

## New Zealand



### ANALYSIS.

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### 1895, No. 54.

**Title.** AN ACT to determine certain Claims and Disputes, and to fulfil certain Contracts and Promises made by or on behalf of the Government, in relation to Native Lands.

[1st November, 1895.]

**Preamble.** WHEREAS it is expedient to determine certain doubts, claims, and disputes, and to give effect to promises or undertakings heretofore made to, or entered in to with, Natives, in relation to lands situated in the North Island:

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

**Short Title.** 1. The Short Title of this Act is "The Native Land Claims Adjustment Act, 1895."

**Interpretation.** 2. In this Act, if not inconsistent with the context,—  
 "The Act" means "The Native Land Court Act, 1894":  
 "The Court" means the Native Land Court as constituted by the Act:  
 "The Appellate Court" means the Appellate Court as constituted by the Act:  
 "The Chief Judge" means the Chief Judge of the said Court.

**Court to ascertain what compensation payable for excess area acquired in Pahiatua Block.** 3. (1.) The Court is hereby authorised and directed to ascertain what amount of compensation, if any, not exceeding one thousand nine hundred pounds, should be paid to the former Native owners of the Pahiatua Block, in respect of an area of seven thousand six hundred and

twenty-five acres, being the difference between the estimated area on which the purchase by the Crown of the said block was based and the actual area as disclosed by subsequent survey.

(2.) In exercising jurisdiction under this section the Court shall be guided by the provisions of "The Native Equitable Owners Act, 1886," and shall by its order declare who are the persons entitled, according to the intention and meaning of that Act, to receive such compensation, and in what relative proportions.

May make order.

(3.) Subject to the right of appeal as provided for by the Act, the decision of the Court shall be final and conclusive, and the receipt of the persons mentioned in the order of the Court, or, in case of appeal, in the order of the Appellate Court, for the amounts therein respectively specified shall be a complete and valid discharge to Her Majesty in respect of all claims in connection with the purchase by the Crown of the Pahiatua Block.

Decision final.

4. (1.) Sections Three hundred and eighty-six and Three hundred and eighty-seven, Block Nine, Wairoa Survey District, containing together eight hundred acres, more or less, exclusive of roads and Native reserves, and being the whole of the lands comprised in certificate of title, Volume Thirty-seven, folio one hundred and forty-two, of the Land Transfer Register of the Wellington District, are hereby vested in the Public Trustee upon the trusts set out in "The West Coast Settlement Reserves Act, 1892."

Certain sections in Wairoa Survey District vested in Public Trustee.

(2.) The Court is hereby authorised and directed to ascertain and determine who are the beneficiaries of the said lands under any promise or undertaking heretofore entered into by or on behalf of the Government, and in what shares and proportions, and to make order accordingly.

Court to determine who are beneficiaries.

(3.) Upon the making of such order, or, in case of appeal, on the making of the order of the Appellate Court herein, all claims which such beneficiaries may have had, or may claim to have had, upon Section Seventy-six, Block Two, and Sections Three hundred and ninety-five, Three hundred and ninety-seven, and Three hundred and ninety-nine, Block Eight, Wairoa Survey District, shall absolutely cease and determine.

Certain other claims of beneficiaries then determined.

(4.) The District Land Registrar of the Wellington District is hereby authorised to issue a certificate of title to the Public Trustee, and otherwise to revise the Land Transfer Register, in such manner as will give effect to the provisions of this section.

5. An application for a rehearing of the original investigation of title by the Court of the Tunapahore Block, situate in the Bay of Plenty District, alleged to have been dismissed in the unavoidable absence of the parties thereto, or some of them, is hereby declared to be still subsisting and undisposed-of, and the Chief Judge is hereby authorised and directed to dispose of the same under the provisions of section ninety-four of the Act.

Rehearing as to Tunapahore Block authorised.

6. (1.) The restrictions on alienation imposed by the Crown grant to Ngarino and Riripeti Pahi, dated the twenty-eighth day of June, one thousand eight hundred and seventy, of the Kohoao Block, containing one hundred and seventy acres, situated in the District of Whangarei, shall be deemed not to preclude the land comprised therein or any portion thereof from being leased for any period not exceeding twenty-

Restrictions on alienation of Kohoao Block not to preclude leasing same.

one years in possession and not in reversion, without fine, premium, or foregift, and without agreement or covenant for renewal or for purchase at a future time.

(2.) Any such lease may be confirmed by the Court on being satisfied that the grantees have sufficient means of support derivable from land or otherwise, and that the conditions of section fifty-three of the Act, excepting subsection two, subclause (b), thereof, have been complied with.

Judgments under  
"The Poututu  
Jurisdiction Act,  
1889," final.

7. The judgments under "The Poututu Jurisdiction Act, 1889," delivered by the Native Land Court presided over by George Elliott Barton, Esquire, shall, subject to any judgment by the Supreme Court at Gisborne since delivered in reference thereto, be and be deemed to be final and conclusive to all intents and purposes between the parties concerned :

Proviso.

