

New Zealand.

ANALYSIS.

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1923, No. 32.

AN ACT to further amend the Laws relating to Native Lands, and to determine certain Claims and Disputes in relation to Native Lands, and to confer Jurisdiction upon the Native Land Court and the Native Appellate Court, and for other Purposes.

[29th August, 1923.]

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 Native Land Amendment and Native Land Claims Adjustment Act, 1923.

Interpretation.

2. In this Act the expression "the principal Act" means the Native Land Act, 1909.

Amendments to Native Land Laws.

Section 172 of
Native Land Act,
1909, amended.

3. Any order under section one hundred and seventy-two of the principal Act (whether made before or after the passing of this Act) shall remain effective, notwithstanding that the land affected may have subsequently become or be held to be European land.

Section 417 of
Native Land Act,
1909, amended.

4. In addition to the purposes specified in section four hundred and seventeen of the principal Act, any moneys in the Native Land Settlement Account may, without further appropriation than this section, be transferred to the Native Trustee's Account for the purpose of investment by way of advances to Natives.

Section 424 of
Native Land Act,
1909, amended.

5. Section four hundred and twenty-four of the principal Act is hereby amended by inserting, after the words "apply to those moneys," the words "and any income arising therefrom."

Facilitating
consolidation
of interests.

6. (1.) In order to facilitate the consolidation by way of exchange or otherwise of the interests of owners of Native land into suitable areas the Native Minister may, at any time and from time to time, make application to the Native Land Court to prepare a scheme of such consolidation with respect to any specified area or areas of land owned by Natives, and the Court shall thereupon proceed to prepare a scheme accordingly and to make all necessary inquiries in that behalf, and shall submit that scheme under the seal of the Court to the Native Minister for his approval.

(2.) Any such scheme may relate to the land mentioned in the application, or, if in the opinion of the Court it is necessary or desirable for the more effective consolidation of the interests of the Native owners, the Court may include in such scheme any other Native land or any land or interests in any land owned by the Crown or by any European.

(3.) The Court in the course of preparation of such scheme, or in carrying the same or any part thereof into effect, shall have full jurisdiction to make such succession and trustee orders as it may think necessary. No fees or Native succession duty shall be payable on any succession orders so made. The Court may declare any succession order already made and requisite for the purpose of the consolidation as exempt from Native succession duty, and it shall cease to be liable for payment thereof accordingly.

(4.) In course of preparing the said scheme or in carrying it out the Court may make orders having the effect of charging the interests of any person, or of any number of persons (including the Crown where it is interested), in any lands affected by the scheme with the payment of any sum of money which the Court may think it necessary to secure for the protection of any of the persons interested.

(5.) A scheme may be submitted either in whole or in part and from time to time, and every scheme so submitted to the Native Minister may from time to time be remitted by him to the Court or to the Appellate Court for reconsideration and amendment, and that Court may make such amendments therein at it thinks fit, and shall again submit the scheme as so amended to the Native Minister for his approval.

(6.) If the Native Minister is satisfied that the scheme (or the portion thereof submitted) is just and equitable, and is in the public interest, he may, by notice in the *Gazette*, confirm the scheme or the portion so submitted.

7. (1.) As soon as practicable after the confirmation of any such scheme, or any portion thereof, the Court shall proceed to carry the same into execution by making all necessary orders of exchange or other orders within the jurisdiction of the Court in that behalf, and no such order of exchange shall be subject to any of the limitations or restrictions imposed by section one hundred and twenty-seven of the principal Act.

Carrying out
scheme of
consolidation.

(2.) For the purpose of giving effect to any such scheme of consolidation the Court may cancel or vary any partition order, although that order has been already registered or provisionally registered under the Land Transfer Act, 1915, or that any person has acquired an interest thereunder by reason of any alienation.

(3.) The Court may, for the purpose of partition, treat several blocks or parcels of land as a single area owned by the owners of the several areas in common, and make an order or orders of partition thereof. The Court shall have jurisdiction to allocate the whole or part of the interests of any owner or owners in any of the several areas and cancel the whole or any part of his or their interest in any other area, and make partition orders accordingly.

(4.) Where the Crown has acquired an interest in any land affected by the consolidation scheme the Court is hereby empowered to make orders defining the interests of the Crown.

(5.) An order may be made in favour of His Majesty the King although the land named in such order may not have been wholly or partially transferred to the Crown, and on the making of such order the land named therein shall absolutely vest in the Crown freed and discharged from the interests of the Native owners as if instruments of transfer had been duly executed by all the necessary parties. In addition to any interests purchased the Court may award to the Crown additional land for the purpose of liquidating any survey or other charges upon any land included in the scheme, or for the purpose of providing for the payment of any rates that may be due upon any of the areas concerned, or for any other purpose that the Court thinks necessary. The Crown or local body is authorized to enter into any compromise regarding any amount due, and the Court is empowered to give effect to the same accordingly.

