

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Section 7 of the Native Land Claims Adjustment Act, 1910, amended. 3. Extending period of Kaiapoi Reserve Act, 1910. 4. Giving effect to recommendations of Maori Land Board under section 28 of the Native Land Claims Adjustment Act, 1910. 5. Giving effect to recommendations of the Chief Judge under section 28 of the Native Land Claims Adjustment Act, 1910. 6. Public Trustee may sell shares in Tokomaru Sheep-farmers' Freezing Company (Limited), and company may purchase same. 7. Power to revoke certain Orders in Council. 8. Section 40 of Maori Land Laws Amendment Act, 1908, amended. 9. Peppercorn rental for lands leased under Westland and Nelson Native Reserves Act, 1887, for religious or educational purposes. | <ol style="list-style-type: none"> 10. Section 3 of Native Land Claims Adjustment Act, 1910, extended. 11. Section 4 of the Westland and Nelson Native Reserves Act, 1887, amended. 12. Power of Native Land Court on partition of certain lands in the Urewera District Native Reserve. 13. Authorizing the transfer to the Crown of certain land in the Te Aroha Township. 14. Amending the East Coast Native Trust Lands Act, 1902, and Acts amending same. 15. Vesting Lot 112, Township of Kihikihi, in the Maori Land Board in trust. 16. Certain transfers validated. 17. Terms "lessee" and "sublessee" as used in Part XII, Native Land Act, explained. 18. Protecting the interests of Ngakaraihe te Rango (deceased).
Schedule. |
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1911, No. 35.

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.

Title.

[28th October, 1911.]

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, 1911. Short Title.

2. (1.) The Native Land Court is hereby authorized and directed from time to time to inquire and determine who are the persons beneficially entitled to that part of the purchase-moneys paid by the Crown for any of the blocks named in section seven of the Native Land Claims Adjustment Act, 1910, which has been or may hereafter be paid to the Public Trustee pursuant to subsection two of the said section seven. The Court shall, for the purpose of such inquiry and determination, and notwithstanding the

Section 7 of the
Native Land Claim
Adjustment Act,
1910, amended.

provisions of sections one hundred and three, one hundred and seven, and four hundred and thirty-two of the Native Land Act, 1909, or any other statutory provisions, have and exercise the jurisdiction conferred by section one hundred and four of the Native Land Act, 1909.

(2.) The Court is hereby further authorized and directed to ascertain and determine the shares in which the persons who shall be found to be beneficially entitled to such moneys are respectively entitled thereto.

(3.) From such ascertainment and determination any person interested may appeal to the Native Appellate Court, and, subject only to such right of appeal, such ascertainment and determination shall be final and conclusive.

(4.) The Court shall exercise the jurisdiction hereby conferred upon the application of any person alleging himself to be interested, or of the Native Minister, or of the Public Trustee :

Provided that no such application other than by the Minister or the Public Trustee shall be made after two years from the receipt by the Public Trustee of the moneys in respect whereof the application is made.

(5.) The time within which application may be made under subsection one of section seven of the Native Land Claims Adjustment Act, 1910, is hereby extended until the thirty-first day of March, nineteen hundred and twelve.

(6.) Subsection two of section seven of the Native Land Claims Adjustment Act, 1910, is hereby amended by omitting therefrom the words "land mentioned in paragraph (a) of," and substituting therefor the words "lands mentioned in"; and by inserting, after the word "Crown" in paragraph (b) thereof, the words "or the Maori Land Board of the district in which the said land is situated."

Extending period of
Kaiapoi Reserve
Act, 1910.

3. Section five of the Kaiapoi Reserve Act, 1910, is hereby amended by omitting the word "eleven," and substituting therefor the word "twelve."

Giving effect to
recommendations of
Maori Land Board
under section 28 of
the Native Land
Claims Adjustment
Act, 1910.

