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[AS REPORTED AND AMENDED BY THE COMMITTEE ON THE BILL, 17TH AUGUST, 1893.]

Mr. Parata.

MANGATU No. 1 EMPOWERING.

[PRIVATE BILL.]

ANALYSIS.

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| <ul style="list-style-type: none"> <li>Title.</li> <li>Preamble.</li> <li>1. Short Title.</li> <li>2. Owners.</li> <li>3. Incorporation.</li> <li>4. Committee appointed.</li> <li>5. Powers of Committee.</li> <li>6. By-laws and regulations.</li> <li>7. Power to sell to the Government.</li> <li>8. Execution of deeds.</li> </ul> | <ul style="list-style-type: none"> <li>9. Shares of owners.</li> <li>10. Orders in Council.</li> <li>11. Reservation as to existing rights.</li> <li>12. Public Trustee to receive rents.</li> <li>13. Public Trustee to distribute money received.</li> <li>14. Accounts to be audited.</li> <li>15. Committee to supply certified list of owners entitled to receive money.</li> <li>16. Land not to be dealt with till after survey. Schedules.</li> </ul> |
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A BILL INTITLED

AN ACT to incorporate the Owners of the Mangatu No. 1 Block, and to provide for the Management of the said Block. Title.

WHEREAS in the year one thousand eight hundred and eighty- Preamble.

5 one the [Mangatu No. 1 Block, containing one hundred thousand acres of land, was adjudicated upon in the Native Lands Court sitting at Gisborne: And whereas it has been agreed by and between the persons who were the owners thereof according to Native custom, and whose names are contained in the Schedule

10 hereto, that, to enable the said block to be dealt with and managed reasonably and without expense, the title to the said land should be vested in twelve of the owners, in trust for the whole body: And whereas at the hearing of the case in which the title to the said land was to be determined the Court explained that the introduction of all

15 the vast numbers of names in the titles was destroying the value of the lands of all this district, that the evil was becoming so great that if the Native Land Court could not lessen the evil, the Legislature would have to apply a remedy: And whereas the Court fully explained that it could not create any trust estate, or recognise the

20 deed of trust tendered by one Wi Pere to the Court, in accordance with the arrangements entered into among the said owners as afore-said, except as a voluntary arrangement by which the great body of the owners consented that the land should be vested in the twelve persons named, and that the land should be declared inalienable except

25 by lease for a term not exceeding twenty-one years: And whereas the Court explained that if at any time the inalienability should be removed, the estate would then absolutely belong to the twelve so

named, and that it would be necessary that a deed of trust should be executed after the issue of the certificate, which deed of trust should declare that the twelve held the land only as trustees for the whole of the tribe: And whereas on the twentieth day of May, one thousand eight hundred and eighty-one, the twelve owners aforementioned did so execute a declaration of trust of the said Mangatu No. 1 Block, as suggested by the said Native Land Court: And whereas before the issue of the said certificate several of the twelve had died: And whereas by reason of such deaths it was impossible to lease or otherwise deal with the said land or any part thereof: And whereas it has been agreed by and between the survivors of the twelve and the remainder of the owners, and the representatives of those who have died, that

*New preamble.*

title to the Mangatu No. 1 Block, containing one hundred thousand acres, more or less, as described in the *First* Schedule, was investigated by the Native Land Court sitting at Gisborne: And whereas the persons named in the *Second* Schedule hereto were found by the Court to be the persons entitled according to Native custom to be declared the owners of the said land: And whereas a majority of the said persons agreed in writing, by instrument bearing date the eighteenth day of April, one thousand eight hundred and eighty-one, that the certificate of title for the said land should be issued to twelve of their number only: And whereas the Court, having fully explained the rights that would be exercisable by the twelve persons in the event of the certificate of title being issued to them, gave effect to the said agreement in writing as a voluntary arrangement, and, on the thirtieth day of April, one thousand eight hundred and eighty-one, ordered that a certificate of title for the Mangatu No. 1 Block be issued to Pera te Uatuku, Tiopira Korehe, Hori Puru, Peka Kerekere, Anaru Matete, Pirihi Tutekohi, Rutene Ahuroa, Tiopira Tawhiao, Paora Kingi, Matenga Taihuka, Wi Pere, and Wi Haronga, such land to be inalienable, unless with the consent of the Governor, except by lease not exceeding twenty-one years:

And whereas, on the twentieth day of May, one thousand eight hundred and eighty-one, acting in accordance with a recommendation made by the Court at the investigation aforesaid, each of the said twelve owners (with the exception of Tiopira Tawhiao) executed a declaration of trust, declaring that they held the said land as trustees for the said persons mentioned in the *Second* Schedule hereto: And whereas the said Tiopira Korehe, Anaru Matete, Tiopira Tawhiao, Paora Kingi, and Wi Haronga, and many of the other persons entitled, are dead, and by reason of such deaths it is impossible to manage the said land as originally intended for the benefit of all the persons entitled: And whereas the Native Land Court refuses to recognise as owners of the said land any persons but the twelve beforementioned, and on that ground has dismissed numerous applications made by Natives to be appointed successors to deceased persons originally entitled as aforesaid, which dismissals have led to complications, and render the management for all interested impossible: And whereas it has been agreed by and between the survivors of the beforementioned twelve owners, and the survivors of the other persons entitled, and the representatives of those who are dead, that in order to utilise

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the said land, and to have the rights and interests of all those entitled to a share in the said block recognised and preserved, and to insure to each person entitled thereto a participation in the profits arising from the said block, a less

5 that certain alterations in the powers of the trustees shall be made, and that the owners of the said land shall be incorporated for the purpose of the ownership and management of the said land, and that the intervention of Parliament shall be requested for the furtherance of this agreement, as the Native Land Court has no power to effect  
10 the same :

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

1. The Short Title of this Act is "The Mangatu No. 1 Em- Short Title.  
15 powering Act, 1893."

2. The persons whose names are set out in the *Second* Schedule hereto, and the successors according to Native custom of those in the said ~~list since deceased~~, *Schedule, who have died since the thirtieth day of April, one thousand eight hundred and eighty-one*, shall be and the same are hereby declared to be the owners of the Mangatu No. 1 Block, situated in the District of Poverty Bay, County of Cook. Owners.

3. The said owners are hereby incorporated as a body corporate under the name of "Mangatu No. 1," having perpetual succession and a common seal; and the said land, called or known as the Mangatu  
25 No. 1 Block, shall be and hereby is vested in the said corporate body as and for an estate of inheritance in fee-simple in possession. Incorporation.

4. The said land and the affairs of the said corporate body shall be managed and determined by a Committee to be appointed from time to time in manner hereafter appearing. Such Committee shall consist  
30 of seven persons. The first Committee shall be elected at a public meeting of the owners of the said Mangatu No. 1 Block to be held at Te Karaka in the District of Poverty Bay, on the first day of November, one thousand eight hundred and ninety-three, at the hour of three o'clock in the afternoon, which meeting shall be presided over by the  
35 Resident Magistrate of the district. Committee appointed.

5. The Committee shall have power to manage the said land and to make leases of the same, or any part thereof, for a term not exceeding ~~forty~~ *thirty* years: Provided that such leases shall be made only after public tender has been called for the land so to be leased,  
40 ~~save and except as appears by the next section.~~ Powers of Committee.

*Struck out.*

6. The Committee shall have power, by and with the consent of a majority of the owners in general meeting assembled, to create a term of years over the whole or any part or parts of the said land which  
45 may be assigned by way of mortgage for the raising of money for the purpose of improvements and purchase of stock, or for such other purpose as the said owners may determine, such term to be held at a peppercorn rent. Term of years may be created for mortgage for improvements.

7. 6. The Committee shall have full power to make by-laws and regulations for the conduct of their own business and the management of the estate; but such by-laws and regulations shall only operate after the assent and approval of the Governor in Council has been given thereto. By-laws and regulations.