(6.) Out of any land vested in His Majesty the Court may, subject to the approval of the Minister of Lands, vest any portion thereof in such person as in the opinion of the Court should receive the same, and a title may be issued therefor without other warrant than this Act.

(7.) For the purposes of this section the Court may, by way of exchange or in such other manner as it thinks fit, vest in any Native any interests acquired by the Crown in Native land which have not been proclaimed Crown land.

(8.) The Court, in carrying the scheme into execution, may exercise the jurisdiction conferred by section forty-eight of the Native Land Amendment Act, 1913, and make orders laying out road-lines or creating

private rights of way over any area, and the provisions of that section shall, with all necessary modifications, apply to such order accordingly.

(9.) The Court may (with the consent of the local body in the case of a public road), where it deems it expedient, order any public road, road-line, or right-of-way within the areas being consolidated to be closed, and vest the same in any person to whom the Court may award the same.

(10.) For the purpose of the consolidation the Court may grant to any Native or other person an interest in any land, notwithstanding that such person may not theretofore have had any interest in that land, and may give to the land so awarded such name as it thinks fit, notwithstanding that a title may have been issued in some other name.

(11.) If it is deemed advisable to include land or interests in land owned by Europeans or the Crown, the Court may make an order vesting any Native land in Europeans or the Crown, or vesting European land in the Crown or any person, subject to any existing encumbrances. The provisions of the principal Act and its amendments as to limitation of area, or as to the acquirement of limited areas by disqualified persons, shall not apply to any land comprised in any such order.

(12.) Any charging-order granted by the Court may be registered against the land affected. If the Court thinks fit a charging-order may be granted against Crown or other land not included in the scheme. The Court may grant an order releasing the charge, and it shall be deemed to be discharged accordingly.

(13.) The District Land Registrar is hereby authorized to cancel, vary, or amend any title that may be registered or provisionally registered under the Land Transfer Act, 1915, to conform to the orders of the Court; but no such cancellation, variation, or amendment shall take away or affect any right or interest acquired in good faith and for value prior to the order of the Court. For the purpose of correcting any error that may have inadvertently occurred the Court shall be deemed to have authority to make such order as may be necessary to restore or preserve the rights of any person prejudicially affected.

(14.) Any Crown land or European land vested in Natives under this section shall be deemed to be Native freehold land subject to the principal Act, and may be dealt with accordingly.

(15.) All orders made by the Court under this section may be made on its own motion and in such manner and in accordance with such procedure as the Court thinks fit, notwithstanding anything to the contrary in this Act or in rules of Court; and it shall not be necessary for the Court in making any such order to proceed judicially or in open Court, or to hold any further inquiry in the matter of the order than the inquiry theretofore made by it in respect of the scheme of consolidation.

(16.) No appeal shall lie to the Appellate Court from any order made under this section.

(17.) Every order made under this section shall take effect as of the date on which a minute of the order so made is entered upon the records of the Court or on such date as the Court determines.

(18.) This section is in substitution for—

Sections one hundred and thirty and one hundred and thirty-one of the Native Land Act, 1909 ;

Section sixty-three of the Native Land Amendment Act, 1913 ;
Sections three, four, and five of the Native Land Amendment and Native Land Claims Adjustment Act, 1919 ;

Section three of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22—

and those sections are hereby accordingly repealed.

(19.) Any consolidation commenced under the enactments hereby repealed and not finally carried into execution may be continued, confirmed, and perfected under this Act.

8. An Order in Council issued under section one hundred and thirty-two of the principal Act may be extended from time to time as to the Governor-General in Council may appear expedient.

Prohibiting alienations while scheme in progress.

9. (1.) There shall be a fund established, to be called the Maori Ethnological Research Fund (herein called the said fund), to be held in the Native Trustee's Account.

Board and fund founded for research purposes.

(2.) The purposes of the said fund shall be the promotion of the study and investigation of the arts, language, customs, history, and traditions of the Maori and cognate races of the South Pacific Ocean, the collection of records pertaining to any of the said races, and the publication or preservation in any way of any matter or thing in connection therewith that the Board of Maori Ethnological Research hereinafter referred to may deem necessary or desirable. If a question arises whether any such matter or thing is within the scope of this section the same shall be determined by the Native Minister.

(3.) As a part of the said fund the Native Minister may, from time to time as he thinks fit, requisition any District Maori Land Board out of the interest received by it, or the Native Trustee out of his Profit and Loss Account, to pay to the said fund any sum or sums that he may think fit in any one year, and the said Maori Land Boards or Native Trustee are authorized to pay the sums so requisitioned accordingly.

(4.) (a.) For the purposes of this section and of administering the said fund there shall be a Board to be called the Board of Maori Ethnological Research (hereinafter referred to as the said Board).

