

NATIVE PURPOSES BILL, 1946

EXPLANATORY NOTES

Clause 3: This clause repeats, in statutory form, the substance of the regulations made in 1942 and styled the Soldiers' Wills Emergency Regulations 1939, Amendment No. 1 (Serial No. 1942/229). The regulations provided that, to be valid, the will of a Maori serviceman had to be attested or executed in accordance with section 170 of the Native Land Act, 1931. At the same time, however, a measure of validity was given to a will executed in New Zealand by a Maori serviceman, but whose signature was not attested with the formalities prescribed by section 170. The Court might grant probate of the will, but no devisee under the will could take a beneficial interest in any Native freehold land devised to him unless he was capable, according to Native custom, of taking that interest by way of intestate succession. If the Court thought fit, it might appoint to the devisee a life or other limited estate in the land devised to him.

Clause 4: Under section 175 of the Native Land Act, 1931, the will of a Maori becomes absolutely void if probate or letters of administration with the will annexed are not applied for within two years from the date of the death of the testator. Cases are arising, particularly out of the actions in Greece and Crete, where the death of a Maori serviceman is not registered until after the expiry of two years from the actual date of death. This clause provides that the two-year period for making the necessary application to the Court commences to run not from the date of death, but from the date of the registration of death. It also permits a reopening of any case where the will has heretofore been rejected by the Court on the ground that the application was not in time, but so that no distribution of the personal estate shall be disturbed.

Clause 5: The time within which applications can be made to the Court for family maintenance from the estate of a Maori is limited to two years from the date of his death. The clause provides that, in the case of a serviceman, the time commences to run from the date of the registration of his death. The justification for the last preceding clause is the justification for this one.

Clause 6: This clause gives effect to the favourable recommendation of the Maori Affairs Committee on the petition of Taura Tikao and other children of George Ropata, deceased. Section 12 of the Native Purposes Act, 1941, provides for the creation of a trust in favour of the persons who are the contingent residuary beneficiaries in the estate of Hemi Matenga, deceased. These beneficiaries are all agreed that the children of George Ropata should be included for the share to which their father would have been entitled if he had not died.

Clause 7: With the influx of large numbers of young Maoris to the cities, either as students or industrial workers, the provision of accommodation has become an urgent necessity. Private board is difficult for a Maori to obtain, and the cost of boarding establishments is often beyond the means of students and junior employees. Hostels have been established in Auckland with moneys from the Auckland and Onehunga Native Hostelries Account Fund, but there is no similar fund available for the purpose in other cities. This clause enables the Native Trustee to acquire premises for hostels and similar purposes with funds derived from the profits of the Native Trust Office.

Clause 8: In the agreement made in 1926 between the Ngati-Tuwharetoa tribe and the representatives of the Crown for the cession of whatever rights the tribe had in Lake Taupo, and the rivers and streams flowing into the lake, there was a provision that the Crown might create a chain right-of-way for special license holders over the Native lands on the banks of those rivers and streams. The Crown was to have also the exclusive right to let camping-sites on the chain strip, but in any case where an owner suffered loss through being deprived of that right he was to be compensated for his loss. Section 14 of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, was passed for the purpose of giving effect to the agreement, but the Supreme Court has held that the legislation does not give the right to compensation which it purported to give. The right is conferred by this clause.

Clause 9: The purpose of these amendments is to get round difficulties which are being experienced in the consolidation of interests in Maori lands, where exchange and give-and-take are of the essence. People who own very small interests will often not trouble themselves to come before the Court, and indicate that they are agreeable to the Court dealing with those interests, with the result that consolidation is delayed. At present the Court is required, in making an exchange order, to see that the consent of every person whose interest is affected by the exchange is obtained. The first amendment enables the Court to dispense, in proper cases, with consent where the interest affected is worth not more than £25. The second amendment enables the Court to do away with the consent of a Maori to the vesting of some small interest of his in another person. It does not, of course, do away with his right to have the value of the interest secured to him by charging order or other means.

Clause 10: As something in the nature of a war effort, the Maoris at Te Kao, in the far North, engaged in certain communal undertakings, including, amongst other things, potato-growing and fishing. The results of the ventures did not measure up to expectations, and the people were left with debts and liabilities which they were unable to meet. The Tokerau District Maori Land Board is carrying on other businesses for the convenience and benefit of the community at Te Kao, and it has arranged with the leaders of the people that it will, if authorized by Parliament so to do, spend up to £4,000 from moneys in its account in the discharge of the debts and liabilities and add the amount spent to its other investments in businesses at Te Kao. In terms of the arrangement, the Board is to have vested in it certain lands upon which its store and other buildings at Te Kao are erected, and it is also to receive the revenues from the Parengarenga 5B 1 Block in reduction of its outlay. The clause is to enable effect to be given to the arrangement.

Clause 11: This clause gives effect to the recommendation made by the Maori Affairs Committee that petitions by certain lessees of the Te Karae Block should be given most favourable consideration. Five lessees are involved, and the aggregate area occupied by them is 1,154 acres. What happened was that the Tokerau District Maori Land Board in October, 1909, auctioned leases of certain sections of the Te Karae Block, which was vested in it for administration, for a term of twenty-five years, with a right of renewal for a further term of the same length. One of the conditions advertised was that, at the expiry of the term of the lease, the improvements would be valued and protected. Leases were duly granted and executed, and at various times the original lessees assigned to purchasers. The leases were transferred on the understanding that they carried a right to compensation for improvements at the end of the renewed term. That there was that understanding not only on the part of the lessees and their assignees, but also on the part of the Board, is clear from the fact that the Board, round about 1920, granted to four of the five persons to whom leases had been assigned substituted leases in terms of Part XV of the Native Land Act, 1909, which contained the right of

renewal, together with the appropriate compensation clause. The Board may well have considered that it was empowered to do so, because the Te Karae Block had, on the 1st April, 1910, become subject to Part XV of the 1909 Act, and, had the original leases been granted a few months later than they were, the lessees would have had a statutory right, under that Part of the Act, to leases with renewal and compensation clauses. Other lessees alongside them, who took up leases soon afterwards, were given that right.

At the end of the first term the lessees exercised their option to renew, and in some cases the Board gave them renewed leases, with the right to compensation, and these were registered. In two cases, however, renewals were not executed, the Board having been beset with doubts about the lessees' right to compensation at the end of the renewed term. A test case was taken in the Supreme Court and went to the Court of Appeal. The upshot was a decision to the effect that, on a true construction of the terms of the original offer, there was not a promise of compensation at the end of the renewed term. Nevertheless, it is clear that all the parties had understood that there was a right to compensation, and moneys have been lent to the lessees on the strength of the substituted and renewed leases granted by the Board. The clause validates the renewed leases, and authorizes the Board to grant renewed leases with compensation clauses in the cases where they have not already been executed.

