

MAORI PURPOSES BILL, 1949

EXPLANATORY NOTES

PART I

Clauses 3 to 11: Part X of the Land Act, 1948, makes provision for a review of liabilities and revision of charges in respect of servicemen and discharged servicemen settled on the land by the Land Settlement Board under the Land Act, 1948, the Small Farms Act, 1932-33, and section 16, Land Laws Amendment Act, 1944.

This provision does not apply to Maori servicemen and discharged servicemen settled on the land under the provisions of Part I of the Maori Land Amendment Act, 1936, by the Board of Maori Affairs acting as the agent of the Rehabilitation Board.

The present clauses extend the right to Maori servicemen and discharged servicemen settled by the Board of Maori Affairs to apply for a review of their liabilities.

PART II

Clause 13: The purpose of this clause is to empower Tribal Committees to discipline Maoris who create a disturbance during meetings, concerts, &c., or behave in a riotous, insulting, or disorderly manner, or fight in any public place. Responsible Maoris are concerned at the way in which a small section of youths bring their race into disrepute by disorderly behaviour in public, and Tribal Committees are at present without power to discipline such persons. The penalty of £5 is the same as that prescribed in section 3 of the Police Offences Act, 1908. Under section 47 of the Maori Social and Economic Advancement Act, 1945, as amended by section 13 of the Maori Purposes Act, 1947, an offender has the right to elect whether he shall be dealt with by a Tribal Committee or by Justices.

The jurisdiction proposed to be conferred upon Tribal Committees will be alternative to, and not in substitution for, the ordinary Police Court jurisdiction.

Clause 14: The purpose of this clause is to empower Tribal Committees to deal with persons setting themselves up as tohungas and pretending to use supernatural powers for the cure of sickness, prophesying, &c. This is already an offence under the Tohunga Suppression Act, 1908, but it seems desirable to enable Tribal Committees to inquire into and punish such offences owing to the difficulty usually encountered by the police in obtaining evidence, which from its very nature is more readily obtainable by Maoris.

The jurisdiction proposed to be conferred upon Tribal Committees will be alternative to, and not in substitution for, the ordinary Police Court jurisdiction.

Clause 15: At present Maori Wardens appointed under the Maori Social and Economic Advancement Act, 1945, may enter licensed premises situated within two miles of a Maori village for the purpose of the prevention of drunkenness amongst Maoris. The two-mile radius has been found too restrictive, and it is desired to empower wardens to enter any hotel within the tribal district in respect of which they are appointed.

PART III

Clause 17: Section 25 of the West Coast Settlement Reserves Amendment Act, 1948, provides that nothing contained in the Servicemen's Settlement and Land Sales Act, 1943, shall apply to any substituted lease or renewal lease or to any new lease granted after passing of the former Act. The intention was that the Servicemen's Settlement and Land Sales Act should not apply to the grant of a lease, but should apply to any subsequent transactions with a lease. The amendment makes clear that intention.

Clause 18: The purpose of this clause is to remove the necessity for certification by the Under-Secretary of the Department personally of copies of Proclamations, &c., which are lodged for registration, when those copies are officially printed extracts from the *Gazette*.

Clause 19: Under section 177 of the Maori Land Act, 1931, the wife or husband of a Maori who has died intestate cannot, as of right, succeed to any part of the estate of the deceased, but the Court may, if it consider that the circumstances warrant it, appoint a widow to a life estate in all or part of the real estate or an absolute interest in the whole or any part of the personal estate of the deceased, subject to such conditions as to re-marriage or otherwise as the Court thinks fit. No provision is made for such powers in the case of a widower, but cases do arise where the special circumstances seem to warrant the award to a widower of some interest in his deceased wife's estate.

Clause 20: Doubts have been raised as to whether or not the law requires that an instrument of alienation executed by a Maori Land Board should be confirmed by the Maori Land Court. As the President of a Maori Land Board is the Judge of the Court for the district, there appears to be little point in requiring the Judge to confirm in one capacity a document executed by him in another capacity. The purpose of this section is to remove existing doubts as to the legal position.

