

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Monday, the 16th Day of November, 1903.

MAORI LAND LAWS AMENDMENT BILL.

Hon. Mr. CARROLL, in Committee, to move the following amendments :—

In section 7, line 16, after the word "been," insert the word "finally"; for the word "Council" substitute the words "Chief Judge"; and for the word "nineteen" substitute the word "fourteen."

In section 11, at the end of line 50, add the words "and may before doing so refer the report, or any portion thereof, or any question in connection therewith, back to the Committee for any purpose which may seem necessary"; in line 52, after the word "date," insert the words "of the publication," and after the words "of the order" insert the words "as provided by section fourteen"; omit the words "Native land" at the beginning of line 57; and at the end of the section add the words "and proceed under section fourteen of the first-mentioned Act as if no appeal had been lodged. (2.) Subsection six of section eight of 'The Maori Lands Administration Amendment Act, 1901,' is hereby repealed."

In section 14, subsection (2), omit the word "under," and substitute the words "pursuant to."

In section 19, subsection (8), after the words "valuable consideration," to insert the words "in money," and transpose subsections (7) and (8).

New Sections.

19A. A lease of Maori land made by a Maori may provide in such lease that the rent or other moneys payable to the lessor shall be paid to the Public Trustee, and in such case the following provisions shall apply :—

Rents on Maori leases may be paid to Public Trustee.

- (a.) Such provision shall be irrevocable during the continuance of the lease by the lessor, but may be revoked or varied by the Governor in writing.
- (b.) The receipt in writing of the Public Trustee, or of any of his officers or agents, shall alone be a good discharge for such rents or moneys.
- (c.) The Public Trustee may by action, distress, or other process recover such rents and moneys as if he were the lessor.
- (d.) The Public Trustee may exercise all powers vested in the lessor by or under the lease, and may enforce, by action or otherwise all covenants and provisions of the lease, and may re-enter and recover possession of the land as if he were the lessor.
- (e.) After deducting all costs and expenses and a commission of two pounds per centum on the gross amount of rents and other moneys received by him, the Public Trustee shall pay the net residue to the Native lessor.
- (f.) The Public Trustee shall not be liable for any loss arising out of the exercise or non-exercise of the powers hereby given unless the same shall happen from gross wilful misconduct.
- (g.) No lessor shall prevent the Public Trustee from exercising the powers hereby conferred on him.

Amendment of section 12 of "The East Coast Native Trust Lands Act, 1902." Senior Judge to preside unless otherwise directed.

Dealings of half-castes not subject to provisions of Acts affecting alienation.

Actions by Nireaha Tamaki and others to be deemed effectively discontinued.

26B. Section twelve of "The East Coast Native Trust Lands Act, 1902," is hereby amended by the insertion of the words "a majority of," after the words "agreed upon between."

33D. When two or more Judges are sitting in the Court, the Appellate Court, or the Validation Court, to hear and determine any matter, the senior Judge shall preside, unless the Chief Judge, with the approval of the Minister, otherwise directs.

33E. No dealings by any half-caste or person of less Maori blood than a half-caste, certified by a Justice of the Peace or notary public to have a knowledge of the English language sufficient to enable him to clearly understand the transaction, with any estate or interest in land acquired from any person other than a Native, and not being Native or Maori land, shall be subject to the provisions of any Act affecting the alienation of land by Natives.