Clause 12 : In 1944 the Maori Affairs Committee had before it a petition by Ngahua Beasley, and it recommended that the Court should be empowered to hear and determine, upon the merits, the claim made therein. Upon inquiry, the Court found that one of the officials dealing with the consolidation of Native lands in the North Auckland district, under a genuine, though, as it subsequently transpired, a mistaken, belief that a section in the Waikare Parish, containing 35 acres, was owned by certain of his relatives, arranged in 1938 that Ngahua could purchase the section for £35, the value for consolidation purposes, and that, on the payment of that sum, the land would be vested in her on consolidation proceedings. Ngahua commenced the payment of the purchase-money, entered into possession, and effected improvements to the value of about £330. When the time came for her to take title, it was found that the land was owned by different people altogether who dwell in the Waikato district. They have never lived on the area, have never effected any improvement, or, indeed, have never even seen it. The Court has addressed itself, with the greatest diligence, to the task of bringing about some arrangement satisfactory to both parties, but the owners of the land are not prepared to help in any way. The Court is of opinion that Ngahua's case is one in which Parliament might well give relief. The clause provides for the payment to Ngahua, within a limited time, of the value of the improvements on the land. Failing that, the Court can make an exchange of the land for any other land owned by Ngahua, or, if that is impracticable, it can vest the land in Ngahua on the payment by her to the owners of the sum of £70. Compare the relief which can be given under section 97 of the Judicature Act, 1908, in cases of encroachment.

Clause 13 : In 1920 an area of 3 roods 26 perches from the block of Native land known as the Kopironui B 2 Block was taken by the Waitemata County Council for the purposes of the Kaipara River protection works. An application was made by the Council to the Native Land Court in 1925 to assess compensation for this and other land, but when the application came on for hearing, the solicitor for the Council informed the Court, in effect, that the portion of the Kopironui B 2 Block taken was European land. As a result, no compensation was assessed by the Court. When it was later discovered that the land was, at the time of the taking, Native land, the County Council refused to do anything about having compensation assessed for it, and it persists in that refusal, on the specious grounds that the matter is *res judicata* and

that the claim for compensation is out of time. The clause authorizes the Court to hear and determine the application lodged by the Council in 1925 and to award compensation to the former Native owners, plus an allowance for interest.

Clause 14 : The two blocks mentioned in the clause are near Waihi. They have for many years been shown on the public record maps as Crown land and have been dealt with accordingly. Recently, however, when registration of dealings was attempted, the Crown's title was subjected to inquiry, with the result that it appeared that there had been no extinguishment of the interests of the Maori owners. Because of the rights of the third parties it is not practicable to restore the land to Maori ownership, and the intention is to put the Crown's title beyond any doubt and provide compensation for the Maori owners. A special valuation of the lands has been made very recently, and the compensation is equal to the *capital* value as shown by the valuation.

Clause 15 : This is to rectify an injustice which was imposed by the provisions of section 13 of the Native Purposes Act, 1937, upon certain of the beneficial owners of the Palmerston North Native Reserve. Because of some differences in a list of names and shares published by the Native Reserves Commissioner in 1876 and the names and shares shown in a declaration of trust executed by the Public Trustee in 1887 it appears to have been assumed by the Native Land Court that errors had crept into the Public Trustee's declaration. It was as a result of the Court's recommendation made in relation to an application under section 38 of the Native Land Act, 1931, dealing with the interests of one particular owner, that the 1937 legislation was passed. The upshot was that some people who, or whose forebears, had for many years been in possession of the rents, and without complaint from any one, were deprived of their interests, either wholly or in part. They say, and rightly say, that they were not given any opportunity to defend their title, even if there was any reasonable ground for putting them to that defence. Furthermore, records have since been discovered which indicate that the Public Trustee obtained his list from the books of the Commissioner of Native Reserves, and there is no real reason for supposing that there was any error in them. Any differences in the two lists of 1876 and 1887 can be accounted for otherwise than upon the basis of mistake—for instance, by transmission on death. At all events, unless some error can be clearly shown, the persons named in the Public Trustee's List, or their successors, are clearly entitled to the interests which they for so long held. This clause restores the ownership of those shown in the Public Trustee's list, or their successors, but gives an opportunity, limited in point of time, to any one who thinks he can prove that those persons were not entitled to state his case in the Native Land Court. Certain other provisions are made to resolve any doubts concerning the status of the land as a Native reserve.

Clause 16 : The main purpose of this clause is to enable some of the beneficiaries in the estate of Pukepuke Tangiora to be provided with houses. It allows the beneficiaries to have, for housing purposes, recourse to the capital of the funds from which they receive the income, and so forth.

Clause 17 : The land mentioned in this clause has always been dealt with by the Native Land Court as if it was Native freehold land within the meaning of the Native Land Act, whereas, in fact, it is not so, the original Native owner having purchased it from the Crown. The clause is to put beyond doubt the validity of orders made by the Court in respect of the land.

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,

10th October, 1946

Right Hon. Mr. Fraser

NATIVE PURPOSES

Title.	ANALYSIS
1. Short Title.	11. Validating certain leases of parts of Te Karae Block.
2. Provisions of Native Land Act, 1931, to apply to this Act.	12. Protection of improvements effected on North-western portion of Allotment 84, Waikare Parish.
PART I	
AMENDMENT OF LAWS	
3. Attestation of will of Native serviceman.	13. Assessment of compensation for part Kopironui B 2 Block.
4. Time for application for probate of will of Native serviceman.	<i>Waikato-Maniapoto District</i>
5. Time for application for family maintenance from estate of Native serviceman.	14. Declaring Ohinemuri 7A 2 and 16A 2 Blocks to have become Crown land.
6. Provisions relating to Hemi Matenga Trust amended.	<i>Ikaroa District</i>
7. Native Trustee may expend moneys in provision of Native hostels.	15. Restoring former equitable title to Palmerston North Native Reserve. Repeal.
8. Amending provisions relating to Taupo waters.	16. Further provisions in respect of Pukepuke Tangiora Estate.
9. Provisions relating to consent on exchange and consolidation amended.	17. Declaring Part section 88, Karere Block, to have been Native freehold land.
PART II	
MISCELLANEOUS POWERS	
<i>Tokerau District</i>	
10. Enabling effect to be given to arrangement for discharge of certain liabilities incurred by Te Kao Natives.	<i>General</i>
	18. Chief Judge may refer petitions in Schedule to Court for report. Schedule.