4. To give effect to the recommendations of the Maori Land Board of the Ikaroa Maori Land District on certain petitions referred to it under section twenty-eight of the Native Land Claims Adjustment Act, 1910, it is hereby enacted as follows:—

(a.) The transfer dated the fourth day of August, eighteen hundred and ninety-seven, from Warena Hunia and Raraku Hunia of their interests in Horowhenua 3E No. 2 Block to Christina Prouse, is hereby validated as from the date thereof, and the District Land Registrar is hereby authorized to register such transfer :

(b.) The conveyance dated the eighteenth day of October, eighteen hundred and ninety-four, from the owners of Section 21, Opau Native Reserve, situate in Block II, Port Nicholson Survey District, to Henry Cook, is hereby validated as from the date thereof, and the District Land Registrar is hereby authorized to register the same :

(c.) A charge is hereby imposed in favour of Thomas Bevan, senior, against the interest of Hakaraia te Whena or his

successors in Manawatu-Kukutauaki 4B No. 2 Block, to the extent of any moneys paid by the said Thomas Bevan, senior, to the said Hakaraia te Whena by way of purchase of such interest:

- (d.) For the purpose of enforcing the charge imposed under paragraph (c) hereof the Board is hereby appointed receiver in respect of the interest charged, and shall be deemed to be a receiver appointed under section thirty-one of the Native Land Act, 1909, with power to take accounts between the parties, and to determine the amount to be charged.

5. (1.) To give effect to the recommendations of the Chief Judge under section twenty-eight of the Native Land Claims Adjustment Act, 1910, the Native Land Court is authorized and directed—

Giving effect to recommendations of the Chief Judge under section 28 of the Native Land Claims Adjustment Act, 1910.

- (a.) To inquire and determine whether on the original investigation of the title of the block formerly known as Whakanekeneke, in the County of Hokianga, Ani Ngakete, Te Pawa, Patu Hohaia, Kaiaho Hohaia, Hoana Hohaia, Raunateri Hohaia, Ripia Hohaia, and Ngakete Hapeta, or any of them, have as between themselves been awarded more or less shares than they were equitably entitled to, and to readjust such shares in as equitable a manner as possible in the block now known as Whakanekeneke, after taking into account, if necessary, the allotment of shares made in other divisions of the original block, with power to amend the existing order for Whakanekeneke accordingly, including the power to add the names of any of the persons mentioned for the balance of the shares to which the Court may find them entitled:
- (b.) To cancel the order dated the thirteenth day of June, eighteen hundred and ninety, appointing successors to Hone Pihama, deceased, in Mangamingi No. 1 Block, and any subsequent order affecting the same, and to make a fresh order appointing successors to the said Hone Pihama, deceased:
- (c.) To make orders vesting the lands known as Waimarino C and Waimarino D Blocks in the persons entitled thereto, as set out in the *Kahiti* of the fifteenth day of May, eighteen hundred and ninety-five, substituting where necessary or advisable the representatives of such persons as may be dead. The Court may combine the two blocks in one order as if no boundary-line between them existed, and any order of the Court made under this paragraph of this section shall be deemed to be a freehold order under the Native Land Act, 1909, and may be antevested to such date as the Court appoints:
- (d.) To inquire and determine whether any persons who claim to be entitled to be admitted as owners of Pourewa Island, in the Gisborne Native Land Court District, have been omitted from the original title although entitled to be included therein, to declare such persons to be part-

owners of the said land, and to amend the title by adding the names of such persons, substituting, if necessary, the proper representatives of such as are dead, with power to the Court, if it thinks fit, to cancel or amend any orders made subsequent to the date of the original title.

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

Public Trustee may sell shares in Tokomaru Sheep-farmers' Freezing Company (Limited), and company may purchase same.

6. (1.) The Public Trustee is hereby authorized to sell to the Tokomaru Sheep-farmers' Freezing Company (Limited), at such price as he considers reasonable, the shares allotted to him in the said company, pursuant to the provisions of the Tokomaru Freezing-works Site Act, 1909, and the said company, notwithstanding any rule of law to the contrary, is hereby authorized to purchase and hold such shares.

(2.) The purchase-money to be received as aforesaid by the Public Trustee shall be paid by him to the owners thereof in the proportions determined by the Native Land Court, pursuant to section five of the aforesaid Act.

Power to revoke certain Orders in Council.

