

1595

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,
16th August, 1886.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Ballance.

OWHAOKO AND KAIMANAWA-ORUAMATUA RE-
INVESTIGATION OF TITLE.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Owhaoko and Kaimanawa Blocks of land declared to be Native land, and subject to the jurisdiction of the Native Land Court.

A BILL INTITULED

Title.

AN ACT to provide for a Reinvestigation into the Native Title to Lands known as Owhaoko and Kaimanawa-Oruamatua.

Preamble.

WHEREAS by Order in Council of the fourth day of February, one thousand eight hundred and eighty, reciting section fifty-eight of "The Native Land Act, 1873," and reciting that at a sitting of the Native Land Court of New Zealand held at Porangahau, on the second day of December, one thousand eight hundred and seventy-six, the claim of Renata Kawepo and others, aboriginal natives of New Zealand, to a piece of land called Owhaoko, situate at Patea, in the District of Hawke's Bay, was heard and decided, and that a certain order was, on the thirty-first day of October, one thousand eight hundred and seventy-seven, thereupon made by the Court, and further reciting that on the thirty-first day of January, one thousand eight hundred and seventy-eight an application was made by or on behalf of certain aboriginal natives claiming to have an interest in the said land for a rehearing of the said claim, and that it was expedient that the same should be heard by the said Court, His Excellency the Governor, in exercise and pursuance of the power conferred by the said fifty-eighth section, and by and with the advice and consent of the Executive Council of New Zealand, did thereby order and direct that the said claim of Renata Kawepo and others to the said piece of land called Owhaoko should be reheard as and in the manner provided by "The Native Land Act, 1873," and did further order that such rehearing should take place within three years from the said thirty-first day of October, one thousand eight hundred and seventy-seven :

And whereas the said period of three years from the thirty-first day of October, one thousand eight hundred and seventy-seven, was allowed to elapse without the rehearing so ordered being had.

And whereas it would be just and right that the benefit of the rehearing ordered as aforesaid should not be denied to the Natives interested by reason of the omission or delay aforesaid :

And whereas by decision of the Native Land Court acting under "The Native Land Act, 1873," land known as Kaimanawa-Oruamatua was, on evidence before it, apart from any voluntary arrangement, declared to be owned by certain Natives whose names were entered on a memorial of ownership as the owners of such land; And whereas in the evidence upon which such decision was arrived at it was stated, and not disputed, that Natives besides those so declared to be owners had a claim on the land, and there is good reason to suppose such evidence was true :

And whereas application for a rehearing in respect of the said decision was made, but by reason of an insufficient knowledge of the premises not granted :

And whereas it would be just and right on the premises that there should be a reinvestigation into the title to the said lands :

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

Short Title.

1. The Short Title of this Act is "The Owhaoko and Kaimanawa-Oruamatua Reinvestigation of Title Act, 1886."

Owhaoko and Kaimanawa Blocks of land declared to be Native land, and subject to the jurisdiction of the Native Land Court.

2. The land known as Owhaoko Block Number One (School Reserve), twenty-eight thousand six hundred and one acres; Owhaoko Block Number Two, one hundred and eighty-one acres one rood sixteen perches; the Owhaoko Block, one hundred and thirty-four thousand six hundred and fifty acres; and the Kaimanawa-Oruamatua Block, one hundred and fifteen thousand one hundred acres, shall, notwithstanding any past action of the Native Land Court or proceeding heretofore had thereon, be deemed to have remained Native land and now to be Native land within the meaning and subject to the jurisdiction of "The Native Land Court Act, 1880 :"

Provided that any demise of any of the aforesaid lands, or any part or parts thereof, to John Studholme and Michael Studholme and to Azim Salvator Birch and William *John* Birch, or any of them respectively, made by any Natives who have heretofore been declared owners and have demised such lands or any such part or parts thereof, or are the successors in the estate or interest to any such Natives, shall be and shall be deemed to have been from the date of such demises respectively, good and effectual demises of the estate and interest of any Natives who, on any investigation of title to the said lands or any part or parts thereof, shall be found to be owners of such land or any such part or parts thereof :

Provided also that, in the case of fresh owners being declared by the Native Land Court, there shall be no claim for back rents against the original owners or lessees.