazette* of the eleventh day of December, nineteen hundred and thirty, at page 3755, the Native Minister purported, in effect, to declare that the control and management of certain lands amongst them being the Waipiro A16, A21, and A15 (part) and the Porangahau 1B 40 Section 4, and 1B 40 Section 1B Blocks (hereinafter in this section collectively referred to as the said blocks) was vested in the Native Trustee for the purposes of section twenty-five of the Native Trustee Act, 1930: And whereas by reason of the omission to publish that notice in the *Kahiti* in accordance with the provisions of the said section twenty-five, doubts have been cast on the validity of the exercise by the Native Trustee, in respect of the said blocks, of the powers conferred upon him by the said section twenty-five: And whereas it is desirable that those doubts should be resolved: Be it therefore enacted as follows:—

The control and management of the said blocks is hereby vested, and shall at all times since the eleventh day of December, nineteen hundred and thirty, be deemed to have been vested, in the Native Trustee under and for the purposes of the said section twenty-five; and all acts done before the passing of this Act, which by virtue of this section would have been valid and lawful if this section had been in force when they were done, shall be deemed to have been as validly and lawfully done as if this section had then been in force.

Ratana Pa.

Ratana
Trust Board
constituted.

11. Whereas for the better administration and more effective utilization of the Native settlement at Ratana, in the Aotea Native Land Court District, it is desirable to constitute a Board and to vest certain lands in such Board for administration and management in accordance with the provisions of this section: Be it therefore enacted as follows:—

(1) In this section the expression "the said land" means the land more particularly referred to in subsection *twenty-nine* hereof, whether or not the same is vested in the Ratana Trust Board constituted by this section, and includes any land not referred to in the said subsection *twenty-nine* that may become vested in that Board.

(2) For the purpose of this section there is hereby constituted a Board (hereinafter in this section referred to as the Board) which shall be a body corporate under the name of "The Ratana Trust Board", with perpetual
5 succession and a common seal, and which shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

(3) The Board shall consist of—

10 (a) The President for the time being of the organization known as the Ratana Movement who shall be the Chairman of the Board :

(b) Three beneficial owners of land vested in the Board, or, if the said President is a beneficial owner, then two beneficial owners, who shall be
15 nominated by other beneficial owners :

(c) Three adherents of the Ratana Movement, not being beneficial owners of land vested in the Board, or, where the said President is not a beneficial owner, two such adherents, who
20 shall be nominated by other adherents of the Movement who are not beneficial owners :

(d) Two officers of the Public Service (hereinafter in this section referred to as official members) of whom one shall be nominated by the Director-General of Health and the other by the Under-Secretary of the Native Department.
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(4) If the persons entitled to make nominations under the *last preceding* subsection fail to do so for a period of three months then such nominations may be
30 made by the Court.

(5) Each of the nominated members shall be appointed by the Governor-General and shall hold office for such term not exceeding *three* years as the Governor-General shall determine and thereafter until his successor
35 is appointed. Any nominated member shall be eligible for reappointment.

(6) A nominated member may at any time resign his office by notice in writing to the Board, and the Governor-General may at any time remove any nominated member
40 from office for any cause that he thinks fit. Any casual vacancy in the membership of the Board shall be filled in the manner in which the appointment of the member vacating office was made.

(7) The corporate identity of the Board shall be in no way affected by the fact that for the time being there may be no members of the Board in office, and no act of the Board shall be invalid because of any vacancy in the membership or because of any person continuing to act as a member of the Board after he has ceased to hold office or because of any defect or illegality in the appointment to such office. 5

(8) (a) Any contract which if made between private persons must be by deed shall, if made by the Board, be in writing under the seal of the Board. The seal of the Board shall not be affixed to any document except in the presence of three members of the Board one of whom shall be an official member and all of whom shall attest the sealing of the document. 10 15

(b) Every contract must, in order to charge the Board, be either under the seal of the Board or in writing signed by some person thereunto duly authorized by the Board.

