

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Application under section 26 of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, may be completed notwithstanding the repeal of that section. 3. Public Trustee empowered to survey, subdivide, and lay off roads on Native reserves vested in him. 4. Provisions as to improvements by lessees under the West Coast Settlement Reserves Act, 1881. 5. Sites for dairy factories, &c. 6. Jurisdiction conferred on Native Land Court in respect of (a) Matahiia, (b) Waipiro 8 or 2b, and (c) Te Reureu No. 1 Blocks. 7. Native Land Court authorized to exercise jurisdiction under Part V of the Native Land Act, 1909, in respect of certain lands. 8. Chief Judge authorized to amend orders relating to Opanake 1c and 1d Blocks, in order to give effect to an agreement between the parties interested. 9. Chief Judge may grant leave to appeal to Native Appellate Court <i>in re</i> (a) succession to Matenga te Rapa in Lot 22, Kaiapoi Native Reserve, (b) succession to Wiremu Tahana Tirarau or Tahana Marupo in Pakia No. 1A, and (c) succession to Heni te Paakamutu in Rotokautuku No. 2. 10. Native Appellate Court authorized to rehear orders in respect of Mangahauini Block. 11. Order of Native Appellate Court in respect of succession to Wiremu Kingi Matakatea in Ngatikahumate Block amended so far as it relates to definition of relative interests. 12. Native Appellate Court authorized to rehear orders affecting lands described in the Second Schedule of the Horowhenua Block Act Amendment Act, 1906. 13. Native Appellate Court empowered to rehear orders of succession to Ngaperu Kawharu. 14. Native Appellate Court empowered to rehear orders of succession to Roera Rangī. | <ol style="list-style-type: none"> 15. Public Trustee empowered to transfer Section 994, Whareama Block, to the Natives or their successors who sold Tupapakurus to the Crown. 16. Owners of Section 97A, Borough of Foxton, empowered to convey same by way of gift to the Council of the borough. 17. Governor may authorize issue of certificate of title to members of Ngatimatepu Tribe, of Tauranga, for Lot 80, Block X, Tauranga Survey District. 18. Governor may authorize issue of certificate of title to members of the Whanauakai Tribe, Poverty Bay, for Section 91, Block VII, Patutahi Survey District. 19. Authorizing cancellation of titles of Subdivisions 3, 4, and 5, Carnarvon Section 361, and issue of certificates of title to Donald Fraser on his conveying certain lands to Natives. 20. Section 4 of the Native Land Claims Adjustment Act, 1895, amended. 21. Section 8 of principal Act amended. 22. Lots 16B to 22B of Section 382, Okotuku, vested in Public Trustee. 23. Chief Judge authorized to amend orders of Appellate Court relating to Kohumaru Block, Mangonui. 24. Validating orders of the Court <i>in re</i> Lot 99, Parish of Onewhero, and Lot 201, Parish of Karamu. 25. Vesting Native-school site at Waimana in the Crown. 26. Public Trustee to transfer Waikokopu Native Reserve to beneficiaries. 27. Native Land Court empowered to settle all questions in regard to action No. 878, Supreme Court, Gisborne, relating to Paritu No. 4 Block. 28. Chief Judge may refer matters mentioned in the Third Schedule to Court, or a Judge or Commissioner, and Native Minister may refer matters in the Fourth Schedule to a Board, for investigation and report. 29. Repeal Schedules. |
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1910, No. 82.

AN ACT 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.
[3rd December, 1910.]

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

1. This Act may be cited as the Native Land Claims Adjustment Act, 1910. Short Title.

2. Notwithstanding the repeal by the Native Land Act, 1909, of section twenty-six of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, and of sections twenty-six and twenty-eight of the Maori Land Laws Amendment Act, 1908, any recommendation duly made by a Maori Land Board under those sections before the repeal thereof may be proceeded with and acted upon, and for this purpose all powers conferred by those sections upon the Native Minister, the Maori Land Board, and the Governor in Council, or any other person, may be exercised in the same manner, and the exercise thereof shall have the same effect, as if those sections were still in force; and for the purposes of this section every reference in those sections to a Board shall be construed as a reference to the Maori Land Board having for the time being jurisdiction in the district in which the land is situated to which the recommendation relates.

Application under section 26 of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, may be completed notwithstanding the repeal of that section.

3. (1.) For the purpose of enabling the Public Trustee to more profitably utilize Native reserves vested in him, the following special provisions shall apply in the case of every such reserve:—

Public Trustee empowered to survey, subdivide, and lay off roads on Native reserves vested in him.

(a.) The Public Trustee may from time to time survey and subdivide any reserve into suitable allotments, and, with the consent of the local authority, lay off, form, and dedicate such roads thereupon as he thinks fit.

(b.) Every such road shall be deemed to be a public road vested in His Majesty.

(c.) The expenses incurred by the Public Trustee in carrying out the aforesaid works in connection with any reserve shall be a first charge against that reserve and the rents and profits thereof.

(d.) If such rents and profits are not sufficient to pay the expenses, the Public Trustee may advance moneys out of the Common Fund of the Public Trust Office to pay such expenses, and all such advances, with interest thereon at the current rate charged by the Public Trustee on advances, shall be paid out of the rents and profits as they accrue.