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.

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

Short Title.

1. This Act may be cited as the Native Purposes Act, 1946. 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 10 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 15

Attestation of will of Native serviceman.

3. (1) Notwithstanding anything to the contrary in any enactment, no will made after the second day of September, nineteen hundred and thirty-nine, by a Native while a member of His Majesty's Naval, Military, or Air Forces shall, except so far as is otherwise 20 provided by this section, be valid unless that will is attested and executed in accordance with the provisions of section one hundred and seventy of the principal Act.

Ibid., p. 168

(2) In any case where a will has been made in New Zealand by any Native while a member of any of His Majesty's Naval, Military, or Air Forces, and probate of that will, or letters of administration with that will annexed or a succession order in pursuance of the dispositions of that will, cannot be granted by reason only of the provisions of section one hundred and seventy 30 of the principal Act, the Court may, notwithstanding anything to the contrary in this or the principal Act, grant probate of that will, or letters of administration with that will annexed, or a succession order in pursuance of the dispositions of that will: 35

Provided that where the will is written in the English language, the Court shall be satisfied that the testator had a knowledge of the English language sufficient to enable him to understand the effect of the will. 40

(3) No devisee under any will to which subsection two of this section applies shall be capable of taking any beneficial freehold interest in any Native freehold land devised to him by the will unless he would be
 5 capable, according to Native custom, of taking that interest by way of intestate succession:

Provided that the Court may, if it thinks fit, appoint to him a life or other limited estate or interest in any Native freehold land devised to him by the will.

10 (4) Nothing in this section shall be deemed to affect the provisions of section one hundred and seventy-eight of the principal Act.

(5) This section is in substitution for Regulation four of the Soldiers' Wills Emergency Regulations
 15 1939, as set out in the Soldiers' Wills Emergency Regulations 1939, Amendment No. 1, and the said Regulation four and the last-mentioned regulations are hereby accordingly revoked.

4. (1) The provisions of this section shall apply
 20 to the will of any Native who dies or has died while out of New Zealand on service in some capacity in connection with any war in which His Majesty has been engaged since the second day of September, nineteen hundred and thirty-nine, and who at the time of
 25 his death was domiciled in New Zealand.

(2) Nothing in section one hundred and seventy-five of the principal Act shall apply or be deemed to have applied to any will to which this section applies.

(3) Every will to which this section applies shall
 30 become absolutely null and void as from the date of death of the testator unless, within two years from the date of the registration of the death of the testator or within nine months from the date of the commencement of this Act (whichever of those periods shall last
 35 expire), application has been made to the Court for a grant of probate of that will, or for a grant of letters of administration with that will annexed, or for a succession order in pursuance of the dispositions of that will.

40 (4) Where the Court has heretofore granted letters of administration or has made a succession or any other order with respect to the estate of a Native whose will would, but for the provisions of this section, have become absolutely null and void, the Court, if the
 45 circumstances so require, may, on any proceedings

See Reprint
 of Statutes,
 Vol. VI, p. 172
 Serial number
 1939/276

Serial number
 1942/229

Time for
 application for
 probate of
 will of Native
 serviceman.

See Reprint
 of Statutes,
 Vol. VI, p. 170

taken in relation to an application made in pursuance of the provisions of this section for the grant of probate of that will, or for the grant of letters of administration with that will annexed, or for a succession order in pursuance of the dispositions of that will, revoke the grant of letters of administration or cancel, vary, or amend any succession or other order theretofore made by it in respect of the estate of that Native: 5

Provided that no such revocation, cancellation, variation, or amendment shall affect the distribution of any part of the personal estate of the Native theretofore made, nor shall any right or interest in land theretofore acquired in good faith and for value be taken away or affected by such revocation, cancellation, variation, or amendment. 10 15

(5) For the purposes of this section, registration of death means registration of death in the War Deaths Register compiled pursuant to Regulation three of the Registration of Deaths Emergency Regulations 1941 or, in the case of a member of the New Zealand Naval Forces, registration pursuant to section three of the Births and Deaths Registration Amendment Act, 1930. 20

Serial number
1941/115

See Reprint
of Statutes,
Vol. VIII,
p. 58

Time for
application for
family
maintenance
from estate of
Native
serviceman.

Ibid., Vol. VI,
pp. 171, 172.

5. (1) With respect to the estate of any Native who dies or has died while out of New Zealand on service in some capacity in connection with any war in which His Majesty has been engaged since the second day of September, nineteen hundred and thirty-nine, and who at the time of his death was domiciled in New Zealand, the time within which an application may be made to the Court under subsection one of section one hundred and seventy-seven or subsection one of section one hundred and seventy-eight of the principal Act shall be two years from the date of the registration of the death of the Native in respect of whose estate the application is made, or nine months from the date of the commencement of this Act (whichever of those periods shall last expire). 25 30 35

(2) For the purposes of this section, registration of death means registration of death in the War Deaths Register compiled pursuant to Regulation three of the Registration of Deaths Emergency Regulations 1941 or, 40

Serial number
1941/115

in the case of a member of the New Zealand Naval Forces, registration pursuant to section three of the Births and Deaths Registration Amendment Act, 1930.

See Reprint
of Statutes,
Vol. VIII,
p. 58

(3) Nothing in this section shall be deemed to affect the power of the Court under subsection six of section one hundred and seventy-seven of the principal Act.

6. Section twelve of the Native Purposes Act, 1941, is hereby amended as from the passing of that Act by inserting in the preamble to that section, after the words " or have died leaving issue them surviving— namely," the words " George Ropata,".

Provisions
relating to
Hemi Matenga
Trust amended.
1941, No. 22

7. (1) There is hereby established a Fund to be known as the Native Hostels Fund, consisting of:—

Native Trustee
may expend
moneys in
provision of
Native hostels.

(a) The sum of *twenty thousand pounds* to be transferred, without further appropriation than this section, from the Assurance and Reserve Fund referred to in section forty-nine of the Native Trustee Act, 1930.

See Reprint
of Statutes,
Vol. VI, p. 395

(b) Such amount as may in any year, and from year to year, be authorized by the Native Minister to be transferred from the credit balance in the profit and loss account of the Native Trustee's Account:

Provided that in any year the amount so authorized to be transferred shall not exceed one-sixth of the credit balance for that year:

(c) All moneys derived from the disposition of any land or premises authorized by this section:

(d) All income derived by the Native Trustee in respect of any accommodation provided under the authority of this section.