Clause 21: The purpose of this clause is to enable consultative committees to be appointed from amongst the members of the tribe concerned, to advise and assist the Board of Maori Affairs in local matters affecting Maori land development within the tribal area.

PART IV

Clause 22: This clause is to authorize the Maori Trustee to make a contribution of £1,000 towards equipping and altering the building used as a Maori community centre. In view of the fact that there are now approximately ten thousand Maoris in greater Auckland, the community centre is fulfilling an extremely important function in the city.

Clause 23: The order referred to in this clause was made after consultation with the leading representatives of the tribe concerned. It is known that the persons entitled to the moneys are members of that tribe, but owing to the loss of vital records many years ago it cannot now be ascertained which individuals are entitled. In the circumstances the Court deemed it desirable to allocate the money to various sub-tribes for communal purposes.

Clause 24: The Maraeroa C Block is vested in the Waikato-Maniapoto District Maori Land Board for a period expiring in December, 1957. It is desired to extend the term of a timber-cutting licence which was executed by the Board, and the proposed extension has been agreed to by the beneficial owners. Statutory power is necessary to enable the Board to execute an extension beyond December, 1957.

Clause 25: Section 175 of the principal Act provides that a will made by a Maori shall become absolutely null and void on the expiration of two years from the date of death of the testator unless an application for probate has been made before that time. In the present case the deceased died in 1936, but his will could not be traced. Recently it transpired that the will was held by a firm of solicitors who had no knowledge of the testator's death. The beneficiary under the will petitioned Parliament for legislation to enable an application for probate to be heard by the Court. The petition was referred to the Court for inquiry, and the Court has recommended that the prayer should be granted.

Clause 26: Section 2 of the Finance Act, 1946 (No. 2), provided for the payment to the Maori Trustee of a sum of £20,000 to be used for the purchase of land for the Whakatohea Tribe. This payment was in full settlement of claims arising out of the confiscation of the tribal lands in the Opotiki district following the Maori wars.

It is probable that an opportunity to acquire a suitable area of land will not occur for some time, and in the meantime it is proposed that the interest received in respect of the principal sum should be administered by a Trust Board for the benefit of the members of the tribe.

Provision is also made for the Board to be empowered to acquire land with the principal sum when the occasion arises. This provision is necessary as there is as yet no body in existence which would be able to take title to any land acquired.

Clause 27: The guest house referred to in this section was erected for the purpose of providing accommodation for the Maori people visiting Rotorua to visit relatives in hospital or to attend Court sittings, &c. A balance of £2,983 is owing in respect of the erection and equipping of the hostel, of which £2,000 is being contributed by other bodies, and the contribution authorized by this clause will enable the final payment to be made.

Clause 28: The purpose of this clause is to constitute a Council representative of the beneficial owners of the East Coast Maori Trust lands which will form a close liaison between the East Coast Commissioner and the beneficiaries. The functions of the Council will be to advise and assist the Commissioner on matters affecting the trust as a whole and to control the sale or mortgage of trust lands, the acquisition of other lands, and the making of donations from funds held in trust for the beneficiaries as a whole. There is no intention to encroach upon the functions of the block committees constituted under section 18 of the Maori Purposes Act, 1935, which are appointed in respect of individual blocks, or groups of blocks, forming part of the trust estate.

The formation of the Council is acceptable to the Commissioner and the beneficiaries and should be of advantage to both parties.

Subclauses (1) to (16) provide for the constitution and regulation of procedure.

Subclause (17) requires the Commissioner to consult the Council on matters of importance to the trust estate and to supply annual accounts.

Subclauses (18) and (19) require that donations from funds held in trust for the beneficiaries as a whole shall require the approval of the Council.

Subclause (20) requires the consent of the Council to any sale of trust lands, any purchase of other lands, and any mortgage of trust lands.