(2.) In carrying out the aforesaid works the Public Trustee shall conform to the survey regulations for the time being in force, and also to the statutory provisions in force relating to the subdivision of lands and the laying-off of roads.

(3.) This section shall be construed in aid, and not in derogation, of any other statutory powers conferred upon the Public Trustee with respect to roads.

(4.) For all the purposes of this section the term "roads" includes streets where the land is within a borough, but in such case the street shall vest in the Corporation of the borough, as provided by the Municipal Corporations Act, 1908.

Provisions as to improvements by lessees under the West Coast Settlement Reserves Act, 1881.

4. In the case of every lease and of every renewal thereof granted under the West Coast Settlement Reserves Act, 1881, or any amendment thereof passed before the year eighteen hundred and ninety-two, the improvements to be valued by arbitration in pursuance of the covenants contained in the lease, instead of being limited in character as provided by the lease and by the regulations under the said Act, shall be and be deemed to be all the substantial improvements of a permanent character as defined by section two of the Land Act, 1908, which are in existence on the land at the time of the valuation up to the value of five pounds for every acre of the land included in the lease.

Sites for dairy factories, &c.

5. Notwithstanding the provisions of any Act, any portion of any block of Native land (including customary land), not exceeding in any one case an area of five acres, which in the opinion of the Native Minister is suitable as a site for a fruit-preserving factory, dairy factory, cheese-factory, or creamery, or for any building required for any religious, charitable, educational, or public purpose, may be dealt with subject to the provisions following:—

- (a.) The Governor may, on the recommendation of the Native Land Court, by Order in Council vest such portion as aforesaid in the Maori Land Board of the district in which the land is situated, for an estate in fee-simple in possession, subject to all valid incumbrances, liens, and interests affecting the same, to be held and administered by the Board for the benefit of the Maori owners, and the said land shall vest in the Board accordingly.
- (b.) The Court, in making any recommendation under this section, shall at the same time furnish to the Governor a statement of what (if any) are the wishes of the owners or claimants (or a majority of them) of the land affected by such recommendation as to the disposal thereof, whether by sale, gift, lease, or otherwise.
- (c.) For the purposes of this section the District Land Registrar, whenever requested by the Native Minister so to do, is empowered and directed to do all things necessary in order to duly record the title of the Board.
- (d.) The Board may, having due regard to the wishes of the owners or claimants as aforesaid, dispose of such land by way of gift or sale in fee-simple, or may lease the same at a nominal rental without public competition, or by competitive public tender at an upset rental to be determined by the Board, for any term not exceeding twenty-one years, with such provision for right of renewal for one term of twenty-one years at such rental as shall be deemed adequate, and upon such conditions as to erection of buildings and expenditure of capital as the Board deems expedient to insure that the said portion shall be utilized for the purpose contemplated.

6. (1.) The Native Land Court shall have jurisdiction and power, on the application of any person interested or of the Native Minister,—

Jurisdiction conferred on Native Land Court in respect of
 (a) Matahiia,
 (b) Waipiro 8 or 2B,
 and (c) Te Reureu No. 1 Blocks.

(a.) To cancel the division order made on the second day of September, eighteen hundred and eighty-five, in respect of Matahiia Block, situated in the Gisborne Native Land Court District, and the definition of the relative interests then made, and to determine the relative interests of the owners: the Court shall have power upon such determination to order, for the purpose of the payment of rent to the owners, from what date payment upon the basis of such determination shall commence, and to make such consequential amendments in the title as the Court thinks fit:

(b.) To amend the partition order dated the twenty-fourth day of August, eighteen hundred and ninety-four, in respect of Waipiro 8 or 2B Block, forming part of Waipiro Native Township, in the Gisborne Native Land Court District, so as to give effect, with such modifications as the Court thinks fit, to a deed of covenant dated the twenty-seventh day of July, nineteen hundred and four, now in the possession of the Tairawniti Maori Land Board, signed by the owners, and undertaking to vest a part of the said land in other Natives named in that deed but who are not included in the title; and to make such consequential amendments in the title as the Court thinks fit:

(c.) To inquire into the allegations made by Te Rangihopu Henare and others in petition No. 424 of nineteen hundred and ten, in respect of Te Reureu No. 1 Block, in the Wanganui Native Land Court District, and, if necessary, to amend the list of owners of the said land and the definition of relative interests, and to make such consequential amendments in the title as the Court thinks fit.

(2.) The power of the Court to cancel or amend any order in pursuance of this section may be exercised although that order has been already registered or provisionally registered under the Land Transfer Act, 1908, 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.) No appeal shall lie to the Native Appellate Court from any order made under this section.

(4.) No order made by the Native Land Court under this section shall invalidate any valid alienation made in respect of the land before the making of that order.

7. (1.) Notwithstanding the provisions of sections one hundred and three, one hundred and seven, and four hundred and thirty-two of the Native Land Act, 1909, the Native Land Court is hereby authorized and directed, on the application within three months after the passing of this Act of any person interested, and on such terms as to costs, security for costs, or otherwise as the Chief Judge thinks fit, to exercise in respect of—

Native Land Court authorized to exercise jurisdiction under Part V of the Native Land Act, 1909, in respect of certain lands.

