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1948, No. 69

AN ACT to Amend the Laws Relating to Maoris and Maori Land, to Adjust Certain Claims and Disputes in Relation to Maori Land, to Confer Jurisdiction Upon the Maori Land Court, and for Other Purposes.

[2nd December, 1948

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

1. This Act may be cited as the Maori Purposes Act, 1948. Short Title.

2. Words and expressions used in this Act shall, unless the contrary intention appears, have the same meaning as in the Maori Land Act, 1931 (hereinafter referred to as the principal Act), and the provisions of the principal Act, so far as applicable, shall extend 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.

Provisions of Maori Land Act, 1931, to apply to this Act.
See Reprint of Statutes, Vol. VI, p. 103

PART I

AMENDMENT OF LAWS

3. Section twenty-five of the Maori Trustee Act, 1930, as amended by section eight of the Maori Purposes Act, 1933, and by section eleven of the Board of Maori Affairs Act, 1934-35, is hereby further amended by omitting from paragraph (b) of subsection three the words "Board of Maori Affairs" wherever they occur, and substituting in each case the words "Public Service Commission".

Public Service Commission to consent to appointment of farm-managers.
See Reprint of Statutes, Vol. VI, p. 382
1933, No. 50
1934, No. 44

4. (1) Section twenty-one of the Ngaitahu Trust Board Act, 1946, is hereby repealed, and the following section substituted therefor:—

" 21. (1) The Court may from time to time ascertain and determine the persons entitled to succeed, for the purposes of this Act, to the rights of any of the Ngaitahu beneficiaries who die or who have died since the twelfth day of March, nineteen hundred and twenty-five.

" (2) The persons so entitled to succeed shall in all cases be determined in the same manner as are the persons entitled to succeed on the intestacy of a Maori

Court to determine successors to Ngaitahu beneficiaries.
1946, No. 33

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

to his beneficial freehold interests in Maori land as provided in subsection two of section one hundred and seventy-six of the Maori Land Act, 1931."

(2) Any succession order made by the Court before the commencement of this Act in respect of any of the Ngaitahu beneficiaries shall be deemed to have the same force and effect as if this section had then been in force.

Amending
definition of
"Ngaitahu
beneficiary".
1946, No. 33

5. Section two of the Ngaitahu Trust Board Act, 1946, is hereby amended by adding to the definition of the term "Ngaitahu beneficiary" the words "or the successors to any such person as determined by the Court".

Member of
Executive
Council
representing
Maori Race to
be member of
Board of
Maori Affairs.
1934, No. 44

6. (1) Section three of the Board of Maori Affairs Act, 1934-35, is hereby amended by repealing paragraph (g) of subsection one, and substituting the following paragraphs:—

"(g) Any person who is a Maori and who is for the time being a member of the Executive Council representing the Maori Race:

"(h) Three other persons to be appointed by the Governor-General in Council."

(2) Section five of the Board of Maori Affairs Act, 1934-35, is hereby amended by repealing subsection two, and substituting the following subsection:—

"(2) The Chairman shall preside at all meetings of the Board of Maori Affairs at which he is present. In the absence of the Chairman from any meeting of the Board the person holding office under paragraph (g) of subsection one of section three of this Act shall be the Chairman for the purposes of that meeting. In the absence of both the Chairman and the person holding office under the said paragraph (g) the Under-Secretary of the Department of Maori Affairs shall be the Chairman for the purposes of that meeting."

Powers of
Tribal
Executive may
be conferred on
Tribal
Committees.
1945, No. 43

7. Notwithstanding the provisions of section nineteen or section twenty of the Maori Social and Economic Advancement Act, 1945, the Governor-General may, by Order in Council, where, by reason of the isolation of a Tribal Committee area or otherwise he considers it expedient to do so, confer upon a Tribal Committee all or any of the powers conferred upon a Tribal Executive, including the power to make by-laws, by the said Act.

8. Section twenty-four of the Maori Social and Economic Advancement Act, 1945, is hereby amended as follows:—

- (a) By inserting in subsection three, after the words “ Post Office Savings-bank ”, the words “ or with a Maori Land Board ”:
- (b) By inserting in the proviso to the same subsection, after the words “ savings-bank account ”, the words “ or an account with a Maori Land Board ”.