(2) The Native Hostels Fund shall form part of the Native Trustee's Account.

(3) Out of the moneys in the Native Hostels Fund the Native Trustee may from time to time, with the consent of the Native Minister, purchase, take on lease, or otherwise acquire any land or premises for the purpose of providing and maintaining hostels for the accommodation of Natives and the descendants of Natives; and may from time to time, with the like consent, expend such sums as may be necessary for

the erection, replacement, repair, upkeep, maintenance, furnishing, and equipping of any building or premises on any land acquired under this section, and generally may, out of such moneys, pay all necessary outgoings in respect of any such building, premises, or land. 5

(4) Any land or premises acquired by the Native Trustee under this section may be sold, let, leased, or subleased or otherwise disposed of by the Native Trustee upon such terms and conditions as he thinks fit:

Provided that no such land or premises shall be sold or leased for a term exceeding three years without the consent of the Native Minister. 10

(5) In respect of any accommodation provided by the Native Trustee in pursuance of the provisions of this section, the Native Trustee may from time to time impose such charges as he thinks fit and may from time to time prescribe such rules as he thinks necessary for regulating the management and control of any hostel or the conduct of the inmates thereof. 15

(6) At the close of each financial year the Native Trustee shall cause to be prepared statements showing in respect of the Native Hostels Fund for that year the total receipts and payments and the income and expenditure, together with a balance-sheet showing the assets and liabilities of that Fund, and shall forward such statements to the Native Minister. 20 25

(7) The powers conferred by this section are in addition to the powers conferred by any other Act, and may be exercised notwithstanding the provisions of any other Act. 30

8. (1) Subsection four of section fourteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, is hereby amended, as from the commencement thereof, by inserting, in paragraph (c), after the words "any part of the land", the words "over which a right-of-way is". 35

Amending provisions relating to Taupo waters. See Reprint of Statutes, Vol. VI, p. 405

(2) If any person who has any estate or interest in any land over which a right-of-way is reserved under paragraph (b) of subsection four of section fourteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, suffers or has suffered since the date of the passing of that Act any loss by reason of his having been deprived of the right to let for camping-sites or for fishing purposes any part of that land, he shall be entitled to compensation for that loss or damage and, subject to the provisions of this section, may make a claim therefor in all respects as if the claim were authorized by the said section fourteen.

(3) Notwithstanding anything contained in paragraph (d) of subsection four of section fourteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, any claim for compensation made under the *last preceding* subsection may, if the Proclamation in respect of which the claim arises has been published before the date of the passing of this Act, be made and lodged within six months from that date.

(4) The successor in title of any person who would have been entitled to claim compensation if this section had been in force shall have the same rights in respect of that compensation as his predecessor in title would have had.

(5) The provisions of this section shall, so far as they are applicable and with the necessary modifications, apply to any person who has commenced a claim for compensation under the said section fourteen before the passing of this Act.

9. (1) Section one hundred and fifty-eight of the principal Act is hereby amended by adding to paragraph (e) the following proviso:—

“ Provided that the Court may, in its discretion, dispense with such consent if the value of the interest so to be exchanged does not, in the Court’s opinion, exceed the sum of twenty-five pounds.”

(2) Section one hundred and sixty-three of the principal Act is hereby amended by omitting from subsection nine the words “ with the consent of the Native concerned ”.

Provisions relating to consent on exchange and consolidation amended.

See Reprint of Statutes, Vol. VI, p. 159

Ibid., p. 164

PART II

MISCELLANEOUS POWERS

Tokerau District

Enabling effect
to be given to
arrangement
for discharge
of certain
liabilities
incurred by
Te Kao
Natives.

10. Whereas it is desirable to give effect to an arrangement made on the third day of October, nineteen hundred and forty-five, between the Tokerau District Maori Land Board (in this section referred to as the Board) and the representatives of the Native residents of Te Kao and surrounding districts (in this section referred to as the Te Kao residents) and to make provision for matters arising out of or in relation to that arrangement: Be it therefore enacted as follows:—

(1) The Board is hereby authorized and empowered to expend from moneys in its account a sum not exceeding four thousand pounds in the discharge, to such extent as the Board thinks fit, of certain debts and liabilities which at the commencement of this Act are within the knowledge of the Board and which were incurred in relation to certain communal business and undertakings at Te Kao and elsewhere, and the moneys so expended shall be deemed to have been expended by the Board in engaging in or undertaking an industry or business, pursuant to section one hundred and seven of the principal Act, in the interests or for the convenience of the Te Kao residents.

(2) To the extent that any debts and liabilities referred to in the *last preceding* subsection are discharged by the Board, the Board shall have and may exercise against the persons by whom the debts and liabilities were incurred the same rights and remedies as the creditors had and could have exercised if the debts and liabilities had not been discharged by the Board.

(3) The Court is hereby authorized and empowered from time to time to make orders vesting in the Board for a beneficial estate in fee-simple the parts of the land containing one hundred and twenty-five acres three roods and thirty-eight perches, more or less, situated in Block XVI, Muriwhenua Survey District, and known

as Te Kao 71 Block (being part of the land formerly known as Parengarenga 5B 2B) upon which the Board has erected any buildings or other structures or such parts of the said land as the Court thinks necessary for the purpose of enabling the Board to engage in and undertake and carry on any business or industry in the interests or for the convenience of the Te Kao residents; and by the same or other orders the Court may create rights of way over any other part of the said Te Kao 71 Block as may be necessary to afford reasonable access to any part or parts of the block vested in the Board, as aforesaid. The aggregate area of the parts of the block so vested shall not exceed ten acres, and no compensation shall be payable in respect thereof or in respect of the creation of any rights of way in pursuance of the power and authority hereby conferred.

(4) Upon the making of any vesting order pursuant to the *last preceding* subsection, the land affected by the order shall cease to be subject to any trust affecting the same.

(5) The Court may, without being satisfied upon any matter upon which it is required by section eight of the Native Purposes Act, 1943, to be satisfied, vest under that section in the Board the whole or any parts of the land containing two thousand eight hundred and forty acres, more or less, situated in Blocks IV and VIII, Muriwhenua Survey District, and known as Parengarenga 5B 1 Block, and define the trusts upon which the land so vested shall thenceforth be held; and the provisions of that section shall, except so far as they are modified by the *next succeeding* subsection, extend and apply to the land so vested and the trusts so defined.

