

[AS PROPOSED TO BE READ A THIRD TIME.]

Hon. Mr. J. McKenzie.

HOROWHENUA BLOCK.

ANALYSIS.

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| <ul style="list-style-type: none"> Title. Preamble. 1. Short Title. 2. Interpretation. 3. Land Transfer certificates for Divisions 6, 9, 11, 12, and 14 declared void. 4. Description of certificates to be issued in lieu thereof. 5. Vesting of lands thereupon. Proviso. 6. Cancelled dealings may be re-registered. 7. Charges upon lands belonging to Meiha Keepa. 8. Mode of registering such charges. 9. Land vested in Public Trustee to be a reserve. 10. When certain notification ceased to have effect. | <ul style="list-style-type: none"> 11. Certificate for Division 3 to be amended. 12. Direction of Court of Appeal superseded. 13. Orders in Council, judgments, &c., affecting block to be void. 14. No claim on Land Transfer Assurance Fund. 15. Powers of Court. 16. How amount payable by Queen to be determined. 17. Succession to interests of deceased Natives. 18. Right of appeal. 19. Costs of Royal Commission charged on Division 12. 20. How moneys to be held by Public Trustee. Schedules. |
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A BILL INTITULED

Title.
Preamble

AN ACT to make Provision respecting the Horowhenua Block.

WHEREAS by "The Horowhenua Block Act, 1895," it is, *inter alia*, enacted that the Governor in Council shall appoint a Royal Commission to inquire into the circumstances connected with the sales or dispositions by the Natives of any or the whole of the blocks contained in the Horowhenua Block (hereinafter called "the said block"), comprising originally about fifty thousand acres, and as to the purchase-money paid for the same, and as to what trusts (if any) the same respectively were subject to; and also that the costs and expenses of such Commission shall be charged upon such of the lands as the Commission shall determine: And whereas in pursuance of the enactment aforesaid a Royal Commission, as published in the New Zealand *Gazette* of the thirteenth day of February, one thousand eight hundred and ninety-six, consisting of James Crosby Martin, of Wellington, Esquire, Robert Smelt Bush, of Auckland, Esquire, and James Craig McKerrow, of Morrison's Run, Greytown, Esquire, was appointed to make the inquiry aforesaid: And whereas the report of the said Royal Commission and the minutes of the evidence taken thereby are published in Parliamentary Paper G.-2, of the year one thousand eight hundred and ninety-six: And whereas it is expedient to as far as practicable give effect to the recommendations in the said report set out:

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 Horowhenua Block Act, 1896."
- Interpretation. 2. In this Act, unless inconsistent with the context,—
 "The Court" means the Native Land Court:
 "Registrar" means the District Land Registrar for the Wellington Land Registration District:
 "Land Transfer Act" means "The Land Transfer Act, 1885":
 "Land Transfer certificate" means certificate of title issued under "The Land Transfer Act, 1885," or under any Act thereby repealed:
 "Dealing" means and includes transfer, transmission, mortgage, lease, or incumbrance:
 "Registered" means registered under the Land Transfer Act.
- Land Transfer certificates for Divisions 6, 9, 11, 12, and 14 declared void. 3. All Land Transfer certificates for Divisions Six, Nine, Eleven, Twelve, and Fourteen of the said block, as the said divisions are more particularly described in the *First* Schedule hereto, or for any part thereof respectively, are hereby declared void, and the Registrar is hereby directed to call in and cancel the said certificates and all entries thereon. All dealings with the said divisions or with any portion of any of them pending such cancellation are hereby prohibited.
- Description of certificates to be issued in lieu thereof. 4. The Registrar is hereby directed to issue, in lieu of the said cancelled certificates, Land Transfer certificates as follows, namely:
 (a.) A certificate of title for Division Six aforesaid in the names of the persons specified in the *Second* Schedule hereto.
 (b.) A certificate of title for Division Nine aforesaid in the names of the persons specified in the *Third* Schedule hereto.
 (c.) A certificate of title for part of Division Eleven aforesaid, known as the State Farm, Levin, as the same is more particularly described in the *Fourth* Schedule hereto, in the name of Her Majesty:
 Provided that such last-mentioned certificate shall not be issued except on production to the Registrar of an acknowledgment by the Public Trustee that the sum of four thousand pounds has, by or on behalf of Her Majesty, been paid to him for and on account of the persons entitled thereto, being the persons who are hereafter found by the Court to be the successors, according to Native custom, to the interest of Kawana Hunia, deceased, in the land comprised in such certificate.
 (d.) A certificate of title for the residue of Division Eleven aforesaid in the name of the Public Trustee.
 (e.) A certificate of title for Division Twelve aforesaid in the name of Her Majesty:
 Provided that such last-mentioned certificate shall not be issued except on production to the Registrar of an acknowledgment by the Public Trustee that the purchase-money, to be ascertained as hereinafter provided, has, by or on behalf of Her Majesty, been paid to him for and on account of the persons entitled thereto, being the persons named in the *Sixth* Schedule hereto.