(b.) The said Board shall be a corporate body with perpetual succession and common seal. The Governor-General may make regulations for the constitution of the said Board and the conduct of its business, and for the administration of the said fund, and generally for such other purposes as may be necessary to give effect to this section.

(c.) The regulations may authorize the payment by the said Board of subsidies or assistance to any publication, society, or person which in the opinion of the Board will tend to assist and promote the purposes of this section.

(5.) Any Board, local body, corporate body, company, trustee, or person may contribute to the said fund for the purpose of furthering the objects thereof; and any payment, gift, or donation shall be deemed to be a payment which might be legally made, anything in any Act to

the contrary notwithstanding. Any sum or article donated or bequeathed shall not be liable to payment of any stamp, succession, or other duty. All sums of money received by the said Board shall be paid to the said fund. All articles received by the said Board shall be disposed of as the regulations provide, or as the Board determines if there should be no regulation governing the matter.

Urewera Lands.

Urewera Lands Act,
1921-22, amended.

10. (1.) Subsection two of section eight of the Urewera Lands Act, 1921-22 (herein referred to as the said Act), is hereby amended by inserting, after the words "Land Transfer Act, 1915," the following: "or a compiled plan certified by the Chief Surveyor as sufficiently accurate for the purpose."

(2.) Section nine of the said Act is hereby amended by the addition of the following subsection:—

"(3.) The Commissioners may, subject to the approval of the Minister of Lands, vest any portion of land vested in His Majesty, and notwithstanding such land may form part of any reserve, in any Native whom the Commissioners find entitled thereto, and no warrant other than this Act shall be necessary for the issue of a certificate of title therefor."

(3.) Section seventeen of the said Act is amended by the addition of the following: "Where the Commissioners think it expedient they may authorize any surveyor to undertake a survey required for the purposes of this Act."

(4.) The Commissioners shall have the same power of laying off road-lines and creating rights of way as the Native Land Court has under section forty-eight of the Native Land Amendment Act, 1913, and the provisions of that section, with all necessary modifications, shall apply irrespective of whether the land is being partitioned or not.

Reserves for Natives
may be set apart.

11. (1.) The Governor-General may, on the recommendation of the Native Minister and the Minister of Lands, by Warrant under his hand, declare that any part of the land awarded to the Crown under the Urewera Lands Act, 1921-22, shall as from the date of the Warrant be a reserve for the exclusive use of any of the former owners of the said land or their successors, or such other Natives or class of Natives as may be referred to in such Warrant.

(2.) Upon the issue of such Warrant the land referred to therein shall be deemed to be reserved for Native purposes.

(3.) The Governor-General may, by Order in Council, vest the control and management of such reserve in such trustees as he may think fit, and may from time to time make regulations prescribing their duties, functions, and powers.

Native Townships.

Native Townships
Act, 1910, amended

12. A Maori Land Board may, with the precedent consent in writing of the beneficial owners, or of their trustees in the case of owners under disability, or in pursuance of a resolution of the assembled owners under section three hundred and fifty-six of the Native Land Act, 1909, transfer any land in a Native township to any beneficial owner, or the successor, trustee, executor, or administrator of such beneficial owner.

Arawa District Lakes.

13. Subsection three of section twenty-seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, is hereby amended by omitting the words "to be appropriated by Parliament for the purpose," and substituting the words "without further appropriation than this Act," and the said subsection as so amended is hereby confirmed and declared to be in operation.

Confirming subsection dealing with Arawa district lakes.

14. The Governor-General may from time to time, by notice in the *Gazette*, vest the control of the Rotokakahi Lake (or Green Lake) and the islands therein in a Board of Control constituted by him for the purpose, consisting of not less than six persons, of whom five shall be members of the Tuhourangi and Ngatitumatawera Subtribes of the Arawa Tribe.

Authorizing Board of Control for Rotokakahi Lake.

Adjustment of Claims.

15. For the purpose of giving effect to an undertaking given by a previous East Coast Commissioner the East Coast Commissioner is hereby empowered to execute a transfer of portion of the Mangaheia 2D Block, comprising Lot 1 on deposited plan No. 2345, containing one acre three roods and twelve perches, to the Education Board of the District of Hawke's Bay for the purpose of a site for a public school.

Empowering East Coast Commissioner to execute transfer of land for school-site.

16. To give effect to a recommendation of the Chief Judge of the Native Land Court with regard to the Motatau No. 2 Block, situate in the North Auckland Land District (herein referred to as the said land), be it enacted as follows:—

Empowering adjustment of title of, and charges on, Motatau No. 2.

(1.) In partial liquidation of a charge or sum due under section two hundred and seventy-four of the principal Act in respect of an advance for roading to open up the said land for settlement there shall be paid out of the Public Works Fund, without further appropriation than this Act, the sum of four thousand five hundred pounds.