(6) No alienation by the Board of any part of the said Parengarenga 5B 1 Block vested in it pursuant to this section shall require confirmation by the Court under Part XIII of the principal Act; and all the revenues and proceeds from any alienation of the said Parengarenga 5B 1 Block (including any alienation effected before the vesting in manner aforesaid) shall be paid to the Board and may be applied by it in repayment or reduction of the amounts expended by it in any business or industry engaged in or undertaken by the Board in the interests or for the convenience of the Te Kao residents.

Validating
certain leases
of parts of
Te Karae
Block.

See Reprint
of Statutes,
Vol. VI, p. 240

11. Whereas the land containing nineteen thousand five hundred and thirty-six acres, more or less, situated in the North Auckland Land District, and known as Te Karae Block (in this section referred to as the said land), was, by an Order in Council made on the twenty-fourth day of June, nineteen hundred and seven, under the provisions of section eight of the Maori Land Settlement Act, 1905, vested in the Tokerau District Maori Land Board (in this section referred to as the Board), and thereafter became subject to the provisions of Part XV of the Native Land Act, 1909, and, on the repeal of that Act, to the provisions of Part XV of the principal Act: And whereas on the eighteenth day of October, nineteen hundred and nine, leases of certain portions of the said land for a term of twenty-five years from the first day of January, nineteen hundred and ten, with a right of renewal for a further term of twenty-five years, were offered by the Board for public auction, one of the conditions of the offer being that, on the expiry of the term of the lease, the improvements would be valued and protected: And whereas certain leases were taken up at that auction or thereafter, and were later assigned to purchasers on the understanding that the leases carried a right to compensation for improvements at the end of the renewed term: And whereas the Board subsequently granted or agreed to grant to certain of the assignees by purchase of the leases (in this section referred to as the lessees) substituted leases for a term not in any case extending beyond twenty-five years from the first day of January, nineteen hundred and ten, with a right of renewal for further periods (but not in any case extending beyond the first day of November, nineteen hundred and fifty-seven), and containing, in accordance with the provisions of Part XV of the Native Land Act, 1909, a provision for payment, on the expiry of the renewed term, of compensation for improvements made by the respective lessees: And whereas, the original term of the leases having expired, the lessees exercised their right of renewal, and the Board has granted to certain of the lessees renewed leases in accordance with the terms of the expired leases; and whereas some doubts exist concerning the Board's powers to grant to the lessees renewed leases containing, in accordance with the

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provisions of Part XV of the principal Act, provision for payment of compensation for improvements: And whereas it is desirable, in order to give effect to the recommendations made by the Maori Affairs Committee of the House of Representatives upon petitions by certain of the lessees, that the renewed leases granted by the Board should be validated and that the Board be authorized to grant like renewed leases in those cases where they have not yet been executed: Be it therefore enacted as follows:—

(1) The leases heretofore granted by the Board in respect of the several portions of the said land particularly described in subsection *three* of this section, and which are subsisting at the commencement of this Act, shall be and be deemed to have been at all times as valid and effectual as if the Board had been fully empowered to grant the same under the provisions of Part XV of the principal Act, and shall accordingly be deemed to have been so granted.

(2) The Board is hereby authorized and directed to grant to the persons entitled thereto renewed leases, in accordance with the provisions of Part XV of the principal Act, of the several portions of the said land particularly described in subsection *four* of this section for a term expiring on the first day of November, nineteen hundred and fifty-seven, and containing provision for the payment, on the expiration thereof, to the respective lessees of compensation for improvements in accordance with the provisions in that behalf contained in Part XV of the principal Act.

(3) The several portions of the said land referred to in subsection *one* of this section are—

(a) Lot 3 on Deposited Plans Numbers 7199 and 7201 of Part Te Karae No. 4 Block, comprised in memorandum of lease Number 15743, Auckland Registry:

(b) Lot 4 on Deposited Plan Number 7201 of Part Te Karae No. 4 Block, comprised in memorandum of lease Number 15890, Auckland Registry:

(c) Lots 55 and 56 on Deposited Plan Number 7199 of Part Te Karae No. 3 Block, comprised in memorandum of lease Number 15537, Auckland Registry:

(d) Lot 62 on Deposited Plan Number 7197 of Part Te Karae No. 3 Block, comprised in memorandum of lease Number 16893, Auckland Registry.

(4) The several portions of the said land referred to in subsection *two* of this section are— 5

(a) Lot 15 on Deposited Plans Numbers 7199 and 7201 of Part Te Karae No. 4 Block, Auckland Registry:

(b) Lot 58 on Deposited Plan Number 7199 of Part Te Karae No. 3 Block, Auckland Registry. 10

Protection of improvements effected on North-western portion of Allotment 84, Waikare Parish.

12. Whereas in reliance on certain representations made to her to the effect that, upon the payment of the sum of thirty-five pounds to the Tokerau District Maori Land Board on behalf of the Native owners of the land described in subsection *five* of this section (in this section referred to as the said land), the owners would agree to the said land being vested in her pursuant to the provisions of section one hundred and sixty-three of the principal Act, one, Ngahuia Beasley of Parua Bay, in the Provincial District of Auckland, married woman, commenced the payment, by way of instalments, of the said sum of thirty-five pounds and entered into possession of the said land: And whereas when the said Ngahuia Beasley, having paid the specified sum of thirty-five pounds to the said Board, requested that the said land should be vested in her, it was discovered that the persons upon whose behalf the representations as aforesaid had been made to the said Ngahuia Beasley were not in fact the owners of the said land but were the owners of another area of land: And whereas, in the meantime, the said Ngahuia Beasley had effected improvements of a substantial character upon the said land and is now, by reason of the unwillingness of the owners of the said land to treat with her, in danger of being deprived of the value of the improvements made by her upon the said land: And whereas the Court, after having inquired into the circumstances in which the said Ngahuia Beasley entered into possession of the said land, has recommended that the said Ngahuia Beasley should be afforded some relief in the premises: Be it therefore enacted as follows:— 15 20 25 30 35 40

See Reprint of Statutes, Vol. VI, p. 164

(1) The Court is hereby authorized and directed to determine, as soon as practicable after the commencement of this Act, the value of the improvements effected upon the said land by the said Ngahuia Beasley and 5 which are subsisting at the commencement of this Act, and to make an order, directed to such of the owners of the said land as the Court thinks fit, requiring the owners to pay to the said Ngahuia Beasley, within 10 three months from the date of the order, the amount determined by the Court as being the value of the improvements aforesaid, but subject to any deduction which the Court thinks just and reasonable for the use and occupation of the said land by the said Ngahuia Beasley.

