

New Zealand.



ANALYSIS.

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1929, No. 19.

Title. 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.

[7th November, 1929.]

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

Short Title.

1. This Act may be cited as the Native Land Amendment and Native Land Claims Adjustment Act, 1929.

Interpretation.

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

Amendments to Native Land Laws.

Prevention of waste on Native land.

3. (1) Every person who, without lawful authority, the proof whereof shall be upon him, wilfully cuts or removes any timber-trees, timber, or other wood, or any flax, kauri-gum, or minerals from any Native freehold land shall, upon conviction in a summary manner, be liable to a penalty not exceeding twenty pounds or to imprisonment for a period not exceeding three months.

(2) Every person who in disobedience of an order by way of injunction made by the Court wilfully cuts or removes any timber-trees, timber, or other wood, or any flax, kauri-gum, or minerals from any Native freehold land mentioned in such order shall, upon conviction in a summary manner, be liable to a penalty not exceeding twenty pounds or to imprisonment for a period not exceeding three months. The fact that any person charged has a partial interest in the property shall not prevent his act being an offence under this subsection. Nothing in this subsection shall relieve any person from any penalty to which he may be liable otherwise than under this section, but no person shall be punished twice in respect of the same matter.

(3) It shall be lawful for a Maori Land Board to authorize by warrant under the seal of the Board any person or persons to seize and

take possession of any timber or other wood, or any flax, kauri-gum, or minerals cut or removed in contravention of the provisions of this section, although the offender may not have been prosecuted therefor, and to hold possession of the same pending the order of the Court as to the disposal thereof.

(4) The Maori Land Board shall be entitled to claim and recover, from any person holding the same, any proceeds of the sale of any timber or other wood, or of any flax, kauri-gum, or minerals illegally cut or removed as aforesaid, and to hold such proceeds pending the order of the Court as to their disposal.

(5) The Court may make such order as to it seems just and expedient for the disposal of any goods or moneys held under this subsection.

(6) No member of a Maori Land Board or any person acting under its authority shall be personally liable for any act done in good faith in pursuance or intended pursuance of the authority of this section.

4. (1) If and whenever the Court is satisfied that the delay likely to be caused by proceeding in the ordinary way would or might entail irreparable injury, the Court may, on the application of any person interested or on its own motion *ex parte*, make an order directing the person or persons named therein to take possession of any timber or other wood, or of any flax, kauri-gum, or minerals (hereinafter referred to as chattels) which it has reason to believe will be or are likely to be removed or disposed of in contravention of the provisions of the last preceding section, and the person or persons named in such order may thereupon take possession of the chattels mentioned therein and shall hold the same subject to the order of the Court as to the disposal thereof.

Court may make order authorizing person named therein to take possession of timber, &c., and to hold the same pending order of Court as to its disposal.

(2) An order under the last preceding subsection may be made by the Court in such manner and in accordance with such procedure as the Judge or Commissioner dealing therewith thinks fit, notwithstanding anything to the contrary in the principal Act or its amendments, or in Rules of Court, and it shall not be necessary for the Court on making any such order to proceed judicially in open Court.

(3) No appeal shall lie to the Appellate Court from any order made by the Court under this or the last preceding section.

5. Every person who obstructs or resists any person in the performance of his duties or the exercise of his powers under or for the purposes of section three or section four hereof shall be liable, upon conviction in a summary manner, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding one year.

Offence to obstruct person in exercise of powers for purposes of sections three and four hereof.

6. (1) Any person owning timber or the right to cut timber on any land from which there is no practicable and suitable means or way of removing the same to any railway, road, mine, or sawmill, other than by crossing Native land or land owned by Natives, may apply to the Court for an order authorizing any person named therein to construct and use a road or tramway over such land for the removal of the timber, and the Court may make an order accordingly. The Court may, subject to the payment by the applicant of the cost of survey, make a requisition to the Chief Surveyor of the district for a survey of the proposed route of the road or tramway.

Provision to allow tramways over Native lands.

(2) The order shall set forth clearly the route to be adopted for such road or tramway, the land to be used, the conditions under which

the road or tramway is to be constructed and used, and the period for which the right to use the road or tramway shall last; and such order may be renewed from time to time. Such order shall, according to its tenor, be sufficient authority for the person named therein to enter on the land and construct and to use and maintain the road or tramway upon the terms and conditions and for the period specified in the order, and may be registered under the Land Transfer Act, 1915, or the Deeds Registration Act, 1908, as the case may require.

(3) The Court shall assess and determine what rent or compensation (including, if necessary, the cost of fencing and a reasonable allowance for the cost of distribution of any amount awarded) ought to be paid in respect of any right granted by an order made under this section, and may make such order or orders in relation thereto as it thinks fit. Such last-mentioned order or orders shall state by whom and to whom the amount awarded shall be payable. The rent or compensation may be directed to be paid to a Maori Land Board for distribution to the persons entitled.

(4) The Court may require any person applying for an order under this section to deposit with the Maori Land Board of the district such sum as it shall think sufficient to answer any claim for rent or compensation as aforesaid, or may require such person to give security to the Board for the payment of such rent or compensation.

(5) If and whenever any person to whom a right to construct or use a road or tramway is granted by an order made under this section fails to observe and perform any of the conditions of such order, or to pay the rent or compensation assessed in respect thereof by the Court, the Court may cancel the order authorizing the construction and use of such road or tramway, and thereupon the rights granted by the order shall cease and determine.

(6) It shall be lawful for the person authorized to construct or use a road or tramway by an order made under subsection one hereof to enter upon the land to which the order refers at any time during the currency of the order or within two months after it has ceased to operate, and to remove any structure and materials placed by him upon the land in the exercise of the rights conferred upon him by the order, doing as little damage as possible to the soil:

Provided that where an order has been cancelled under the last preceding subsection, or where, for some reason which the Court thinks sufficient, such structure or materials have not been removed within the time limited, the Court may grant the right to remove any structure or materials upon such terms as it shall deem just.

(7) Where a tramway has heretofore been constructed on Native land or land owned by Natives, and the tramway has been in actual use for more than one year before the date of the coming into operation of this Act, it shall be lawful for the person constructing the said tramway, or entitled to or using the same, to continue to use and operate the same for a period not exceeding one year from the date of the coming into operation of this Act without the necessity of obtaining an order under this section:

Provided that the owners of or other persons interested in such land shall be entitled to full compensation in respect thereof from the persons

using or operating the said tramway, to be assessed and determined by the Court in the manner set out in subsection three hereof :

Provided further that nothing in this subsection contained shall extend or apply to any tramway which is or has been the subject of proceedings in the Supreme Court by or on behalf of the Native owners of the land upon which the tramway is situated.

(8) Section two hundred and nine of the Public Works Act, 1928, shall not apply to Native land or to land owned by Natives.

(9) Section two hundred and ten of the Public Works Act, 1928, is hereby repealed. Repeal.

7. The principal Act is hereby amended as follows :—

(a) By omitting from subsection five of section one hundred and forty of the said Act the word “before,” and substituting the words “whether before or after.”

Miscellaneous
amendments of
principal Act.

(b) By the addition of the following subsection to section one hundred and forty-one of the said Act :—

“(7) For the purposes of this section the term ‘children’ includes natural children, and the term ‘grandchildren’ includes the natural children of a son or daughter, whether or not such son or daughter is or was a natural child.”

(c) By omitting from section two hundred and thirty of the said Act the words “Governor in Council,” and substituting the words “Native Minister.”

(d) By omitting from subsection eleven of section two hundred and ninety-two of the said Act the words “to a State Loan Department.”

(e) By repealing subsection one of section three hundred and thirty-three of the said Act, and substituting therefor the following :—

“(1) The rent, purchase-money, or other proceeds of any alienation of land made by a body corporate under this Part of this Act shall not, except with the consent of the Native Minister, be paid to the committee of management or directly to the incorporated owners, but shall be paid to the Maori Land Board of the district in which the land or the greater part thereof is situated.”

(f) By omitting the words “or the Native Trustee” and the words “as the case may be” wherever they occur in subsections two and three of section three hundred and thirty-three of the said Act, as amended by the Native Trustee Act, 1920.

(g) By omitting from subsection one of section three hundred and thirty-five the words “Governor in Council,” and substituting the words “Native Minister.”

(h) By omitting the words “or in the case of land in the South Island, or in any place not forming part of a Maori land district, to the Native Trustee,” and the words “or Native Trustee,” where they appear in subsection two of section three hundred and thirty-five of the said Act, as amended by the Native Trustee Act, 1920.

(i) By repealing subsection three of section three hundred and thirty-five of the said Act, and substituting the following therefor :—

“(3) The Native Minister may, on such conditions as he thinks fit, authorize the payment to the committee of management of any money so borrowed.”

(j) By repealing section three hundred and fifty-eight of the said Act.

Trustee appointed under Part X of principal Act in respect of minor may be continued in office by Court in certain cases.

8. (1) Where an order has been made under Part X of the principal Act, whether before or after the passing of this Act, appointing a trustee of any person on the ground of his minority, the Court may, on the application of the trustee, or of any person interested, extend the duration of the order of appointment beyond the date when the beneficiary shall attain his majority if the Court is satisfied that it is in the interest of the beneficiary so to do. Notice of every application made under this section shall be given by the Court to the Native Minister, who may oppose the same upon any ground he thinks fit.

(2) The Court may exercise the powers conferred by this section at any time during the minority of the beneficiary or at any time after the beneficiary has attained his majority if the trustee has not delivered to the beneficiary possession of the trust property.

(3) When the duration of any order appointing a trustee is extended pursuant to this section, the trustee shall continue to have in respect of the beneficiary and of the trust property all the rights, powers, obligations, and duties that he had during the minority of the beneficiary.

(4) Any order made by the Court under this section, extending the duration of an order appointing a trustee, shall continue in force for such period as the Court may fix therein in that behalf, or, if no period is so fixed, shall continue in force until the Court otherwise determines.

Land subject to Part XIV of principal Act may in certain cases be leased by private contract.

9. (1) The Board in which any land subject to Part XIV of the principal Act is vested may, with the consent of the Native Minister, and notwithstanding anything to the contrary in that Part, agree by private contract to lease such land or any part thereof to any qualified person at such rent and upon such terms and conditions as it thinks fit, and may grant any such lease accordingly.

(2) Sections two hundred and sixty-three and two hundred and sixty-four of the principal Act shall not apply to any lease granted under this section.

Native land acquired by Crown may be disposed of to Natives.

10. (1) Whenever, whether before or after the commencement of the principal Act, the Crown has become entitled to an undivided share or other partial interest in any Native land, that share or interest may, subject to the provisions of subsection three hereof, at any time while the land continues to be Native land, be sold by the Crown to any Native, or to any Maori Land Board, or to the East Coast Commissioner, or to a body corporate under Part XVII of the principal Act, notwithstanding anything in the principal Act or any other Act to the contrary.