Subclause (22) requires the Council to consider any matters submitted to it by the Commissioner.

Subclause (23) provides for the payment of travelling allowances and expenses to members for their attendance at meetings of the Council.

Subclause (24) gives the Council an opportunity to make a recommendation as to the appointment of a new Commissioner in the event of the office becoming vacant.

Clause 29: In 1867 the Kauhoroa Block, in the Wairoa district, was ceded to the Crown under an agreement which provided that certain areas were to be returned to the Maori people concerned. The matter was inquired into by the Confiscated Lands Commission in 1927, which reported that the Crown had not completely fulfilled its promises to return areas of land to

loyal Maoris and that the claimants were entitled to compensation. Negotiations with the interested parties have recently resulted in an agreement to accept a sum of £20,000 in full settlement of the claims, and it is proposed to set up a Trust Board to administer the moneys.

Clause 30: The Ngatiporou Dairy Company, Limited, is a company principally comprising Maori shareholders and Maori directors. A resolution has been passed at the annual meeting of the shareholders authorizing a sum of £200 to be contributed towards the cost of the Te Aute College centennial celebrations which it is proposed to hold next year. As the articles of association do not provide for such payments, statutory authority is required.

Clause 31: Section 20 of the Maori Purposes Act, 1948, was intended to give effect to an arrangement made by the prospective beneficiaries in the estate of Hemi Matenga, deceased. The principal purpose of the section was to provide that should any contingent residuary beneficiary predecease the life-tenant the descendants of such beneficiary should take his share in the estate. The use of the term "issue" in the proviso to subsection (1), however, would exclude all but legitimate descendants. It has transpired that some of the contingent residuary beneficiaries were married according to Maori custom and their children are not therefore "issue" in the legal sense of the term. The purpose of this clause is to enable such children to participate in the distribution of the estate, whether legitimate or illegitimate and whether legally Maori or less than half-Maori.

Clause 32: Rents derived from the "tenths" reserved in the Wellington Province by the New Zealand Company for the Maori people are paid to the Maori Trustee on behalf of the Maori beneficiaries. Under the existing law the Maori Trustee is required to distribute three-fourths of the income to the beneficiaries and to retain the residue in a fund (known as the North Island Tenths Benefit Fund) to be used for the physical, social, moral, and pecuniary benefit of the beneficiaries or their children and the relief of such of them as are in indigent circumstances. For some years the necessity for this benefit fund has been decreasing and a number of beneficiaries recently petitioned Parliament for the abolition of the fund and the distribution of the full income. The petitions were referred to the Maori Land Court for inquiry, and the Court has recommended, with the concurrence of the petitioners, that a sum of £2,500 be set aside for the objects for which the benefit fund was created and that in the future the whole of the rents should be distributed to the beneficiaries. This clause is to give effect to the Court's recommendation.

Clause 33: The Tarawera and Tataraka Blocks have been the subject of a number of petitions which have been recommended by the Maori Affairs Committee. Timber on some of the subdivisions has recently been sold, and as the timber is the most valuable part of the land it is deemed desirable to withhold the distribution of the purchase-moneys pending consideration of the matters raised in the petitions.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