- (a.) Manawatu No. 6 Block, known as Te Whitiatara Reserve, in the Wellington Native Land Court District ;
- (b.) Tatua East, Pakuri, and Otuhounga Blocks, in East Taupo County ;
- (c.) Opoutama Reserve, at Mahia, in the Gisborne Native Land Court District ;
- (d.) Puketotara or Carnarvon Section 336, in the Wellington Native Land Court District ;
- (e.) Whenuakura, in the Wellington Native Land Court District—

the jurisdiction conferred upon the Court by Part V of the Native Land Act, 1909.

(2.) This section shall not affect the sale to the Crown by or the purchase by the Crown from the present owners, or any of them, of the land mentioned in paragraph (a) of the last preceding subsection, except—

- (a.) That three-fourths of the purchase-money of the said land shall be paid to the Public Trustee, to be held by him pending and subject to the determination of the Court, and in the meantime shall be invested by him in such manner as he thinks fit ; and
- (b.) That no claim shall be made against the Crown in respect of purchase-money paid to any owner, or against any owner, in respect of any money received by him for the said land prior to the determination of the Court.

(3.) This section shall not prejudicially affect any valid outstanding lease of any of the lands mentioned in subsection one hereof.

Chief Judge authorized to amend orders relating to Opanake 1c and 1d Blocks, in order to give effect to an agreement between the parties interested.

8. Whereas the Native Affairs Committee of the House of Representatives recommended that the petition (No. 239/1908) of Raniera Te Rore Taoho and another be referred to the Government for inquiry : And whereas, in pursuance of that recommendation, an inquiry was held by the Chief Judge, who reported that the parties interested have arrived at an agreement, and that such agreement should be carried into effect : Be it therefore enacted that the Chief Judge may, without further authority than this Act, order the cancellation or amendment of any existing instrument of title affecting Opanake 1c and Opanake 1d Blocks, and the issue of such new instruments of title as he may deem necessary for the purpose of giving effect to the agreement that Netana Patuawa or his successors give up all their claims or interests in Opanake 1d Block to Te Rore Taoho or his successors, and give up four hundred and fifty acres out of the total area to which they are entitled under the orders of the Native Land Court in Opanake 1c to the said Te Rore Taoho or his successors ; and the District Land Registrar is hereby directed, on the application of the Chief Judge, to make all necessary consequential amendments of the Register or Provisional Register, as the case may be, in respect of the said lands.

Chief Judge may grant leave to appeal to Native Appellate Court *in re (a) succession to Matanga te Rapa*

9. (1.) The Chief Judge may, on such terms as to costs, security for costs, or otherwise as he thinks fit, and on the application of any person interested, within three months after the passing of this Act, grant leave to the applicant to appeal to the Native Appellate Court—

- (a.) Against the order of the Native Land Court, made at Kaiapoi on the thirteenth day of September, eighteen hundred and eighty-three, appointing successors to Matenga te Rapa in Lot 22, Kaiapoi Native Reserve :
- (b.) Against an order of the Native Land Court, dated the ninth day of September, eighteen hundred and seventy-two, appointing a successor to Wiremu Tahana Tirarau, *alias* Tahana Marupo, in the Pakia Block, situated at Hokianga, in the Auckland Native Land Court District :
- (c.) Against an order of the Native Land Court, dated the sixth day of April, eighteen hundred and eighty, appointing successors to Heni te Paakamutu in Rotokautuku No 2 Block, in the Gisborne Native Land Court District.

in Lot 22, Kaiapoi Native Reserve, (b) succession to Wiremu Tahana Tirarau or Tahana Marupo in Pakia No. 1A, and (c) succession to Heni te Paakamutu in Rotokautuku No. 2.

(2.) The Native Appellate Court shall have power to hear and determine any appeal under this section, and to exercise in respect of any such appeal all or any of its powers under Part II of the Native Land Act, 1909; and all proceedings in respect of such appeal shall be taken as if the same were an appeal by leave of the Chief Judge under section fifty of that Act.

10. (1.) The Native Appellate Court is hereby authorized and directed to rehear its previous orders made in February and March, nineteen hundred, in respect of Mangahauini Block and its subdivisions, excepting Subdivision 2, situated in the Gisborne Native Land Court District.

Native Appellate Court authorized to rehear orders in respect of Mangahauini Block.

(2.) This section shall be deemed to be an order under section fifty of the Native Land Act, 1909, made with the precedent consent of the Governor in Council, for the complete rehearing of the orders referred to in subsection one hereof, and shall operate and be dealt with accordingly.

(3.) Nothing in this section shall invalidate the order of incorporation made on the sixteenth day of September, nineteen hundred and ten, in respect of the owners of the said lands.

(4.) This section shall operate as a caveat against all alienations of the said lands (except as to the parts thereof included in the Tuatini Native Township and as to Subdivision 2 of the said block) until the determination of the Native Appellate Court on the rehearing is made.

11. (1.) The order of the Native Appellate Court, made at a sitting of that Court on the sixth day of December, eighteen hundred and ninety-five, in respect of the succession to the interest of Wiremu Kingi Matakatea in Ngatikahumate Block, situated in the Wanganui Native Land Court District, is hereby amended so far as it relates to the definition of relative interests by awarding to Ngawahakaka one-half share, and to Akinihi Himiona and Ruhe Hakopa one-fourth share each.