7. (1.) Notwithstanding anything in the Native Land Act, 1909, the Governor may by Order in Council revoke, either wholly or as to any part or parts of the land included therein, any Order in Council made by the Governor under powers conferred on him in that behalf by the said Act or by any other Act whereby any of the lands mentioned in the First Schedule hereto have been declared to be subject to any of the provisions or to any part of the said Act; and thereupon the land so subject to such provisions or part of the said Act shall, to the extent of the revocation, cease to be so subject.

(2.) Any land which has been vested in any Maori Land Board by virtue of any Order in Council so revoked shall immediately upon such revocation, without conveyance or transfer, be vested in the owners for the time being beneficially entitled thereto in accordance with their respective interests.

(3.) No Order in Council shall be revoked until and unless the Governor is satisfied that the following conditions have been fulfilled:—

- (a.) That the Native owners or other persons so equitably entitled to any area of land desire the land to be so re-vested in them:
- (b.) That the land is not subject to any lease, license, or contract of purchase:
- (c.) That no moneys are charged on the land or on the revenues thereof in accordance with the provisions of the Native Land Act, 1909, or under any other authority.

Section 40 of Maori Land Laws Amendment Act, 1908, amended.

8. Section forty of the Maori Land Laws Amendment Act, 1908, is hereby amended as follows:—

- (a.) By inserting, after the words "Pani Karauria" in the first paragraph thereof, the words "or any person claiming through or under them or any of them respectively"; and by inserting, after the word "without" in the said paragraph, the words "themselves, or any purchaser or sub-purchaser, lessee or sublessee."

(b.) By inserting, after the words "apply to" in the third paragraph thereof, the words "that part of"; and by adding, at the end of the said third paragraph, the words "which is included in the leases to Gertrude Helen Meinertzhagen."

(c.) By adding, at the end of the first paragraph of the said section, the following: "If any such lands shall be offered by public auction and not then sold or leased by reason of the reserve prices or rents not being bid, such lands so unsold or unlet at auction may be thereafter sold or leased by contract without auction, and all the provisions of this section shall apply to such sales and leases by contract in the same manner and to the same effect as if such sales or leases had been by public auction."

9. After the coming into operation of this Act, in all leases of land now existing or hereafter granted under the provisions of the Westland and Nelson Native Reserves Act, 1887, where the land is held, used, and occupied for religious or educational purposes, other than for schools carried on for pecuniary gain or profit, it shall be lawful for the Public Trustee to reduce to a nominal rental or to such an amount as he thinks reasonable the rent of any such land so long as the same is used for any of these purposes.

Peppercorn rental for lands leased under Westland and Nelson Native Reserves Act, 1887, for religious or educational purposes.

10. The provisions of section three of the Native Land Claims Adjustment Act, 1910, shall extend and apply to Native reserves under the Westland and Nelson Native Reserves Act, 1887.

Section 3 of Native Land Claims Adjustment Act, 1910, extended.

11. Section four of the Westland and Nelson Native Reserves Act, 1887, is hereby amended by omitting the words "the fees to be paid to the valuers shall be charged to the incoming lessee," and inserting in lieu thereof the words "the valuers in making their valuation shall decide in what proportion the fees to be paid to the valuers shall be paid by the lessor or lessee."

Section 4 of the Westland and Nelson Native Reserves Act, 1887, amended.

12. (1.) The Native Land Court is hereby authorized and directed, on partition of Ruatoki Nos. 1, 2, and 3 and Te Whaiti Blocks, in the Urewera District Native Reserve, to define the tribal or hapu boundaries, and for the purpose to cancel, if necessary, so much of the existing orders relating to the said lands or any of them as determined the relative interests; and to determine as between members of a tribe or hapu after allocation of their portion the relative interests to which they are entitled.

Power of Native Land Court on partition of certain lands in the Urewera District Native Reserve.

(2.) The Court may in the proceedings inquire and determine whether any person claiming to be entitled has been wrongly omitted from the title, or whether any person included in the title was wrongly included, and to amend the list of owners accordingly.