(f.) A certificate of title in the name of Her Majesty for Division Fourteen aforesaid, or for so much thereof as had not been validly alienated in fee-simple by the nominal owner, Meiha Keepa te Rangihwinui (hereinafter called "Meiha Keepa"), prior to the passing of "The Horowhenua Block Act, 1895":

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Provided that such last-mentioned certificate shall not be issued except on production to the Registrar of an acknowledgment by the Public Trustee that the purchase-money, to be ascertained as hereinafter provided, has, by or on behalf of Her Majesty, been paid to him for and on account of the persons who are hereafter found by the Court to be entitled thereto.

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(g.) A certificate of title for any portion of Division Fourteen aforesaid of which any valid alienation in fee-simple had been made as aforesaid, in the name of the person or persons entitled by virtue of such alienation:

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Provided that no certificate of title as last mentioned shall be issued except pursuant to final judgment in the proceedings hereinafter directed to be instituted by the Public Trustee.

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5. Upon the issue of the said Land Transfer certificates, the lands comprised therein shall vest in the several persons in whose names the same are issued respectively for an estate of inheritance in fee-simple, under the provisions of the Land Transfer Act:

Vesting of lands thereupon.

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Provided that the certificate of title to be issued in the name of the Public Trustee for part of Division Eleven aforesaid shall be subject to the right of the Native owners for the time being of Division Nine aforesaid to fish in such portions of the Hokio Stream and the Horowhenua Lake respectively as are included in the said certificate.

Proviso.

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6. For the purpose of testing the validity of the alienation referred to in subsection (g) of section four hereof, and also of all dealings the registration whereof has been cancelled as aforesaid, the Public Trustee is hereby directed and empowered to institute on behalf of the persons named in the *Fifth* Schedule hereto such proceedings in the Supreme Court at Wellington as may be necessary for that purpose, and every dealing the validity whereof is established by final judgment in such proceedings shall be entitled to be re-registered on any new certificate of title issued under the provisions of this Act for the land the subject of such dealing.

Cancelled dealings may be re-registered.

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7. All lands, and interests in lands, of what nature soever and wheresoever situate, belonging to the said Meiha Keepa, or in which he is beneficially interested, are, to the extent of his interest therein, hereby charged with the payment to the persons named in the *Fifth* Schedule hereto of the sum of one thousand five hundred pounds, or so much thereof as is found due to the said persons in respect of the moneys received by the said Meiha Keepa for rent and for the sale of rights to cut timber on Division Eleven aforesaid. The said lands and interests in lands are also hereby charged collaterally with the former charge with the payment to the owners of Division Three of

Charges upon lands belonging to Meiha Keepa.

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the said block of the sum of five hundred pounds, or so much thereof as is found due to the said persons in respect of moneys received by him for the sale of rights to cut timber on Division Three aforesaid :

Provided that, unless accounts to the satisfaction of the Public Trustee are rendered by the said Meiha Keepa to the Public Trustee in respect of the moneys aforesaid within three months from the date of the coming into operation of this Act, the whole of the said sums respectively shall be due and payable by him to the persons aforesaid, and shall be charged accordingly. 5

Mode of registering such charges.

8. The District Land Registrar or Registrar of Deeds, as the case may be, for the district within which any land mentioned in the *last-preceding* section hereof is situate shall forthwith register this Act as a charge on such land, or the interest of the said Meiha Keepa therein, in accordance with the provisions hereof; and such registration shall have the effect of a mortgage of such land to the Public Trustee, with power of sale, for the sums chargeable thereon as aforesaid. 10 15

Land vested in Public Trustee to be a reserve.