(2.) For a like purpose a further sum of one thousand pounds shall be paid by the Tokerau District Maori Land Board, out of moneys to the credit of its Profit and Loss Account.

(3.) The Tokerau District Maori Land Board may pay for a similar purpose any moneys which it holds to the credit of any particular portion of the said land as its respective proportion of the liability to the charge hereinbefore referred to.

(4.) All the said several sums shall be credited as partial payment of the advances made by the Minister of Finance under the said section two hundred and seventy-four in respect of the said land, and the statutory charge hereinbefore referred to shall cease to exist subject to the provisions herein contained.

(5.) The Native Land Court is authorized and directed to grant by order a charge in favour of His Majesty the King over the portions of the said land which have been leased by the Tokerau District Maori Land Board for the balance still unpaid of the said advances; and the Board shall, out of the rents and revenues of the said portions so leased as aforesaid, pay into the Consolidated Fund the annual instalments of principal and interest as they become due. There shall be no appeal against the charge granted under this section.

(6.) The Native Land Court shall proceed to hear and determine what proportion of the charge granted under the last preceding subsection should be borne by each portion of the said land, taking into account the benefits received by the construction of the roads for which the advance under the said section two hundred and seventy-four was expended, and to make an order apportioning the liability accordingly. For this purpose the Court may adopt the equitable partitions made by the Native Land Court.

(7.) The Native Land Court may further apportion, if it thinks fit, as between the respective portions of the leased sections, what is a fair and just proportion of the charge to be levied against each, and the Minister of Finance may adopt such finding either wholly or in part, and may accept payment of the amount so apportioned, or such other amount as he thinks fit in liquidation of the charge against that particular parcel. A notice in writing that the charge or liability against any particular parcel has been paid may be signed by the Minister of Finance and be registered accordingly, and thereupon the parcel named shall be freed and discharged from all claims in respect of the charge.

(8.) (a.) The Native Land Court may by order grant in favour of the Tokerau District Maori Land Board, as representing the owners of the land to be charged under subsection five hereof, a charge which shall have effect as a memorandum of mortgage upon demand, and may be registered and enforced accordingly over the respective parcels of the land not included in the charge under subsection five. Upon payment of the amount so charged the Board shall execute a release *pro tanto*, and thereupon the land mentioned in such release shall be released from any such charge.

(b.) Such charge shall provide for payment of interest at five per centum per annum, payable from such date as the order shall prescribe.

(c.) Such charge may also include a fair proportion of rates and other charges which may have been liquidated out of the rent of the leased portion of the land.

(d.) Upon registration of the said charge or upon notice of such charge being given to the District Land Registrar, such charge or the notice, as the case may be, shall act as a caveat against the registration of any alienation of the land referred to therein without the consent of such Board.

(9.) (a.) The partition orders made by the Court are declared to be effective equitable partition orders, and the Court may make orders vesting the various portions of the Motatau No. 2 Block, except that portion of the said land affected by subsection five hereof, in the persons beneficially entitled; and every such order shall have the effect of vesting the land in fee-simple in the persons named in the order freed from the title or control of the Tokerau District Maori Land Board, except as regards the charge hereinbefore mentioned; and the provisions of Part XV of the Native Land Act, 1909, shall no longer apply thereto.

(b.) The portions of the land affected by subsection five shall, subject as hereinafter mentioned, remain under the control or administration of the Board. All sums received by the Board under the charging-orders hereby authorized to be granted shall be held in trust

for those concerned in the charge under subsection five in the relative proportions in which they are entitled, and may either be paid in liquidation or partial liquidation of the charge to the Crown, or may, subject to deduction of the Board's costs of administration, be paid to the beneficiaries.

(c.) The Native Minister or the Tokerau District Maori Land Board may apply to the Court to vest in the beneficial owners any portion of the land remaining vested in the Board, and the Court is empowered to make an order accordingly, subject to the charge under subsection five being adjusted as far as that parcel is concerned, and thereupon the land comprised in such order shall vest absolutely in the person entitled, released and discharged from the provisions of the said Part XV.

(d.) The Court is empowered to make any adjustments that it may think expedient either as regards the beneficial owners, the area, or the boundaries stated in the partition orders referred to in subsection nine, but no such adjustment shall affect the charge granted under subsection five.

17. Whereas under the South Island Landless Natives Act, 1906 (since repealed), and under section eighty-eight of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1916, authority was given to provide land for landless Natives as therein mentioned: And whereas various areas of Crown land in pursuance of the powers in that behalf have been or may be permanently reserved for the purpose: Be it therefore enacted as follows:—

South Island
landless Natives'
lands enabling.