Money of Tribal Executive or Tribal Committee may be deposited with Maori Land Board.
1945, No. 43

PART II

MISCELLANEOUS POWERS

Waiariki District

9. (1) Notwithstanding the provisions of section forty-nine of the Maori Trustee Act, 1930, the Maori Trustee is hereby authorized to expend from the Assurance and Reserve Fund referred to in that section the sum of five hundred pounds towards the cost of erecting and equipping a guest house for Maoris in Rotorua for the Women's Health League, Incorporated.

Maori Trustee and Waiariki District Maori Land Board authorized to contribute to cost of guest house in Rotorua.

(2) The Waiariki District Maori Land Board is hereby authorized to expend from its funds a sum not exceeding two thousand pounds towards the cost of erecting and equipping the guest house for Maoris referred to in subsection one hereof.

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

10. Notwithstanding anything contained in section one hundred and seventy-five of the principal Act the Court is hereby empowered, upon application in that behalf being made to it not later than six months after the passing of this Act, to hear and determine an application for a grant of probate of the will of Maea Rakapurua, late of Tauranga, a Maori woman.

Court may hear and determine application for grant of probate of will of Maea Rakapurua.

Waikato-Maniapoto District

11. Whereas certain Maoris, by memorandum of transfer, purported to convey the whole of their respective interests in the land known as Te Kuiti 2B 1A8 Block to His Majesty the King: And whereas it has since transpired that part of the said land is not a public road as it was assumed and that the memorandum of transfer aforesaid was not effective to pass all the interests of the said Maoris in the said land: And

Vesting certain Maori land, wrongly assumed to be public road, in His Majesty the King.

whereas it is expedient that the land described in subsection four hereof, being the land wrongly assumed to be a public road, should be vested in His Majesty the King: Be it therefore enacted as follows:—

(1) The land described in subsection four hereof shall, as from the passing of this Act, be deemed to be vested in His Majesty the King freed and discharged from any Maori title thereto.

(2) The Minister of Lands shall, as soon as may be after the commencement of this Act, cause to be paid to the Waikato-Maniapoto District Maori Land Board the sum of five pounds and twopence as payment for all interests in the said land.

(3) The said Board shall distribute the said sum among the persons found by the Court to be entitled thereto.

(4) The land to which this section relates is all that parcel of land containing three acres, more or less, situated in Block IV, Otanake Survey District, and called or known as Te Kuiti 2B 1A Number 8 Block.

Aotea District

12. (1) The Tuwharetoa Trust Board, constituted under section fifty-five of the Maori Purposes Act, 1931 (in this section referred to as the Board), may, with the approval of the Minister, from time to time appoint a ranger or rangers to exercise authority in respect of Lake Roto-Aira (in this section referred to as the said lake) and that portion of the Poutu Stream more particularly described in subsection one of section twenty-two of the Maori Purposes Act, 1938 (which portion in this section is referred to as the said stream).

(2) The Board may pay to any ranger such remuneration for his services as may be approved by the Minister, and any ranger may be at any time dismissed by the Board.

(3) It shall be the duty of rangers to ensure that the provisions of section twenty-two of the Maori Purposes Act, 1938 (which prohibit fishing, except by

Conferring powers on Tuwharetoa Trust Board to appoint rangers in respect of Lake Roto-Aira. 1931, No. 32

1938, No. 23

certain Maoris, in the said lake and the said stream), are complied with, and for that purpose any ranger may—

- (a) At all times enter upon and pass along the said lake or the said stream or the borders or banks thereof:
- (b) At all times enter upon any boat used for the purposes of fishing in the said lake or the said stream:
- (c) Examine all standing, floating, or other nets, engines, instruments, rods, lines, lures, or devices that are being used for the purposes of taking or attempting to take fish in the said lake or the said stream by any person not authorized so to do:
- (d) Where a ranger discovers a person committing an offence against section twenty-two of the Maori Purposes Act, 1938, the ranger may ask that person his name and address and request him to desist from continuing to commit the offence. If any person refuses to tell his correct name or address or wilfully continues to commit the offence he commits an offence against this section and shall be liable on summary conviction to a fine not exceeding ten pounds.