(9) No member of the Board shall be personally liable for any act done or omitted by the Board or by any member thereof in good faith in pursuance or intended pursuance of the powers and authority of the Board. 20

(10) Meetings of the Board shall be held at such times and places as the Board or the Chairman from time to time determines. Subject to the provisions of this section and of any regulations made thereunder, the Board may regulate its own procedure in such manner as it thinks fit. 25

(11) It shall be the duty of the Board to promote, control, and conserve the moral, physical, educational, social, and economic welfare of the Maori inhabitants of the said land and to encourage the inhabitants of the said land in the adoption of such habits of life as will be conducive to their health and general well-being. 30

(12) The Court may from time to time, with the consent of the majority of the owners for the time being of any of the said land, make an order or orders vesting any of the said land for an estate of freehold in fee-simple in the Board, and the District Land Registrar shall register any such vesting order or orders without payment of any fee. Any parts of the said land affected by any such vesting order or orders shall, subject to the provisions of this section, thereupon be held by the Board in trust for the owners beneficially entitled thereto. 35 40

(13) All freehold lands vested in the Board, whether under the *last preceding* subsection or otherwise howsoever, shall be deemed to be Native freehold land within the meaning of the principal Act, but no alienation thereof
5 by the Board shall require to be confirmed by the Court under that Act.

(14) The Board may subdivide any land vested in it and may undertake or cause to be undertaken and carried out in connection with any land vested in it or
10 any other parts of the said land such works as it thinks fit, including, but without in any way limiting the powers of the Board hereunder, the survey, draining, roading, fencing, and clearing of the land, the removal,
15 construction, provision, insurance, maintenance, and repair of buildings and other erections, machinery, water-supplies, sanitary conveniences and other services, and any other works calculated, in the opinion of the Board, to give effect to the purposes of this section.

(15) The powers conferred on the Court by section
20 four hundred and eighty-eight of the principal Act shall be exercisable by the Court on the application of the Board, and the provisions of that section shall apply accordingly.

(16) (a) The Board may from time to time grant
25 leases of any land vested in it upon or subject to such terms and conditions as the Board thinks fit, and any such lease may be granted to a member of the Board. The provisions of section two hundred and eighty-five of the principal Act shall apply with respect to any
30 such lease.

(b) Except with the precedent consent of the Board no lease or sublease of land leased by it under the provisions of this section shall be capable of being assigned; nor, except with the precedent consent of the Board, shall
35 any sublease of any land so demised be capable of being granted. The Board may refuse its consent or in giving its consent the Board may impose such terms and conditions as it thinks fit. Nothing in this paragraph shall apply to any disposition by operation of law.

(17) Subject to the provisions of this section the Board may from time to time, with the consent of the Native Minister,—

- (a) Acquire any land or any interest therein :
- (b) Borrow money upon the security of any land 5
vested in it :
- (c) Lend money to Natives or descendants of Natives or act as guarantor for any Native or descendant of a Native, whether a member of the Board or not : 10
- (d) Sell any land vested in it subject to the consent in writing of the owners beneficially entitled thereto or pursuant to a resolution of assembled owners under Part XVIII of the principal Act : 15
- (e) Permit any of the beneficial owners or others to occupy any part or parts of the land vested in it upon such terms and subject to such conditions as it shall think fit.

(18) If at any time or from time to time it is found 20
desirable so to do the Court may make an order revesting any land vested in the Board under the provisions of this section in the persons for the time being beneficially entitled thereto according to the relative interests as 25
ascertained by the order, and upon the making thereof the land included therein shall cease to be vested in the Board and shall become vested in the persons whose names are set out in the order. The District Land Registrar is authorized to register such order against the relative title 30
without payment of any fee or production of the certificate of title, and to make such amendments in any instrument of title and to issue such new certificates of title, subject to existing valid leases, licenses, mortgages, or charges, as may be necessary to give effect to the order.

(19) All revenues received by the Board from leases or 35
tenancies granted by it shall be disposed of as follows :—

- (a) Not less than one-fourth nor more than one-third of those revenues, as the Board shall determine, shall be paid from time to time to the persons for the time being beneficially entitled thereto : 40

(b) The residue of those revenues may be applied by the Board for any purpose in connection with the administration or improvement of the lands vested in it or for any other purpose for the benefit of the inhabitants of the whole of the said land, or of persons from time to time using the said land, as it shall think fit.

(20) (a) The funds of the Board shall consist of all moneys received by it either in respect of the lands vested in it or from any other source, and all moneys shall forthwith after receipt be paid by the proper officer of the Board into the account of the Aotea District Maori Land Board to be held for the Ratana Trust Board.

(b) Any Maori Land Board, or any local authority, corporate body, company, or person (including trustees) may contribute to the funds of the Board, and any contribution so made shall be deemed to be a payment lawfully made, anything in any Act to the contrary notwithstanding:

Provided that no contribution by a Maori Land Board shall be made without the consent of the Native Minister first obtained.

(c) Subject to the provisions of this section the Board shall apply its funds in managing, administering, and improving the lands vested in it and any other parts of the said land, and generally for the purpose of carrying into effect the purposes and objects of this section, and for any other purpose which the Board may by resolution approve although it may not be strictly within the purposes and objects of this section.