20th October, 1949

Right Hon. Mr. Fraser

MAORI PURPOSES

ANALYSIS

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PART I</p> <p>RELIEF OF MAORI SERVICEMEN AND DISCHARGED SERVICEMEN</p> <p>2. Application of this Part.</p> <p>3. Application for review of liabilities.</p> <p>4. Review by Board.</p> <p>5. Appeal against Board's decision.</p> <p>6. Determination of value by Land Valuation Court.</p> <p>7. Adjustment of rent.</p> <p>8. Adjustment of mortgages, &c.</p> <p>9. Board's determination to be final if no appeal filed.</p> <p>10. No second review.</p> <p>11. Adjustments to be endorsed on certificate of title, &c.</p> <p style="text-align: center;">PART II</p> <p>EXTENSION OF MAORI SOCIAL AND ECONOMIC ADVANCEMENT ACT, 1945</p> <p>12. This Part to be read with Maori Social and Economic Advancement Act, 1945.</p> <p>13. Riotous behaviour by Maoris deemed a breach of Tribal Executive by-laws.</p> <p>14. Profession of supernatural powers by Maoris deemed a breach of Tribal Executive by-laws.</p>	<p>15. Extension of powers of Maori Wardens in respect of the prevention of drunkenness.</p> <p style="text-align: center;">PART III</p> <p style="text-align: center;">AMENDMENT OF LAWS</p> <p>16. Provisions of Maori Land Act, 1931, to apply to Parts III and IV of this Act.</p> <p>17. Amending section 25 of West Coast Settlement Reserves Amendment Act, 1948.</p> <p>18. Copy of Order, Proclamation, or notice need not be certified under hand of Under-Secretary if copy of <i>Gazette</i> deposited.</p> <p>19. Widower of intestate Maori may receive share of estate.</p> <p>20. Instruments of alienation executed by Maori Land Boards not to require confirmation.</p> <p>21. Powers and functions of committees appointed under section 8 of Board of Maori Affairs Act, 1934-35.</p> <p style="text-align: center;">PART IV</p> <p style="text-align: center;">MISCELLANEOUS POWERS</p> <p style="text-align: center;"><i>Tokerau District</i></p> <p>22. Maori Trustee authorized to expend moneys towards cost of Auckland Maori Community Centre.</p> <p>23. Validating Order of the Court concerning Motatau Number 2 Block.</p>
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<i>Waikato-Maniapoto District</i>		
24. Authorizing extension of term of timber cutting licence granted to Ellis & Burnand, Ltd., by Waikato-Maniapoto District Maori Land Board.	29. Settlement of claims in respect of Kauhoroa Block and constitution of Wairoa Maori Trust Board.	
<i>Waiairiki District</i>		
25. Court authorized to hear and determine application for probate of will of Mou te Hapuku, deceased.	30. Ngatiporou Co-operative Dairy Company, Ltd., authorized to contribute to cost of centennial celebrations of Te Aute College.	
26. Establishment of Whakatohea Trust Board. Repeal.	<i>Ikaroa District</i>	
27. Maori Trustee authorized to contribute to cost of guest house in Rotorua.	31. Meaning of term "issue" when used in relation to residuary beneficiaries in Hemi Matenga Trust.	
<i>Tairāwhiti District</i>		
28. Constitution of East Coast Maori Trust Council.	32. Provisions relating to "North Island Tenths" modified.	
	33. Proceeds of alienation of Tarawera and Tatarākiina Blocks to be paid to Ikaroa District Maori Land Board.	

A BILL INTITULED

Title. AN ACT to Amend the Law Relating to Maoris and Maori Land, to Confer Jurisdiction Upon the Maori Land Court, and for Other Purposes.

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

Short Title. 1. This Act may be cited as the Maori Purposes Act, 1949.

PART I 10

RELIEF OF MAORI SERVICEMEN AND DISCHARGED SERVICEMEN

Application of this Part. 1941, No. 25 2. (1) For the purposes of this Part of this Act the terms "serviceman" and "discharged serviceman" shall mean a serviceman or a discharged serviceman within the meaning of the Rehabilitation Act, 1941, and shall be deemed to include the wife or widow of a serviceman or of a discharged serviceman. 15

(2) This Part of this Act shall apply to all liabilities incurred whether before or after the passing of this Act by any serviceman or discharged serviceman in respect of:— 20

1936, No. 53 (a) Rent under any lease granted under the Maori Land Amendment Act, 1936, by the Board of Maori Affairs (in this Part of this Act referred to as the Board), acting as the agent of the Rehabilitation Board established under Part I of the Rehabilitation Act, 1941; 25

