

New Zealand.

ANALYSIS.

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| Title. | |
| 1. Short Title. | 8. Lease acquired by beneficial owner to be deemed to have merged in the freehold. |
| 2. Native Land Court may amend or cancel and make new succession order to correct error or omission. | 9. Native Land Court may effect exchanges in absence of parties. |
| 3. Native beneficial owner may alienate by way of gift. | 10. Public Trustee to disburse certain capital funds to beneficial owners. |
| 4. Court may declare tribal burial-place or fish landing-place to be tribal land. | 11. Partition to take effect from date made, for certain purposes. |
| 5. Ngatirangitumamao Block, name changed to Ngaruahine Block. | 12. Public Trustee to pay rents from 31st December, 1915. |
| 6. Court may consolidate interests in Ngaruahine and other blocks, and amend orders if necessary. | 13. Declaring lands described in First Schedule to Pariroa Native Reserve Act, 1901, to be "unsettled reserves." |
| 7. Court may vest and re-vest general kainga, urupa, or tauranga waka. | 14. Mortgages may be transferred to new leases. |

1915, No. 62.

AN ACT to amend the Laws relating to the West Coast Settlement Reserves. Title.
[11th October, 1915.]

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 West Coast Settlement Reserves Amendment Act, 1915. Short Title.

2. In the course of any proceeding before the Native Land Court affecting any land granted under the West Coast Settlement (North Island) Act, 1880, and the West Coast Settlement Reserves Act, 1881, the Court, with the written consent of any party entitled under a succession order as to any interest in such land, may inquire into any error or omission admitted to have been made in the making of such order, and, after notice to any parties whom the Court may consider ought to be represented before it, may, by order, amend or cancel any such succession order, and make any other order in lieu thereof as in the circumstances to it seems just. Native Land Court may amend or cancel and make new succession order to correct error or omission.

3. Notwithstanding the restrictions on alienation contained in any Crown grant of land affected by the West Coast Settlement Reserves Amendment Act, 1913, it shall be lawful for any Native Native beneficial owner may alienate by way of gift.

beneficial owner thereunder, or his successor, to alienate by way of gift any part of his interest to any other Native :

Provided the Native donor does not thereby render himself landless within the meaning of this term in the Native Land Act, 1909 :

Provided also that such intended gift is made in open Court, and the Court is satisfied that it is made *bona fide*, and is not made for the express purpose of defeating the donor's dependants or next-of-kin, and the Native Land Court may, by order, vest the interest so intended to be alienated as the donor may by writing request.

Court may declare tribal burial-place or fish landing-place to be tribal land.

4. In cases where a Crown grant has issued under the West Coast Settlement (North Island) Act, 1880, to an individual or individuals without any trust expressed in respect of any areas of land not exceeding thirty acres formerly used as a tribal burial-place or fish landing-place, the Court is hereby empowered, after notice to any persons interested and after due inquiry, by order, to declare that any such small area is tribal land, and to award the same to the true owners thereof according to Maori custom.

Ngatirangitumamao Block, name changed to Ngaruahine Block.

5. The block of land hitherto known as "Ngatirangitumamao," containing two thousand five hundred and five acres, situated in the Cape Survey District, and comprised in Crown Grant No. 4036, shall hereafter be called and known as "Ngaruahine" Block, but without altering the legal or beneficial ownership thereof as heretofore existing.

Court may consolidate interests in Ngaruahine and other blocks, and amend orders if necessary.

6. The Court is hereby empowered to consolidate the interests in the lands known as Ngaruahine (Ngatirangitumamao), Crown Grant No. 4036; Ngatimoeahu Block, Crown Grant No. 3945; Te Upokomutu Block, Crown Grant No. 3946; and Parihaka Kainga, Crown Grant No. 4041. If on the proceedings on any such consolidation it shall appear to the Court that the name of any person has been included in the Crown grant therefor erroneously, and without regard to Native custom of ownership, the Court may, by order, delete any such name from the title or reduce the share appurtenant to such name, and may include, for such shares as to the Court shall seem just, the names of any persons who, according to Native custom, are entitled to be included therein if the Court is satisfied that such names ought not to have been omitted from the said Crown grants. This provision shall not empower the Court to deprive any persons whose names have been included as grantees in any of the said grants of any interest granted in satisfaction of the award of any Compensation Court.

Court may vest and re-vest general kainga, urupa, or tauranga waka.

7. The Court is hereby empowered, by order, to vest in the Public Trustee or Maori Land Board as trustee any area used as a general kainga, urupa, or tauranga waka, and may, by order, at any time re-vest the same in the beneficial owner thereof.

Lease acquired by beneficial owner to be deemed to have merged in the freehold.