9. The land for which a certificate of title is hereinbefore directed to be issued to and in the name of the Public Trustee shall be deemed a reserve vested in him under the provisions of "The Native Reserves Act, 1882," for the benefit of the persons named in the *Fifth* Schedule hereto and the successors of any of them deceased, in such respective shares and interests as are hereafter determined by the Court: 20

Provided nevertheless that the Public Trustee, if requested by the Minister of Lands so to do, shall sell and convey to Her Majesty for an estate in fee-simple that portion thereof, containing one thousand five hundred acres, more or less, forming the north-eastern corner of Division Eleven, being the portion recommended to be acquired by the Crown in the report of the said Commission, and in such case the amount of the purchase-money shall be determined in manner provided by Section *sixteen* of this Act. 25 30

When certain notification ceased to have effect.

10. The notification issued on the twenty-sixth day of January, one thousand eight hundred and seventy-eight, under the provisions of "The Government Native Land Purchase Act, 1877," so far as it affects the said block, is hereby declared to have ceased to be of any effect as from the thirtieth day of December, one thousand eight hundred and eighty-six. 35

Certificate for Division 3 to be amended.

11. The Registrar is hereby directed to amend the certificate of title for Division Three aforesaid by substituting the name of Te Rangimairehau for that of Te Rangirurupuni, where the latter name (which through a clerical error was duplicated in the order of the Court) first appears in the said certificate of title. 40

Direction of Court of Appeal superseded.

12. The direction of the Court of Appeal to the Native Land Court to determine certain questions in respect of Division Eleven aforesaid shall be deemed to have been superseded by the provisions of this Act, and no further action thereon shall be necessary, or be taken. 45

Orders in Council, judgments, &c., affecting block to be void.

13. All Orders in Council, judgments, decrees, or orders whatsoever now or at any time heretofore affecting the said block shall, so far as they conflict with the provisions of this Act, be void and of no effect. 50

14. No claim on the Land Transfer Assurance Fund, nor on the Registrar-General of Land as the representative thereof, shall arise or be made in respect of any matter or thing done under authority of this Act, or which may arise out of any proceedings in the Supreme Court as aforesaid.

No claim on Land Transfer Assurance Fund.

15. For the purpose of ascertaining and determining the Natives who are entitled to any real or personal property under this Act, and their respective shares and interests therein, and generally of carrying out the provisions of this Act, the Court shall have and may exercise, as the nature of the case requires, in addition to the special powers hereby conferred, all the powers and jurisdiction of the Court under "The Native Land Court Act, 1894," and "The Native Land Laws Amendment Act, 1895."

Powers of Court.

16. The amount of the payment to be made by Her Majesty to or for the benefit of the owners of any land hereinbefore directed to be vested in Her Majesty as and for the purchase-money for the same shall in case of dispute be determined by the Court in the same manner as is provided by section ninety of "The Public Works Act, 1894," with regard to compensation payable to Natives for land taken for a Government work.

How amount payable by Queen to be determined.

17. The interest of any Native deceased in any real or personal property the subject of this Act shall, whether such Native died before or after the coming into operation of this Act, pass to such person or persons as the Court determines to be entitled according to Native custom to succeed to such interest.

Succession to interests of deceased Natives.

18. The same right of appeal shall lie from any decision of the Court under the provisions of this Act as from a decision of the Court under "The Native Land Court Act, 1894."

Right of appeal.

19. The costs of the Royal Commission aforesaid, amounting to the sum of one thousand two hundred and sixty-six pounds nineteen shillings and fivepence, are hereby made a charge on Division Twelve aforesaid, and shall be deducted from the amount payable by Her Majesty to the persons named in the *Sixth* Schedule for the purchase of the said Division.

Costs of Royal Commission charged on Division 12.

20. All moneys received by the Public Trustee by virtue of this Act shall be held by him for such persons and in such relative proportions as, subject to the provisions of this Act, the Court determines to be entitled thereto.

How moneys to be held by Public Trustee.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

DIVISIONS OF HOROWHENUA BLOCK.

