

New Zealand.

ANALYSIS.

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1889, No. 6.—*Local.*

- Title. AN ACT to provide for Further Investigation with respect to the Lands known as Ngarara and Waipiro.
[16th September, 1889.]
- Preamble. WHEREAS at a sitting of the Native Land Court held at Otaki in the year one thousand eight hundred and eighty-seven the applications of Inia Tuhata and others for the division of the western portion of the land known as Ngarara (hereinafter called "the said Ngarara Block") were heard, and a decision given purporting to define the portions of the said block to which the said Inia Tuhata and others were entitled: And whereas an application for a rehearing was made within three months after such decision was given, and was dismissed by John Edwin Macdonald, the Chief Judge of the said Court:
- Decisions of Native Land Court. And whereas, at a sitting of the said Court held at Waiomatatini on the twenty-third day of June, one thousand eight hundred and eighty-five, a decision was given on the investigation of the title to the land known as Waipiro (hereinafter called "the said Waipiro Block"): And whereas a rehearing was duly ordered and a rehearing had, and on the tenth day of November, one thousand eight hundred and eighty-six, a decision given upon such rehearing varying the original decision:
- "The Native Land Court Act 1886 Amendment Act, 1888," section 27. And whereas it was enacted by the twenty-seventh section of "The Native Land Court Act 1886 Amendment Act, 1888," that the lands severally called, among others, Waipiro and Ngarara should be inalienable until after the termination of the then next session of the General Assembly:
- Royal Commission. And whereas, by a Royal Commission dated the third day of November, one thousand eight hundred and eighty-eight, Commissioners were appointed to inquire into the matters therein recited and to report upon the same, and particularly whether the facts that should

be brought before them showed that the decisions of the Native Land Court in relation, among others, to the said Waipiro Block and the said Ngarara Block respectively, or any of them, ought to be given effect to, or whether sufficient doubt existed as to the correctness of such decisions, or any of them, to render further inquiry proper: And whereas the said Commissioners, on the nineteenth day of December, one thousand eight hundred and eighty-eight, reported to the Governor on the matters recited in the said Commission as aforesaid, and made certain recommendations in respect thereof, the particulars of which report and recommendations are contained in a printed paper presented during this present session to both Houses of the General Assembly by command of His Excellency the Governor, and marked G.-1: And whereas it is just and expedient that effect should be given to certain of the said recommendations:

Report of Commissioners.

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 Ngarara and Waipiro Further Investigation Act, 1889.”

Short Title.

2. Notwithstanding the action of the Native Land Court, and of the said Chief Judge, the said Court is empowered and directed to rehear the said applications for the division of the said Ngarara Block, and, subject to the provisions hereinafter contained, to proceed in the matter of such rehearing as if the same had been duly ordered by the said Chief Judge: Provided that the parcels of land heretofore awarded to the Puketapu and Otarawa respectively shall not be affected by any order of the Court made in pursuance of this Act.

Orders rehearing of subdivision of Ngarara.

3. Notwithstanding the judgment of the Court given upon the said rehearing in respect of the said Waipiro Block, the Court shall sit as soon as conveniently may be to rehear the said applications, and shall proceed in the matter of such rehearing as if no rehearing had heretofore been had.

Orders further hearing of Waipiro.

4. The Court may, if it deems fit, cause the position of every individual share or hapu holding in the Ngarara Block to be shown on a plan of the same; but no survey or actual subdivision of any share or hapu interest shall be made until the owner or owners thereof shall apply in writing to the Registrar of the Native Land Court at Wellington for his or their partition order, and then only of the portion of the owner or owners applying for the same: Provided that every owner whose share shall adjoin any other share in respect of which issue of a partition order has been applied for shall bear his proportion of the cost of the survey of the common boundary. In estimating the extent of any share the Court may take into consideration the amount or value of any rents or profits from the Ngarara Block which have been received by the owner of such share.

Court may allocate shares.

5. The Chief Judge, after decision has been given upon the rehearing in section three of this Act directed to be had, shall report to the Minister of Native Affairs whether the effect of such decision affirms or varies in any material particular the decision given upon the said rehearing heretofore had, and if such last-mentioned decision be not affirmed the costs of survey incurred and paid by Tuta Nihoniho

Survey costs may be paid to Tuta Nihoniho.

since such last-mentioned decision in excess of any rents or mesne profits arising therefrom already received by him shall be repaid to him.

Evidence before
Commission may
be used by the
Court.

6. In any proceeding under this Act the evidence relevant to the issues before the Court of any witness given before the said Commission may be used by the Court as if the same had been given in some previous proceeding in the Native Land Court; but the Court may, at any stage of the proceedings, require the attendance of any such witness for the purpose of giving evidence.

Valid leases not
to be prejudiced.

7. Nothing in this Act contained shall prejudice any valid lease of the said Ngarara Block or of the said Waipiro Block, or of any part of the said blocks respectively, executed before the passing of "The Native Land Court Act 1886 Amendment Act, 1888," or affect the title of the Wellington and Manawatu Railway Company (Limited) to any portion of the said Ngarara Block.