15 (2) If, within the time limited by the *last preceding* subsection, the owners of the said land fail to pay to the said Ngahuia Beasley the amount ordered to be paid by the Court, the Court may exercise the jurisdiction conferred upon it by Part VII of the principal 20 Act to make exchange orders vesting the said land in the said Ngahuia Beasley and vesting any land owned by the said Ngahuia Beasley in the owners of the said land:

25 Provided that in exercising its jurisdiction the Court shall not be required to be satisfied as to all or any of the matters specified in section one hundred and fifty-eight of the principal Act:

30 Provided further that, in the ascertainment of the value of the said land for the purposes of exchange, no account shall be taken of the value of the improvements made upon the said land by the said Ngahuia Beasley.

(3) If for any reason which it thinks sufficient the Court finds it impracticable to exercise the jurisdiction conferred upon it by the *last preceding* subsection, the 35 Court may, upon the payment by the said Ngahuia Beasley of the sum of seventy pounds to the Tokerau District Maori Land Board as the agent of the owners of the said land, make an order vesting the said land for an estate in fee-simple in the said Ngahuia Beasley, 40 and upon the making of that order the land shall vest in the said Ngahuia Beasley without any transfer or other instrument of assurance.

(4) For a period of one year from the commencement of this Act it shall not be lawful for the owners to make, otherwise than by will, any alienation or disposition whatsoever of the said land, save an alienation or disposition in favour of the said Ngahuia Beasley; and any alienation or disposition made in breach of these provisions shall be absolutely void: 5

Provided that nothing in this subsection shall prevent any alienation or disposition of the said land if the owners, within the time limited by subsection *one* hereof, pay to the said Ngahuia Beasley the amount ordered to be paid by the Court. 10

(5) The land to which this section relates is all that area containing 35 acres, more or less, known as North-western portion of Allotment 84, Waikare Parish, and being part of the land comprised and described in certificate of title, Volume 547, folio 189, Auckland Registry. 15

Assessment of compensation for Part Kopironui B 2 Block.

13. (1) The Court is hereby authorized and empowered to hear and determine the application, dated the nineteenth day of January, nineteen hundred and twenty-five, and made by or on behalf of the Waitemata County Council, in all respects as if the application had not previously been before the Court so far as the application relates to the assessment of compensation for that portion of the Kopironui B, No. 2, Block, containing three roods twenty-six perches, more or less, taken for the purposes of the Kaipara River protective works by a Proclamation made under the Counties Act, 1908, and the Public Works Act, 1908, and published in the *Gazette* on the twenty-seventh day of May, nineteen hundred and twenty. 20 25 30

See Reprint of Statutes, Vol. V, p. 180
Ibid., Vol. VII, p. 622

(2) In addition to any compensation awarded by it, the Court may allow to the former owners of the land taken as aforesaid such sum by way of interest on the compensation awarded by it, but calculated from the date upon which the land was taken, as the Court thinks fit, and the sum so allowed by way of interest shall form part of the compensation payable by the said Waitemata County Council for the said land. 35 40

(3) The powers conferred upon the Court by this section may be exercised notwithstanding the provisions of any Act or rule of law to the contrary.

Waikato-Maniapoto District

14. Whereas the two areas of Native land described in subsection *four* of this section (in this section referred to as the said lands) have been dealt with and administered by the Crown on the understanding that the said lands were Crown land: And whereas no record can be found of any instrument whereby the right, title, estate, and interest of the Native owners of the said lands was conveyed or otherwise surrendered to the Crown: And whereas it is desirable that the said lands should be, and be deemed to have been, vested in the Crown and that provision be made for the payment of compensation to the Native owners of the said lands: Be it therefore enacted as follows:—
- 15 (1) The said lands are hereby declared to have become Crown land on the first day of March, eighteen hundred and seventy-nine, and shall from that date be deemed to have been freed from all the right, title, estate, and interest of the former Native owners thereof, or their successors in title.
- 20 (2) Forthwith after the passing of this Act there shall, without further appropriation than this section, be paid as compensation to the former Native owners of the Ohinemuri 7A 2 Block, or their successors in title, a sum of three hundred and fifteen pounds, and to the former owners of the Ohinemuri 16A 2 Block, or their successors in title, a sum of seven hundred and fifty-five pounds. The sums aforesaid shall be paid out of the Land for Settlements Account, and shall be paid to the Waikato-Maniapoto District Maori Land Board, whose receipt for the moneys paid to it shall be a good and effectual discharge to the Crown.
- 30 (3) The moneys so paid to the Board shall be held by it in trust for the former owners of the said lands, or their successors in title, in accordance with their respective shares or interests in the said lands, and the moneys so held shall be payable, on demand, to the persons entitled thereto.
- 40 (4) The lands to which this section relates are the two areas in the Auckland Land District known respectively as the Ohinemuri 7A 2 Block, containing fifty-four

Declaring
Ohinemuri
7A 2 and 16A 2
Blocks to have
become Crown
land.

acres, more or less, and situated in Block XV, Ohinemuri Survey District, and the Ohinemuri 16A 2 Block, containing four hundred and fifty-two acres two roods, more or less, and situated in Blocks I, II, and V, Aroha Survey District: as the same are coloured respectively yellow and pink on the plan lodged in the office of the Chief Surveyor, at Auckland, under number N.L.C. 3416. 5

Ikaroa District

Restoring
former
equitable title
to Palmerston
North Native
Reserve.

See Reprint
of Statutes,
Vol. VI,
p. 118

15. Whereas the land commonly known as the Palmerston North Native Reserve, being the land described in subsection *eleven* hereof (in this section referred to as the said land) was for many years administered by a Commissioner of Native Reserves and later by the Public Trustee as if it was a Native reserve: And whereas, by virtue of its supposed status as a Native reserve, the said land, or the residue thereof, became vested for a legal estate in fee-simple in the Native Trustee, who has continued to administer the same on the understanding that it is a Native reserve: And whereas, following an inquiry, held on the sixteenth day of October, nineteen hundred and thirty-six, into an application under section thirty-eight of the principal Act, for rectification of an order appointing successors in respect of the interests of one, Wiremu Tini Waitapu, deceased, in the said land, the Court, in a report on the aforesaid application, referred to certain variations in the list of persons who, according to a notice published in the *Kahiti* on the thirty-first day of January, eighteen hundred and seventy-six, at page 7, gave evidence before a Commissioner of Native Reserves touching their rights to the said land at a meeting held in Wellington on the fourteenth day of September, eighteen hundred and seventy-five, and the list of persons set forth as being beneficially entitled to the said land in a certain declaration of trust executed by the Public Trustee on the twenty-fourth day of October, eighteen hundred and eighty-seven, and recommended that legislation should be sought to affirm the ownership of those persons whose names were published in the *Kahiti* as aforesaid and of the successors of them as found by the Court: And whereas, to give effect to 10 15 20 25 30 35 40