33F. Whereas, purporting to act in pursuance of the provisions of section twenty-seven of "The Native Land Claims Adjustment and Laws Amendment Act, 1901" (hereinafter called "the said section twenty-seven"), the therein-named Nireaha Tamaki did sign a discontinuance of the therein-mentioned action numbered 5496, and did cause the same to be filed in the office of the Supreme Court at Wellington: And whereas the Supreme Court subsequently decided that the said action was not thereby duly and effectively discontinued, and made an order setting aside the said discontinuance and joining as plaintiff in the said action one Rewanui Apatari, and giving to the said Rewanui Apatari the conduct of the said action: And whereas one Ereni Te Aweawe, on or about the twenty-first day of December, one thousand nine hundred and one, commenced an action in the Supreme Court of New Zealand, Wellington District, numbered 6894, against John Holland Baker and John William Allman Marchant, claiming the same or substantially the same relief as was claimed by the said Nireaha Tamaki in the said action numbered 5496: And whereas neither of the said actions has been brought to trial, but each of the said Rewanui Apatari and Ereni te Aweawe has filed a discontinuance in the office of the Supreme Court at Wellington: And whereas the plaintiffs in both the said actions are now desirous that the said actions should be discontinued and settled on the terms and subject to the provisions contained in the said section twenty-seven, but, in consequence of the proceedings from time to time taken by the plaintiffs, doubts have arisen or may hereafter arise as to whether the said actions have been duly and effectively discontinued, and it is expedient to remove such doubts: Be it therefore enacted that the said action numbered 5496, and the said action numbered 6894, and all other actions and proceedings (if any) now depending in any Court relating to the disputes mentioned in the said section twenty-seven wherein the same relief is claimed as is claimed in either of the said actions or any part of such relief, shall be deemed to have been and to be duly and effectively discontinued, on the terms that the plaintiff shall not, nor shall any of them, be liable to pay the costs of the defendant or defendants in the said actions numbered 5496 and 6894, and subject to all the provisions contained in subsections one to four inclusive of the said section twenty-seven, which said subsections are hereby declared to be and the same shall continue in full force and operation: Provided, however, that the words "the plaintiff" in the said subsection four shall mean the said Nireaha Tamaki and such other persons as the Court is satisfied contributed through him, or with his knowledge and consent, to the costs of the said action numbered 5496.

33G. Whereas the Minister has heretofore discharged or undertaken to discharge mortgages derived through survey liens over the lands owned by Natives and enumerated in the Schedule hereto, in order to prevent the sale by the mortgagee of the equity of redemption, it is hereby enacted that the said lands are (subject to all valid dealings which had taken place prior to the date on which each mortgage was so discharged) vested in the Council for the purpose of being administered under the provisions of "The Maori Lands Administration Act, 1900," and its amendments, in the same manner as if such lands had been transferred to the Council, and the amount paid by the Minister in each case, as set out in the said Schedule, shall be a first charge on the rents and profits accruing from the said lands, and the receipt of the Council alone shall be a valid discharge in respect of all such rents and profits.

Certain lands as to which Minister has discharged survey mortgages vested in Council.

The Registrar shall, at any time after the expiration of two months from the date of the passing of this Act, at the request of the Minister in each case, and without further authority, register the Council as the proprietor of such lands for the purposes of administration as aforesaid.

All unregistered deeds or instruments in respect of dealings which are protected by the provisions of this section shall be presented for registration within two months from the date of the passing of this Act, or, if such registration is not permissible or feasible, then the deed or instrument, together with a certified copy thereof, shall be deposited with the Registrar within the said period of two months, otherwise any such deed or instrument shall not afterwards be capable of registration:

Provided that if the Natives in any case shall within the said period of two months repay to the Minister the total amount paid by him, as set out in the said Schedule, in respect of any mortgage, the provisions of this section shall not apply to the land which was the subject of such mortgage.

A payment into the Public Account at any branch of the Bank of New Zealand of the amount so set out in respect of any block, and a notification addressed to the Minister of the payment, accompanied by the bank receipt, shall be a sufficient compliance with the foregoing provision.

33H. Stamp duty shall not be chargeable on any cheque drawn and issued under the provisions of section forty-eight of "The Maori Lands Administration Act, 1900," nor on any order or receipt given by or on behalf of the Council under any of the provisions of the said Act, nor upon any receipt for deposits returned to unsuccessful tenderers.

Cheques drawn under "The Maori Lands Administration Act, 1900," exempt from stamp duty.

SCHEDULE.

MORTGAGES DERIVED THROUGH SURVEY LIENS, DISCHARGED BY THE MINISTER TO PREVENT SALE BY THE MORTGAGEE OF THE EQUITY OF REDEMPTION.