(2) Whenever, whether before or after the commencement of the principal Act, the Crown has become the owner of any separate area of Native land, whether by way of purchase of that land or by way of purchase of an undivided share in Native land and a subsequent

partition thereof, and whether the same has been proclaimed Crown land or not, the land so acquired, or any part thereof, may, subject to the provisions of subsection three hereof, with the consent of the Minister of Lands be sold by the Crown to any Native, or to any Maori Land Board, or the East Coast Commissioner, or a body corporate under Part XVII of the principal Act, notwithstanding anything in the principal Act or any other Act to the contrary.

(3) No sale shall be made by the Crown under the provisions of this section except upon the recommendation of the Native Land Purchase Board; and any such sale may be upon such terms and conditions as to the consideration, time, and mode of payment, whether by instalments or otherwise (including the right to permit the whole or any part of the purchase-money to remain upon mortgage), or otherwise howsoever, as the Native Land Purchase Board may from time to time by resolution determine.

(4) Where the Native Land Purchase Board has approved of the sale of any land or interest in land as aforesaid, it shall not be necessary to execute any conveyance or transfer to the parties entitled, or to register any transfer to or from the Crown; but upon the application of the Native Minister, together with a certificate by him that the land or interest in land has been acquired by the Crown in manner aforesaid, and that the Native Land Purchase Board has approved of its disposal under the provisions of this section, the Court may make an order vesting the land or interest in land in the person entitled thereto for an estate of freehold in fee-simple, or, if more than one, then as tenants in common in the shares defined by the Court, and thereupon the land shall vest accordingly; or the Court may make an order vesting the land or interest in land in a Maori Land Board, the East Coast Commissioner, or a body corporate under Part XVII of the principal Act for an estate of freehold in fee-simple upon such trust or trusts as the Court shall from time to time determine and order, and the land or interest in land shall so vest accordingly, and any vesting order made under this section may be registered notwithstanding that a trust is disclosed. An order vesting land or an interest in land under this section shall have the same effect as if the land had been alienated from the Crown to the person named therein, and the land shall be deemed to be and become Native land notwithstanding anything in the principal Act to the contrary.

(5) If and whenever any land vested under this section is directed to be held upon trust by a Maori Land Board, such land shall be charged with the cost of acquisition, and with interest thereon at such rate as shall be determined by the Maori Land Board, together with any charges for administration and other expenses in connection with the land so vested.

(6) The Court may from time to time, on the application of the Maori Land Board or other person holding upon trust any land disposed of under this section, make an order vesting the land, or any part thereof or interest therein, in the person for the time being beneficially entitled thereto for an estate of freehold in fee-simple, subject to any lease, encumbrance, charge, or lien to which the land described in the

order is then subject, and the land or interest in land shall thereupon vest according to the tenor of the order.

Repeal.

(7) Section three hundred and seventy-nine of the principal Act is hereby repealed.

Limitation of time for enforcement of charges in respect of lessee's right to compensation for improvements.

11. Any charge upon land which is or may be constituted in terms of subsections seven and eight of section two hundred and twenty-eight of the principal Act, or of subsections two and three of section two hundred and sixty-three of the said Act, in respect of any sum payable to a lessee as compensation for improvements upon the land demised to him, shall cease and determine at the expiration of six months either from the coming into operation of this Act or from the time when the compensation becomes payable in accordance with the terms of the lease, whichever is the later, unless the lessee shall, prior to the expiration of such period of six months, have caused the amount of such compensation to be determined in manner provided by his lease and has duly applied to the Native Land Court for the appointment of a receiver for the purpose of enforcing the charge:

Provided, however, that the said Court may in its discretion, and subject to such terms and conditions as it thinks just, on application made at any time before the expiration of the said period of six months, extend that period for a further period not exceeding six months.

Lands vested in Maori Land Boards may be sold to private persons.

12. (1) Notwithstanding the provisions of sections two hundred and thirty-nine, two hundred and ninety, and two hundred and ninety-one of the principal Act, or any other statutory provision to the contrary, a Maori Land Board may, with the precedent consent in writing of a majority in value 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 Part XVIII of the principal Act, sell to any person any land vested in the Board under Part XIV or Part XV of the principal Act, including any land that may have been set aside for leasing in terms of section two hundred and thirty-nine thereof, and whether or not such land has in fact actually been leased by the Board.

(2) Any such sale may be subject to such terms and conditions as to payment and otherwise as the Board shall determine, and may be effected by way of private contract, public auction, or public tender.

(3) When any such sale is effected in pursuance of a resolution of the assembled owners, all the provisions of Part XVIII of the principal Act shall apply thereto with all necessary modifications.

(4) No sale effected under this section shall be of any validity unless and until it has been consented to by the Native Minister.

Exemption from stamp duty of certain instruments executed by Maori Land Board.

13. Section thirty-nine of the Native Land Amendment Act, 1913, is hereby amended by the addition of the following words: "or on any order made by a Board, or on any declaration of trust or memorandum of charge executed by or on behalf of a Board."

For purpose of partition, Court may combine areas.

14. (1) Where the whole or any of the owners in common of one area of land owned or partly owned by Natives are also the whole or any of the owners in common of any other area or areas of land, the Court may, for the purposes of partition as between the owners, treat those several areas as a single area owned by them in common, and make an order or orders of partition in respect thereof accordingly.

(2) For the purpose of giving effect to any such order of partition, the Court may cancel or vary any partition order or other order, although that order has already been registered or provisionally registered on the Land Transfer Register, and in such case the District Land Registrar shall make all necessary consequential amendments of the register or provisional register, as the case may be.

(3) The Court may limit and define the whole or any part of the interest of any owner or owners within such part of the combined areas as the Court thinks expedient, and may likewise exclude from any area the whole or part of the interest of any person theretofore included as an owner.

(4) No cancellation, variation, or amendment made under this section shall take away or affect any right or interest acquired in good faith and for value prior to the date of such cancellation, variation, or amendment.

(5) The making of any order under the provisions of this section shall not affect any valid lease, mortgage, charge, or encumbrance to which the land is subject at the date of that order, or the right to obtain confirmation of any alienation under an instrument of alienation theretofore executed, and any such valid lease, mortgage, charge, or encumbrance may be registered by the District Land Registrar against the title of the land affected thereby.

(6) Section fifty-five of the Native Land Amendment Act, 1913, is hereby repealed. Repeal.

15. Section one hundred and ten of the Native Land Amendment Act, 1913, is hereby amended by omitting the words "four per centum" where they occur in subparagraph (ii) of paragraph (a) of subsection one, and substituting therefor the words "five per centum." Amending section 110 of Native Land Amendment Act, 1913.

16. (1) Notwithstanding anything contained in the principal Act, the Court shall have and be deemed as from the commencement of that Act to have had with respect to any land (other than Native land) owned or held by Natives, or by Natives and Europeans jointly, and with respect to all estates, rights, and interests therein, the same powers and jurisdiction as are conferred upon the Court by the principal Act with respect to Native freehold land; and in the exercise of the Court's jurisdiction over land other than Native land the provisions of the principal Act and its amendments with regard to Native freehold land shall apply with all necessary modifications. Native Land Act, 1909, extended to Maori-owned land.

(2) Section one hundred and twenty-nine of the Native Land Amendment Act, 1913, is hereby repealed. Repeal.

17. Section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, is hereby amended as follows:— Extension of powers of Chief Judge to amend orders.

(a) By inserting, after the words "leave undone" where they appear in subsection one of the said section, the words "or something which it would not but for such mistake or error have done or left undone":

(b) By omitting from subsection seven the words "All consequential orders," and substituting the words "All consequential amendments."

Amending section
12 of Native Land
Amendment and
Native Land Claims
Adjustment Act,
1922.

18. (1) Section twelve of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, is hereby amended by repealing subsection three thereof, and substituting therefor the following subsection :—

“(3) Orders made under the authority of this section in respect of personal estate are not succession orders within the meaning of the principal Act or of the Death Duties Act, 1921, and Native succession duty is accordingly not payable in respect of the property comprised in any such order. In any case where the Registrar of the Court by which an order under this section is made certifies that the value of the personal estate comprised therein does not exceed the sum of two hundred pounds no death duty shall be payable in respect of that property, but in every other case death duty shall be charged and payable in respect of the property comprised in any such order in accordance with the provisions of the Death Duties Act, 1921 :

“Provided that the amount of duty payable shall not exceed the amount by which the value of the property comprised in the order exceeds two hundred pounds.”

(2) The amendment effected by the last preceding subsection shall extend and apply to orders made before as well as to orders made after the coming into operation of this Act :

Provided that no person shall be entitled by virtue only of this section to claim a refund of any duty that has been paid before the passing of this Act.

Amending section 13
of Native Land
Amendment and
Native Land Claims
Adjustment Act,
1924.

19. Section thirteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, is hereby amended by omitting the words “ not exceeding an area of ten acres ” where they occur in subsection one of the said section.

Amending section
13 of Native Land
Amendment and
Native Land Claims
Adjustment Act,
1927.

20. Section thirteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, is hereby amended by adding the following subsection thereto :—

“(3) This section shall extend and apply to leases executed by a Maori Land Board or by a body corporate under Part XVII of the principal Act, and no action or other proceeding for breach of trust shall lie against the Board for or in relation to any act done by the Board by direction of the Court.”

Board to be a
leasing authority
under Public Bodies'
Leases Act, 1908.

21. (1) Every Maori Land Board is hereby declared to be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908, and may exercise the powers conferred by that Act upon a leasing authority.

(2) If and whenever a Maori Land Board acting under the provisions of the Public Bodies' Leases Act, 1908, accepts a surrender of any lease with the object of granting a new lease of the whole or any part or parts of the land comprised in the surrendered lease, the new lease so granted shall be deemed to be subject to all existing encumbrances, liens, and interests (if any) registered or entitled to be registered against the surrendered lease, and the District Land Registrar shall, *subject as hereinafter mentioned, enter in the register, so far as they may be applicable, all such encumbrances, liens, and interests, and upon such entry they shall take effect according to priority of registration as fully and effectually and may be enforced in the same*

manner as if they were dealings with the leasehold interest contained in the new lease, modified as the circumstances may require :

Provided, however, that it shall not be necessary to enter against the new lease any such encumbrances, liens, or interests where the person or persons entitled to the benefit thereof consent to their non-registration.

22. (1) Whenever any moneys payable to Natives are held by any Government officer or State Department, such moneys may be paid to a Maori Land Board (subject to the consent of such Board) for payment to the person entitled thereto, and the Maori Land Board may give a lawful discharge and acquittance for all moneys so paid to it, and thereupon the liability of the officer or Department to account for the moneys so paid to the Board shall cease and determine.

Enabling Boards to receive moneys and give discharge.