- 5 (b) Principal moneys under any mortgage given to His Majesty the King over the estate in the land comprised in any lease granted under the Maori Land Amendment Act, 1936, by the Board acting as the agent of the Rehabilitation Board to secure the value of any improvements existing on the land at the date of the granting of the lease: 1936, No. 53
- 10 (c) The purchase price under any agreement for sale and purchase in respect of any land disposed of pursuant to section five of the Maori Purposes Act, 1939, or section seventy-two of the Statutes Amendment Act, 1945, by the Board acting as the agent of the Rehabilitation Board or principal moneys secured by any mortgage given to His Majesty the King to secure a loan granted to pay the purchase price or any part thereof under any such disposition. 1939, No. 28
1945, No. 40
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- 20 3. (1) Any serviceman or discharged serviceman who holds a lease of Crown land granted under the Maori Land Amendment Act, 1936, by the Board acting as the agent of the Rehabilitation Board or who holds farm land disposed of pursuant to section five of the Maori Purposes Act, 1939, or section seventy-two of the Statutes Amendment Act, 1945, by the Board acting as the agent of the Rehabilitation Board may at any time not earlier than three years or later than six years after the date of the commencement of the term of the lease or, as the case may be, the date as at which the land was disposed of under section five of the Maori Purposes Act, 1939, or section seventy-two of the Statutes Amendment Act, 1945, apply for a review of any liabilities to which this Part of this Act applies on the ground that the rent or purchase-price at which the land was disposed of was excessive, or, as the case may require, that the amount of the principal moneys originally secured by any such mortgage was excessive. Application for review of liabilities.
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- 40 (2) Every such application shall be in writing and shall be made to the Registrar of the Maori Land Court for the district in which the land concerned is situated.
- (3) Every such application shall be referred to the Board.

Review by
Board.

4. (1) On receipt of any application made under section *three* of this Act the Board shall consider the application, and, after hearing such evidence as it thinks fit, shall review its determination or determinations made prior to the disposal of the land in respect of the unimproved value of the land and the value of the improvements thereon, and shall determine whether the determination or determinations should be sustained or varied and what reductions, if any, should be made in respect of the rent or the purchase price of the land, or, as the case may require, in respect of the principal moneys originally secured by the mortgage.

(2) Every determination of the Board made under this section shall forthwith be communicated to the applicant, together with a full statement of the effect thereof and of his right of appeal as hereinafter mentioned.

1943, No. 16

(3) Notwithstanding anything contained in this section, the purchaser of land acquired by the Crown under section fifty-one of the Servicemen's Settlement and Land Sales Act, 1943, shall not be entitled to make an application under this section for a review of any liabilities to which paragraph (c) of subsection *two* of section *two* of this Act applies if the purchase price of the land does not exceed the basic value of the land as determined pursuant to the said section fifty-one at the time of acquisition thereof.

Appeal against
Board's
decision.

1948, No. 50

5. (1) Within sixty days of the the communication of any determination under section *four* of this Act, or within such further time as under special circumstances of sickness or accident or otherwise the Board may in its discretion allow, the applicant may appeal to the Land Valuation Court established under the Land Valuation Court Act, 1948 (in this Part of this Act referred to as the Court), from the determination or any part thereof. Every such appeal shall be by way of rehearing.

(2) Every appeal shall be made by notice in writing forwarded to the office of the Court nearest to the place where the land affected is situated.

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(3) Subject to the provisions of this Part of this Act, the Court shall deal with every such appeal in as nearly as possible the same manner as if it were an appeal to the Court from an order of a Land Valuation Committee
5 determining the basic value of the land under the Service-
men's Settlement and Land Sales Act, 1943:

1943, No. 16

10 Provided that in the case of any lease where the estate of the lessee is not subject to a mortgage to His Majesty the King in respect of improvements the Court shall be
concerned only with the unimproved value of the land.