Order of Native Appellate Court in respect of succession to Wiremu Kingi Matakatea in Ngatikahumate Block amended so far as it relates to definition of relative interests.

(2.) The rents and moneys accrued up to the thirtieth day of June, nineteen hundred and ten, and held by the Public Trustee in respect of the interest of the said Wiremu Kingi Matakatea in the said land shall be held by him subject to the provisions of section four hundred and twenty-four of the Native Land Act, 1909, and all the provisions of that section shall accordingly apply to those rents and moneys.

(3.) The Public Trustee shall pay the said rents and moneys to the persons entitled thereto according to their respective interests as defined by the said order before the passing of this Act.

Native Appellate Court authorized to rehear orders affecting lands described in the Second Schedule of the Horowhenua Block Act Amendment Act, 1906.

12. (1.) On the appeal of any person interested made within six weeks after the passing of this Act, the Native Appellate Court shall have jurisdiction to hear and determine an appeal from the orders of the Native Land Court made under section two of the Horowhenua Block Act Amendment Act, 1906, in respect of the lands described in the Second Schedule of that Act, and to exercise in respect of that appeal all or any of its powers under Part II of the Native Land Act, 1909.

(2.) For the purposes of the proceedings under this section the Court shall proceed as if the judgment of the Native Land Court given in the year eighteen hundred and seventy-three on the investigation of title of Horowhenua Block did not affect the lands referred to in the last preceding subsection, and shall give due weight to the occupation of such lands since eighteen hundred and forty by any claimant or the ancestor of any claimant thereto.

(3.) Any order made by the Native Appellate Court under this section shall have the same force and effect as an order of that Court under the Native Land Act, 1909.

(4.) The District Land Registrar shall make all necessary consequential amendments in the Register or Provisional Register to give effect to the provisions of this section and to the determination of the Native Appellate Court.

Native Appellate Court empowered to rehear orders of succession to Ngapera Kawharu.

13. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the twenty-first day of August, nineteen hundred and seven, on petition No. 304 of nineteen hundred and seven, of Rangiaukaha Kawharu, the Native Appellate Court is hereby authorized and directed to rehear its previous orders appointing successors to Ngapera Kawharu in respect of the lands known as Rangitoto Nos. 2 and 3 (D'Urville Island), and the Appellate Court shall have and may exercise in respect thereof all its powers under Part II of the Native Land Act, 1909.

Native Appellate Court empowered to rehear orders of succession to Roera Rangi.

14. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives on the petition No. 793, of nineteen hundred and seven, of Ngarongokahau, the following provisions shall apply:—

- (a.) The said petition shall be deemed to be an application under subsection three of section fifty of the Native Land Act, 1909, in respect of which an order for rehearing has been made by the Chief Judge, with the precedent consent of the Governor in Council, and shall be dealt with accordingly, subject to the provisions of subsection five of the said section fifty.
- (b.) On the rehearing the Native Appellate Court is empowered to take into consideration the position of the petitioner as though the passing of section fifty of the Native Land Claims Adjustment and Laws Amendment Act, 1901, did not affect the same.
- (c.) Nothing in this section shall affect the operation of the probate of the will of Roera Rangi, deceased.

15. (1.) Whereas by deed dated the thirty-first day of January, eighteen hundred and sixty, Piripi Iharaira, Karauria Ngawhara, Riwai Tamati, Anaru Tuhokairangi, Raharuhi Anaru, Rawinia te Piki, Terei Rahui, and Haira Hori (hereinafter in this section referred to as the "vendors") sold the block of land known as Tupapakuraa to the Crown, subject to the reservation in the said deed expressed as follows, namely: "One piece of land within these boundaries is to be reserved for Piripi and all of us, the boundaries of which have been pointed out by Piripi to Mr. Searancke. The Puna Kotukutuku is the name": And whereas a Crown grant dated the first day of April, eighteen hundred and sixty-five, was issued under the provisions of the Crown Grants Act (No. 2), 1862, for Section 394, Whareama Block, containing eleven hundred and fifty acres, being the land so reserved, to Piripi Iharaira and Riwai Tamati, two of the vendors jointly, impliedly in trust for the whole of the vendors: And whereas the said Riwai Tamati died on or about the twelfth day of August, eighteen hundred and seventy-five, and the said Piripi Iharaira thereupon became the sole owner to the exclusion of all the other vendors, and his heirs thereafter took out a certificate of title under the Land Transfer Act for the said Section 394, Whareama Block: And whereas, for the purposes of securing a mortgage held by the Crown, the said section has been transferred to the Public Trustee, who is now the registered proprietor thereof, subject to the condition that upon the release of the said mortgage he shall retransfer the land to the heirs and successors of the said Piripi Iharaira: And whereas it is expedient that further inquiry be made into the circumstances, and for that purpose it is necessary that jurisdiction be conferred upon the Native Appellate Court, and that no alienation of the said land shall take place pending the determination of that Court: Be it therefore enacted as follows:—

Public Trustee empowered to transfer Section 394, Whareama Block, to the Natives or their successors who sold Tupapakuraa to the Crown.