1. DIVISION No. 6, containing 4,620 acres, more or less, being the whole of the land comprised in certificate of title, Vol. xlvi., folio 245, of the Register-book of the Wellington District.
2. Division No. 9, containing 1,200 acres, more or less, being the whole of the land comprised in certificate of title, Vol. xlvi., folio 248, of the Register-book of the Wellington District.
3. Division No. 11 (otherwise known as Divisions 11A and 11B), containing in all 14,975 acres, more or less, being the whole of the land comprised in certificate of title, Vol. xlvi., folio 249, of the Register-book of the Wellington District.
4. Division No. 12, containing 13,137 acres, more or less, being the whole of the land comprised in certificate of title, Vol. xlvi., folio 256, of the Register-book of the Wellington District.
5. Division No. 14, containing 1,196 acres, more or less, being the whole of the land comprised in certificate of title, Vol. xlvi., folio 148, of the Register-book of the Wellington District.

SECOND SCHEDULE.

DIVISION No. 6.

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| 1. Hapeta Taueki. | 17. Rawinia Ihaia. | 33. Norenore te Kerehi. |
| 2. Mohi Rakuraku. | 18. Rahira Wirihana. | 34. Ngahina Heta. |
| 3. Kaiwhare Rakuraku. | 19. Meri Nireaha. | 35. Parahi Reihana. |
| 4. Hetarine Matao. | 20. Pihira Nireaha. | 36. Te Raraku Hunia. |
| 5. Hoani Nahona. | 21. Tapita Himiona. | 37. Tuhi Hori. |
| 6. Hema Henare. | 22. Ngahina Eruera. | 38. Heni Kuku. |
| 7. Hanita Henare. | 23. Roka Hanita. | 39. Te Ahuru Porotene. |
| 8. Amorangi Rihara. | 24. Ripeka Winara. | 40. Te Meihana Tupou. |
| 9. Raniera Matakatea. | 25. Riria Peene. | 41. Mii Maunu. |
| 10. Warena te Kerehi. | 26. Haana Rata. | 42. Ani Patene. |
| 11. Haare Taueki. | 27. Hariata Ngamare. | 43. Harirota Taare. |
| 12. Nati Amorangi. | 28. Te Kiri Hopa. | 44. Wiki Pua. |
| 13. Heta Noa. | 29. Kahukore Hurinui. | 45. Hori Wirihana. |
| 14. Rewi Wirihana. | 30. Oriwia Maianga. | 46. Pane Korana. |
| 15. Wiremu te Pae. | 31. Rawe a Taraua. | 47. Peri Korana. |
| 16. Taitoko-ki-te-uruotu. | 32. Miriama Matakatea. | 48. Pehira Tuwharetoa. |

THIRD SCHEDULE.

DIVISION No. 9.

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| 1. Wharatini. | 5. Watene te Waewae. |
| 2. Hitau. | 6. Erena te Rauparaha. |
| 3. Tauteka. | 7. Te Wiiti. |
| 4. Kararaina. | |

FOURTH SCHEDULE.

DESCRIPTION OF STATE FARM AT LEVIN.

ALL that piece of land situate in the Waitohu and Waiopahu Survey Districts, containing 1,500 acres, be the same a little more or less, and being a portion of Division No. 11 of the Horowhenua Block, and of the land comprised in certificate of title, Vol. xlvi., folio 249, of the Register-book of the Wellington District: Bounded on the north-east by a public road, 10000 links; on the south-east by a public road, 12663 links; and on the north-west by other portion of Subdivision No. 11 aforesaid, 16098 links: be all the aforesaid linkages more or less.

FIFTH SCHEDULE.

RESIDUE OF DIVISION No. 11.