(2) Whenever a Maori Land Board is willing to accept the payment of money on behalf of any Native entitled thereto (including money payable to the estate of a deceased Native), it shall be lawful for the person by whom the money is payable to pay the same to the Board, and the Board may accept such payment and give a lawful discharge and acquittance for the amount so received :

Provided that such payment shall not be deemed to be a waiver in law of any rights the Native entitled thereto may have, nor shall it estop any person interested in such payment from disputing the correctness of the amount so paid to the Board or from recovering from any person liable to pay the same any further money that may be found to be payable in respect of the same transaction.

(3) Moneys paid to a Board under this section shall, so long as any part thereof is held by the Board, be deemed to be subject to the protection of section four hundred and twenty-four of the principal Act, and the provisions of that section shall, with all necessary modifications, apply to those moneys, notwithstanding that in any case such moneys may not have been derived from the sale or other alienation of Native freehold land. Nothing herein contained shall prevent any such money being paid to the beneficiary entitled thereto.

23. (1) For the purpose of the better settlement and more effective utilization of Native land or land owned or occupied by Natives, and the encouragement of Natives in the promotion of agricultural pursuits and of efforts of industry and self-help, the Native Minister shall have the powers hereby conferred upon him.

Provisions for facilitating development and settlement of land owned by Natives.

(2) (a) The Native Minister may from time to time appoint one or more advisory committees. Every such committee shall consist of not more than five persons, who shall hold office during the pleasure of the Native Minister.

(b) It shall be the duty of an advisory committee appointed under this subsection, as and whenever required by the Native Minister so to do, to inquire into such matters as may be submitted to it, and to report thereon with such recommendation (if any) as it thinks proper.

(c) Every member of an advisory committee, not being a person permanently employed in the service of the Crown, shall, in connection with the duties or functions of such committee, be paid such travelling and other allowances as may be approved from time to time by the Native Minister out of any moneys appropriated by Parliament for the purpose.

(3) (a) For the purpose of rendering any Native land or any land owned by Natives fit for settlement, the Native Minister may cause to be undertaken and carried out in connection therewith such works as he thinks fit, including (but without in any way limiting his powers hereunder) the survey, draining, reclamation, roading, bridging, fencing, clearing, grassing, planting, top-dressing, manuring, or otherwise improving such lands, the construction of buildings and other erections thereon, and the insurance, maintenance, and repair thereof, and any other works calculated to improve the quality and utility of such lands.

(b) For the purposes mentioned in the last preceding paragraph, the Native Minister may purchase or otherwise acquire all such tools, plant, machinery, and other equipment as may, in his opinion, be required, and may provide all necessary camps and buildings for the use of workmen employed in connection therewith.

(c) The Native Minister may from time to time, if he thinks fit, authorize the purchase of live-stock to be depastured on any lands on which development works have been undertaken pursuant to this section, or upon any land adjacent thereto or which is used or intended to be used in connection therewith, and may from time to time, as he thinks fit, authorize the sale of any live-stock or the produce or increase thereof.

(d) The Native Minister may in any case, by writing under his hand, delegate the powers conferred upon him by this subsection to a Maori Land Board or the Native Trustee, and thereupon the Maori Land Board or the Native Trustee respectively shall be deemed to be authorized to exercise the powers conferred on the Native Minister by this subsection, subject in all cases to the control of the Native Minister.

(e) All moneys expended under this subsection shall be paid out of the Native Land Settlement Account, and shall be a charge upon the lands in respect of which the expenditure is made, and shall bear interest at such rate as the Minister of Finance shall from time to time determine. Such moneys, when repaid, shall be paid into and form part of the Native Land Settlement Account.

(f) If and whenever the Native Minister decides to apply the provisions of this subsection to any land, he shall give notice thereof by publishing in the *Kahiti* a notice of his intention so to do, and thereupon no owner shall, except with the consent of the Native Minister, be entitled to exercise any rights of ownership in connection with the land affected so as to interfere with or obstruct the carrying-out of any works under this subsection.

(g) It shall be lawful for the Governor-General by Order in Council to declare that any land dealt with under this subsection shall be subject to Part XVI of the principal Act as from the date of that Order, and the land shall thereupon become and at all times thereafter (while the Order in Council continues in force) remain subject to that part of that Act accordingly. An Order in Council under this subsection shall have the same force and effect and be subject to the same provisions as an Order in Council made under section two hundred and ninety-five of the principal Act.

(4) (a) The Court may, on proof of the payment for or expenditure on any of the purposes referred to in the last preceding subsection, or proposed expenditure, make an order charging the land or any part thereof with repayment to the Crown of the amount paid or expended, or proposed to be expended, with such interest and by such instalments and with such direction for giving effect to the charge as the Court thinks expedient. The certificate of the Native Minister, the Native Trustee, or a Registrar of the Native Land Court shall for all purposes be accepted as *prima facie* proof of the amount of the payment, expenditure, or proposed expenditure as aforesaid.

(b) The Court may make a further order varying any former order either in respect of any additional payment or expenditure or by way of apportioning the charge in such manner as it thinks expedient, and every subsequent order shall supersede all or any prior charging orders so far as inconsistent therewith, and, where any charge is so apportioned, each portion shall be deemed to be constituted a separate charge.

(5) Any charge constituted under the last preceding subsection may be registered under the Land Transfer Act, 1915, or the Deeds Registration Act, 1908, and may from time to time, on the application of the Native Minister, be enforced by the Court either—

(a) By the appointment of a receiver in respect of the land so charged; or

(b) By making an order vesting in His Majesty the King either the whole or such part of the land so charged as will, in the opinion of the Court, be sufficient to satisfy the charge. Any such vesting order shall vest the land affected thereby in His Majesty the King, subject, however, to any estate or interest having priority to the charge, and the charge shall thereupon be extinguished.

(6) All land becoming vested in the Crown by way of vesting order under this section shall become Crown land subject to the provisions of the Land Act, 1924, and shall be administered and dealt with accordingly, and may be proclaimed Crown land under the provisions of section fourteen of the Native Land Amendment Act, 1914.

(7) (a) For the purpose of assisting Natives to farm lands owned by or leased to them, the Native Minister may, on the application of any Native, authorize the making of advances out of the Native Land Settlement Account.

(b) All moneys advanced under this subsection in respect of any land shall bear interest at such rate as shall be prescribed, and shall be secured by way of mortgage over the land in respect of which the application refers, or over such other additional land or interest in land as may be thought advisable, and on such terms and conditions as may be imposed. In addition, there may be required such other and collateral security over chattels and otherwise as may be deemed expedient.

(c) The amount of any advance as aforesaid shall not exceed an amount equivalent to three-fifths of the value of the land or interests in land included in the mortgage.

(d) The Native Minister may delegate to a Maori Land Board or the Native Trustee the power of making advances under this subsection, and in the case of a Maori Land Board it shall be deemed to be empowered to expend the moneys for the benefit of the mortgagor as nearly as may be in accordance with the provisions of section three of the Native Land Amendment and Native Land Claims Adjustment Act, 1928. Any mortgage executed under this subsection may be in the name of the Maori Land Board or the Native Trustee, and may be enforced accordingly, but shall be deemed to be held in trust for His Majesty the King.

(e) All moneys repaid under this subsection shall be paid into and form part of the Native Land Settlement Account.

(8) The Governor-General may from time to time, by Order in Council, make all such regulations as may be required for the purpose of giving effect to the provisions of this section.

(9) (a) For the purpose of enabling the Native Minister to carry into effect any of the powers granted to him under this section, the Governor-General may from time to time, by Order in Council, prohibit for a period not exceeding twelve months any alienation of Native land in respect of which the Native Minister has given notice that he intends to apply thereto the provisions of this section. Any such Order in Council may be at any time varied or revoked, and may be extended from time to time as to the Governor-General in Council may appear expedient.

(b) All the provisions of sections three hundred and sixty-four and three hundred and sixty-five of the principal Act relating to prohibition of alienation during negotiations for purchase by the Crown shall apply during the currency of such Order in Council to all land affected by the Order in Council, but no such Order in Council shall prevent any lease, sale, or other alienation by a Maori Land Board or by the Native Trustee of any Native land vested in that Board or Trustee.

Authorizing Maori Land Boards to guarantee accounts of Native dairy-farmers.

24. (1) For the purpose of assisting and encouraging Natives in their efforts to become dairy-farmers, and to increase their output and extend their operations, a Maori Land Board may, with the consent of the Native Minister, enter into contracts with any co-operative dairy company as defined by section forty-eight of the Dairy Industry Act, 1908, as amended by section ten of the Dairy Industry Amendment Act, 1922, for the guarantee of the payment to such company of any moneys owing or that may become owing to that company by any Native carrying on or preparing to carry on dairying operations, but not exceeding in any one case the sum of three hundred pounds.

(2) For the purpose of protecting the Board in case of its being called upon to pay any money under any guarantee granted by the Board under this section, the Board may at any time, and from time to time, execute and register a memorandum of charge to secure the payment of the sum guaranteed, notwithstanding that no claim has up to that time been made upon the Board in respect of such guarantee.

(3) Without limiting the right of the Board to take or require any other class of security, all sums of money which the Board may be called upon to pay on behalf of the Native whose indebtedness is guaranteed

as aforesaid shall constitute a charge upon the land or interest in land whereon he is carrying on dairying operations, and shall bear interest at such rate as the Board shall from time to time determine. The Board may apply to the Court for an order directing that any other land or interest therein belonging to the same Native in common with others or to the members of his family who are or were receiving any benefit from the dairying operations of such Native be charged with the amount due under such guarantee, and in such case the moneys expended by the Board in respect of the guarantee shall be a charge upon that other land or interest in land so directed by the Court to be charged.

(4) A memorandum of charge may from time to time be executed by the Board under its seal, which shall have the effect of charging the land therein mentioned with the payment "upon demand," as defined in the Fifth Schedule to the Chattels Transfer Act, 1924, of the principal sum and interest mentioned in such memorandum of charge. A memorandum of charge may be registered against the land affected, and shall, without confirmation under Part XIII of the principal Act, have the same force and effect, and may be enforced, dealt with, or discharged accordingly, as if it were a memorandum of mortgage under the Land Transfer Act, 1915, containing the usual covenants expressed or implied in that Act duly executed by the owners of the land affected or their trustees, or by the Board as agent of the assembled owners, and as if such persons or Board were fully competent to execute the same.

(5) There shall be paid to the Board by way of commission in respect of every such guarantee the sum of one pound per centum, but in no case shall the sum to be paid be less than two pounds ten shillings, except with the approval of the Native Minister.

(6) Any charge executed under this section shall extend to and include the charging of the lands with the payment of any commission due to the Board, of the costs, charges, and expenses incurred by the Board in and about the said guarantee or the realization or enforcement thereof, of the cost of maintaining and protecting any stock or chattels to which the Board might have any claim by virtue of the guarantee, and of the cost of enforcement of the charge or any claim arising either directly or indirectly out of the guarantee.