Name of Block.	Area.			Survey District in which situated.	Total amount paid by the Minister in connection with Discharge of Mortgage.
	A.	R.	P.		
Parengarenga No. 3	1,998	0	0	Muriwhenua	£ 23 1 5
Parengarenga No. 4	100	0	0	Muriwhenua	8 2 1
Parengarenga No. 5	46,144	0	23	Muriwhenua	689 5 8
Pakohu No. 1	4,169	0	0	Parengarenga	127 1 6
Pakohu No. 2B	6,216	0	0	Parengarenga and Muriwhenua	256 8 10
Pakohu No. 3	935	0	0	Parengarenga	75 17 8
Pakohu No. 5	14	3	0	Parengarenga	6 1 2
Wharetoto A	500	0	0	Maruanui	28 15 11
Wharetoto B	500	0	0	Maruanui	34 12 8
Wharetoto No. 1	7,658	0	0	Aripiā and Taharua	266 7 11
Wharetoto No. 3	6,616	0	0	Aripiā and Maruanui	146 10 7
Wharetoto No. 4	1,740	0	0	Aripiā and Maruanui	62 16 2
Wharetoto No. 7	2,059	0	0	Maruanui	85 16 11
Wharetoto No. 8	6,240	0	0	Maruanui	86 2 9
Wharetoto No. 9	1,740	0	0	Maruanui	78 2 4
Wharetoto No. 10	825	0	0	Maruanui	52 17 6
Wharetoto No. 11	293	0	0	Taharua	19 12 6
Tapapa No. 3	18,065	0	0	Taharua, Aripiā, and Kawaka	423 7 2
Tauakira No. 2, subdivision 2E	2,760	0	0	Tauakira and Ngamatea	65 19 9
Tauakira No. 2, subdivision 2F	169	0	0	Tauakira	24 12 1
Tauakira No. 2, subdivision 2G	476	0	0	Tauakira	35 0 2
Tauakira No. 2, subdivision 2H	315	0	0	Tauakira	28 15 6
Tauakira No. 2, subdivision 2J	1,097	2	28	Ngamatea	33 12 10
Tauakira No. 2, subdivision 2K	646	0	23	Tauakira	26 19 6
Tauakira No. 2, subdivision 2L	738	1	32	Tauakira	35 3 0
Tauakira No. 2, subdivision 2M	1,561	1	13	Tauakira	44 11 9
Tauakira No. 2, subdivision 2R	1,097	2	28	Tauakira	56 8 4
Tauakira No. 2, subdivision 2U	361	2	5	Tauakira	26 18 3
Tauakira No. 2, subdivision 2V	142	0	0	Tauakira	28 17 3
Tauakira No. 2, subdivision 2W	969	0	35	Tauakira	53 11 1
Tauakira No. 2, subdivision 2X	146	0	24	Tauakira	18 11 5
Tauakira No. 2, subdivision 2Y	438	1	33	Ngamatea	37 0 1
Tauakira No. 2, subdivision 2Z	169	0	36	Ngamatea	29 13 9
Tauakira No. 2, subdivision 2AA	169	0	36	Ngamatea	29 2 0
Tauakira No. 2, subdivision 2BB	115	1	21	Ngamatea	15 19 11
Tauakira No. 2, subdivision 2CC	157	2	34	Ngamatea	22 3 7
Tauakira No. 2, subdivision 2DD	609	3	20	Ngamatea	41 11 9
Tauakira No. 2, subdivision 2EE	795	0	19	Tauakira	35 17 3
Tauakira No. 2, subdivision 2FF	449	3	39	Tauakira	35 16 2
Tauakira No. 2, subdivision 2GG	1,159	1	7	Tauakira	59 9 11
Tauakira No. 2, subdivision 2S	138	1	33	Tauakira	24 10 3
Tauakira No. 2, subdivision 2T	213	3	16	Tauakira	23 8 7

Interest allowed by law will be added in the case of each subdivision of Tauakira No. 2 Block.