13. Whereas George Lipsey and Ani Edwards, as executors of the will of Ema Mokena Ripihia, the deceased wife of the said George Lipsey and mother of the said Ani Edwards, became the registered proprietors under the Land Transfer Act of the portion of the Township of Te Aroha known as Section 17D No. 1, Block IX, Te Aroha Survey District, comprised in certificate of title, Volume 166, folio 173, of the Register-book of the Auckland Land Registration District: And whereas, for the purpose of raising money for the payment of the debts of the said Ema Mokena Ripihia, the said George Lipsey

Authorizing the transfer to the Crown of certain land in the Te Aroha Township.

and the said Ani Edwards thereafter sold certain portions of the land comprised in the said certificate of title to the Crown : And whereas it is now expedient that the Crown should acquire the balance of the land so comprised as aforesaid : Be it therefore enacted as follows :—

(1.) Notwithstanding any conditions, restrictions, or limitations in the will of Ema Mokena Ripihia, or otherwise howsoever, the registered proprietors of the unsold portion of the land comprised in certificate of title, Volume 166, folio 173, of the Register-book of the Auckland Land Registration District, may execute a transfer thereof to the Crown provided the surviving beneficiaries under the said will join in the execution of such transfer as consenting parties, and thereafter the title of the Crown to the land or any portion thereof comprised in the said certificate of title shall not be called in question by any proceedings whatsoever in the Native Land Court or in any Court of law or equity, nor shall any action lie against the said George Lipsey and Ani Edwards for anything done by them in accordance with the provisions of this section either before or after the passing thereof.

(2.) The purchase-money for the said land shall be paid out of moneys appropriated or available for the purchase of Native lands to the said George Lipsey and Ani Edwards as trustees of the will of the said Ema Mokena Ripihia, and shall be held by the said George Lipsey and Ani Edwards upon the same trusts as those upon which the said land was held ; and the receipt of the said George Lipsey and Ani Edwards for the said purchase-money shall effectually discharge the Crown from any claim or demand whatsoever either by the said George Lipsey or Ani Edwards or by any beneficiary under the said will.

14. The East Coast Native Trust Lands Act, 1902 (hereinafter in this section referred to as the Act of 1902), and section twenty-two of the Maori Land Claims Adjustment and Laws Amendment Act, 1906, and section eleven of the Maori Land Claims Adjustment and Laws Amendment Act, 1907 (hereinafter in this section referred to as the Act of 1907), are hereby amended as follows :—

(1.) The Commissioner shall have and be deemed to have always had, in addition to the powers conferred by the Act of 1907, full power and discretion to sell, lease, or mortgage any lands vested in him as such Commissioner, including lands so vested pursuant to section eleven of the Act of 1902, or otherwise ; and the provisions of this paragraph shall be deemed to be incorporated in any deed or agreement executed pursuant to section twelve of the Act of 1902.

(2.) The Commissioner shall have and be deemed to have always had full power and discretion to raise moneys for any purposes of the whole or of any part of the trust estates vested in him, and to mortgage or charge all such trust estates together, or any one or more of such trust estates, for the purpose of securing moneys advanced or to be advanced to the Commissioner for the purposes of the general trust, or for the purposes of any special trust, whether such special trust relates or not to the blocks mortgaged or charged. The provisions of paragraph (j) of the Act of 1907 shall apply in respect of every mortgage or charge heretofore or hereafter executed or granted by the Commissioner. In the Commissioner's

Amending the
East Coast
Native Trust
Lands Act, 1902,
and Acts
amending same.

accounts each separate trust estate shall be charged only with such part of such moneys so raised as have been or are intended to be applied for the benefit of such estate, in addition to a due proportion of the general charges of administration.

(3.) The Commissioner shall once at least in each year submit to the Native Land Court accounts setting forth all moneys received and expended by him, and the manner in which he has credited or debited, or proposes to credit or debit, each trust estate in respect thereof. The Commissioner shall at the same time lodge with the Native Land Court as many copies of such accounts as there are trust estates, and the Court shall cause one copy to be supplied to a beneficiary to be nominated by the Court for each such estate. The Native Land Court shall, after giving an opportunity to the beneficiaries to be heard in connection therewith, consider such accounts, and may direct any alteration therein. Subject only to such alterations as it requires, the Native Land Court shall confirm such accounts, and upon such confirmation the same shall become binding upon and finally and conclusively determine and ascertain the rights of all parties interested in the matter of such accounts. The Native Land Court or the Minister may, if either thinks fit, require a special audit of any such accounts before the final confirmation thereof. The general expenses of the administration of the trust shall be distributed over the several trust estates as the Commissioner determines, subject to confirmation by the Native Land Court.