(7) This section shall apply to any land owned by Natives, notwithstanding that the land concerned may be owned by more than ten owners, or that it may be vested in a Maori Land Board, the East Coast Commissioner, or a body corporate under Part XVII of the principal Act.

25. (1) For the purpose of making provision for the due protection of all investments made by Maori Land Boards, whether of their own funds or of trust funds or of any other funds administered by them, or in respect of any guarantee given by a Maori Land Board for or on behalf of any Native, there is hereby established a fund, to be known as the Maori Land Boards Investment Guarantee Fund (hereinafter in this section referred to as the Guarantee Fund).

Establishment
of Investment
Guarantee Fund
for Maori Land
Boards.

(2) The Guarantee Fund shall be the joint property of the Maori Land Boards, and shall be held in trust for the purposes hereinafter appearing.

(3) Every Maori Land Board shall, at such times and in such manner as the Native Minister may from time to time direct, contribute and pay to the Guarantee Fund such sums as the said Minister may from time to time determine.

(4) The Guarantee Fund shall be invested or reinvested in such manner as the Native Minister may from time to time direct, and the earnings shall be included in and form part of the Fund until it reaches a sum of ten thousand pounds, or such lesser amount as the Native Minister may appoint. The earnings accruing to the Guarantee Fund at any time while the amount of the fund is not less than ten thousand pounds, or such other amount as may be appointed as aforesaid, shall be paid to the respective Boards in proportion to the amounts contributed by them to the Guarantee Fund.

(5) The Guarantee Fund shall be available for payment of all losses arising out of or in connection with the transactions of a Maori Land Board in respect of the making of advances or loans, whether secured by mortgage or charge, or in respect of any guarantee given by the Board for or on behalf of any Native under any statutory provisions in that behalf. The Native Minister may direct how and in what sums payments out of the Guarantee Fund shall be made as aforesaid.

Authorizing
purchase and
farming of lands.

26. (1) (a) Out of any funds at its disposal a Maori Land Board may with the approval of the Native Minister acquire any freehold or lesser interest in land at such price and upon such terms as the Board shall think expedient, with power to mortgage the land or interest in land to secure the due payment of the purchase-money thereof either in one sum or by instalments or otherwise as the Board shall determine.

(b) The powers conferred upon a Board by this section may be exercised notwithstanding that the freehold of the land in which any interest is acquired is already vested in the Board.

(2) (a) The Board may lease or otherwise dispose of the land or interest in land so acquired (subject to the consent of the Native Minister in the case of sale), and may, if and so long as it thinks fit, instead of leasing the land, occupy and manage the whole or any part or parts thereof as a farm and carry on any agricultural or pastoral business thereon.

(b) In such case the Board may from time to time, with the approval of the Native Minister, appoint some fit person to be the manager of the said farm, at such salary and remuneration (if any) as the Board with the approval of the Native Minister shall determine, and may at any time remove such manager and with the approval of the Native Minister appoint some other fit person in the place of the manager so removed.

(c) The manager of any such farm shall be deemed to be the servant of the Board, and he shall have such powers of control and management of the farm as the Board confers upon him, and he shall at all times conform to the directions of the Board in that behalf.

(d) No manager or any other servant employed by the Board in connection with its farming operations shall be deemed by reason only of being so employed to become an officer of the Public Service.

(3) The Board may from time to time, for the purpose of its farming operations, buy and sell stock, chattels, and other personalty,

and may raise such moneys as it thinks fit on the security of any stock or other chattels owned by the Board.

(4) With the consent of the Native Minister, the Board may from time to time, for the purpose of acquiring any freehold or lesser interest in land as provided in paragraph (a) of subsection one hereof, or for the purpose of any farming operations conducted by it, or for such other purpose as the Native Minister may authorize, raise such moneys from any person or corporation, or from any bank either by way of overdraft on current account or otherwise as it thinks fit, on the mortgage of any land or interest in land vested in the Board, whether acquired under this section or not, and notwithstanding that such land may be vested in the Board under Parts XIV or XV of the principal Act.

(5) The provisions of section nine of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, shall apply to any land or interest in land acquired under this section.

(6) When any doubt arises as to the beneficial owners for whom the Board, in exercise of the powers conferred by this section, holds any land or interest therein, or any stock or chattels, or any moneys arising therefrom, the Board may apply to the Court for an order determining the persons who are entitled to participate as beneficial owners of the land or interest in land or of the stock, chattels, or moneys, and the Court is hereby authorized to make orders accordingly.

(7) The powers granted by this section are in addition to and not in substitution for any powers conferred upon a Maori Land Board by the principal Act or any amendment thereof.

(8) This section shall be deemed to have been in force as from the first day of January, nineteen hundred and twenty-nine.

27. The power to vest in the Crown any Native land or land owned by Natives for the purpose of carrying into effect any consolidation scheme within the meaning of section six or section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, or for any matter arising out of any such consolidation scheme, or for any of the purposes of section twenty-five of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, may be exercised notwithstanding that the land is vested in a Maori Land Board under Part XIV or Part XV of the principal Act, or is vested in a corporate body under Part XVII of that Act.

Vested lands may be awarded to Crown on consolidation proceedings.

28. (1) Whenever in the course of any proceedings before the Court in relation to any Native land, it appears to the Court that any charge, lien, or claim for survey, other than a charge, lien, or claim in favour of the Crown, is charged upon or exists in respect of such land, the Court, if it deems it expedient so to do, may order that the said land shall be freed and discharged from such charge, lien, or claim, and the said land shall be freed and discharged accordingly as from the date of the order or from such later date as may be specified in the order in that behalf. The Court may, in making such order, impose a condition that such sum of money, if any, as the Court thinks just and reasonable, shall be paid by or on behalf of the owners of the land which is the subject of the order to the Maori Land Board for the district wherein the land is situate, to answer any such charge, lien, or claim that may be established in respect thereof. The Maori Land Board

Enabling Court to discharge land from survey charges.

on such charge, lien, or claim being established to its satisfaction, shall pay to the person entitled thereunder out of the money so deposited in pursuance of the order of the Court, so far as it will permit, such sum as shall be sufficient to discharge such charge, lien, or claim, and no further claim in respect of such charge, lien, or claim shall be capable of being enforced in any manner whatsoever.

(2) In any case where land has been ordered by the Court to be vested in any person under the provisions of section sixty-five of the Native Land Court Act, 1894, or any statutory provision in amendment thereof or in substitution therefor, but such order has not been registered under the Land Transfer Act, 1915, the Court shall have power, in any case where it considers it expedient so to do, to cancel the order vesting the said land as aforesaid upon payment to the person entitled thereto or to the Maori Land Board for the district wherein the land is situated on behalf of such person of the amount of the survey charge in respect of which the vesting order had been made, together with interest on such amount for a period of five years at the rate of five pounds per centum per annum and the cost of survey (if any) of such land, or the amount of the capital value of the land, ascertained in accordance with the provisions of the Valuation of Land Act, 1925.

West Taupo Timber Lands.

29. (1) Notwithstanding the provisions of subsection one of section nineteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1915, all remedies for default by the Tongariro Timber Company, Limited, under the agreements referred to in section thirty-seven of the Maori Land Laws Amendment Act, 1908, and any agreements modifying the same, shall be exercisable by the Aotea District Maori Land Board without the consent of the Governor-General in Council being first had and obtained.

(2) It shall be lawful for the Native Minister to enter into negotiations with the Natives claiming to be owners of the lands mentioned and referred to in such agreements, or any lands adjoining or adjacent thereto, for the purpose of the acquisition by the Crown of interests in the said lands or of rights in respect of the timber-trees, timber, and other wood, flax, or minerals growing or being thereon, or for the control, management, or disposal thereof, and the Minister may, by notice in the *Kahiti*, convene a meeting or meetings of the persons claiming to be owners of the said lands, to be held at such time or times and place or places as he deems most suited for the purpose of such negotiations.

(3) The Native Minister may authorize any person or persons to represent and act for him in such negotiations and at any such meeting or meetings.

(4) If at such meeting or meetings the Native Minister is satisfied that a substantial majority of those Natives present, and in his opinion entitled to be present, approve of and agree upon certain terms, provisions, and conditions, effect may be given to such terms, provisions, and conditions, notwithstanding the dissent therefrom of a minority; the intent and effect of this section being that terms, provisions, and conditions with respect to the subject-matter of the negotiations authorized by this section shall be such as in the opinion

Enabling proceedings to be taken regarding agreement with Tongariro Timber Co., Ltd.

of a substantial majority of the Natives present at such meeting or meetings are fair and reasonable.

(5) If the Native Minister is satisfied that terms, provisions, and conditions have been approved by a majority of the persons claiming to be concerned in the subject-matter of the negotiations authorized by this section and present at such meeting or meetings, he may certify under his hand that such terms, provisions, and conditions are fair and reasonable in the interest of the Natives concerned, and also in the public interest. The terms, provisions, and conditions agreed upon shall be notified in the *Kahiti*, and shall be subject to ratification by Parliament.

(6) (a) The Aotea District Maori Land Board is hereby constituted the lawful agent of the Native owners of the lands mentioned in or affected by the agreements referred to in subsection one hereof, and each of the said lands respectively, to take all lawful ways and means to recover possession of the said lands or any of them, to prevent or recover damages for any trespass, waste, or other injury on or to the said lands or any of them, and to commence, prosecute, or enforce or to defend or oppose any action or other legal proceedings and demands of or concerning the said lands or any of them, or in respect of the timber-trees, timber, and other wood or flax and minerals thereon, and, with the consent of the Native Minister, to settle, adjust, compound, submit to arbitration or compromise all actions, accounts, claims, or demands arising out of the agreements mentioned in subsection one hereof, which are now or hereafter shall be depending between the said owners or any of them and any other person or persons whatsoever in such manner as the Board shall think fit.

(b) The Minister of Lands may authorize the said Maori Land Board to act as his agent in respect of the interest acquired by the Crown in any such lands for all or any of the purposes mentioned in this subsection, and the Maori Land Board shall thereupon be deemed to be the lawful agent of the Crown in respect of the matters in which it is so authorized to act.

Miscellaneous.

30. (1) The Waikato-Maniapoto District Maori Land Board shall have power, after inquiry in each case, to make such variation of the covenants and conditions, including the extension of the term, of any lease heretofore granted of Native land situated within the Waikato-Maniapoto Maori Land District as in the circumstances of the particular case shall seem to the Board to be just and expedient:

Permitting
variation of leases
of Native land in
Waikato-Maniapoto
district.

Provided that no such variation shall become effective unless and until the terms thereof have been approved by the Native Minister.

(2) Where the Board decides to make any variation as aforesaid, an order shall be drawn up in writing under the seal of the Board and the hand of the President, setting out the terms of such variation, and the approval of the Native Minister, if granted, shall be signified by endorsement on such order.

(3) The variation set out in any such order shall, upon the order taking effect, be deemed to be embodied in the instrument of lease so varied, and shall have the same force and effect from the date of such order as if it had been originally embodied in the said instrument.