(4) Every person who assaults, resists, or obstructs any ranger in the execution of his duties commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

(5) The production by a ranger of his appointment under this section shall be a sufficient warrant of his authority under this section.

(6) Nothing in this section shall be construed to confer any power of apprehension or arrest on any ranger.

(7) Any proceedings under section twenty-two of the Maori Purposes Act, 1938, or under this section may be commenced at the suit of the Board.

(8) For the purposes of this section the term "ranger" means a ranger appointed under this section.

Limited
extension of
term of leases
of vested lands.

13. Whereas there have arisen in relation to arbitrations required to be made for the purpose of determining the amount of compensation for improvements payable to lessees holding under leases of lands which are subject to Part XIV or Part XV of the principal Act certain questions of law and fact: And whereas it is desirable that the rights, powers, duties, and obligations of the lessors and the lessees under such of those leases as have recently expired, or which are about to expire, should be maintained pending the determination of the questions aforesaid and of other matters and questions arising out of the right to compensation for improvements: Be it therefore enacted as follows:—

(1) Where any subsisting lease of land subject to Part XIV or Part XV of the principal Act contains a provision to the effect that the lessee shall, on the termination by effluxion of time of the term thereby created, be entitled to compensation as therein provided, and the term of any such lease will, in accordance with the terms thereof, expire before the thirtieth day of June, nineteen hundred and fifty, the term of any such lease is hereby extended to the thirtieth day of June, nineteen hundred and fifty.

(2) Every such lease shall be read and construed as if the thirtieth day of June, nineteen hundred and fifty, were the date named therein for the termination thereof, and all the conditions, covenants, provisions, and agreements contained or implied in every such lease shall, so far as the same are applicable, apply to the term as so extended.

(3) Where any lease of land subject to Part XIV or Part XV of the principal Act contains a provision for compensation as aforesaid, and the term thereof has expired since the thirty-first day of December, nineteen hundred and forty-six, the term of any such lease shall be deemed to have been and the same is hereby extended until the thirtieth day of June, nineteen hundred and fifty; and the provisions of subsections one and two hereof shall, so far as the same are applicable, apply to the lease as so extended.

(4) Notwithstanding anything contained in any lease the term of which is hereby extended, any valuation required to be made for the purpose of determining

the value of the improvements for which the lessee is entitled to compensation shall be lawfully and validly made if it is made at any time between the thirty-first day of December, nineteen hundred and forty-nine, and the thirtieth day of June, nineteen hundred and fifty; and the period in which application to the Court for the appointment of a receiver is required to be made, in accordance with section two hundred and eighty-seven of the principal Act, for the purpose of enforcing any charge for improvements, shall not commence to run until the thirtieth day of June, nineteen hundred and fifty.

Tairawhiti District

14. (1) Notwithstanding the provisions of section ninety-six of the principal Act, as amended by section four of the Maori Purposes Act, 1942, the Tairawhiti District Maori Land Board is hereby empowered to expend out of moneys in its profit and loss account such sum or sums, not exceeding a total of five hundred pounds, as the Board shall think fit for the relief of any Maori or Maoris residing within the Tairawhiti Maori Land Board District who suffered the loss of, or damage to, real or personal property as the result of floods which occurred in the said district on or about the fourteenth and fifteenth days of May, nineteen hundred and forty-eight.

Tairawhiti
District Maori
Land Board
authorized to
make grants
to Maoris
suffering loss
from floods.
1942, No. 15

(2) Any payment or payments heretofore made by the said Board which that Board would have been empowered to make if this section had been in force at the time of the making of any such payment or payments shall be deemed to have been made under the authority of this section.

15. (1) Notwithstanding anything contained in any other Act, the Court is hereby authorized and empowered, on application in writing being made to it in that behalf within one year from the passing of this Act, to inquire into the matters set forth in the petition to the House of Representatives numbered 107 of 1947 of Paora Waina in respect of interests in Lake Waikaremoana.

Authorizing
Court to inquire
into and make
orders relating
to title to Lake
Waikaremoana.

