

New Zealand.

ANALYSIS.

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2. Certain shares in land deemed to pass by succession.
3. Satisfaction of claims of C. Kerr's representatives.

1904, No. 30.

Title. AN ACT to enable Satisfaction to be made of a Compensation Grant to one William Henry Ware Carrington, deceased.

[31st October, 1904.]

Preamble. WHEREAS a compensation grant of one hundred acres of land in lieu of cash was made in the year one thousand eight hundred and sixty-nine to William Henry Ware Carrington, a half-caste aboriginal native of New Zealand, under the provisions of "The New Zealand Settlements Act, 1863," and "The New Zealand Settlements Amendment and Continuance Act, 1865": And whereas the said William Henry Ware Carrington died on the fifth day of August, one thousand eight hundred and fifty-seven: And whereas his father, Wellington Carrington, who was his heir-at-law, having been married according to English custom to Meri E. Motu, the mother of the said William Henry Ware Carrington, sold to one Charles Kerr, on the eighth day of April, one thousand eight hundred and seventy-six, for the sum of fifty pounds, all his interest in the said grant: And whereas the said Charles Kerr, having been absent at the Chatham Islands, was unaware of the advertisement by Sir William Fox requiring claims to be lodged in connection with such awards on or before a certain date, and in consequence thereof was unable on his return from the Chatham Islands in the year one thousand eight hundred and eighty-six to obtain the benefit of his purchase of the said interest, the lands the subject thereof having in the meantime been dealt with under "The West Coast Settlements Act, 1881," and its amendments: And whereas in the year one thousand eight hundred and eighty-six Committees of both Houses of the Parliament of New Zealand, on a petition by the said Charles Kerr, recommended that his claim should be settled upon equitable grounds:

And whereas, in order more effectually to give to the said Charles Kerr his interest in the said reserves, the said Wellington Carrington, on the eighth day of August, one thousand eight hundred and eighty-seven, obtained a partition order therein, but died before the title thereto of the said Charles Kerr could be completed: And whereas by an order dated the fourteenth day of August, one thousand eight hundred and ninety-three, the Native Land Court appointed Frederick Wellington Rangi Carrington, George Mace Carrington, Penel Wellington Carrington, Margaret Isabel Carrington, and Emma Jane Carrington, children of the said Wellington Carrington and his second wife, Eliza Mace (who was not a Native within the meaning of "The West Coast Settlement Reserves Act, 1881," and "The West Coast Settlement Reserves Act, 1892"), successors to the interest of the said Wellington Carrington: And whereas it is undesirable that others than aboriginal natives of New Zealand, or their descendants by intermarriage with other races, should succeed to interests in Native reserves:

And whereas the Public Trustee endeavoured, by application to the Native Land Court, to have the succession order of the Native Land Court dated the fourteenth day of August, one thousand eight hundred and ninety-three, amended by substituting therein the name of next-of-kin of the said Meri E. Motu for those of the said children of the said Wellington Carrington by his second wife: And whereas the Chief Judge, after being furnished with a report from a Judge of the Native Land Court, dismissed the application; but the Judge who heard the same, having regard to the purchase by the said Charles Kerr of the aforesaid interest of the said Wellington Carrington, in his report suggested that the money paid by the late Charles Kerr, with interest added thereto, might be charged against the said land, and that the order defining relative interests be amended by striking out the names of the five European children of the said Wellington Carrington and substituting therefor the names of the next-of-kin of the said Meri E. Motu, as the owners of the interest of the said Wellington Carrington in the said land:

And whereas it is desirable to give effect to this proposition: And whereas the value of the said interest to be so charged is about three hundred pounds:

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

1. The Short Title of this Act is "The Carrington Compensation Award Satisfaction Act, 1904." Short Title.

2. The one hundred undivided shares, representing the one hundred acres of land in the Ngatirangitumamao Block, held or claimed to have been held by the said Wellington Carrington under partition order dated the fifteenth day of November, one thousand eight hundred and eighty-seven, shall, from the passing of this Act, be deemed to have passed by succession from the said William Henry Ware Carrington to his next-of-kin, being aboriginal natives of New Zealand, and all succession and other orders relating thereto made by the Native Land Court, including the said partition order, shall henceforth be void and of no effect. Certain shares in land deemed to pass by succession.

Satisfaction of
claims of C. Kerr's
representatives.

3. The Public Trustee may pay to the widow of the late Charles Kerr the sum of one hundred and seventy-five pounds out of any moneys now at credit of the said next-of-kin in the Public Trust Office, or hereafter to accrue due to them from reserves under his administration, in full satisfaction of all claims by the representatives of the said Charles Kerr in respect of the said grant.

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