(4) Any such order may be registered against the title to the land to which it refers either under the Land Transfer Act, 1915, or the Deeds Registration Act, 1908, as the case may be.

(5) In any inquiry under this section the Board shall be deemed to constitute a Court of record, and the provisions of section two hundred and twenty-five of the principal Act shall apply to such inquiry as if it were the hearing and determination of an application for confirmation as mentioned in the said section two hundred and twenty-five.

Enabling Kaihu
1A 1 school-site to
be revested in
Natives.

31. Whereas the land herein described was conveyed to the Crown for a nominal consideration by the Native owners thereof for the purpose of being used as a Native-school site, and, being no longer required for such purpose, it is desirable that the same should be restored to the Natives: Be it therefore enacted as follows:—

(1) The land known as the Kaihu 1A 1 Block, comprised and described in certificate of title, Volume 44, folio 68, of the Auckland Land Registry, and situated in the Tokerau Native Land Court District (excepting thereout so much thereof as may have been taken for the purpose of railway or road), shall, upon the passing of this Act, cease to be Crown land and thereafter be deemed to be Native land within the meaning of the principal Act.

(2) The Court is hereby authorized to inquire and determine in what person the said land should vest, and to make an order or orders vesting the same or any part thereof in such person as the Court shall find entitled thereto, and thereupon the land shall vest in such person for an estate of freehold in fee-simple, and, if more than one, as tenants in common in the shares defined by the Court.

(3) Any existing tenancy thereof granted by or on behalf of the Crown shall be deemed to be valid and to entitle the tenant to occupy until the expiration of such tenancy, subject to payment of the rent thereby reserved. The proportion of such rent accruing after the coming into operation of this Act shall be paid to the Maori Land Board of the district for payment to the owners as found by the Court, or to be applied to such other purpose as the Court may order.

Validating
expenditure by
Arawa District
Trust Board.

32. The payment by the Arawa District Trust Board during the financial year ending the thirty-first day of March, nineteen hundred and twenty-seven, of the sum of twenty-three pounds six shillings and sixpence to Kepa Ehau and of the sum of fourteen pounds five shillings to Wiremu Ereatara in respect of services rendered to the said Board is hereby validated and declared to have been lawfully made.

Authorizing
reinvestigation of
rights to Rotorua
Native Reserves.

33. Whereas by section thirty-two of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, the lands hereinafter mentioned were (*inter alia*) vested in the Waiariki District Maori Land Board in trust for the persons for the time being beneficially entitled thereto, subject to the respective purposes set forth in the First Schedule to the above-recited Act: And whereas it was further enacted that any order theretofore made by the Court determining the beneficiaries of the lands mentioned in the said Schedule, or any of them, shall be deemed to have been made with jurisdiction and may be acted upon accordingly: And whereas it is alleged that an error was made in reserving the lands mentioned in subsection five hereof for the use of the Ngati-Whakaue, Ngati-Rangiwehewehi,

and Ngati-Uenukukopako Tribes jointly, and that some one or more of those tribes are not entitled to participate in the benefit of such lands, and it is desirable that this and other questions should be brought within the jurisdiction of the Court: Be it therefore enacted as follows:—

(1) The order of the Court made on the sixteenth day of December, nineteen hundred and one, determining the beneficial owners of the said lands mentioned in subsection five hereof is hereby annulled and declared to be of no further force or effect.

(2) The Court is hereby empowered, on the application of the said Board, to ascertain and determine who are the persons beneficially entitled to the said lands or any of them, and to define the relative shares or interests in which they are so entitled. If the Court thinks it necessary or expedient, it may allocate the benefits of the said lands among sections of the beneficiaries.

(3) In ascertaining the names of the beneficial owners, and in defining the relative interests of such owners, the Court shall not be bound by the statement or allegation, whether in the said Schedule or otherwise, that the said lands were reserved for the three tribes above mentioned, nor by any former order of the Court or of the Native Appellate Court made subsequently to the order upon investigation of title of the Pukeroa-Oruawhata Block, but may determine the matter upon the merits, and as if the said lands were reserved for the Native vendors of the said Pukeroa-Oruawhata Block upon the sale of that block to the Crown, and as far as practicable as if the said lands were still Native land.

(4) The Court shall have power to admit as a beneficiary any person whose name was inadvertently omitted from the title of the Pukeroa-Oruawhata Block and who in the opinion of the Court should be included as a beneficial owner in the said lands, and to exclude any person, although named in the title of the said Pukeroa-Oruawhata Block, who it is of opinion ought justly to be excluded from the beneficial ownership of the said lands.

(5) The lands to which this section refers are the parcels or sections of land described in item 2 of the First Schedule to the Native Land Amendment and Native Land Claims Adjustment Act, 1924, and situate in the town and suburbs of Rotorua, as follows: Sections 5, 6, and 7, of Block 51; Sections 5 to 16 (inclusive) of Block 52; Section 1 of Block 61; Section 1 of Block 62; Section 1 of Block 69; Sections 24 to 28 (inclusive) of Block 69; and Suburban Section 22.

34. Whereas doubts have arisen with regard to certain roads traversing the Rotoiti Native Township referred to in section thirty-one of the Native Land Amendment and Native Land Claims Adjustment Act, 1922: Be it therefore enacted as follows:—

Defining parts
of Rotoiti Native
Township vested in
owners and Crown
respectively.

(1) All reserves laid off in the Rotoiti Native Township under the provisions of the Native Townships Act, 1895, shall be deemed to be cancelled and all roads laid off in the said township, whether under that Act or any other authority (but excluding the roads mentioned in the next succeeding subsection), shall be deemed to be stopped.

(2) The roads known or described as Tamatea Street, and the Rotorua-Te Teko-Whakatane Road so far as it lies within the said

township, as they are respectively laid off and shown on Plan No. 23422 (blue) deposited in the office of the Chief Surveyor at Auckland, are hereby excepted and excluded from such stopping, and each of these roads shall be deemed to be a public road.

(3) The portion of the Rotoiti Native Township vested in His Majesty the King under subsection five of the above-mentioned section thirty-one is hereby declared and shall be deemed to be all that area of land containing fifty-two acres three roods six perches, more or less, as the same is delineated upon the said Plan No. 23422, and thereon edged red, and including the soil of all reserves and of all roads within such area other than those by this section specifically excluded, being portion of the land set apart as a site for a Native township under the name of "Rotoiti" by Proclamation dated the eighth day of June, nineteen hundred, and published in the *Gazette* of the fourteenth day of June, nineteen hundred, page 1114, as amended by Proclamation dated the twenty-fifth day of July, nineteen hundred and four, published in the *Gazette* of the twenty-eighth day of July, nineteen hundred and four, page 1833, and as such township is delineated on the plan of the Rotoiti Native township deposited in the Auckland Land Registry Office; and the District Land Registrar is hereby directed to issue a certificate of title for the said area of land in the name of His Majesty the King to be held as provided in the said section thirty-one and to antevest as from the thirty-first day of October, nineteen hundred and twenty-two. Any Proclamation heretofore made under the said section thirty-one is hereby revoked.

(4) The portion of the Rotoiti Native Township vested in the Native beneficiaries entitled thereto is hereby declared and shall be deemed to be all the rest and residue of the area of the land included in the said Rotoiti Native Township, other than that mentioned in the last preceding subsection, including the soil of all reserves and of all roads within such area other than those by this section specifically excluded, and every order heretofore made by the Court defining the names and shares of the owners of that area or any part thereof under the provisions of the said section thirty-one is hereby validated:

Provided always that the Court shall have power to amend or rectify any such order if it shall deem it necessary or expedient so to do.

Permitting appeal
regarding succession
to Potene Tuhiwai
(deceased).

35. Notwithstanding the time has expired for appealing against an order of the Court dated the eighteenth day of April, nineteen hundred and twenty-nine, respecting the will of Potene Tuhiwai (deceased), and orders of the Court dated the twenty-fourth day of April, nineteen hundred and twenty-nine, granting succession in respect of the interest of the said Potene Tuhiwai (deceased) in various lands, the Native Appellate Court shall have jurisdiction to hear and determine appeals from the said orders or any of them if commenced by notice of appeal given in the prescribed manner within three months after the date of the passing of this Act. Every such appeal shall be subject in all respects to the Rules of Court.

Allotting rents of
Ahirau 1 and 2
Blocks for religious
purposes.

36. The Tairāwhiti Māori Land Board is hereby authorized to pay to such person as the Native Minister may, in writing, from time to time direct out of the rents and other revenues received by the said Board in respect of the land vested in such Board situate in the

Tairawhiti Maori Land District, and known as Ahirau Nos. 1 and 2 Blocks, such annual sum as the Minister may direct, either for a particular year or for any longer period, to be allocated for the support of the Waiapu Native pastorate (Church of England) or such other religious purpose as the Minister shall think expedient, and the Minister may at his discretion at any time and from time to time cancel the authority for any payment directed to be made by him, and it shall thereupon cease. The receipt of the person named as the payee in any direction to the said Board shall, to the amount of any such payment, be a sufficient discharge to the said Board and to any lessee, and neither the Board nor a lessee shall be bound to inquire as to the application of the money paid under any such direction.

37. (1) The Court is hereby authorized and empowered to ascertain and determine the relative interests of the owners in common of the land known as the Pohautea Block, situate in the Tairawhiti Native Land Court District, and comprised and described in an order of the Court upon investigation dated the fifth day of February, eighteen hundred and ninety-one, and to amend the order of investigation accordingly.

Enabling Court to
define relative
interests in
Pohautea Block.

(2) In ascertaining the relative interests as aforesaid the Court shall not be bound by any former order or finding of the Court or of the Native Appellate Court in respect of the relative interests of the owners, but shall be guided as far as practicable by Native custom.

(3) Notwithstanding the provisions of section one hundred and twenty-one of the principal Act, the Court may at any time cancel or amend any partition order heretofore made in respect of the said land although finally or provisionally registered under the Land Transfer Act, 1915, and in such case the consent of any person who has acquired an interest by reason of any alienation not affecting the whole of the land partitioned shall not be required.

38. Whereas, acting pursuant to the powers in that behalf, the Native Minister made application to the Court to prepare a scheme or schemes of consolidation with respect to specified areas owned by Natives of land situate within the County of Waiapu: And whereas, upon the proceedings concerning such consolidation, the Waiapu County Council, in order to assist the Native owners, agreed to accept in respect of rates theretofore levied upon Native land a compounded amount in full settlement of the rates then due by Natives: And whereas the Waiapu County Council, so as not to prejudice the preparation of the schemes of consolidation, refrained from actively pursuing its remedies for the rates levied upon Native land during the periods occupied in the preparation of the various consolidation schemes affecting the land situate in that county and is now through lapse of time unable to pursue its remedies where necessary: And whereas it is desirable that the Waiapu County Council should be empowered to recover such rates, and that the limitation as to time for taking proceedings should not apply thereto: Be it therefore enacted as follows:—

Authorizing
collection of rates
on Native land by
Waiapu County
Council.