- (a.) The Native Appellate Court is hereby authorized and directed to hear and determine the claims and allegations of the respective petitioners set forth in the petitions No. 295 of nineteen hundred and nine (Haira Hori and others), and No. 603 of nineteen hundred and ten (Areta Nahona and others), and to make such orders as the Court thinks fit.
- (b.) The jurisdiction of the Court may be exercised and its proceedings taken notwithstanding any decision of the Supreme Court or of the Court of Appeal in relation to the title of the said land, and as though any such decision had never been given.
- (c.) The Court may order the Public Trustee, notwithstanding any agreement entered into by the Crown or the Public Trustee in relation to the aforesaid mortgage, to transfer the said land upon the release of such mortgage to such persons, in such shares, and subject to any valid outstanding lease and to such conditions as the Court determines.
- (d.) The District Land Registrar may, upon the registration of such transfer, issue free of charge a certificate of title in

accordance with the order of the Court, and make such consequential amendments as he deems necessary in the Register or Provisional Register.

(e.) The Public Trustee and the District Land Registrar shall be indemnified against all claims in respect of their compliance with the provisions of this section.

(f.) The said land shall be inalienable in any manner howsoever until the determination of the said Court is made and all necessary proceedings in consequence thereof completed.

(2.) Nothing hereinbefore contained shall operate or be construed to prevent the Public Trustee and all necessary parties completing in accordance with law any valid agreement or contract for the sale and purchase of the said land pending and in progress on the passing of this Act, but in such case the purchase-money shall be paid to the Public Trustee, who shall hold the same to abide the order of the said Court in like manner in all respects as if the said purchase-money were the said land.

Owners of Section 97A, Borough of Foxton, empowered to convey same by way of gift to the Council of the borough.

16. (1.) The owners, or their trustees in the case of owners under disability, of Section 97A in the Borough of Foxton are hereby authorized to convey by way of gift to the Corporation of the said borough, and the said Corporation is hereby authorized to acquire, the said land or any part thereof, notwithstanding the provisions of the Native Land Act, 1909.

(2.) The deed of gift shall be executed in conformity with the requirements of section two hundred and fifteen of the said Act (relating to formalities of execution).

(3.) Such deed shall be subject to confirmation by the Maori Land Board of the district in which the said land is situated, and the Board shall, without fee, grant a certificate of confirmation if satisfied that the provisions of the last preceding subsection have been complied with.

(4.) Such certificate of confirmation shall have the same force and effect as a certificate of confirmation under Part XIII of the said Act.

Governor may authorize issue of certificate of title to members of Ngatimatepu Tribe, of Tauranga, for Lot 80, Block X, Tauranga Survey District.

17. (1.) The Native Land Court is hereby authorized and directed to inquire and ascertain what members of the Ngatimatepu Tribe, of Tauranga, shall be included in the certificate of title (hereinafter referred to) of Lot 80, Block X, Tauranga Survey District, to determine the relative interests of the persons so ascertained, and to report its findings to the Governor.

(2.) For the purposes of such inquiry the Court shall give due weight to the claims of such members of the said tribe as have occupied the said land, either by themselves or their parents or grandparents, since the year eighteen hundred and seventy.

(3.) The Governor is hereby authorized and empowered to execute a warrant for the issue of a certificate of title for the said land to the persons so ascertained by the Court, as tenants in common, in the shares determined by the Court.

(4.) The said land shall upon the issue of the certificate of title become Native freehold land within the meaning of the Native Land Act, 1909, and shall, without any other authority than this section, be subject to Part XVI of that Act.

18. (1.) The Governor is hereby authorized and empowered to execute a warrant for the issue of a certificate of title for Section 91, Block VII, Patutahi Survey District, in the Hawke's Bay Land District, to members of the Whanauakai Tribe, of Poverty Bay, to be ascertained as hereinafter provided.

Governor may authorize issue of certificate of title to members of the Whanauakai Tribe, Poverty Bay, for Section 91, Block VII, Patutahi Survey District.

(2.) The Native Land Court is hereby authorized and directed to inquire and ascertain what members of the said tribe should be included in the certificate of title, to determine the relative interests of the persons so ascertained, and to report its findings to the Governor.

(3.) For the purposes of such inquiry the Court shall take into consideration the recommendation of Mr. Commissioner Clarke, printed in Parliamentary Paper G.-4, eighteen hundred and eighty-four, Session II.

(4.) The said land shall upon the issue of the certificate of title become Native freehold land within the meaning of the Native Land Act, 1909, and shall, without any other authority than this section, be subject to Part XVI of that Act.

19. (1.) The District Land Registrar of the Wellington District is hereby authorized and directed, on the application of the Chief Judge of the Native Land Court, to cancel all existing instruments of title affecting Subdivisions 3, 4, and 5 of Carnarvon Section 361 (otherwise known as Poutu Block), and in lieu thereof to issue certificates of title to Donald Fraser, of Pukuhe, Bull's.

Authorizing cancellation of titles of Subdivisions 3, 4, and 5, Carnarvon Section 361, and issue of certificates of title to Donald Fraser on his conveying certain lands to Natives.