(2) If the Court finds that any of the issue of Paora Rakau, other than those included in the order of the Court made on investigation of the title to the land to which the said petition relates, had rights to the said land, the Court may amend the said order by including therein as owners such persons for such shares as it thinks right, just, and equitable, and by making such corresponding adjustments in the shares of any of the other owners in the said lake as are necessary and expedient.

Ikaroa and South Island Districts

Authorizing
leasing of
Suburban
Section 113,
Foxton, set
aside as reserve.
1933, No. 50

16. (1) Notwithstanding the provisions of section twenty of the Maori Purposes Act, 1933, the trustees for the time being appointed by the Court pursuant to the said section to hold and administer the land known as Suburban Section 113 of the Township of Foxton (or Whakawehe Block) are hereby empowered to alienate the said land or any part or parts thereof by way of lease (but not otherwise) for any term not exceeding twenty-one years.

(2) Every such alienation shall require confirmation by the Court in the same cases and in the same manner as if it were an alienation by a Maori owning land in severalty.

(3) Every instrument of alienation shall be in writing signed by not less than two trustees.

(4) So far as regards any Maori signing any such instrument of alienation as a trustee, the provisions of section two hundred and sixty-eight of the principal Act (relating to formalities of execution) shall extend and apply to the execution of that instrument in the same manner as if it were an instrument of alienation of Maori land by that Maori.

Authorizing
alienation of
part of land on
Kapiti Island.
1897, No. 28

17. (1) Notwithstanding the provisions of the Kapiti Island Public Reserve Act, 1897, or of any other enactment, it shall be lawful for Utauta Webber, of Paraparaumu, widow, to acquire the whole or part of the undivided interests of His Majesty the King or any other person in the land described in subsection six of this section.

(2) The provisions of Part XIII of the principal Act (relating to the alienation of Maori land by a Maori) shall apply to any instrument of alienation which may be executed by any Maori in favour of the said Utauta Webber pursuant to this section.

(3) On application being made to it by the Minister of Lands, the Court may make an order vesting in the said Utauta Webber for an estate in fee-simple any interests owned by His Majesty the King in the said land upon such conditions as may be agreed upon between the Minister of Lands and the said Utauta Webber.

(4) The District Land Registrar is hereby authorized to make all such alterations and amendments in the Register as may be found necessary to give effect to any order made by the Court under this section.

(5) Any estate or interest which may be acquired in the said land by the said Utauta Webber pursuant to this section shall, upon any such acquisition, continue to be subject to the restrictions imposed by the Kapiti Island Public Reserve Act, 1897.

(6) The land to which this section relates is that parcel of land containing four acres, more or less, situated in Kapiti Survey District called or known as Waiorua-Kapiti Number 5A Block.

18. Notwithstanding anything contained in section fifteen of the Maori Purposes Act, 1946, the Court is hereby authorized, upon application being made to it within one year from the commencement of this Act, to inquire whether, through some error or omission, the name of Wi Hapi Pakau was omitted from the list of persons published in the declaration of trust executed by the Public Trustee on the twenty-fourth day of October, eighteen hundred and eighty-seven, being the declaration of trust referred to in the said section fifteen, and if the Court considers that it is established that any such error or omission has been made, the Court shall submit a report to the Minister of Maori Affairs setting out the facts and the grounds for its conclusion and a recommendation as to what amendments should be made in the records of the Maori Trust Office or of the Court to rectify any such error or omission.

Provisions as to
title to
Palmerston
Maori Reserve.
1946, No. 37

Provisions
relating to the
estate of
Pukepuke
Tangiara,
deceased.
1943, No. 24
1946, No. 37

19. In addition to the powers conferred upon them by section seventeen of the Maori Purposes Act, 1943, and section sixteen of the Maori Purposes Act, 1946, the trustees in the estate of Pukepuke Tangiara, deceased, notwithstanding any of the provisions in the said enactments or in the will of the said deceased, may, to the extent of that person's interest in the fund referred to in the said will as the accumulated fund, expend, on behalf of any person presumptively entitled to a share of the said accumulated fund, any moneys in the fund or the income arising from the investment thereof for the purpose of purchasing live or dead stock for farming purposes and also for farm maintenance, legal expenses, and other expenses incidental to farming.