the Court's recommendation, section thirteen of the Native Purposes Act, 1937 (in this section referred to as the said section thirteen), was enacted, and it was thereby declared, amongst other things, that, notwithstanding anything contained in the aforesaid declaration of trust executed by the Public Trustee or a supplementary declaration of trust executed by the Native Trustee on the tenth day of May, nineteen hundred and twenty-three, the twenty-two persons whose names were set out in the notice published in the *Kahiti* as aforesaid should be deemed to be the persons beneficially entitled to the said land as tenants in common in equal shares, and jurisdiction was thereby conferred on the Court to appoint successors in respect of any of those persons who had died or who might thereafter die: And whereas since the enactment of the said section thirteen certain records of the former Commissioner of Native Reserves and the Public Trustee's office have been discovered which show that the persons named in the declaration of trust made by the Public Trustee were the persons or the representatives of persons who had, for some years prior to the making of that declaration, been receiving, at the hands of the aforesaid Commissioner and the Public Trustee, the rents, issues, and profits of the said land: And whereas the persons named in the declaration aforesaid, as supplemented by the declaration of trust executed by the Native Trustee on the tenth day of May, nineteen hundred and twenty-three, or the successors to such of those persons who had died, continued to receive the rents, issues, and profits of the said land until the enactment of the said section thirteen, and no record can be found of any allegation or claim that they were not entitled to receive the same as the beneficial owners thereof: And whereas, as a result of the enactment of the said section thirteen, certain of the persons who had theretofore been in possession of the rents, issue, and profits aforesaid have been deprived, either wholly or in part, of their interests in the said land and have not been compensated in respect of the interests of which they have been so deprived: And whereas it has been correctly asserted by certain of those persons that they were not parties to, nor did they have notice of, the

proceedings in the Court from which the recommendation hereinbefore referred to arose, and that they were not afforded an opportunity to defend their title: And whereas, because the variations in the list of persons published in the *Kahiti* as hereinbefore mentioned and the list appearing in the declaration of trust executed by the Public Trustee may be accounted for by the transmission of interests following upon death, or by the assignment of interests on sale and purchase or by other means, and because no defect in the title of those persons whose interests were adversely affected as a result of the enactment of the said section thirteen has been asserted or pleaded and proved, it is just that those persons should be restored to the estate they enjoyed immediately prior to the enactment of the said section thirteen, unless it can be shown conclusively that they are not entitled thereto: And whereas it is necessary that certain provisions touching the status of, and resolving doubts concerning the legal title to, and administration of, the said land should be made: Be it therefore enacted as follows:—

Repeal.

(1) Section thirteen of the Native Purposes Act, 1937, is hereby repealed.

(2) The persons entitled to the said land, as the beneficial owners thereof as tenants in common, are hereby declared to be those persons who are shown by the records of the Native Trust Office to have been the owners of the same on the fourteenth day of March, nineteen hundred and thirty-eight (being the day preceding that upon which the said section thirteen came into force), or the duly appointed successors of such of those persons who have died; and to the extent that there is any repugnancy between the ownership hereby declared and the ownership of the said land as now appears from the records of the Native Trust Office and of the Native Land Court, the ownership hereby declared shall prevail.

(3) The relative shares or interests of the persons hereby declared to be the owners of the said land shall be the relative shares or interests as shown by the records of the Native Trust Office as existing on the fourteenth day of March, nineteen hundred and thirty-eight, but, in the case where any of such persons has

died and successors have been appointed by the Court, the successors so appointed shall take that person's relative share or interest as appearing in the records aforesaid in the proportions determined by the Court.

5 (4) Notwithstanding anything contained in the foregoing provisions of this section, the Court, upon
proof being shown to it that any of the persons whose
names appear in the declarations of trust referred to in
the preamble to this section was not entitled to any
10 interest in the said land, or to the interest to which
he is shown by the records of the Native Trust Office
to be entitled, may determine who are the persons
entitled to that interest, and may order all such amend-
ments to be made in the records of the Native Trust
15 Office, or of the Court, as are necessary to give effect
to its determinations.

(5) An application for the exercise of the jurisdic-
tion conferred upon the Court by the provisions of
the *last preceding* subsection shall be by way of leave
20 of the Court, and leave shall not be granted unless the
application is made to the Court within six months from
the commencement of this Act, nor shall such leave be
granted upon the ground only that there is any dis-
crepancy between the list published in the *Kahiti* as
25 mentioned in the preamble to this section and the
declarations of trust referred to therein, nor upon the
ground that any of the persons named in those declara-
tions was, in accordance with the law in force at any
material time, incapable of acquiring, whether by way
30 of succession or otherwise, any interest to which he is
shown by the declarations to be entitled.

(6) Notwithstanding that the leave of the Court
may have been granted, no application shall be heard
by the Court unless the hearing shall have been
35 commenced within one year from the commencement of
this Act.

(7) Any capital moneys heretofore derived from the
alienation or taking of any part of the said land shall
be held upon the same trusts as those on which the
40 remaining part of the said land is held and in the same
manner as if those moneys had been derived from the
alienation or taking of a Native reserve.

1882, No. 52

(8) The said land shall be deemed to have become Native freehold land within the meaning of the principal Act on the fifteenth day of March, nineteen hundred and thirty-eight, and shall be deemed to have become on that date a Native reserve within the meaning of and subject to the provisions of the Native Reserves Act, 1882; but no order made before that date by the Native Land Court or the Native Appellate Court or by the Chief Judge in relation to the said land or any estate or interest therein shall be annulled, quashed, declared or held to be invalid, or called in question in any proceedings, on the ground only that at the time of the making thereof the said land was not Native freehold land or that it was not a Native reserve.

(9) The title of the Native Trustee to the said land, being the legal estate in fee-simple, is hereby declared to be, and to have always been, a good and valid title, and all acts heretofore done by any Commissioner of Native Reserves or the Native Reserves Commissioner, or the Public Trustee, or the Native Trustee in relation to the said land on the understanding that the same was a Native reserve shall be deemed to have been as lawfully and effectually done as if the said land had been a Native reserve.