(2.) Before making such application the Chief Judge shall satisfy himself that the said Donald Fraser has duly executed and registered at his own cost valid conveyances or transfers of the lands described in the First Schedule hereto to the persons and in the respective shares or interests set out in that Schedule.

20. Section four of the Native Land Claims Adjustment Act, 1895, is hereby amended by omitting from subsection three thereof the words "upon Section Seventy-six, Block Two, and," and the said section shall be construed as if those words were omitted therefrom at the date of the passing of the said Act.

Section 4 of the Native Land Claims Adjustment Act, 1895, amended.

21. Section eight of the Maori Land Claims Adjustment and Laws Amendment Act, 1904, is hereby amended by inserting after the word "occupation" the words "or for the benefit," and by omitting the words "are and have been for several years past residing thereon, and."

Section 8 of principal Act amended.

22. Whereas in Schedule "C" of the West Coast Commissioner's Report (Parliamentary Paper A.-5B, eighteen hundred and eighty-three) an area of land was set aside as a Native reserve, known as Otuhuia, and recommended to be subsequently granted to the Public Trustee in trust for the beneficial owners: And whereas on the thirtieth day of August, nineteen hundred, the Crown sold to one Jessie McL'Dowie a portion (now known as Section 14, Block V, Nukumarū Survey District) of the said area, comprising one hundred and nineteen acres three roods and sixteen perches: And whereas by Order in Council dated the twenty-fourth day of October, nineteen hundred and ten, Otuhuia Block (Block V, Nukumarū Survey District), containing four hundred and thirty-six acres, more or less, was vested in the Public Trustee

Lots 16B to 22B of Section 382, Okotuku, vested in Public Trustee.

under and subject to the provisions of the West Coast Settlement Reserves Act, 1892: . And whereas it is desirable that other Crown lands shall be vested in the Public Trustee by way of exchange for the area sold as aforesaid by the Crown: Be it therefore enacted,—

- (a.) Lots 16B, 17B, 18B, 19B, 20B, 21B, and 22B of Section 382, Okotuku Survey District, are hereby vested in the Public Trustee in fee-simple, under and subject to the provisions of the West Coast Settlement Reserves Act, 1892, upon trust for the beneficial owners of the said Otuhuia Block.
- (b.) For the purpose of ascertaining the beneficial owners of the said Otuhuia Block, the said lots of Section 382, Okotuku Survey District, shall be deemed to form part of and be dealt together with that block.

Chief Judge
authorized to amend
orders of Appellate
Court relating to
Kohumaru Block,
Mangonui.

23. (1.) The Chief Judge of the Native Land Court is hereby authorized and directed to amend the orders of the Native Appellate Court dated the twenty-fourth day of June, nineteen hundred and two, in respect of Kohumaru Block, Mangonui, in the Auckland Native Land Court District, so far as those orders relate to the division of that land and the definition of relative interests.

(2.) For the purposes of this section the Chief Judge may refer any matter relating to the said land to the Native Land Court for inquiry and report.

Validating orders of
the Court *in re*
Lot 99, Parish of
Onewhero, and
Lot 201, Parish of
Karamu.

24. (1.) The orders of the Native Land Court ascertaining the Natives who are beneficially entitled respectively to the lands described in the Second Schedule hereto, and defining their shares, which orders were made in pursuance of the jurisdiction conferred upon the Court by Orders in Council dated respectively the twenty-second day of October, nineteen hundred and six, and the seventh day of October, nineteen hundred and seven, shall be deemed to be freehold orders under the Native Land Act, 1909, and shall be capable of registration as such.

(2.) The District Land Registrar is authorized and directed, on the application of the Chief Judge, to cancel the original certificate of title or Crown grant, as the case may be, and to issue new instruments of title in accordance with the aforesaid orders of the Court.

(3.) The provisions of this section shall not invalidate any valid alienation made in respect of the said lands before the passing of this Act.

Vesting Native-
school site at
Waimana in
the Crown.

25. Whereas a piece or parcel of land, containing three acres, more or less, being portion of Waimana 1 C 1c Block, in the County of Whakatane, and shown on the plan of that block as the Native-school site, was intended to be set aside as a site for a Native school: And whereas the reservation of such site was never legally completed: And whereas school buildings were established upon such site, and a school conducted by the Education Department for many years: And whereas it is expedient that the intention to set aside the said land should be carried into effect: Be it therefore enacted that the Native Land Court is hereby authorized and directed to make an order vesting the said area of three acres in His Majesty the King as a site for a Native school under the Education Act, 1908, and to amend, to the extent that is necessary for the purposes of this section,

the orders of the Native Land Court or of the Native Appellate Court affecting the said Waimana 1 C 1c Block.

26. (1.) The Public Trustee is hereby authorized and directed to transfer the portion of Nuhaka No. 3 Block, otherwise known as Waikokopu Native Reserve, in the County of Wairoa, now held by him, to the beneficial owners thereof according to their relative interests, subject to all valid incumbrances, liens, and interests affecting the same.

Public Trustee to transfer Waikokopu Native Reserve to beneficiaries.

(2.) The District Land Registrar shall, upon the registration of such transfer, issue a certificate of title to the persons named in such transfer according to their respective interests, and thereupon the said land shall cease to be a Native reserve and shall become and be deemed to be Native freehold land within the meaning of the Native Land Act, 1909.