(1) Notwithstanding the provisions of section seventy-seven and section one hundred and eight of the Rating Act, 1925, or of any other provisions limiting the time for taking proceedings, any rates levied upon Native land by the Waiapu County Council for or during

the period or periods commencing on the first day of April, nineteen hundred and twenty-four, and ending on the thirty-first day of March, nineteen hundred and twenty-nine, may be recovered by the Waiapu County Council, and payment thereof may be enforced in the manner prescribed by the said Act :

Provided that proceedings for the recovery of any sum due for rates shall be commenced, in accordance with the provisions of the said Act, not later than two years after the date of the coming into operation of this Act, and the Native Land Court shall have jurisdiction to deal with any claim made in respect of such rates as fully and effectually as if the claim therefor had been lodged with the Registrar within the two years prescribed by section one hundred and eight of the Rating Act, 1925.

(2) Nothing herein contained shall entitle the Waiapu County Council to commence proceedings or make any claim in respect of any rates levied by such Council which heretofore have been included in any compromise or composition entered into with regard to rates due by Natives.

Provision for leasing
parts of Poroporo
Nos. 5 and 6 to
Natives.

39. Notwithstanding anything to the contrary in the Land Act, 1924, the Gisborne Land Board may, on the direction of the Minister of Lands, if and whenever the land situate in the Gisborne Land District and known as the Poroporo No. 5 and Poroporo No. 6 Blocks has been proclaimed Crown land, set apart certain portions of the said land for occupation by Natives, and shall dispose thereof by way of lease or otherwise and without ballot to such persons being Natives as the Native Minister shall, in writing, nominate, and subject to such terms and conditions as the Land Board in its discretion shall determine :

Provided that any part of the land set apart under this section and not disposed of within two years thereafter may be dealt with by the Land Board as if this section had not been passed.

Setting aside rents
of Tapuaeroa 2A 2
Block for religious
purposes.

40. Whereas upon the consolidation of various interests in Native land it was arranged that certain rents accruing from Native land were to be devoted to the support of the Hikurangi Native Pastorate Fund, and it is desirable that statutory authority should be given for the setting-aside and paying-out of such rents: Be it therefore enacted as follows :—

(1) There shall be set aside out of the rents to accrue from the lease to Duncan MacMillan of the land known as the Tapuaeroa 2A 2 Block, situate in the County of Waiapu, such annual sum as the Native Minister may from time to time direct, either for a particular year or any longer period, to be allocated for the support of the Hikurangi Native Pastorate (Church of England), or such other religious purpose as the Native Minister may from time to time direct, and the Tairāwhiti District Maori Land Board is hereby authorized to pay to the treasurer of the Diocese of Waiapu out of any rents received for and on behalf of the owners of Tapuaeroa 2A 2 Block the sum so set aside to be applied for the purposes of the Hikurangi Native Pastorate Fund. The receipt of the treasurer shall be a full discharge to the Board and to the lessee, and neither the Board nor the lessee shall be bound to inquire as to the application of the said sum or any part thereof.

(2) The Native Minister may, in writing, direct that the provisions of this section shall apply to the rents to accrue from any subsequent lease of the said land for such term, such amount, and on such conditions as the Native Minister may think expedient, and thereupon the provisions of this section shall apply accordingly.

(3) The Native Minister may at any time, and from time to time, in writing under his hand, direct that no further payment of the whole or any part of the annual sum so directed to be paid shall thereafter be paid to the said treasurer, and thereupon from the date specified by the Native Minister the right to claim such moneys shall cease and determine to the extent of or up to the sum stated in writing by the Native Minister.

41. The Court is hereby authorized and empowered to inquire into and determine the claim of one Maora Mauwhata to an interest in the Tokomaru B 7 Block situate in the Tairawhiti Native Land Court District as set out in Petition Number 300 of nineteen hundred and twenty-seven, and, if deemed expedient, to make an order vesting a part of the said block in the said Maora Mauwhata or those claiming through or under her as to the Court may seem just, with power to the Court to make an order or orders in respect of the share or interest of Maora Mauwhata in any land in which she may be an owner so as to compensate (if necessary) the parties who will be affected by the making of the order vesting part of the Tokomaru B7 Block in the said Maora Mauwhata.

Empowering Court
to adjust claims in
Tokomaru B 7 Block.

42. Whereas by Order in Council dated the third day of December, nineteen hundred and two, a certain portion of the Taupara No. 2 Block therein described was taken under the Public Works Act, 1894, and its amendments for the purpose of a Native school, such land being a free gift from the Native owners to His Majesty: And whereas a public road has been laid off over other part of the Taupara No. 2 Block as access to the proposed school: And whereas the land is no longer required for a Native school and it is desirable to vest it in Native owners: And whereas it is expedient to reduce the present area of a cemetery-site adjoining the school-site: Be it therefore enacted as follows:—

Authorizing
revesting of
Ramoto Native
School site.

(1) The Court is authorized and empowered to make, if it deems it expedient so to do, an order declaring that the land described in the above-mentioned Order in Council is not required as the site of a Native school and that the road leading thereto be stopped, and thereupon the land comprised in the said Order in Council and the land occupied by the stopped road shall become Native land and cease to be vested in the Crown.

(2) The Court may by the same or any subsequent order vest any part of the land mentioned in the last preceding subsection and any portion of the Taupara 2P Block (being part of the Taupara No. 2 Block) in any person that it may think just or expedient, subject to such terms as to payment therefor or otherwise as it may determine.

(3) Any money payable under this section shall be deposited with the Maori Land Board, to be applied to any purpose for the benefit of the owners, or any of them, of the land formerly known as

Taupara No. 2 Block, or of any divisions thereof, as the Court may by order determine.

Permitting
re-partition of
Paeroa 2G Block.

43. Notwithstanding anything contained in Part VI of the principal Act, the Court may, if it thinks it expedient so to do, cancel either wholly or in part the equitable partition orders made by the Court on the second day of December, nineteen hundred and thirteen, in respect of land situated in the Tairāwhiti Native Land Court District and known as Paeroa No. 2G Block and may make another or other partition orders in lieu thereof, and may readjust the relative interests of the beneficial owners so far as may seem necessary and expedient or the circumstances of the case may require.

Enabling title to
issue for Lot 3,
Mangaroa Block.

44. (1) The Court is hereby authorized to inquire and determine what persons are entitled to be declared to be the owners of the land situate in the Ikaroa Native Land Court District and known as Lot 3, Mangaroa Block, as the same is shown in Plan No. 563, lodged in the Survey Office at Napier, and to make an order vesting the said land in the persons so found to be entitled for an estate of freehold in fee-simple as tenants in common in the shares and interests defined by the Court. The said land shall vest according to the tenor of the order, and the District Land Registrar shall issue a certificate of title for the said land without conveyance or transfer from the present legal owners thereof, and free of all prior encumbrances and trusts (if any).

(2) The said land shall, upon the making of a vesting order in respect thereof, be and become Native land within the meaning of the principal Act.

(3) The trustees of the estate of Sir Robert Donald Douglas McLean (deceased), and each of them, shall be deemed, as from the making of such vesting order, to have discharged their duty as trustees in respect of the said land, and shall be released from all liability as such trustees to account for or in respect of the said land or the use and occupation thereof, or in any way whatsoever.

Court may direct
Native Trustee to
administer
Mataikona Blocks.

45. (1) The Court may, upon the application of the Native Minister, from time to time by order declare that the control and management of the land described in subsection eighteen hereof, or any part thereof, shall be vested in the Native Trustee, and thereupon the control and management of the land named in such order shall vest in the Native Trustee for the benefit of the beneficial owners thereof. Any order made under this section shall be subject to any alienation existing at the date of the coming into operation of this Act.

(2) The Native Trustee may permit the Native owners of the said land or any of such owners to occupy any part or parts thereof upon such terms and conditions and with or without consideration as he thinks expedient.

(3) (a) The Native Trustee may, if and so long as he thinks fit, occupy the whole or any part or parts of the said land as a farm, and carry on any agricultural or pastoral business thereon for the benefit of the beneficial owners of the respective areas; and where it is deemed expedient several areas may be occupied and farmed conjointly, notwithstanding that the several areas may be owned by different sets of owners under separate titles or otherwise.

(b) The Native Trustee may from time to time, with the approval of the Native Minister, appoint some fit person to be the manager of the said farm at such salary and remuneration (if any) as the Native Trustee, with the approval of the Native Minister, shall determine, and may at any time remove such manager and, with the approval of the Native Minister, appoint some other fit person in the place of the manager so removed. Such manager shall be deemed to be the servant of the Native Trustee, but shall not be deemed by reason of such employment to become an officer of the Public Service.

(4) The Native Trustee may, out of any moneys under his control, expend such sums as he shall think expedient for the purpose of effectually carrying on farming operations in manner aforesaid, and may from time to time for the purpose of the farming operations, buy and sell stock, chattels, and other personalty, and may by instrument executed in his own name raise such moneys as he thinks fit on the security of any such stock or other chattels owned by the Native Trustee.

(5) With the consent of the Native Minister, the Native Trustee may from time to time, for the purpose of the farming operations authorized to be carried on under this section, borrow moneys secured by the mortgage of the said land or any part thereof from any person or corporation or from any bank, either by way of overdraft on current account or otherwise.

(6) (a) Where it is necessary to grant a mortgage over the said land or any part thereof, the instrument of alienation shall be executed by the Native Trustee as the agent of the owners of the land mortgaged, and shall, without confirmation under Part XIII of the principal Act, when executed, have the same force and effect and may be registered in like manner as if it had been lawfully executed by all the owners of the land affected by the mortgage or their trustees and as if those owners or trustees had been fully competent in that behalf. The production of any certificate of title issued in respect of the land affected by the instrument of alienation shall not be necessary for the registration of that instrument.

(b) Every instrument of alienation so executed by the Native Trustee shall contain a statement or recital that the Native Trustee is duly authorized to execute the same as the agent of the owners under this section, and every such statement or recital shall be accepted by the District Land Registrar and by all Courts as sufficient *prima facie* evidence of the fact so stated or recited.

(c) No person lending money to the Native Trustee upon the security of any such instrument of alienation shall, provided the Native Minister has given his consent under subsection five hereof, be concerned to see or inquire as to the authority of the Native Trustee to execute the instrument of alienation, or as to the necessity for the loan, or as to the application of the proceeds thereof by the Native Trustee; and every such instrument of alienation shall be as valid and effectual for the protection of the mortgagee and his assigns as if the Native Trustee had been entitled in his own right to the land comprised in such instrument of alienation.