Power to sell to the Government.	8. 7. The Committee shall have full power, by and with the consent of a majority of the owners in general meeting assembled, to sell any part or parts of the said land to the Crown at such price or prices as may be agreed upon between the parties.	
Execution of deeds	9. 8. All deeds necessary to effect any contract shall be signed by a majority of the Committee in the presence of a Judge of the Native Lands Court, or other officer appointed by the Government for the purpose, and shall be sealed with the seal of the said corporation.	5
Shares of owners.	10. 9. The relative shares of the owners shall be determined by consent, or, in case of dispute, then by the Native Lands Court, as if the said land were subject to the ordinary jurisdiction of that Court.	10
Orders in Council.	11. 10. All matters of procedure necessary for the carrying of this Act into effect in every respect, including the future appointment of members of the Committee, and the times and manner of such appointment, shall be determined by the Governor in Council: Provided that no Order in Council shall contravene the spirit and provisions of this Act.	15
Reservation as to existing rights.	12. 11. Nothing in this Act contained shall prejudice or affect the rights of the present or any future holder of a term of years over an area of three thousand acres of the said block made in favour of one T. E. R. Bloomfield, and now held by Campbell or validate any rights or interests, if any, acquired in the said land.	20
Public Trustee to receive rents.	New clauses. 12. All the rents, issues, and profits of the said land, and the proceeds of all sales thereof authorised by this Act, shall be paid to the Public Trustee, who shall have power to sue for and take all proceedings, by distress or otherwise, that may be necessary to recover the same. The Public Trustee may appoint "Mangatu No. 1" as his agent to receive such rents.	25
Public Trustee to distribute money received.	13. The Public Trustee shall, after deducting his own expenses and those of "Mangatu No. 1," distribute the proceeds, rents, issues, and profits to the owners.	30
Accounts to be audited.	14. The Audit Office shall annually audit the accounts of the Public Trustee in dealing with this block, and shall present a report each year to Parliament, stating the result of such audit.	
Committee to supply certified list of owners entitled to receive money.	15. As soon as practicable after the relative interests shall have been determined as aforesaid, the Committee shall forward to the Public Trustee a list of the names of the owners, showing their respective interests. Such list, when certified as correct by the Registrar of the Native Land Court at Gisborne, shall be taken by the Public Trustee as the basis of each distribution of money.	35
Land not to be dealt with till after survey.	16. No alienation or dealing with the land under this Act shall take place until the survey of the said block shall have been completed, and the Minister of Lands has by writing declared that the said block has been properly surveyed.	40

SCHEDULES.

Schedules.

New Schedule.

FIRST SCHEDULE.

ALL that area in the Auckland and Hawke's Bay Land Districts, containing by admeasurement 110,000 acres, more or less, bounded towards the north-west by the Motu River; towards the north-east generally by Mangatu No. 6 Block; towards the east generally by Mangatu No. 2 Block and by the Waipaoa River; towards the south and towards the south-west generally by Mangatu Stream, Urukokomoko Stream, and Poutu Block to Maungahui, thence by Crown lands, by Rangiriri Stream, again by Crown lands and by Kaitaura Stream, to the said Motu River: excepting from the above-described area two unsurveyed blocks of land known respectively as Mangatu No. 3 Block (Puakino) and Mangatu No. 4 Block, containing approximately 10,000 acres, and which are described in the orders of the Native Land Court dated 13th April, 1881; and also all necessary roads which may hereafter be laid out under the authority of the Governor, up to 5 per centum of the whole.

SECOND SCHEDULE.