(3.) The cost of the transfer and of the proceedings necessary to vest the title in the beneficial owners shall, without other authority than this Act, be advanced by the Public Trustee out of the common fund of the Public Trust Office, and shall, together with any other lawful liens or charges due to the Public Trustee in respect of the said land, constitute a charge thereupon.

27. Whereas, in an action brought by Sarah Ruth Cooper and others against John Coleman and others, in the Supreme Court, Gisborne (No. 878), the plaintiffs sought a decree of the Supreme Court directing the defendant, John Coleman, as trustee, to convey a certain portion of Paritu No. 4 Block, in the Gisborne Native Land Court District, to the said plaintiffs: And whereas the case has on many occasions been before the Supreme Court, and, the question of jurisdiction being raised, it was decided by the Supreme Court that it could not grant the prayer for relief made to it in the action, and it is doubtful whether or not the Native Land Court has jurisdiction to decide the questions at issue: And whereas the Supreme Court, the Judge of the Native Land Court of the district, and the Stipendiary Magistrate in Gisborne have all expressed opinions that full power should be given to the Native Land Court to settle and determine all questions arising in the action or incidental thereto, and any other question which it may be necessary to determine to bring the matter to a final settlement: Be it hereby enacted that the Native Land Court shall have full power, jurisdiction, and authority to settle all questions in the said action (No. 878), or incidental thereto or in anywise arising therefrom, and the decision of the Native Land Court shall be final and conclusive; and in exercising such jurisdiction the said Native Land Court may take into consideration the equities subsisting between the parties to the said suit, and shall have equitable jurisdiction to give such decision as shall in its opinion be just and equitable to the said parties.

Native Land Court empowered to settle all questions in regard to action No. 878, Supreme Court, Gisborne, relating to Paritu No. 4 Block.

28. (1.) The Chief Judge is hereby authorized to refer to the Native Land Court, or to any Judge or Commissioner thereof, for inquiry and report, the claims and allegations made by the respective petitioners in the petitions set out in the Third Schedule hereto.

Chief Judge may refer matters mentioned in the Third Schedule to Court, or a Judge or Commissioner, and Native Minister may refer matters in the Fourth Schedule to a Board, for investigation and report.

(2.) The Chief Judge may, upon such inquiry and report, make to the Native Minister such recommendations as appear to accord with the equities of each case.

(3.) The Native Minister may refer to a Maori Land Board for inquiry and report the claims and allegations made by the respective petitioners in the petitions set out in the Fourth Schedule hereto, and the Board may make such recommendations as appear to accord with the equities of each case.

(4.) Every report and recommendation under this section shall be laid before Parliament on as early a date as possible, and shall be referred to the Native Affairs Committee of that House of Parliament which dealt with the petition the subject of such recommendation.

Repeal.

29. (1.) The Acts referred to in the Fifth Schedule hereto are hereby repealed to the extent indicated in that Schedule.

(2.) All proceedings pending in the Native Land Court or the Native Appellate Court, or before the Chief Judge, or before a Maori Land Board, or before the Governor or the Governor in Council, at the date of the passing of this Act under any enactment hereby repealed may be continued and completed in the same manner as if this Act had not been passed.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

THE lands to be conveyed by Donald Fraser to the undermentioned Natives are—

1. Whaiti-Kuranui No. 2c West, being the whole of the land described in Volume 127, folio 117, of the Register - book in the Auckland Deeds Registration Office, containing 39 acres 2 roods 22 perches, to be transferred and conveyed to Timiuha Taiporutu.

2. Whaiti-Kuranui No. 2c West, being the whole of the land described in Volume 82, folio 61, of the said Register-book, containing 101 acres: 107 shares to be transferred and conveyed to Mere Timiuha, and 10 shares each to her children Kerehama Miriama, Ihiroa, Wereta, Mauriohoo, Tiemi Erina, Tohunga, and Atareta.

3. Rangitikei-Manawatu C Block No. 7A, being the whole of the land in Volume 37, folio 215, of the Register - book of the Wellington Deeds Registration Office: 54 shares to be transferred and conveyed to Wereta Kimate and 10 shares to each of his children Ngakuku, Te Waenga, Tima, and Rewi.

SECOND SCHEDULE.

1. ALL that piece or parcel of land, containing 4,314 acres, more or less, being Allotment 99 of the Parish of Onewhero, and being the whole of the land comprised in certificate of title, Volume 20, folio 39, of the Register - book of the District Land Registrar at Auckland.

2. All that piece or parcel of land, containing 551 acres, more or less, and numbered 169N, being Allotment 201 of the Parish of Karamu, or Whatawhata, and being the land comprised in a Crown grant dated the 2nd day of August, 1866, in favour of Hami Ngaropi and others, excepting thereout the land comprised in conveyances numbered 1219, 71183, 73463, 73639, and 77606, in the office of the Registrar of Deeds at Auckland.

THIRD SCHEDULE.