(10) Nothing contained in this section shall be deemed to affect or abridge the powers and jurisdiction of the Court or the Appellate Court or the Chief Judge to correct any mistake, error, or omission in any order heretofore made by the Court or the Appellate Court in relation to the said land or any estate or interest therein; and, for the purpose of clearing the records, the Court is hereby authorized to cancel any order which by reason of the provisions of this section is rendered void and of no effect.

(11) The land to which this section relates is—

(a) An area of forty-seven acres, more or less, comprising Suburban Sections numbered 203, 204, 205, 207, 209, 210, 211, 212, 213, and 214 of the City of Palmerston North:

(b) An area of twenty acres, more or less, comprising Suburban Sections numbered 228, 237, 238, and 239 of the City of Palmerston North:

(c) An area of three acres, more or less, comprising Town Sections numbered 218, 219, and 220 of the City of Palmerston North:

5 (d) An area of one acre one rood, more or less, comprising the Town Section numbered 276 of the City of Palmerston North.

(12) Nothing in this section shall in any way affect the title to any parts of the said land which have been alienated by way of sale, or dedicated or taken for 10 roads or streets or for any other public purpose.

15 **16.** (1) In addition to the powers conferred on them by section seventeen of the Native Purposes Act, 1943, the trustees in the estate of Pukepuke Tangiora, deceased, notwithstanding any of the provisions in that section or in the will of the said deceased, may do all or any of the following things:—

Further provisions in respect of Pukepuke Tangiora Estate. 1943, No. 24

20 (a) Expend out of the capital moneys of the estate a sum not exceeding three hundred pounds for the purpose of defraying the costs and expenses of any ceremony held in relation to the unveiling of a memorial to Pukepuke Tangiora, deceased:

25 (b) Expend out of the capital moneys of the estate a sum not exceeding two thousand pounds for the purpose of erecting a house for the use and benefit of Peti Mohi (the widow of Te Akonga Mohi) and her children:

30 (c) Sell and transfer to Merehinetaka Hape (a daughter of the said Te Akonga Mohi), at a price equivalent to the amount of a special valuation thereof to be made for the purposes of this section under the Valuation of Land Act, 1925, all that parcel of land containing three acres two roods three perches, more or less, being the land known as Kakiraawa No. 2B 2M Block, and being the whole of the land 35 comprised and described in certificate of title, Volume 48, folio 172, Hawke's Bay Registry, and charge the purchase-price of the said land against the share of the said Merehinetaka Hape in the fund referred to in the said will 40 as the accumulated fund.

See Reprint of Statutes, Vol. VII, p. 1030

(2) The house in respect of which the trustees are authorized by the provisions of paragraph (b) of the 45 *last preceding* subsection to expend capital moneys may

be erected on land owned by any of the children of the said Peti Mohi, but in such case the said Peti Mohi shall be entitled during her lifetime to the use and enjoyment of the house so to be erected in common with such of her children as may from time to time live with her. Any moneys expended by the trustees in or towards the erection of such house shall cease to form part of the capital of the estate. 5

(3) Upon the commencement of this Act, the persons referred to in the said will as Tikouru Hunia and Turuhira Hunia shall be deemed to be absolutely entitled, in equal shares, to the fund of two thousand pounds referred to in the will of Pukepuke Tangiora, deceased, and in subsection six of section seventeen of the Native Purposes Act, 1943, and the provisions of the said will and of the said subsection six are hereby modified accordingly. 10 15

(4) Notwithstanding any provisions to the contrary contained in the will of the said Pukepuke Tangiora, deceased, such of the children of Pimia Orikena, deceased, or the issue of those children as are, on the commencement of this Act, entitled to receive the income derived from a certain fund of three thousand pounds referred to in the said will shall, upon the commencement of this Act, be deemed to be absolutely entitled to the said fund of three thousand pounds in the same shares in which they are entitled to the income aforesaid, and the provisions of the said will are hereby modified accordingly. 20 25

(5) The moneys to which the persons mentioned in the *last two preceding* subsections become absolutely entitled by virtue of the provisions thereof shall not, unless the trustees otherwise determine, be paid to them, but shall be applied by the trustees, in such manner as they think fit, in or towards the purchase or erection or repair of houses for such persons; and none of those persons shall be capable of making, otherwise than in favour of the Crown, any assignment, charge, or other disposition of the moneys to which he becomes entitled as aforesaid. 30 35 40

(6) The parcel of land referred to in paragraph (c) of subsection *one* hereof, and all that parcel of land containing five acres, more or less, being part of the Kakiraawa Block and being Lot Number 1 on a plan deposited in the Land Registry Office at Napier under 45

Number 2263, and being the whole of the land comprised and described in certificate of title, Volume 32, folio 219, Hawke's Bay Registry, are hereby declared to be Native freehold land; and the District Land Registrar
5 is hereby authorized and empowered to endorse on the titles to those lands a memorial to the effect that the land is Native freehold land within the meaning of the principal Act. The said lands shall cease to be Native freehold land upon being transferred to any person
10 who is not a Native or the descendant of a Native.

17. The parcel of land containing seven acres, more or less, situate in Block XIII, Kairanga Survey District, being part of Section 88, Karere Block, and being the whole of the land comprised and described in certificate
15 of title, Volume 427, folio 143, Wellington Registry, is hereby deemed to have been Native freehold land as from the third day of April, nineteen hundred and thirty-five, and every order theretofore or thereafter made by the Court affecting the title to the said land
20 or the proceeds of any alienation thereof shall be deemed to have been lawfully and validly made.

Declaring Part Section 88, Karere Block, to have been Native freehold land.

General

18. (1) The Chief Judge is hereby authorized to refer to the Native Land Court, or to a Judge thereof,
25 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 Court for report.

(2) The Chief Judge may, upon such inquiry and report, make to the Native Minister such recommenda-
30 tion 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 recommenda-
35 tion under this section have been considered by the Maori Affairs Committee of the House of Representatives.

(4) The report and recommendation under this section shall be laid before Parliament on as early a
40 date as possible, and shall stand referred to the Maori 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. 49 of 1945, of Tioi Rawhira Paku and others concerning the Papataia Block.
2. Petition No. 18 of 1946, of Kaiwhare Kereona, of Wanganui, concerning Whenuakura Sections 12 and 13.
3. Petition No. 75 of 1946, of Riri Piko, of Otewa, praying that statutory provision may be made authorizing and directing the Native Land Court to make Succession Orders in terms of the will of Kura Raumoa, deceased.