8. In the event of a lease granted by the Public Trustee under the West Coast Settlement Reserves Act, 1881, or any Act amending the same, being acquired by purchase by the beneficial owner or owners of the fee-simple of the land affected by such lease, such acquisition shall be deemed to have merged in the freehold, and the Court may, by order, direct a title to issue to the beneficial owner or owners accordingly for an estate of freehold in fee-simple.

9. In cases where the attendance before the Court of all the parties to a proposed exchange for the purpose of consolidating family interests in different blocks is, in the opinion of the Court, impracticable, the Court is hereby authorized to effect any such exchange, notwithstanding the absence of consent of any party affected, on being satisfied that the proposed exchange is mutually advantageous to all parties affected.

Native Land Court may effect exchanges in absence of parties.

10. The Public Trustee is hereby authorized and directed to disburse to the beneficial owners all capital funds in his hands arising from—

Public Trustee to disburse certain capital funds to beneficial owners.

- (a.) Payment by lessees for improvements on conversion of confirmed leases, or leases under the West Coast Settlement Reserves Act, 1881, by virtue of section eight of the West Coast Settlement Reserves Act, 1892;
- (b.) Royalties on stone or minerals removed from the lands;
- (c.) Compensation for any lands taken under the Public Works Act—

and standing to the credit of the owners of any blocks vested in or administered by him under the West Coast Settlement Reserves Acts. For the purpose of this section the beneficial owners shall be deemed to be the beneficial owners as known to him prior to any partition by the Native Land Court under the West Coast Settlement Reserves Amendment Act, 1913.

11. For the purposes of the application of section one hundred and nine of the Native Land Amendment Act, 1913, every partition made under the provisions of the West Coast Settlement Reserves Amendment Act, 1913, shall be deemed to take effect, or to have taken effect, on the making thereof, notwithstanding any of the provisions of section fifteen of the last-mentioned Act.

Partition to take effect from date made, for certain purposes.

12. (1.) Notwithstanding anything contained in section fifteen of the West Coast Settlement Reserves Amendment Act, 1913, but subject to the provisions of section sixteen thereof, it shall be lawful for the Public Trustee to pay and distribute any rents received by him in respect of lands affected by the provisions of the said section fifteen and of section twenty-one of the said Act as if the partitions provided for by the said section fifteen took effect on the thirty-first day of December, nineteen hundred and fifteen, or from the date of the partition order (whichever date is the later), and the said section fifteen is hereby amended accordingly.

Public Trustee to pay rents from 31st December, 1915.

(2.) The provisions of section sixteen of the West Coast Settlement Reserves Amendment Act, 1913, shall, so far as they relate to the disposal by the Public Trustee of the rentals arising from "the said lands" therein referred to, be deemed to take effect as from the thirty-first day of December, nineteen hundred and fifteen, or from the date of the partition order (whichever date is the later), and all rentals received by the Public Trustee in respect of the said lands up to that date shall be distributed by him among the Native owners who would have been entitled thereto had no partition orders been made by the Native Land Court pursuant to the provisions of section fifteen of the said Act.

(3.) In the case of any partition order made by the Native Land Court prior to the thirty-first day of December, nineteen hundred and

fifteen, pursuant to the provisions of section two of the West Coast Settlement Reserves Amendment Act, 1914, and affecting any portion of the reserves (other than the lands comprised in "the said leases" as defined in section two of the West Coast Settlement Reserves Amendment Act, 1913, and the "unsettled reserves" as defined in section twenty-one of that Act), the same shall be deemed to take effect as from the said thirty-first day of December, and not sooner.

Declaring lands described in First Schedule to Pariroa Native Reserve Act, 1901, to be "unsettled reserves."

13. The lands described in the First Schedule to the Pariroa Native Reserve Act, 1901, or such parts thereof as still remain vested in the Public Trustee, are hereby declared to be "unsettled reserves" within the meaning of section twenty-one of the West Coast Settlement Reserves Amendment Act, 1913, and shall be dealt with as therein provided.

Mortgages may be transferred to new leases.

14. Where at the time of the passing of the West Coast Settlement Reserves Amendment Act, 1913, any lease affected by the provisions of that Act was subject to a valid mortgage, any new lease of the same land granted or to be granted under the provisions of the said Act in extension or renewal of the lease so subject to mortgage as aforesaid shall be deemed to be charged with the payment of all principal, interest, and other moneys secured by and due under any such mortgage, and such charge shall have the same effect and confer upon the mortgagee the same rights and remedies as if such renewed or extended lease had been expressly charged or mortgaged by the said mortgage. The District Land Registrar shall make such entries on the title of any land affected and on any such new lease as shall be necessary to give effect to the provisions of this section.