15 **6.** On any such appeal the Court shall by order determine the basic value of the land as at the date of commencement of the term of the lease, or, as the case may require, as at the date at which the land was other-
wise disposed of by the Board, and, in any case where a mortgage has been given to His Majesty the King in respect of improvements, the order shall deter-
mine separately, as at the date aforesaid, the unimproved
20 value of the land and the value of the improvements in respect of which the mortgage was given.

Determination of value by Land Valuation Court.

25 **7.** Where the unimproved value of the land in any lease, as determined by the Court, is less than the unimproved value on which the rent payable under the lease is based the rent shall be proportionately reduced as from
the commencement of the term of the lease, and the rent
account shall be so adjusted as to give the lessee full
credit for all payments of rent made by him up to the
date of the order.

Adjustment of rent.

30 **8.** (1) Where a mortgage has been given to His Majesty the King in respect of improvements and the value of those improvements as determined by the Court is less than the amount of the principal moneys originally secured by the mortgage, the amount of principal moneys originally so secured shall be reduced as from the date
35 of the mortgage in conformity with the order of the Court, and the instalments payable by the mortgagor shall be reduced accordingly and the appropriate account or accounts shall be so adjusted as to give the mortgagor full credit for all payments, whether by way of deposit
40 or of principal and interest, made by him up to the date of the order.

Adjustment of mortgages, &c.

(2) Where the land has been sold, the basic value determined as aforesaid shall be the price at which, in the opinion of the Court, the land should have been disposed of in the first instance, and if that basic value is less than the purchase price the price shall, as from the date of the sale, be reduced to an amount equal to the basic value and any amount payable by the purchaser, whether secured on mortgage or otherwise, shall be reduced accordingly and the account of the purchaser shall be so adjusted as to give him full credit for all payments whether by way of deposit or as instalments of purchase price or of principal and interest made by him up to the date of the order. 5 10

Board's
determination
to be final if
no appeal filed.

9. Where in any case the applicant, following the receipt by him of a determination of the Board under section *four* of this Act, does not appeal to the Court within the time prescribed or allowed, the determination of the Board shall be final and conclusive. Every adjustment, whether in respect of the rent or of the purchase-price of the land or in respect of the amount of the principal moneys originally secured by the mortgage or in respect of any such instalments as aforesaid, required to give full effect to that determination, shall thereupon be made in accordance with the foregoing provisions of this Part of this Act in all respects as if the determination were an order of the Court. 15 20 25

No second
review.

10. Subject to the provisions of section *five* of this Act relating to appeals, where any review of liabilities is made under this Part of this Act in relation to any land no application for a further review of liabilities shall be made in relation to that land. 30

Adjustments to
be endorsed
on certificate of
title, &c.

11. (1) The District Land Registrar, on receipt of a certificate signed by the Under-Secretary of the Department of Maori Affairs or by a Deputy Registrar of the Court setting forth particulars as to any reduction made pursuant to this Part of this Act in the rent payable under any lease, or in the purchase-price of any land, or in the amount of any mortgage, or as to any other matter whatsoever arising out of this Part of this Act, shall endorse a memorial of the certificate on the registered copy of the lease, or, as the case may require, on the relevant certificate of title, mortgage, or other document. 35 40

(2) Where the principal moneys secured by any mortgage to which this Part of this Act applies are collaterally secured by any instrument by way of security over any stock or chattels, a copy of the certificate
 5 under this section shall be forwarded to the Registrar of the Supreme Court in whose office the instrument is registered, and the Registrar shall attach a copy of the certificate to the instrument and endorse on the instrument a reference to the reduction or other
 10 adjustment specified in the certificate.

(3) Where the reduction has been made pursuant to an order of the Court, any certificate under either of the *last two preceding* subsections shall be accompanied by a sealed copy of the order.

(4) No fee shall be payable to any District Land Registrar or Registrar of the Supreme Court in respect of the receipt or filing of any certificate under this section.

PART II

20 EXTENSION OF MAORI SOCIAL AND ECONOMIC ADVANCEMENT ACT, 1945

12. This Part of this Act shall be read together with and deemed part of the Maori Social and Economic Advancement Act, 1945 (in this Part referred to as
 25 the principal Act).

