

No. XXXVII.

HIMATANGI CROWN
GRANTS.

AN ACT to authorize the Native Land Court to ascertain the Shares of Members of the Ngatiteau, Ngatituranga, and Ngatirakau Hapus in the Himatangi Block, part of the Rangitikei-Manawatu Block, and to subdivide the said Block; and to authorize the Governor to issue Crown Grants. [20th November, 1877.]

Preamble.

WHEREAS the block of land described in the First Schedule hereto, known as Himatangi, forms portion of the land comprised in a certain deed of sale to the Crown, bearing date the thirteenth day of

Himatangi Crown Grants.

LOCAL.

December, one thousand eight hundred and sixty-six, and expressed to be a conveyance by Natives entitled to land within the district excepted from the operation of "The Native Lands Act, 1865," by the eighty-second section thereof, and now known as the Rangitikei-Manawatu Block: And whereas the Ngatiteau, Ngatituranga, and Ngatirakau hapus in the Ngatiraukawa tribe of aboriginal natives were, by Native custom, the owners of the said Himatangi Block, and they did not join in the said sale, and did not receive any of the purchase-money therefor, and in equity and good conscience the said Himatangi Block ought to be given back to the said hapus:

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 shall be "The Himatangi Crown Grants Act, 1877." Short Title.

2. The several expressions following have in this Act the several meanings herein assigned to each respectively, unless anything in the context or subject is repugnant to such meaning:— Interpretation.

"Court" means Native Land Court, as constituted under "The Native Land Act, 1873."

"The said Act" means "The Native Land Act, 1873."

"Judge" means the Judge of such Court.

When anything is to be published, it means that a notice thereof shall be published in the *New Zealand Gazette*.

3. The Governor shall, immediately after this Act comes into operation, by Order in Council, direct the Court to forthwith proceed, in any manner it shall deem best, to ascertain, by such evidence as it shall think fit, whether admissible in a Court of ordinary jurisdiction or not, the share or shares to which each member of the Ngatiteau, Ngatituranga, and Ngatirakau hapus of the Ngatiraukawa tribe of aboriginal natives is interested, according to Native usage and custom, in the said Himatangi Block. The decision shall be published. Upon Act coming into operation, Governor in Council to direct Native Land Court to ascertain shares of Natives.

4. The Court shall report to the Governor the decision, and the names of the members of the said hapus interested in the said block, and the defined share or shares to which each is entitled. Decision to be published.

5. If no application is made for a rehearing within the time allowed, or when a rehearing has been refused, or when the Court has reheard and decided, the Governor may cause a Crown grant to be issued to the persons so reported to be interested as tenants in common in undivided shares of the defined proportions specified in the report. In such grant shall be expressed a condition that the grantees, or any of them, shall not sell or otherwise dispose of the said land or any part thereof, or of their shares therein, except by lease for any less period than one year, or from year to year, or for any term not exceeding twenty-one years in possession and not in reversion, without fine, premium, or foregift, and without covenant or agreement for renewal or purchase at a future time. Court to report to Governor decision, names, and shares of Natives interested.

6. The Governor in Council may, instead of issuing such grant as aforesaid, direct a subdivision of the said block to be made, and the Court shall subdivide the said block, and shall award to each of the members of the said hapus entitled one or more of such subdivisions, and shall define the extent and boundaries of the land to which each member is entitled. Every award shall be published. Grants to issue.

7. Any member of the said hapus interested in the said block being aggrieved by any decision or award of the Court or the Governor may apply for a rehearing. No application for a rehearing shall be entertained if it be made after six months have elapsed from the publication of the decision or award. The provisions of the said Conditions in same.

Governor in Council may, instead of issuing Crown grants, direct a subdivision.

Award to be published.

Rehearing.

LOCAL.

Himatangi Crown Grants.

Act respecting rehearings shall apply as nearly as may be to rehearings made hereunder.

8. When the time allowed for a rehearing has elapsed and no application has been made, or if made has been refused, or when the Court has reheard and decided, the Judge of the Court shall make out in duplicate orders in the form in the Second Schedule hereto ordering that a Crown grant shall be issued to the person named in, and for the land described in, such order; and shall insert in such order and duplicate a like condition against alienation as is directed to be inserted in the grant hereinbefore authorized to be issued. He shall forward one of such duplicates to the Secretary for Crown Lands, the other shall be forwarded to the District Land Registrar for the land registration district, under "The Land Transfer Act, 1870," in which such land is situate, which shall be registered by him on the Provisional Register.