(4.) The Commissioner shall submit the previous accounts of the Board and the Commissioner's accounts previous to the passing of this Act to the Native Land Court, which shall, after giving an opportunity to the beneficiaries to be heard in connection therewith, consider such previous accounts, and may direct any alterations therein. Subject only to such alterations as it requires, the Native Land Court shall confirm such previous accounts, and upon such confirmation the same shall become binding upon and finally and conclusively determine and ascertain the rights of all parties interested in the matter of such accounts.

(5.) All moneys received by the Commissioner from all or any of the estates vested in him shall be paid into one banking account in the name of the Commissioner, unless in any particular case it shall appear to the Commissioner or to the Native Land Court expedient to keep a separate banking account for the funds of any special trust.

(6.) The provisions of section four hundred and twenty-four of the Native Land Act, 1909, shall hereafter apply to every trust estate vested in the Commissioner; and no Native beneficiary under any trust shall hereafter be capable of making any charge or other disposition, except an assignment by will of the interest of such beneficiary in such trust estate, or in the rents, profits, or income thereof, or in any moneys raised upon the security thereof.

(7.) The Native Land Court may at any time, if it think fit, in respect of any particular trust estate not comprised in any mortgage or charge executed by the Commissioner and not further required by any scheme of adjustment to provide moneys for the relief of any other estate, order that such estate shall be transferred to the

beneficiaries ascertained by such Court to be entitled thereto, and upon such order taking effect the Commissioner shall be discharged of his trust in respect of such estate. No such order shall take effect until the Minister has signified in writing his approval thereof.

Vesting Lot 112,
Township of
Kihikihi, in the
Maori Land
Board in trust.

15. Whereas a Crown grant, bearing date the twenty-sixth day of March, eighteen hundred and eighty-one, recorded in Register A, Volume 102, folio 190, in the General Crown Lands Office, Wellington, and numbered 20782, was issued to Rewi Maniapoto (a chief of the Ngatimaniapoto Tribe), and from and after his decease to Rangituatea (a chief of the Ngatimaniapoto Tribe), Tukorehu (a chief of the Ngatimaniapoto and Waikato Tribes), and Hitiri te Paerata (a chief of the Ngatiraukawa Tribe) for Allotment No. 112 of the Township of Kihikihi, containing one acre and twenty-eight perches, or thereabouts, to hold the said allotment to the said Rewi Maniapoto for his life without impeachment of waste, and after his decease to hold to the said Rangituatea, Tukorehu, and Hitiri Paerata, their heirs and assigns, upon trust for Nia te Kare, the daughter of the said Rewi Maniapoto, during her life, for her own sole and separate use without impeachment of waste; and after her death for such one of the children of the said Nia te Kare as she should by deed or will appoint; and in default of such appointment, then in trust for the eldest or only child of the said Nia te Kare absolutely; and if the said Nia te Kare should die without leaving any child her surviving, then upon trust absolutely for such chief of the Ngatimaniapoto Tribe as the Native Land Court shall by an order under the seal declare to occupy the same position in relation to the said tribe as was then occupied by the said Rewi Maniapoto: And whereas the said Rewi Maniapoto, Rangituatea, and Hitiri te Paerata have since died: And whereas the said Tukorehu is aged and infirm: And whereas the said Nia te Kare predeceased the said Rewi Maniapoto without leaving any child surviving: And whereas the trusts set out in the said Crown grant have become inoperative and inexpedient, and should now be set aside: Be it therefore enacted as follows:—

(1.) The Crown grant for Allotment No. 112 of the Township of Kihikihi is hereby cancelled, and the said allotment is hereby vested in the Maniapoto-Tuwharetoa Maori Land Board upon such trusts and for such purposes as the Governor may from time to time, by notice in *Gazette* and *Kahiti*, decide, the interests of the Ngatimaniapoto Tribe and the Native race generally being paramount.

(2.) The District Land Registrar may issue a certificate of title to the Maniapoto-Tuwharetoa Maori Land Board for Allotment No. 112 of the Township of Kihikihi, without any further or other authority than this section, but subject always to the provisions thereof.