(7) For the purpose of dividing any profits or adjusting any losses the beneficial owners of the land where several areas are being farmed conjointly shall be deemed to be interested in the whole of the area farmed in the proportion which the value of the shares in any area in which they are beneficial owners bears to the whole of the area farmed, subject to any adjustment that may be required from the fact that some owners are in personal occupation to the exclusion of other owners.

(8) For the purpose of ascertaining the value of any area or any particular beneficial interest as regards the whole of the area farmed, the unimproved value of the land for the time being in force under the Valuation of Land Act, 1925, shall be taken as a guide :

Provided that where there were unexhausted permanent improvements upon any area prior to its being occupied and farmed jointly with any other area the value of such improvements shall be taken into account.

(9) The Native Trustee shall in respect of the said farming operations cause full and accurate accounts to be kept of all moneys received and paid by him, and on the close of each year ending on the thirty-first day of May shall prepare a statement showing the annual receipts and payments, and profit and loss, during that year, and shall, as soon as may be thereafter, submit copies of the same to the Native Minister, together with a balance-sheet showing the assets and liabilities of the property being administered by him under this section. The Native Trustee shall, upon payment to him of a reasonable charge therefor, supply a copy of such statement to any beneficiary requiring the same.

(10) All moneys received under this section shall be applied by the Native Trustee as follows :—

- (a) In paying all necessary costs and expenses incurred in and incidental to the said farming operations :
- (b) In defraying the cost of administration by the Native Trustee of the said land, including a reasonable charge for commission :
- (c) In paying all rates, taxes, and other assessments or outgoings payable by the Native Trustee in respect of such land :
- (d) In the discharge to such extent as the Native Trustee from time to time thinks fit of any mortgage or charge to which the land is subject :
- (e) With the consent of the Native Minister, for any other purposes in connection with the administration, improvement, and settlement of the said land, or for any other purpose of general utility to the owners of the said land :
- (f) In paying at such time and in such manner as the Native Trustee shall think fit any profits to the Native owners or other persons having any interest in the land in accordance with their respective interests :

Provided that the Native Trustee may, if and so far as he thinks fit, and the Native Minister approves, retain any such moneys in his own hands as a reserve fund for expenditure in the management of the farm, and may from time to

time as he thinks expedient either expend the reserve fund accordingly or distribute it amongst those persons entitled thereto.

(11) The Native Trustee may receive and give a good discharge to the extent of the amount so paid to him for any rents due to any Native owner remaining unpaid at the termination of any existing alienation of the said lands, but shall accept no responsibility for the correctness or otherwise of any amount so paid.

(12) For the purpose of compelling the performance of the covenants and conditions in any existing alienation of the said lands the Native Trustee may, at his discretion, exercise, either in his own name or in the name of the lessors or other persons entitled to the proceeds of the alienation, all rights of action in as ample a manner as if he were the actual owner of the fee-simple, and as such had executed the instrument of alienation.

(13) The Native Trustee may, where he deems it expedient so to do, assist any Native owner in farming any particular portion of the said land, and the advances (if any) made to such Native for the purpose of so assisting him shall be deemed to be expenditure in connection with the farming operations authorized under this section.

(14) The Court may, on the application of the Native Minister, make an order releasing the land described in subsection eighteen hereof or any part thereof from the operation of the provisions of this section, and thereafter the land mentioned in such order shall be deemed to be no longer subject to the provisions of this section.

(15) Until and unless any order is made under the last preceding subsection, no owner shall be capable of making any alienation of the land mentioned in subsection eighteen hereof other than through the Native Trustee as agent for the owners in accordance with the provisions of this section. Upon the making of an order under the last preceding subsection the restriction upon alienation imposed by this subsection shall cease to apply to the land described in such order.

(16) The provisions of section four hundred and twenty-four of the principal Act shall apply to all moneys held by the Native Trustee in trust for any owner of the said land under the provisions of this section as fully and effectually as if such moneys were the proceeds of the sale or other alienation of Native land.

(17) The provisions of section twelve of the Native Trustee Amendment Act, 1921-22, shall apply to the administration of the land affected by this section.

(18) The land to which this section applies is all that area of land situate in the Ikaroa Native Land Court District, being all those blocks of land formerly called Mataikona No. 1, Mataikona No. 2, and Mataikona No. 3 Blocks, as the same are comprised respectively in three separate certificates of title issued by the Native Land Court, dated the twenty-seventh day of March, eighteen hundred and sixty-nine, and which lands have been subsequently partitioned into various subdivisions or parcels.

46. (1) Notwithstanding the provisions of section two hundred and six of the principal Act, the land herein referred to shall cease and be deemed no longer to be subject to the provisions of Part XIII of the

Exempting former
Native land from
provisions of Part
XIII of Land Act.

Land Act, 1924, and the memorandum entered on the certificate of title of the said land that it is so subject shall be cancelled.

(2) It shall be lawful for any person pursuant to any contract entered into before or after the passing of this Act to acquire the said land, notwithstanding the provisions of Part XIII of the Land Act, 1924.

(3) The land referred to in this section is that parcel of land, containing three hundred and seventy-eight acres two roods, more or less, being part of the land known as Te Akau B 29 Block, delineated on Deposited Plan No. 8960, as the same is comprised and described in certificate of title, Volume 231, folio 68, of the Auckland Registration District.

Authorizing vesting orders in respect of Ngararahi Nos. 1 and 2 Blocks.

47. (1) The Court is hereby authorized to inquire into the circumstances attending the alleged alienation by way of sale to one James McKee, of Paeroa, Farmer, of the lands referred to in Petition Number 362 of nineteen hundred and twenty-nine, and known as the Ngararahi Nos. 1 and 2 Blocks.

(2) If the Court upon such inquiry is satisfied that there is good reason to believe that instruments of alienation in respect of the said lands were executed by the respective Native owners thereof, and that the alienations or either of them evidenced by such instruments of alienation were not contrary to equity and good faith, and that the instruments of alienation or either of them are lost or mislaid and cannot be produced to it, the Court may, notwithstanding the provisions of any enactment in force at the time of the execution of the said instrument of alienation with regard to the alienation of Native land or imposing restrictions thereon, make one or more orders vesting the whole or any part of the said lands in the same James McKee or in such person or persons as the Court finds entitled thereto as claiming through or under the said James McKee for an estate of freehold in fee-simple, subject to such conditions as it shall think expedient to impose, and the land referred to shall thereupon vest according to the tenor of the order, subject to all existing encumbrances (if any) affecting the land included therein. Any prior certificate of title issued in respect of the said blocks or either of them shall be cancelled so far as it may be inconsistent with an order made under this section.

Authorizing rectification of partition of Waiwhakaata 3E 6, Section 4.

48. Notwithstanding the provisions of section one hundred and twenty-one of the principal Act, the Court shall have jurisdiction to cancel, either wholly or in part, the partition orders made on the twenty-fourth day of February, nineteen hundred and eight, in respect of the land situate in the Waikato-Maniapoto Native Land Court District and known as Waiwhakaata 3E No. 6, Section 4, and at the same or any subsequent time to repartition the land in such manner as the Court may find just and expedient.

Revoking reserves in Parawai Native Township.

49. The reservation of Section 27, Block I, Sections 5, 6, and 7, of Block II, and Sections 1, 2, 3, 19, 20, and 21, Block III, all situate in the Parawai Native Township, as public reserves under the provisions contained in the Native Townships Act, 1895, or any other statute in that behalf, is hereby revoked and cancelled, and the land comprised therein is hereby vested in the Maori Land Board of

the district wherein such land is situate, and shall be deemed to be Native freehold land. The said land may be alienated by the said Board if it thinks it expedient so to do in the manner set out in section twenty-six of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, and the Board may act upon any resolution of the assembled owners heretofore passed under the provisions of the said section twenty-six as if it had included and applied to the land mentioned in this section.

50. (1) Notwithstanding that the land known as Allotment No. 6 of Section No. 2 of the Town of Raglan, situate in the Auckland Provincial District, is European land, the provisions of Part XVIII of the principal Act shall apply thereto as fully and effectually as if the said land was Native freehold land, and with respect to the said land the definitions of the terms "owners" and "assembled owners" respectively are hereby modified to include the said land and the owners thereof.

Applying Part XVIII of Native Land Act, 1909, to Allotment 6, Section 2, Raglan.

(2) The assembled owners of the said land shall have in respect thereof all the powers conferred upon assembled owners by Part XVIII of the principal Act, and every resolution to alienate shall require confirmation in the same manner as if the land was Native freehold land. The assembled owners may pass one or more resolutions directing the application of the proceeds of any alienation of the said land, and the Maori Land Board is hereby authorized to act upon and carry into effect any such resolutions so far as it thinks expedient.

(3) The Maori Land Board shall have and may exercise in respect of the said land all the powers of a Maori Land Board under the said Part XVIII, and any instrument of alienation executed by the Board shall have the same force and effect and may be registered in the same manner as if it was an alienation of Native freehold land.

(4) The proceeds of any alienation shall be subject to the provisions of section four hundred and twenty-four of the principal Act in the same manner as if such proceeds arose from an alienation of Native land.

51. Whereas, acting under the provisions of section ninety-three of the Public Works Act, 1908, the Governor took and laid off for public purposes certain lines of road through the Native land mentioned in a notice published in the *New Zealand Gazette* of the eighth day of August, nineteen hundred and twelve, at page 2489: And whereas the parcels of land hereinafter mentioned, although included in such notice, were never actually taken or laid off as lines of road, and it is desirable that the land shall be deemed to have been taken for the purposes hereinafter mentioned, and vested in the local authority interested: Be it therefore enacted as follows:—

Validating taking of certain land for public purposes.

(1) The parcels of land hereinafter mentioned are hereby vested in the Corporation of the County of Otorohanga for the purpose of gravel-pits.

(2) The Native owners of the said land shall be entitled to compensation under the Public Works Act, 1928, as if the land had been taken under the Public Works Act, 1908, on the eighth day of August, nineteen hundred and twelve; and such compensation shall be ascertained and assessed in accordance with the provisions

of Part IV of the Public Works Act, 1928, and the Court shall have jurisdiction to act thereunder upon the application of any person claiming to be entitled to compensation or on the application of the local authority. The Otorohanga County Council is authorized to pay any sum so awarded for compensation.

(3) The parcels of land affected by this section are—

- (a) An area of two acres one rood, being part of Mangawhero 3C Block, situate in Block V, Mangaorongo Survey District, and coloured red, and marked "Shingle reserve" on Plan No. 16071 (blue), lodged in the Auckland Survey Office:
- (b) An area of four acres three roods, being part of the Rangitoto Tuhua No. 33 Block, situate in Block VI, Mangaorongo Survey District, coloured red, and marked "Temporary ford reserve" on Plan No. 16072 (blue), lodged in Auckland Survey Office:
- (c) An area of six acres two roods, being part of Rangitoto Tuhua No. 28 Block, situate in Block V Mangaorongo Survey District, coloured blue, and marked "Gravel reserve" on Plan No. 16073 (blue), lodged in Auckland Survey Office.