(1.) Where the names of persons deemed to be beneficial owners of any land so reserved as aforesaid, or any part thereof, have been published in the *Gazette* or *Kahiti* and titles therefor have not already been issued, the District Land Registrar of the appropriate land registration district is authorized, on the request of the Native Minister or any person interested, to issue a certificate of title vesting any part of such land in fee-simple in the persons named in such *Gazette* or *Kahiti* for an estate in fee-simple as tenants in common in the relative interests set out, which relative interests shall be expressed in shares in lieu of acres. Such title shall antevest as from the date of the land being permanently reserved for the purpose.

(2.) Where the names of the persons deemed to be entitled have not been published as aforesaid and the Governor-General is satisfied that the beneficial owners have been ascertained after due inquiry, the Governor-General may, by Warrant under his hand, direct the District Land Registrar to issue a certificate of title for any such land to which they may be found entitled to the persons so deemed to be entitled, and the District Land Registrar is authorized to issue certificates of title accordingly, vesting the land in the persons entitled as tenants in common in the relative interests set out. Such title may be antevested to any date named in the Governor-General's Warrant.

(3.) All titles issued under the preceding subsections shall have a memorial endorsed thereon that they are issued under and subject to the provisions of this section. Such titles may issue although persons named therein may be deceased, and the interest of any person so deceased shall enure for the benefit of any successor appointed by the Native Land Court.

(4.) All land permanently reserved under the enactments in this section first recited (whether titles are issued under this section or otherwise) shall be deemed to be Native land within the meaning of the principal Act, and so far as their interest in such land is concerned the beneficial owners, if descendants of Natives, shall be deemed to be Natives within the meaning of the principal Act, and all the provisions of the principal Act as modified hereby shall apply accordingly. All succession and other orders made by the Native Land Court with respect to any such land shall be deemed to have been made with jurisdiction.

(5.) Notwithstanding anything in the principal Act or its amendments, no alienation hereafter made by way of sale or exchange of land mentioned in the last preceding subsection to any person other than the Crown shall be valid without the consent of the Governor-General in Council. The said land, or any interest therein, may be acquired by and alienated to the Crown as fully and freely and in the same manner as if it was ordinary Native land or land within the meaning of the principal Act or its amendments, and any statutory provision to the contrary is declared not to affect such lands.

(6.) If and whenever the said land or any portion thereof is not the subject of an alienation or is not in the occupation of any of the beneficial owners, the Governor-General may, by Order in Council published in the *Gazette*, resume such land or any part thereof, and thereupon the said land shall again become Crown land freed and discharged from any right or claim thereto by the beneficial owner. The former beneficial owners thereof shall be entitled to compensation as if the land had been taken for a public work, and all the provisions of the Public Works Act, 1908, as to payment and assessment of compensation shall apply accordingly.

(7.) Where the Native Land Court is satisfied that any beneficial owner cannot be found and that it is in the interests of the owner or in the public interest that the land should be alienated, it may make an order appointing the Native Trustee to execute as agent and in the name of the owner any instrument of alienation, which instrument may be confirmed, and shall thereupon have the same force and effect, and may be registered in the same manner, as if executed by the owner. All proceeds of any such alienation shall be paid to the Native Trustee, who shall hold the same in trust for the person beneficially entitled thereto. The death of the owner, either before or after the granting of such Court order, shall not invalidate any alienation entered into in good faith.

(8.) All land referred to in this section shall be deemed to be subject to the operation of section twenty-eight of the Mining Act, 1908.

(9.) The following sections are hereby repealed, but without prejudice to the validity or registration of any instruments of title or alienations issued or granted pursuant to such enactments:—

(a.) Section twelve of the Native Land Amendment Act, 1914:

(b.) Section six of the Native Land Amendment and Native Land Claims Adjustment Act, 1916:

(c.) Section thirteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1919:

(d.) Section ten of the Native Land Amendment and Native Land Claims Adjustment Act, 1920.

18. (1.) The land hereinafter described is hereby vested in the Native Trustee to be held upon trust for such Natives and their descendants as the Native Land Court on the application of the Native Trustee shall determine, and the said Court is hereby empowered to determine the beneficial owners and their relative interests accordingly. The said beneficiaries shall have no power of alienation save by will.

Waipopo Native Reserve 882 accretions vested in Native Trustee.

(2.) The District Land Registrar of the Canterbury Land Registration District is hereby authorized to cancel all existing titles for any part of the said land, and to issue to the Native Trustee a certificate of title therefor.

(3.) The Native Trustee shall have with regard to such land all the powers and authority he has with regard to Native reserves vested in him under the Native Reserves Act, 1882, and in addition shall have the following powers:—

(a.) To grant occupation licenses of the said land or any part thereof. All occupation licenses heretofore issued by the Canterbury Land Board, if existing, shall be deemed to be valid licenses to which the title shall be subject:

(b.) To permit Natives to occupy any part of the said land without payment of rent:

(c.) To permit any buildings erected upon the land to be removed, or to allow any buildings to be sold to any person with the like right of removal, or to purchase any buildings erected on the land and allow compensation to the owner thereof.