9. The legal estate in any land granted under this Act shall be antevested to the day of the date of the order, and such land shall be deemed to be subject to "The Land Transfer Act, 1870," as from such date.

10. Sections ten and eleven of "The Land Transfer Act 1870 Amendment Act, 1874," shall apply to land comprised in any such orders.

11. The Court or Judge shall in every case inquire whether any of the persons interested in the said block are under disability. Every report, order, or grant shall set forth the nature of the disability (if any) of any persons named therein. If the disability shall be infancy, the age of the infants shall be set forth.

12. The Governor shall cause grants to be issued to the persons named in such orders for the land comprised therein, and shall insert in such grant the conditions set forth therein, and antevest the legal estate as by this Act is directed.

13. The provisions of sections eighty-nine, ninety, and ninety-one of the said Act respecting subdivision, and of sections fifty-six and fifty-seven of the said Act respecting succession, shall, as nearly as conveniently may be, apply to the land or any part thereof affected, to be dealt with by this Act.

Provided that no subdivision shall be made except with the consent of a majority in number representing three-fourths in value of the persons interested in the land to be subdivided, or of the Governor in Council.

14. "The Maori Real Estate Management Act, 1867," shall apply to cases under this Act where disability shall exist, and for this purpose the word "hereditaments" in that Act shall be deemed to mean land held under such orders or grants as aforesaid.

Any Trustee appointed under the provisions of that Act may, with the consent of the Governor, sell by public auction or private contract the land or any part thereof of the person for whom he is a Trustee. The proceeds of any sale shall be held upon the same trusts, and with, under, and subject to same powers, provisoes, and conditions as the land sold. With the consent of the Governor the proceeds or any part thereof may be applied towards the support, maintenance, education, and benefit of the person under disability.

15. No duties under "The Native Land Duties Act, 1873," shall be payable on any sale or other disposition of the land comprised in such orders or grants.

16. The passing of this Act shall be deemed and taken to be a full and complete satisfaction of all actions, suits, claims, damages, and demands whatsoever, both at law and in equity, which the said

When and how Judge's order for Crown grant to be issued, and the disposal of same.

Ante-vestment of legal estate. Land when subject to "Land Transfer Act, 1870."

Sections 10 and 11 of "The Land Transfer Act 1870 Amendment Act, 1874," to apply.

Inquiry as to disability and nature thereof to be set forth in order, &c.

Grants to be issued to persons and for land named in said order.

Application of certain sections of "The Native Lands Act, 1873," respecting division and succession.

"The Maori Real Estate Management Act, 1867," to apply where disability exists.

Trustee may sell land of person for whom he is Trustee, and with consent of Governor proceeds may be applied for benefit of person under disability.

No duties under "The Native Lands Duties Act, 1873," to be payable.

Passing of Act to be deemed complete satisfaction of all claims against the Queen and colony.

hapus, or the members thereof, now have against Her Majesty or the colony in respect of or arising out of or concerning the said block.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

HIMATANGI BLOCK.—MANAWATU DISTRICT.

ALL that parcel of land in the Provincial District of Wellington, containing by admeasurement eleven thousand (11,000) acres, more or less, situate in the Manawatu District; and bounded towards the North by Crown lands, Sections Nos. 334, 335, and 336, fifty-one thousand three hundred (51300) links; towards the East by the Manawatu River, fifty-six thousand (56000) links; towards the South by the Himatangi Block and Crown lands, thirty-seven thousand six hundred (37600) links; and towards the West by a road line, twenty-four thousand (24000) links: be all the aforesaid linkages more or less, as the same is delineated on the plans deposited in the Provincial District Survey Office, Wellington.

SECOND SCHEDULE.

In the Native Land Court.

In the matter of "The Himatangi Crown Grants Act, 1877," on the
day of , 187 .

It is hereby ordered and declared that [*Here set out name in full of Native, whether male or female, and if under disability state the nature thereof; and if the Native is an infant, state his or her age*] is entitled in fee-simple to all that piece of land [*Here describe land*], be the same little more or less, as the same is delineated hereon, bordered red, together with all the appurtenances, and that a Crown grant shall be issued for such land to the said , and that the said shall not sell or otherwise dispose of the said land or any part thereof except by lease for any less period than one year, or from year to year, or for any term not exceeding twenty-one years in possession and not in reversion, without fine, premium, or foregift, and without covenant or agreement for renewal or purchase at a future time.

(Seal of Court.)