Amending section 39
of the Native Land
Amendment and
Native Land Claims
Adjustment Act,
1927.

52. Section thirty-nine of the Native Land Amendment and Native Lands Claims Adjustment Act, 1927, is hereby amended as follows:—

- (a) By omitting from subsection seven of the said section the words "Section 1 of Lot 2, Tauranga," and substituting therefor the words "Lot 202 of Section 1, Town of Tauranga."
- (b) By adding to the said section the following subsection, namely:—

"(13) (a) Upon the application of the Chief Surveyor, the Court may, if it thinks it expedient so to do, by order declare that any public road or any portion of a public road traversing land affected by this section and no longer required for the public use shall be stopped, and thereupon such stopped road shall cease to be a public road.

"(b) By the same or any subsequent order the Court may vest the land occupied by the stopped road in such person or persons as it may deem just or expedient and subject to such terms as to payment and otherwise as the Court may order, and may amend any existing title so as to include the land occupied by the stopped road, which land shall vest accordingly as if it was originally included in such title, and where necessary the District Land Registrar shall amend any certificate of title so as to conform to the amendments made by the Court.

"(c) The land occupied by a stopped road dealt with under this subsection shall be deemed to be Native land within the meaning of the principal Act."

Vesting Lot 112,
Kihikihi, in a
corporate body for
special purposes.

53. (1) For the purpose of administering and managing the land hereinafter mentioned there shall be constituted a corporate body with perpetual succession and a common seal having the same powers and functions as a body corporate constituted under Part XVII of the

principal Act, to be called "The Rewi Maniapoto Memorial Committee," and in respect of which the following provisions shall apply:—

- (a) The Court shall, by order, appoint a committee of management consisting of not less than five and not more than seven members, as the Court may determine, being persons of the Ngati-Maniapoto Maori Tribe, and all the powers and functions of the body corporate hereby constituted shall be exercised on its behalf by a majority of the members for the time being in office of a committee of management so appointed, and no act of the committee of management shall be questioned or invalidated on the ground of any vacancy in the membership thereof:
- (b) The Court may at any time, whether on application made or on its own motion and for any reason which it thinks sufficient, remove from office any member of the committee of management:
- (c) If any member of the committee of management dies, or resigns, or is removed from office the Court may appoint another person in his place:
- (d) All the provisions of Part XVII of the principal Act as to the execution of instruments by a committee of management under the said Part XVII, and as to the confirmation and effect of instruments executed by the members of the committee of management under Part XVII, shall apply to instruments executed by the committee of management appointed under this section:
- (e) The Native Land Court may from time to time, by order, make by-laws (consistent with this section) prescribing the practice and procedure of the committee of management. Subject to this section and any by-laws so made, the committee may regulate its own proceedings.

(2) The land known as Lot 112 of the Town of Kihikihi, being the land referred to and described in section fifteen of the Native Land Claims Adjustment Act, 1911, is hereby vested in the corporate body known as the Rewi Maniapoto Memorial Committee, and the District Land Registrar is hereby directed to issue a certificate of title under the Land Transfer Act, 1915, for the said land in the name of the said corporate body and to cancel any certificate of title (if any) at present issued therefor.

(3) The corporate body shall hold the said land in trust primarily for the purpose of protecting, improving, maintaining and repairing, and replacing, if necessary, the memorial erected thereon to the memory of Rewi Maniapoto (deceased), and for such other purpose for the benefit of the said Ngati-Maniapoto Tribe as the Court shall from time to time determine.

(4) Section fifteen of the Native Land Claims Adjustment Act, 1911, and section seven of the Native Land Claims Adjustment Act, 1914, are hereby repealed. Repeals.

54. For the purpose of giving effect to a recommendation of the Native Affairs Committee of the House of Representatives upon Petition Number 13 of nineteen hundred and twenty-eight, regarding Authorizing
payment by Boards
respecting Ohura
South N 2B 2 Block.

costs incurred by the Native owners of the Ohura South N 2B 2 Block in an action brought with regard to the timber on such land, the Native Minister may requisition any Maori Land Board to pay out of the funds in its account such amount as he shall think expedient to such person as the Minister shall direct as a contribution to and in part payment or refund of the costs referred to in the said petition, and the Board to whom any such requisition is directed is hereby authorized and required to pay the amount so requisitioned.

Crown may accept
gift of Urenui Pa.

55. (1) Notwithstanding anything to the contrary in the principal Act, the Crown may acquire and accept by way of gift from the owners the Native land situate in the Taranaki Land District, containing seven acres, more or less, and being Subdivision 2B 1 of Section 2 of Block III of the Waitara Survey District, and known as the Urenui Pa, upon the conditions set forth in an agreement signed by the Native owners and dated the seventeenth day of January, nineteen hundred and twenty-nine.

(2) Whenever the Governor-General is satisfied that the majority of the Native owners of the said land have assented to such gift, and that the said conditions will be observed and performed, he may proclaim that the land has become Crown land, and thereupon the land shall be deemed to be Crown land. Any such Proclamation shall be conclusive as to its own validity.

(3) Upon becoming so proclaimed the said land shall be deemed to be a scenic and historic reserve within the meaning of the Scenery Preservation Act, 1908, and shall be dealt with accordingly.

Extending time for
lodging application
respecting
Kauangaroa No. 3B
Block.

56. Section thirty of the Native Land Amendment and Native Land Claims Adjustment Act, 1928, is hereby amended by omitting the words "six months" where they appear in the said section, and substituting therefor the words "eighteen months."

Cancelling partition
of Parahaki Block.

57. (1) The partition orders made by the Court on the twenty-fifth day of May, nineteen hundred and eleven, in respect of the land situated in the Ikaroa Native Land Court District, and known as Parahaki Block, and the survey charging-orders made by the Court on the fifth day of April, nineteen hundred and twenty-nine, in respect of the Parahaki No. 2 Block, are hereby cancelled.

(2) The Court may upon the application of the Chief Surveyor make an order charging the said land with the reasonable costs of the survey of the Parahaki Block so far as such survey may be necessary or expedient for the purpose of the preparation of a sufficient plan of the land so surveyed for the issue of a certificate of title under the Land Transfer Act, 1915, and thereupon any prior charge for survey of the said land shall be deemed to be extinguished.

Enabling river-bed
adjoining
Ohinepuhiawe
Block to be treated
as Native land.

58. (1) The Court is hereby authorized and empowered to inquire and determine who are the persons in whom the land herein mentioned should be vested, and to make one or more orders vesting the said land or any part thereof in the person or persons so found to be entitled, for an estate of freehold in fee-simple, and, if more than one, then as tenants in common in the shares determined by the Court. Upon the making of any such order the land shall be deemed to be and become Native land within the meaning of the principal Act, and the rights (if any) of the Crown to such land shall cease.

(2) The Court shall have power, by order, to permit the removal of any buildings or other erections and improvements upon the land, or may order that reasonable compensation for such buildings, erections, or improvements shall be paid by the person to whom is awarded the land whereon they are situated. Such compensation shall be payable to the person found by the Court to be entitled thereto, and the Court may grant a charge upon the land in favour of the person to whom any such compensation is payable for the amount found to be due.

(3) The land to which this section refers is all that parcel of land, containing by admeasurement one hundred and one acres three roods three perches, or thereabouts, being the bed of the former course of the Rangitikei River where it adjoins Sections 140 and 141, Block XI, Rangitoto Survey District (known as Ohinepuhiawe Block), reserving thereout so much of the said river-bed as may be included in any reserve heretofore made for the purposes of a rifle range, recreation-ground, or a cemetery.

(4) Nothing herein contained shall take away or affect any right or interest (if any) the owner of Section 42, Block XI, Rangitoto Survey District, may have to any portion of the land referred to in the last preceding subsection, and the Court shall have jurisdiction to inquire and determine what (if any) right such person has therein, and to make a vesting order accordingly:

Provided that if the Court finds any European to be entitled to the land comprised in any such order, such land shall not become Native land.

59. The Court is hereby authorized to inquire and determine whether a person known as Hapua Hutana (or Wi Tamihana) was entitled for any reason to be included in a share or interest in the land situate at Pitt's Island and known as Rangiauria No. 4A Block, as the same is comprised in a partition order dated the twenty-eighth day of January, eighteen hundred and ninety-eight, and if the Court finds that it is just or expedient to do so, it may amend the said partition order by including in the title the name of the said Hapua Hutana or of his proper successor according to Native custom for such share or interest as the Court shall determine, and, if necessary or expedient, may partition the land and issue such new instruments of title as may be necessary.

Authorizing inquiry
into title of
Rangiauria 4A
Block.

60. (1) Notwithstanding anything contained in sections one hundred and thirty-three or one hundred and thirty-four of the principal Act, or any other statutory provision to the contrary, a document dated the thirteenth day of May, nineteen hundred and twenty-five, executed by one Ngahuia (sometimes called Ngahuia Haame) in the presence of and attested by the Stipendiary Magistrate exercising jurisdiction in the Chatham Islands, and filed in the Native Land Court at Wellington, purporting to be the last will and testament of the said Ngahuia (now deceased) shall be deemed to be a valid will as if it were executed in manner required by law.

Enabling will of
Ngahuia (deceased)
to be acted upon.

(2) The application to the Court for probate of the said will shall be reheard by the Court, and such application shall be deemed to have been lodged as an application in respect of a will properly made and executed.

Mahakipawa Native
burial-ground set
aside as a cemetery.

61. Whereas the land hereinafter mentioned was set aside as a Native cemetery, and it is desired to set it apart for the burial of the dead generally: Be it therefore enacted as follows:—

(1) All that parcel of land in Block IX, Linkwater Survey District, being Section 39 adjoining Sections 11 and 27 of that survey district, and known as the Mahakipawa Native Cemetery, is hereby declared to be a cemetery within the meaning of the Cemeteries Act, 1908.

(2) It shall be the duty of the trustees appointed in respect of such cemetery to protect, as far as possible, the graves of any Natives buried in such cemetery.

(3) The Natives shall have full right of ingress and regress in and upon such cemetery for the purpose of burying their dead, subject to the supervision of the trustees and no fees shall be chargeable for the land required for the burial of any Native in such cemetery.

Authorizing
rehearing regarding
Cobden Reserve.

62. The Court is hereby authorized to rehear the application upon which an order was made dated the twenty-first day of January, nineteen hundred and fourteen, in respect of the Cobden Native Reserve mentioned and described in section twenty-eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1920, and to ascertain and determine the persons entitled as beneficiaries of the said land, and to define their relative interests. The Court may amend the said order in accordance with its findings.

Chief Judge may
refer matters in
Schedule for report.

63. (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.

Schedule.

SCHEDULE.

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

1. PETITION No. 201 of 1929, of Himiona Katipa: Petitioner alleges that he alone has been charged with the expenses in connection with mortgage of the Mangatu No. 1 Block, and he prays for relief.