(4.) The Crown shall have the right to take by Proclamation under the Public Works Act, 1908, without payment of compensation as far as the Native Trustee is concerned, any roads which may be deemed necessary, as well as a road reserve not exceeding one chain in width along the river-bank. Upon the Proclamation of a public road giving access all rights under the easement mentioned in certificate of title, Volume 125, folio 153, Canterbury Registry, shall be deemed to cease, otherwise any right thereunder shall remain in full force and effect against the Native Trustee and the beneficiaries.

(5.) The land affected by this section is all that piece of land, containing twenty-nine acres three roods, more or less, adjoining Waipopo Native Reserve 882, and known as Reserve 4074, Block VII, Arowhenua Survey District.

19. Where by order dated the sixteenth day of September, nineteen hundred and nineteen, the Native Land Court cancelled the partition orders dated the seventh day of January, nineteen hundred and fourteen, partitioning the Te Upoko-o-Rakaitauheke No. 884 Block into Sections 1 to 66: And whereas the said partition orders were cancelled for the purposes of enabling the Timaru Borough Council to negotiate with the assembled owners of the said block with a view to its purchase by the said Council: And whereas the negotiations for such purchase have fallen through, and it is desirable to reinstate the partition orders aforesaid: Be it therefore enacted as follows:—

Restoring partition orders of Te Upoko-o-Rakaitauheke No. 884

The several partition orders made by the Native Land Court on the seventh day of January, nineteen hundred and fourteen, partitioning

the Te Upoko-o-Rakaitauheke No. 884 Block into Sections 1 to 66 (inclusive) shall be deemed to have at all times since the commencement thereof remained in force, anything to the contrary in the hereinbefore-recited order of cancellation of the sixteenth day of September, nineteen hundred and nineteen, notwithstanding.

Authorizing appeal
in re Peita Kekeao
(deceased).

20. Notwithstanding the right to apply for a rehearing has lapsed, any person aggrieved by a decision of the Native Land Court given on the tenth day of June, eighteen hundred and ninety-three, granting succession in respect of the interest of Peita Kekeao (deceased) in the Tangatapu No. 1 Block may appeal therefrom by notice of appeal given in the manner prescribed by the principal Act, within four months from the commencement of this Act, and the Native Appellate Court is hereby empowered to hear and determine the said appeal accordingly. All rules of Court as to giving security and otherwise shall apply to such appeal.

Cancelling succession
orders to Haora
Taki (deceased).

21. (1.) The following orders of the Native Land Court granting succession to the interests of Haora Taki (deceased) are hereby cancelled:—

(a.) An order dated the second day of November, nineteen hundred and eight, in respect of the Maungamaunu No. 2 Subdivision 10 Block.

(b.) An order dated the twenty-fourth day of October, nineteen hundred and thirteen, in respect of the Nelson "tenths."

(c.) An order dated the fifteenth day of November, nineteen hundred and twenty-two, in respect of the Nelson "tenths."

(2.) No alienation made by the present successors shall be invalidated or prejudicially affected, nor shall any interest acquired in good faith or for value be taken away, by such cancellation, but any money now or hereafter accruing under any such alienation and not already paid shall enure for the benefit of the rightful successors when found by the Court.

(3.) All incidental amendments required to be made in the title are hereby authorized to be made accordingly.

Cancelling succession
order to Maraea
Whakaki (deceased).

22. The order of the Native Appellate Court dated the seventh day of March, nineteen hundred and seventeen, granting succession in respect of the interest of Maraea Whakaki (deceased) in the Puhunga Block is hereby cancelled. The Native Land Court is empowered to amend its records accordingly.

Authorizing issue
of title for Lot 95,
Te Papa.

23. (1.) The Governor-General is hereby authorized to issue a Warrant directing the District Land Registrar to issue a certificate of title for the land known as Lot 95, of the Parish of Te Papa, containing by admeasurement one hundred and thirty acres, more or less. Such certificate of title shall be for an estate in fee-simple as from the twenty-eighth day of April, nineteen hundred and seventeen, and shall be (subject as hereinafter mentioned) in the names of the persons and according to the relative interests set out in a recommendation of the Native Land Court dated the twenty-eighth day of April, nineteen hundred and seventeen.

(2.) Either before or after the issue of a title any person interested may apply to the Native Land Court to amend the said recommendation in any way that appears expedient, and the Court is empowered

to amend the same accordingly. If the amendment be made prior to the issue of a title, the result of the amendment may be embodied in the title as issued. For the purpose of correcting the Land Transfer title, if necessary, a minute of amendment under the seal of the Court shall be transmitted to the District Land Registrar, who is empowered to make all necessary or consequential amendments in the register. The Court may make any consequential amendment found necessary in any order or survey.