Provided always that the application now pending in the Supreme Court for a mandamus to compel certain Judges and Assessors of the Native Land Court to proceed with a rehearing of the matter of certain of the decisions given by the said Court, presided over by the said George Elliott Barton, Esquire, as Judge under the said Act, shall not be prejudicially affected by the provisions of this section; and, if such mandamus is granted, then the Native Land Court shall have as full jurisdiction to proceed with such rehearing and do all things necessary in order to obey such mandamus as if this section had not been passed.

Provided further that, for the purpose of completing proceedings under the said Act, the commission of the said George Elliott Barton as a Judge of the Native Land Court shall be deemed to subsist and be in force.

Court may partition  
Okauia No. 2  
Block.

8. The subdivision by the Court of the Okauia Number Two Block, and the orders and certificates of title issued in pursuance thereof, and each and every of them, are hereby annulled, and for the purpose of rectifying omissions in the said orders and certificates the Court is hereby empowered and directed to proceed with the partition of the said block under the provisions of the Act as if no subdivision had been previously made.

Certain mortgage  
over Te Wahitapu  
and Te Kapo Blocks  
discharged.

9. In order to carry out the recommendation of the Public Petitions Committee of the House of Representatives on the petition of Mary Tautari (No. 442 of 1894) relating to a certain mortgage by Hemi Tautari to the Honourable Julius Vogel as Colonial Treasurer, dated the twenty-fifth day of October, one thousand eight hundred and seventy-two, in respect of Te Wahitapu and Te Kapo Blocks, registered in the Deeds Registry of the Auckland Registration District as Number 611c, and in the Land Transfer Registry of the same district as Number 131, the following provisions shall apply :—

- (1.) The said lands are hereby discharged from all claims in respect of the whole or any unpaid balance of moneys secured by the said mortgage.
- (2.) The Registrar of Deeds and the District Land Registrar of the said district are hereby directed and empowered to make such entries in their respective registers as are necessary in order to record such discharge, and release the said lands from the said mortgage.

10. (1.) It shall be within the jurisdiction of the Court to revise the division orders under "The Native Lands Division Act, 1882," comprising the titles to the Rangatira Blocks numbered 3, 3B, 3C, and 3D, situate in the Gisborne District, by transferring names from one order to another, for the purpose of locating family or hapu interests together in so far as the equities of each particular case will admit.

Court may revise division orders of Rangatira Blocks.

(2.) For the purpose of carrying out the provisions of this section, the Court may, subject to the protection of any private interests lawfully acquired by purchase or otherwise, cancel all or any of the existing titles, either wholly or in part, and issue others, as orders on original hearing, under the provisions of the Act.

11. The order of the Court, dated the fifth day of September, one thousand eight hundred and sixty-seven, in respect of the Parangarahu Block, being an order for the issue of a certificate of title under "The Native Lands Act, 1865," in the names of Henare te Puni and Ngapaki te Puni as trustees for the Ngatitawhirikura branch of the Ngatiawa Tribe, shall be read as if the words "if within six months Henare te Puni shall furnish a proper survey thereof" had been omitted therefrom.

Order as to Parangarahu Block amended.

12. In order to carry out the recommendation of the Native Affairs Committee upon the petition of Te Wunu te Ahuru and others, complaining of the decision of the Court sitting at Turakina in the month of December, one thousand eight hundred and eighty-eight, whereby, as is alleged, persons entitled neither according to Native custom and usage nor in equity were admitted to ownership in the Ruatangata Block, in consequence of the terms of the Crown grant, whereby the said land was granted to Aperahama Tipae in trust as therein mentioned, the following provisions shall apply:—

Appellate Court may hear appeal as to ownership of Ruatangata Block.

(1.) The Appellate Court is hereby empowered and directed upon the application of any person aggrieved by such decision, setting forth in such application the grounds of objection thereto, to treat such application as a valid appeal from the said decision within the meaning of "The Native Land Court Act, 1894," and to deal with the same accordingly:

(2.) The Appellate Court, in dealing with such appeal, shall not be bound by the terms of the said grant, nor by any decision of the Supreme Court or of the Court of Appeal thereon, so far as the terms of such grant appear to the Appellate Court to be inconsistent with the equity of the case and the true rights of the parties:

(3.) The Appellate Court may annul any proceeding in or order of the Court subsequent to the said decision so far as may be necessary to give effect to the judgment of the Appellate Court in the matter aforesaid:

Provided that nothing herein contained shall prejudicially affect the right of any lessee of the said land, or of any person claiming through or under such lessee; but the Appellate Court may direct to what persons and in what proportions the rent reserved under any lease shall thenceforth be payable:

Provided also that any appeal under the provisions of this section shall be lodged with the Registrar of the Court within three months

from the date of the publication of notice of the foregoing provisions in the *Gazette* and *Kahiti*.

Issue of new  
certificate for  
Hikutaiia No. 1E  
Block.

13. The District Land Registrar of the Land Registration District of Auckland is hereby empowered and directed to cancel the Land Transfer certificate of title issued in the name of George Simpson for the Hikutaiia No. 1E Block, and to issue a new certificate of title for the same in the name of the said George Simpson free from restrictions.

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