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| 1. Ihaia Taueki. | 47. Hopa te Piki. | 93. Haana Rata. |
| 2. Rewiri te Whiumairanga. | 48. Te Mananui Tawahai. | 94. Hetariki Matao. |
| 3. Te Rangirurupuni. | 49. Te Waitere Kakiwa. | 95. Meri Nireaha. |
| 4. Noa te Whata. | 50. Ruta te Kiri. | 96. Hapeta Taueki. |
| 5. Motai Taueki. | 51. Wiki Meihi Keepa. | 97. Mohi Rakuraku. |
| 6. Heta te Whata. | 52. Hereora. | 98. Kaiwhare Rakuraku. |
| 7. Wirihana Tarewa. | 53. Makere te Rou. | 99. Hema Henare. |
| 8. Inia Tamaraha. | 54. Ani Kanara te Whata. | 100. Hanita Henare. |
| 9. Hoani Puihi. | 55. Maata Huikirangi. | 101. Amorangi Rihara. |
| 10. Raniera te Whata. | 56. Hariata Tinotahi. | 102. Raniera Matakatea. |
| 11. Te Kerehi Mitiwaha. | 57. Oriwia te Mitiwaha. | 103. Warena te Kerehi. |
| 12. Tamati Maunu. | 58. Hera Tupou. | 104. Heta Taueki. |
| 13. Ihaia te Rangihouhia. | 59. Pirihira te Hautapu. | 105. Nati Amorangi. |
| 14. Matene Pakauwere. | 60. Rairona Taueki. | 106. Heta Noa. |
| 15. Hoone (Tupou). | 61. Pirihira te Rau. | 107. Rewi Wirihana. |
| 16. Kiraitiana Tarawahi. | 62. Tiripa Taueki. | 108. Wiremu te Pae. |
| 17. Riwai te Amo. | 63. Pirihira te Whata. | 109. Kawinia Ihaia. |
| 18. Ngariki te Raorao. | 64. Wiki Hanita. | 110. Rahira Wirihana. |
| 19. Winara te Raorao. | 65. Merehira te Marike. | 111. Pirihira Nirehaha. |
| 20. Hete Matakatea (otherwise
Heta Matakitea). | 66. Rora Korako. | 112. Tapita Himiona. |
| 21. Matenga Tinotahi. | 67. Mereana Matao. | 113. Roka Hanita. |
| 22. Wata Muruahi. | 68. Unaihi Taueki. | 114. Ripeka Winara. |
| 23. Petera te Ha. | 69. Ema te Whango. | 115. Riria Peene. |
| 24. Tahana Muruahi. | 70. Paranihia Riwai. | 116. Hariata Ngamare. |
| 25. Tamati Muruahi. | 71. Peti Kohu. | 117. Te Kiri Hopa. |
| 26. Hota Heremaia. | 72. Peti te Uku. | 118. Kahukore Horinui. |
| 27. Wiremu Matakatea (the
younger). | 73. Emiri Ngawhakawa. | 119. Oriwia Maiangi. |
| 28. Ruka Hanuhanu. | 74. Himiona Kowhai. | 120. Rawea Taraua. |
| 29. Herewini Rakautihia. | 75. Iritana Kowhai. | 121. Miriama Matakatea. |
| 30. Akura Takapo. | 76. Paki te Hunga. | 122. Norenore te Kerehi. |
| 31. Taara Matai. | 77. Rhipeti Tamaki. | 123. Ngahina Heta. |
| 32. Taara Hereroa. | 78. Hiria Amorangi. | 124. Parahi Reihana. |
| 33. Kingi te Patu. | 79. Peene Tikara. | 125. Warena Hunia. |
| 34. Kingi Puihi. | 80. Pire Tikara. | 126. Tuhi Hori. |
| 35. Arikihanara. | 81. Mihi te Rina Kawana. | 127. Heni Kuku. |
| 36. Hapimana Tohu. | 82. Rakera Potaka. | 128. Te Meihana Tupou. |
| 37. Eparaima te Paki. | 83. Herariki Kawana Hunia. | 129. Mii Maunu. |
| 38. Hora te Pa. | 84. Rawinia Matao. | 130. Havirota Taare. |
| 39. Te Oti te Hou. | 85. Tiaka Tikara. | 131. Wiki Pua. |
| 40. Te Waatarauini te Hou. | 86. Rangipo Hoani. | 132. Hori Wirihana. |
| 41. Ribara Tarakihi. | 87. Hetariki Takapo. | 133. Pane Korana. |
| 42. Harurukiterangi. | 88. Winihana Paeroa (other-
wise Hunia). | 134. Peri Korena. |
| 43. Te Rangimairehau. | 89. Te Mariki. | 135. Pehira Tuwharetoa. |
| 44. Henare Hanuhanu. | 90. Te Raraku Hunia. | 136. Roreta Tawhai. |
| 45. Te Porana Muruahi. | 91. Hoani Nahona. | 137. Maata te Whango. |
| 46. Henare Mahuika. | 92. Ani Patene Tinotahi. | 138. Meihia Keepa te Rangi-
hiwinui. |

SIXTH SCHEDULE.

LIST OF PERSONS ENTITLED TO PAYMENT IN RESPECT OF DIVISION No. 12.

THE same persons as those set forth in the Fifth Schedule hereto, with the addition of the following persons, that is to say,—

- 139. Te Rina Mete.
- 140. Hera te Upokoiri.