(3.) The Native Land Court shall, as from the twenty-eighth day of April, nineteen hundred and seventeen, be deemed to have had jurisdiction to hear applications concerning the said land and to make orders accordingly; but, if the Court thinks it expedient, any order so made prior to the passing of this Act may be cancelled or amended.

24. The orders of the Native Land Court dated the sixth day of December, nineteen hundred and nineteen, granting succession to Hekiera Taurare (deceased) in respect of his interest in the lands known as Makarika D, Maungawaru 2, Tutuwhinau 1E, and Puhunga 2, are hereby cancelled.

Canceling succession orders to Hekiera Taurare (deceased).

25. (1.) The order of the Native Land Court dated the second day of October, nineteen hundred and seven, granting succession to Rapata Nepia (deceased) in respect of his interest in the land known as Houpoto No. 3, is hereby cancelled.

Rectifying error in succession orders to Rapata Nepia (deceased).

(2.) The said Court is hereby empowered to inquire into the circumstances attending the making of orders dated the nineteenth day of September, nineteen hundred and seven, granting succession to Rapata Nepia (deceased) in respect of his interest in the lands known as Rangitaiki, Lot 28B, and Rangitaiki, Lot 31, and if it finds that any person has been included in either of the said orders that rightly should not have been so included it may make an order vesting so much of the share and interest awarded to any such person wrongly included as has not been the subject of any alienation by way of sale in such person as the Court thinks entitled thereto, subject to any existing lease or encumbrance lawfully entered into.

26. (1.) The Waikato-Maniapoto District Maori Land Board is hereby authorized and directed to summon a meeting of the assembled owners of the land known as Taharoa A to consider whether any part of that land (which for the purpose shall be deemed to include the unleased portions of the Parawai Native Township or such other portion thereof as in the opinion of the said Board should be included) shall be alienated by way of gift from the beneficial owners to one Te Rata Mahuta.

Authorizing transfer of portion of Taharoa A.

(2.) Any resolution passed by the assembled owners at such meeting shall be deemed to be one they might lawfully pass, and the provisions of Part XVIII of the principal Act shall apply thereto.

(3.) On any such resolution being passed and reported to the Board, the Board shall take the same into consideration, and may confirm the same either in whole or in part and subject to such terms and conditions and with such modifications as the Board, in its discretion, shall think expedient.

(4.) All the provisions of section three hundred and fifty-six of the principal Act as to the execution, effect, and registration of instruments

of alienation shall, with all necessary modifications, apply to any resolution so confirmed.

(5.) The provisions of the Native Townships Act, 1910, and of sections three and four of the Native Land Amendment and Native Land Claims Adjustment Act, 1915, shall not apply to any such resolution or any alienation thereunder.

Empowering Chief Judge to hear matters affecting Waimarino E 9 and E 10.

27. To give effect to a recommendation of the Native Affairs Committee of the House of Representatives upon petition No. 96 of Session II, nineteen hundred and twenty-three, the Chief Judge of the Native Land Court is hereby empowered to inquire into the circumstances affecting the alienations of the lands known as Waimarino E 9 and E 10 referred to in the said petition, and, if he sees fit, to confirm the said alienations, or any of them, subject to such terms and conditions as may seem fair and reasonable. The Chief Judge, in exercising his powers hereunder, shall have all the powers and jurisdiction of the President of the Aotea District Maori Land Board, and may execute and seal in the name of and for the said Board any certificate of confirmation that may be required, and the same shall take effect as if granted or sealed by the Board in its ordinary jurisdiction.

Authorizing modification of conditions subject to which the Tongariro Timber Company (Limited) is required to construct a certain railway.

28. (1.) Section nineteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1921-22, is hereby amended as follows:—

- (a.) By adding to subsection one the following words: “and to have full power and authority to amend or vary the said Order in Council, and to vary or revoke all or any of such terms and conditions and to impose other terms and conditions in lieu thereof”:
- (b.) By inserting in subsection two, after the words “Order in Council,” the words “and by the terms and conditions imposed by any Order in Council amending the same”; and by adding to the said subsection two the words “Assigns in this subsection do not include any person claiming under an assignment by way of mortgage to secure, *inter alia*, the costs of construction of the railway”:
- (c.) By adding to subsection three the following words: “or by any Order in Council amending the same”:
- (d.) By omitting from subsection four the words “The said Order in Council,” and substituting the words “Every such Order in Council”:
- (e.) By repealing subsection five, and substituting the following subsection:—

“(5.) Section nineteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1915, is hereby amended by omitting from subsection one thereof all the words preceding the words ‘no remedies for default.’”