(21) Within thirty days after the last day of March in each year the Board shall cause to be prepared and submitted to the Audit Office for audit a statement of assets and liabilities, together with a statement of accounts showing fully the financial position of the Board at the last day of March then last past, including a Receipts and Payments Account for the year ending on that date. The said statements shall, when duly audited, be submitted to the Native Minister accompanied by a report on the operations of the Board up to that date.

(22) Nothing in section two hundred and sixty-one or in section five hundred and fifty of the principal Act shall prevent any alienation, assignment, mortgage, charge, or other disposition, whether by way of anticipation or otherwise, in favour of the Board of any money which is or may become receivable by a Native in respect of his interest, whether legal or equitable, in any Native land, or in respect of any alienation thereof or otherwise howsoever, and, notwithstanding the death of that Native or any one claiming through or under him, such alienation, assignment, mortgage, charge, or other disposition shall continue to remain valid and enforceable. 5 10

(23) (a) All the said land and any other land vested in or acquired by the Board under the provisions of this section shall be exempt from liability for the payment of any rates levied under the Rating Act, 1925. 15

See Reprint
of Statutes,
Vol. VII, p. 977

(b) The Board shall have power to impose a tenement tax upon dwellings or other buildings situated upon the said land, or a rate upon the said land, and the tenement tax or rate so imposed by the Board may be recovered by it from the occupier of any building or land as a debt. 20

(24) It shall be lawful for the Board to make, and from time to time to vary or revoke, by-laws respecting all or any of the matters following:— 25

(a) For providing for the health and personal convenience and comfort of the occupiers of the said land or of any dwellings or buildings thereon:

(b) For enforcing the cleansing of dwellings and any other buildings on the said land and ensuring that such dwellings and other buildings conform to the requirements of good health: 30

(c) For the suppression or prevention of offences and common nuisances by the occupiers or users of the said land, or the dwellings or other buildings thereon: 35

(d) For the prevention of drunkenness among the occupiers or users of the said land, sly-grog selling thereon, or the introduction thereto by Maoris or any other persons of intoxicating liquor: 40

- 5 (e) For the protection and control of meeting-houses and other buildings situated on the said land, and the imposition and collection of fees for the holding of any entertainment or function therein :
- (f) For the protection, management, and control of any burial-grounds situated on the said land :
- 10 (g) For the control of any recreation-grounds on the said land, the admission of persons thereto, and the imposition and collection of charges for admission, and for the regulation of athletic and other sports :
- 15 (h) For regulating the sale of goods on the said land, with power to issue licenses to storekeepers, hawkers, and itinerant traders, and to cancel the same at any time, and to impose and collect license fees from such persons :
- 20 (i) For the prevention of gambling and gaming houses on the said land, the regulation and licensing of billiard-rooms, and the suppression of disorderly houses :
- 25 (j) For the maintenance and control of water-supplies on the said land, for the imposition of charges in relation thereto, 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, and for the collection and recovery of such charges :
- 30 (k) For controlling the proper cleansing and maintenance of systems of drainage or other amenities for sanitation on the said land :
- 35 (l) For fixing the amount of fines or penalties not exceeding *twenty* pounds to be imposed and paid for non-compliance with or breach of any by-law made by the Board :
- 40 (m) For the regulation, control, and management of any meetings or huis held on the said land, including the appointment of officers to regulate traffic or to keep down disturbances whether by Natives or others :
- (n) For ensuring good conduct and orderly behaviour by any person using the said land :

(o) For any other purpose approved by the Governor-General which may be necessary or expedient for the purpose of carrying out or giving effect to the provisions of this Act.

(25) No such by-laws shall come into operation until they have been approved by the Governor-General in Council and gazetted. 5

(26) The Board is hereby empowered to carry out and enforce such by-laws when the same come into operation and may, subject to the approval of the Native Minister, adopt such form of procedure as may be most suitable for inquiry and decision in regard to any breach of such by-laws. If any person shall refuse to pay any penalty imposed by the Board pursuant to the provisions of this section or of any by-law made by the Board hereunder then the same may be recovered as a debt. 10 15

(27) Nothing in the Maori Councils Act, 1900, shall apply to the said land.