Certain transfers
validated.

16. The transfers mentioned in the Second Schedule hereto are hereby validated as from the dates thereof respectively, and the District Land Registrar of the Gisborne District is hereby authorized and directed to register the same.

Terms "lessee"
and "sublessee"
as used in
Part XII,
Native Land
Act, explained.

17. (1.) Whereas doubts have arisen as to the meaning of Part XII of the Native Land Act, 1909 (relating to limitation of area), it is hereby declared that the terms "lessee" and "sublessee," as used in that Part of the said Act, include, and at all times hereto—

fore have included, a lessee by assignment and a sublessee by assignment respectively.

(2.) Nothing in Part XII of the Native Land Act, 1909, shall prevent or be deemed to have prevented the assignment or subletting of a leasehold estate in Native land (whatever the area thereof) created before the commencement of that Act to any person who does not already, at the time when he so acquires an interest in that land, hold any other land (whether Native, European, or Crown land) exceeding nine thousand acres (calculated in accordance with that Part of the said Act) as the beneficial owner, lessee, or sublessee thereof, whether at law or in equity, and whether solely or jointly or in common with any other person.

(3.) Nothing in Part XII of the Native Land Act, 1909, shall prevent or be deemed to have prevented the assignment or subletting of a leasehold estate in Native land (whatever the area thereof) created after the commencement of that Act to any person who does not already, at the time when he so acquires an interest in that land, hold any other land (whether Native, European, or Crown land) exceeding three thousand acres (calculated in accordance with that Part of the said Act) as the beneficial owner, lessee, or sublessee thereof, whether at law or in equity, and whether solely or jointly or in common with any other person.

(4.) This section shall be read together with and be deemed to be incorporated in Part XII of the said Act.

(5.) This section shall not affect any action or other proceeding commenced in any Court on or before the first day of October, nineteen hundred and eleven.

18. Whereas a petition of Taiuru te Rango and others in relation to the succession to the interests of Ngakaraihe te Rango (deceased) was presented to Parliament, and was referred to the Native Affairs Committee of the House of Representatives: And whereas the said Committee has postponed consideration of the said petition until the next ensuing session of Parliament, and it is desirable that, pending such consideration, the interests of the said deceased in any Native freehold land should be protected as hereinafter mentioned: Be it therefore enacted as follows:—

Protecting the
interests of
Ngakaraihe te
Rango (deceased).

The interests of the said Ngakaraihe te Rango (deceased) in any Native freehold land are hereby declared to be inalienable for a period of one year from the passing of this Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

Name of Block.	Maori Land District.
Whataipu A and B	Tokerau.
Waima North A, Nos. 1, 2, 3, 4, and 5
Kakepuku No. 2A	Waikato-Maniapoto.
Kaitao Nos. 2A and 2B	} Waiariki.
Puketawhero A	
Owhatiura South No. 7	
Paengaroa South Nos. 2, 3, 4, 5, 6A, 6B, 6C, 7, 8, 9, and 10	
Irihanga No. 2	
Ohauti No. 1	
Paengaroa No. 2	
Pukemapou	
Tauwharawhara	
Tahawai, Lot 21	
Waimanu Nos. 1B, 1D, 1E, 1F, 1G, 2A, 2B, and 2C	

SECOND SCHEDULE.

TRANSFERS VALIDATED.

Date.	Land affected.	Parties.
7th June, 1892	Rotokautuku 5B	Henare Takeke to Benjamin Cotton Milner.
8th August, 1893	Rotokautuku 2H	Hamiora Oretahi to William Milner.
1st November, 1893	Rotokautuku 20	Papi Tikanga to George Travers.
24th July, 1894	Rotokautuku 2G	Horiana te Atahaia and others to George Dixon.
5th September, 1894	Rotokautuku 2G	Wi Haereroa and others to George Dixon.
2nd September, 1895	Rotokautuku 2G	Pimiha Pahu and others to George Dixon.
5th June, 1899	Rotokautuku 2G	Epiniha Tamauahi and others to George Dixon.
3rd March, 1903	Rotokautuku 2G	Horomona Teo Paipa and others to George Dixon.