(2.) The Egmont Box Company (Limited) may assign or release, without further consent or authority, to the Tongariro Timber Company (Limited), or its assigns, all or any moneys, benefits, and advantages to which it is entitled under the agreement between it and the said company, bearing date the twenty-third day of October, nineteen hundred and nineteen, and entered into under the authority of the Native Land

Amendment and Native Land Claims Adjustment Act, 1919, and may, by contract with the said Tongariro Timber Company (Limited) or its assigns, modify, vary, or alter all or any of the provisions contained in the said agreement.

(3.) The said Tongariro Timber Company (Limited) and its assigns may, without further authority than this Act, construct, work and maintain, and carry on the railway mentioned in the Order in Council recited in section nineteen of the above first-mentioned Act, and the said railway may be constructed on, over, or along any road or street, river, or Crown land or other public reserve in the like manner as if it were an approved railway under the District Railways Act, 1908, and sections thirty-one to forty-seven inclusive, section fifty-one, and sections seventy-four to seventy-nine inclusive of that Act shall, as far as possible, extend and apply to the said railway and to the said company and its assigns in relation thereto.

29. Whereas in a report printed as a parliamentary paper—G.-5 of nineteen hundred and twenty-one—a Commission of Inquiry made certain recommendations on petition No. 454 of nineteen hundred and nine, of Tiemi Hipi and others, in regard to the purchase of the Ngaitahu Block by Mr. Kemp on behalf of the Crown in the year eighteen hundred and forty-eight, which recommendations are under consideration: And whereas it is deemed expedient that some tribunal should inquire and determine who are the persons beneficially entitled to the relief claimed in the said petition: Be it therefore enacted as follows:—

Empowering Native Land Court to determine persons beneficially entitled to Ngaitahu Block.

(1.) The Native Land Court is hereby empowered, on the application of any person claiming to be interested or of the Native Minister, to ascertain and determine who are the persons entitled to participate in any relief that may be granted in respect of the matters referred to in the said petition and their relative interests, and to make an order or orders accordingly.

(2.) The Court may, in defining the relative interests, take into consideration any circumstances which in its opinion might be fairly considered, and it shall not be necessary for the Court to inquire into what interest any person would have been entitled to if the land had not been sold to the Crown.

(3.) It shall be in the full discretion of the Government to consider what (if any) relief shall be granted.

(4.) The Court, for the purpose of this section, shall consist of such Judge or Judges as the Native Minister may at any time direct.

30. (1.) To give effect to a recommendation by the Native Affairs Committee of the House of Representatives on petition No. 148 of Session II, nineteen hundred and twenty-three, the Chief Judge of the Native Land Court, or such Judge as he may appoint for the purpose, is hereby empowered to inquire into the circumstances affecting the alienation purported to be effected by the memorandum of lease of the land known as Puhipuhi 4A 4B referred to in the said petition, and, if in the opinion of the Judge hearing the matter a lease of the land should be granted to the persons interested, to make an order directing the Tokerau District Maori Land Board to execute a lease of the said land to the persons named in the said order for the balance of the unexpired term and at the rentals named in the said memorandum of lease, and

Enabling grant of lease of Puhipuhi 4A 4B.

subject to the conditions named in such memorandum of lease, and such other conditions as may be named in such order.

(2.) Notwithstanding anything in section two hundred and fifty-seven of the principal Act (regarding leasing by public auction or private tender), the Tokerau District Maori Land Board in whom the said land is vested shall, upon the making of any such order, execute a memorandum of lease of the same in accordance with the directions contained in such order. Before any memorandum of lease is executed hereunder a declaration that no person proposing to acquire an interest thereunder is prohibited by law from acquiring that interest shall be lodged with the Board. Any memorandum of lease so executed by the Board shall take effect and be registrable as if the land were leased by the Board in pursuance of its powers under Part XIV of the principal Act.

(3.) Any order made under this section shall be deemed to be an order of the Native Land Court, but shall not be subject to appeal.

31. (1.) The Chief Judge is hereby authorized to refer to the Native Land Court, or to a Judge or Commissioner thereof, for inquiry and report, the claims and allegations made by the petitioners in the petitions mentioned in the Schedule hereto.

(2.) The Chief Judge may, upon such inquiry and report, make to the Native Minister such recommendation in any case as appears to accord with the equities of the case.

(3.) The report and recommendation under this section shall be laid before Parliament on as early a date as possible, and shall stand referred to the Native Affairs Committee of the House of Representatives.

Chief Judge may
refer matters in
Schedule for report.

Schedule.

SCHEDULE.

PETITIONS TO BE REFERRED TO THE NATIVE LAND COURT, OR A JUDGE OR COMMISSIONER THEREOF.

1. PETITION No. 327 of 1922, of Wiremu Rikihana: Praying for inquiry into the succession to Mikaera Urututu (deceased) in Opanaki 2E No. 1.
2. Petition No. 237 of 1921 (Session II), of Nupere Waaka and 7 others: Praying for the return of Rangiahua Island.