List of names of the owners of Mangatu No. 1, 100,000 acres: Pera te Uatuku, Tiopira Korehe, Hori Puru, Te Hira Uatuku, Wiremu Ireto, Ani Puaroa, Maraea Rawaho, Raiha Kota, Hirini Wharekete, Epeniha Hape, Te Kauru Matete, Te Aira Horahora, Hirini te Raekaihau, Ruka Tahuateka, Neri Wharekete, Heni Matekino, Peka Kerekere, Anaru Matete, Tapeta Kerekere, Penaha, Meri Hake, Henare Kingi Waingaruru, Kereama Tautuhi, Nepia Heta, Rutene Ahuroa, Hemi Whaipu, Tapita Ireto, Pirihi Tutekohi, Hetekia te Kani, Tiopira Tawhiao, Pere Haua, Paora Kingi, Ruru Ireto, Arapeta Rangiua, Ripeka Hineko, Kaa Mawewai, Hariata Ahua, Hiraina Poaru, Haromi Paku, Wikitoria Puru, Mika Rore, Maraea Mokena, Rewi Tamanui, Kararaina Kehukehu, Heni Paretaranga, Riria Mauaranui, Mereana te Weroahiahi, Epeniha Tipuna, Matenga Taikuha, Arona te Raekaihau, Hone Kewa, Rutene te Eke, Patoromu Tawhaitari, Rawinia Ahuroa, Harete Taihuka, Maora Whehirangi, Heni te Auraki, Arapera Pere, Wi Pere, Rangikohera, Ka te Hane, Netana Puha, Riripeti Piwaka, Rawiri Noti, Wi te Ngira, Wikitoria Uwawa, Roka Patutahi, Apihaka Wahakai, Te Amaru, Hoana te Amaru, Paora Matuakore, Hirini te Kani, Ihaia Patutahi, Patihana Mangai, Ruru Kuare, Mata Moari, Wikitoria te Amo, Wi Hironga, Heni Puihi, Pirimiha te Eke, Karaitiana te Eke, Rongotipare, Karaitiana Amaru, Mere Maki, Rangitaua, Hera Poraku, Pohoi Amaru, Karaitiana Akurangi, Hoera Tako, Tapine Turei, Heni Taua, Mihi Hetekia (Paraire), Ripeka Awatea, Peti Taihuka, Rawiri Titirangi, Rawiri Haua Mereaira Parehuia, Te Ao Pakurangi, Heni Kumekume, Mata te Hawa, Hohipa Kota, Wiremu Kingi te Kawau, Pani Amaru, Keita Amaru, Wikitoria Kanu, Ruka te Kahika, Karaitiana Ruru, Tipene Tutaki, Rawinia te Ao, Merehi Ngore, Tamati te Bangi, Teira Ranginui, Rawinia te Whiwhi, Heni Tipuna, Taiuru, Hori Mokai, Mihaera Parehe, and Riripeti Oneone. Minors: Maata te Ao, Rawiri Tamanui, Mahanga Ahuroa, Poneke Tupeka, Pera Kararehe, Rua Hinekino, Pera Hikumate, Mere Tahatu, Manaro Pere, Peneti Hira, Ihaia Puru, Mere Puru, Herewini Puairangi, Heni Parekuta, Hoera Whakamiha, Tepupaku, Hatiwira Pahura, Tame Pahura, Ripeka Pahura, Katerina Pahura, Ihimaera Pahura, Hokimate Pahura, Pepene, Hiri Kingi, Teau Hamanu, Huriata Haua, Rawiri Tokowhitu, Te Owaina Marangai, Himiona Katipa, Manu te Otii, Hami Tarahau, Wiremu Pere (Takitimu), Hinewehi, Paku Haua, Tutearitonga, Te Hata Waingaruru, Erena Wakamiha, Hinepoka Matanuku, Horomona Tuauri, Wi Pere Tupeka, Harata te Eke, Tamaihikitia, Matenga Ngamoki, Rangikapua, Te Rato, Hoera Noti, Maata Whakahawea, Ngahirata Taua, Te Teira Kuri, Taituha Matauru, Maiere, Paratene Kuri, Ngawiki Kuri, Wharepapa, Hirini Tutaha, Hetariki Tutaha, Temini Kerekere, Katirina Takawhaki, Hinepuhi, Harata Tuari, and Tuwatawata.