Altering
provisions
relating to
Hemi Matenga
trust.

20. Whereas Hemi Matenga, late of Wakapuaka, near the City of Nelson, died on or about the twenty-sixth day of April, nineteen hundred and twelve, leaving a will bearing date the twenty-second day of November, nineteen hundred and eleven, probate whereof was granted by the Maori Land Court at Wellington on the fifteenth day of July, nineteen hundred and twelve: And whereas by his said will the said Hemi Matenga gave, devised, and bequeathed all his real and personal estate not otherwise disposed of by his will unto his trustees upon trust to sell, call in, and convert the same into money, and when invested to pay certain moneys out of the resulting income and to accumulate the residue of the income by investing the same and the resulting income thereof to the intent that the accumulations should be added to the capital of his residuary trust fund and follow the destination thereof; and after the death of the survivor of Metapere Ropata, Winara Parata, Hira Parata, Mahia Parata, and Utauta Webber he directed that his trustees should pay to the New Zealand Maori Mission Board the sum of one thousand pounds, and should pay and divide the residue of his residuary trust fund unto and among such of George Ropata, Ngamoana, Herehere, Te, and Pahia (children of the said Metapere Ropata), Paioke, Raw, Hauangi, and Tata (children of the said Winara Parata), Tohuroa (child of the said Hira Parata), Tukumarū, Rarangi, Smike, and Naronā (children of the said Utauta Webber), and the two other children of the said Utauta Webber as should be living at the death

of the said survivor in equal shares: And whereas of the said Metapere Ropata, Winara Parata, Hira Parata, Mahia Parata, and Ūtauta Webber, the said Ūtauta Webber alone is now living: And whereas the persons contingently entitled to share in the residue of the residuary trust fund are desirous that if, prior to the death of the said survivor, any person so contingently entitled shall have died, whether before or after the passing of this Act, leaving issue who are living at the death of the said survivor, any such issue should take the share or interest which the person so contingently entitled would have taken had he or she then been living: Be it therefore enacted as follows:—

(1) Upon the death of Ūtauta Webber referred to in the said will (hereinafter in this section referred to as the annuitant) the trustees of the estate of the said Hemi Matenga shall hold the residuary trust fund referred to in the said will upon trust to pay to the New Zealand Maori Mission Board the sum of one thousand pounds and to pay and divide the residue of the residuary trust fund in equal shares unto and among such of George Ropata, Ngamoana Ropata, Herehere Ropata, Te Ropata, Paioke Parata, Raw Parata, Hauangi Parata, Tata Parata, Tohuroa Parata, Tukumarū Webber, SMIKE Webber, Rarangi Webber, NARONA Webber, and Piki Webber (all of whom are referred to in this section as the contingent residuary beneficiaries) as shall be living at the death of the annuitant:

Providing that should any of the contingent residuary beneficiaries have died prior to the passing of this Act or shall hereafter die prior to the death of the annuitant leaving issue who survive the annuitant, any such issue shall take through all degrees *per stirpes* the share of the residuary trust fund which any such contingent residuary beneficiary would have taken had he or she survived the annuitant.

(2) The trusts hereby declared are in substitution for and replacement of the trusts declared by the will of the said Hemi Matenga, deceased.

(3) This section shall come into force on the date of the death of the said Ūtauta Webber if any of the contingent residuary beneficiaries are alive at that date, but not otherwise.

(4) Nothing contained in this section shall in any way prejudice or affect the rights, either vested or contingent, in the estate of the said Hemi Matenga, deceased, of Reuben Stephens or Konehu Bailey, grandchildren of the said Hemi Matenga, or of any person claiming under or through them or either of them.

Repeals.

(5) Section twelve of the Maori Purposes Act, 1941, and section six of the Maori Purposes Act, 1946, are hereby repealed.

General

Validation of payment by Maori Trustee in respect of translation of the Bible into the Maori language.

21. The payment of the sum of five hundred pounds made during the financial year ended on the thirty-first day of March, nineteen hundred and forty-seven, by the Maori Trustee to the British and Foreign Bible Society to assist in the revision of the translation of the Bible into the Maori language is hereby validated and declared to have been lawfully made.