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

1. PETITION No. 260 of 1897.—Wi Kingi Hori and others: Praying that legislation may be passed to enable them to obtain their rights in Pourewa Island, near Tologa Bay.
2. Petition No. 1212 of 1901.—Ripeka Tiria and others: Praying for readjustment of succession to certain deceased owners in Okaunga and Opuu Blocks.
3. Petition No. 916 of 1904.—Karaitiana Ruru and others: Praying for a readjustment of the partition of Tangutuhanui Block.
4. Petition No. 170 of 1905.—H. te Kani Pere and others: Alleging that they have been wrongfully deprived of their land, Okahuatui No. 1A Block, and praying for inquiry and restitution.
5. Petition No. 231 of 1905.—Pera Hikumate and others: Praying for return of 620 acres of Okahuatui No. 1 Block, alleged to have been wrongfully included in the sale of the above block.
6. Petition No. 827 of 1907.—Heneriata Haeata: Praying that the present documents of title to Whakapaupakihi No. 4 Block be cancelled, and that legislation be passed remedying the wrong suffered by the petitioner, so that she may be sole owner in the said block.
7. Petitions No. 74 of 1908 (Heteraka Manihera and others), No. 569 of 1908 (Hoori Puriri), and No. 570 of 1908 (Marama Tahere): Praying for further investigation of Taraire Nos. 1 and 2 Blocks.
8. Petition No. 225 of 1908.—Te Haenga Paretipua and others: Praying for relief on account of not having been included as part owners of Ohuia No. 1 Block.
9. Petition No. 500 of 1908.—Eruera Te Kura and others: Alleging that on the subdivision of Whangara Block and the definition of relative interests, and on the adjustment as between owners who had sold to one Seymour and those who had not sold, and in the allocation of shares, the non-sellers suffered injury.
10. Petition No. 501 of 1908.—Raunateri Patuone and others: Praying that the partition order of Whakanekeneke Block, situated at Hokianga, may be set aside, and that other orders may be made in accordance with facts.
11. Petition No. 548 of 1908.—Kararaina Kaimoana and others: Praying for legislation to amend the list of owners and the definition of relative interests in Hereheretau No. 2 Block.
12. Petition No. 435 of 1909.—Kopu Erueti and others: Praying for legislation in connection with Tunapahore Block.
13. Petition No. 224 of 1909.—Mere Horomona and others: Praying for inclusion in the title of Tutuotekaha No. 1 Block.
14. Petition No. 258 of 1910.—Materua te Ngaio and others: Praying that the grantees be declared trustees on behalf of persons not included in the title of Nukutaaurua Block.
15. Petition No. 272 of 1910.—Ruku Hinaki and others: Praying that the succession orders made appointing successors to the interests of Paraire Whakatare in Kaiti and other blocks be amended so as to include other persons entitled to succeed.
16. Petition No. 273 of 1910.—Tieki Peka: Praying for inclusion in the title of Ngamoe Block.
17. Petition No. 357 of 1910.—H. Kereama and others: Praying for an inquiry into Matamata North Block.
18. Petition No. 611 of 1910.—Rangitaniwha Pihama: Praying for legislation to enable an appeal *re* succession to Hone Pihama in Mangamingi No. 1 Block.
19. Petition No. 732 of 1910.—Kahu Karewao and others: Praying for legislation to enable alteration in the boundaries of Waimarino Native Reserves C and D.
20. Petition No. 597 of 1910.—Hape Renata and others: Praying for an inquiry into the title of Te Unuunu Block.
21. Petition No. 2 of 1909 (Legislative Council).—Ngamako te Rango and another: Praying for special legislation to annul the decision of the Native Land Court whereby certain lands of their deceased sister, Ngakaraihe te Rango, were awarded to persons not entitled to succeed.

FOURTH SCHEDULE.

PETITIONS TO BE REFERRED TO A MAORI LAND BOARD.

1. PETITION No. 395 of 1909.—Henry Cook: Praying for validation of sale of Section 21 of Opau Native Reserve, Block II, Port Nicholson Survey District.
2. Petition No. 397 of 1909.—Christina Prouse: Praying for validation of a sale to her of Horowhenua 3E No. 2.
3. Petition No. 132 of 1910.—Thomas Bevan, senior: Praying for a Land Transfer certificate of title *re* Manawatu-Kukutauaki 4B No. 2 Block.
4. Petition No. 133 of 1910.—Arthur Drake: Praying for a Land Transfer certificate of title *re* Manawatu-Kukutauaki 4B No. 2 Block.

FIFTH SCHEDULE.

- 1894, No. 45.—The Native Land Claims and Boundaries Adjustment and Titles Empowering Act, 1894: Paragraphs (1) and (4) of section 5.
- 1898, No. 39.—The Reserves, Endowments, and Crown and Native Lands Exchange, Sale, Disposal, and Enabling Act, 1898: Sections 32 and 34.
- 1901, No. 65.—The Native Land Claims Adjustment and Laws Amendment Act, 1901: Sections 3, 23, and 29.
- 1904, No. 49.—The Maori Land Claims Adjustment and Laws Amendment Act, 1904: Section 16.
- 1906, No. 51.—The Maori Land Claims Adjustment and Laws Amendment Act, 1906: Sections 3 and 29.
- 1908, No. 253.—The Maori Land Laws Amendment Act, 1908: Sections 38 and 41.