(28) The Governor-General may from time to time, by Order in Council, make regulations with respect to the holding of meetings of the Board and the procedure thereat, the keeping of accounts, the administration of funds, the payment of allowances to members, the leasing of land, and generally for such other purposes as may be contemplated by this section or which he may deem necessary or expedient for the purpose of giving full effect to this section. 20 25

(29) The land affected by this section is all those parcels of land in the Aotea Native Land Court District containing together sixty-four acres and thirty-one perches, more or less, being portions of Waipu 1c 1, 1D 1, 1D 2, and 1D 3 Blocks, situated in Block XIV, Ikitara Survey District, and being all the land delineated on Plans W.D. 3975A and W.D. 3975B, deposited in the Office of the Chief Surveyor at Wellington. 30 35

General.

12. Whereas in the year nineteen hundred and five certain land in the Town of Havelock, being sections numbered respectively 146 and 147 on the plan of the said town and containing together two roods and four perches (hereinafter in this section referred to as the 40

See Reprint
of Statutes,
Vol. VIII,
p. 1256

Authorizing
disposal of
Havelock
Hostelry by
Native Trustee.

said land), was acquired as a site for a hostelry for the use of such of the persons beneficially interested in the lands commonly known as the South Island Tenths as might from time to time have occasion to visit the said town and the surrounding district: And whereas the hostelry standing upon the said land, which is now vested in the Native Trustee, is no longer required for the purposes for which it was intended or for any other purpose, and it is desirable that the land should be disposed of: Be it therefore enacted as follows:—

(1) The Native Trustee is hereby authorized, on such terms and conditions as he deems proper, and either by public auction or public tender or by private contract, to sell the said land or any part thereof or to lease the same or any part thereof for any period he thinks fit.

(2) The moneys derived from the sale or lease of the said land shall, after the deduction therefrom of all costs, charges, and expenses incurred in or incidental to the sale or lease be placed to the credit of the account existing in the Native Trustee's Account under the name of the South Island Tenths Benefit Fund, and shall form part of that Fund.

13. Whereas the Native Affairs Committee of the House of Representatives has recommended that petition Number 100, of nineteen hundred and thirty-seven, of Robert Victor Tipene (hereinafter referred to as the petitioner) be referred to the Government for consideration: And whereas the petitioner claims to be entitled to an interest in the estate of Teo Tipene, deceased: And whereas by section seventeen of the Native Purposes Act, 1939, it was provided that no person deriving or who had derived title to any lands by succession to the said Teo Tipene, deceased, should alienate or otherwise deal with those lands for a period of two years from the twenty-ninth day of September, nineteen hundred and thirty-nine (being the date of the passing of that Act): And whereas the Government has given consideration to the said petition: Be it therefore enacted as follows:—

(1) It shall be lawful for the Court on an application by or on behalf of the petitioner to inquire into the circumstances set forth in the petition, to consider any

As to the
estate of
Teo Tipene,
deceased.

1939, No. 28

evidence submitted to it regarding the claims of the petitioner, and to determine whether in fairness the petitioner ought to have the whole or some part of the estate of Teo Tipene, 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 Teo Tipene, deceased. 5

(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 said deceased. It shall not be estopped by any judgment of any Court in any proceedings relating to any matters set forth in the petition. The Court may cancel or amend any existing succession order 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 charging the lands of the deceased with the payment of such sum (if any) as it thinks should be paid to the petitioner. 10 15 20

(3) Any order made by the Court under the provisions of this section shall take effect (subject to appeal) as from the making thereof, but no such order shall take away or affect any right or interest acquired for value and in good faith under any instrument of alienation executed between the twenty-ninth day of September, nineteen hundred and forty-one, and the date of the passing of this Act. Any such alienation shall enure for the benefit of the persons who, by virtue of any order under this section, are entitled to the share or interest affected thereby, and all unpaid or accruing purchase-money, rent, royalties, or other proceeds of such alienation shall be recoverable accordingly. Any *bona fide* payment made in faith of any order heretofore made by the Court shall not be deemed to be invalid because of any variation thereof made by an order under the provisions of this section. 25 30 35

(4) Application under the provisions of this section shall be made by or on behalf of the petitioner within the period of one year after the passing of this Act and it shall not be lawful, except with the consent of the Native Minister, for any person who has heretofore derived title to any lands by or through succession to the said Teo Tipene, deceased, to alienate or otherwise deal with such lands during that period and, if an application is duly made under this section, until such application has been finally disposed of. 40 45

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

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

10 (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.

15 (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.

SCHEDULE.

Schedule.

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

1. Petition No. 71 of 1940, of Ema Hoera Ruihi, with regard to the lands of Hoera Mei Maihi, deceased.

2. Petition No. 86 of 1940, of Ani Mataka and others, praying for relief in respect of the interests of Rangikeike, deceased, in the Hoani Block.