This Part to be read with Maori Social and Economic Advancement Act, 1945. 1945, No. 43

13. (1) Any Maori who, in any Tribal Committee area, whether in a Maori village or not,—

(a) Disturbs any congregation assembled for public
 30 worship, or any public meeting, or any meeting for any lecture, concert, or entertainment, or any audience at any theatre, whether money is charged or not for the lecture, concert, entertainment, or theatre, or interferes with the conduct of any religious service in
 35 any church, chapel, burial ground, or other public building or place; or

Riotous behaviour by Maoris deemed a breach of Tribal Executive by-laws.

(b) In or in view of any public place as defined by section forty of the Police Offences Act, 1927, or within the hearing of any person
 40 therein, behaves in a riotous, offensive, threatening, insulting, or disorderly manner,

See Reprint of Statutes, Vol. II, p. 522

or uses any threatening, abusive or insulting words, or strikes or fights with any other person,—

shall be deemed to have committed a breach of a by-law that has been duly made and has come into force in accordance with the provisions of the principal Act, and for the breach of which a fine not exceeding five pounds has been prescribed, and may be dealt with accordingly by a Tribal Committee under section forty-seven of the principal Act. 5 10

(2) Nothing in this section shall be construed to prevent a penalty being imposed on any person under the Justices of the Peace Act, 1927, in respect of an offence committed against section three of the Police Offences Act, 1927. 15

See Reprint of Statutes, Vol. II, p. 351

Profession of supernatural powers by Maoris deemed a breach of Tribal Executive by-laws.

14. Any Maori who, in any Tribal Committee area, whether in a Maori village or not, gathers Maoris around him by practising on their superstition or credulity, or who misleads or attempts to mislead any Maori by professing or pretending to possess supernatural powers in the treatment or cure of disease, or in the foretelling of future events, or otherwise, shall be deemed to have committed the breach of a by-law that has been duly made and has come into force in accordance with the provisions of the principal Act and for the breach of which a fine not exceeding twenty pounds has been prescribed and may be dealt with accordingly by a Tribal Committee under section forty-seven of the principal Act. 20 25

(2) Nothing in this section shall be construed to prevent a penalty being imposed on any person under the Justices of the Peace Act, 1927, in respect of an offence committed against the Tohunga Suppression Act, 1908. 30

See Reprint of Statutes, Vol. II p. 351 Ibid., Vol. VI, p. 403

Extension of powers of Maori Wardens in respect of the prevention of drunkenness.

15. The principal Act is hereby amended as follows:— 35

(a) By omitting from section thirty-nine the words “situated in or within two miles of any Maori village”, and substituting the words “situated in the tribal district for which he was appointed”; 40

(b) By omitting from subsection one of section forty the words “situated as aforesaid”, and substituting the words “situated in the tribal district for which he was appointed”.

PART III

AMENDMENT OF LAWS

16. Words and expressions used in Part III or Part IV of this Act shall, unless the contrary intention appears, have the same meaning as in the Maori Land Act, 1931 (in those Parts referred to as the principal Act), and the provisions of the principal Act, as far as they are applicable, shall extend and apply to the cases hereinafter provided for by this Act in as full and ample a manner as if Parts III and IV of this Act had been incorporated with and formed part of the principal Act.

Provisions of Maori Land Act, 1931, to apply to Parts III and IV of this Act. See Reprint of Statutes, Vol. VI, p. 103

17. Section twenty-five of the West Coast Settlement Reserves Amendment Act, 1948, is hereby amended by omitting all words after the word "apply", and substituting the words "to the granting of any substituted lease or renewal lease or to the granting of any new lease granted after the passing of this Act".

Amending section 25 of West Coast Settlement Reserves Amendment Act, 1948. 1948, No. 75

18. (1) Section five hundred and forty-eight of the principal Act is hereby amended by adding the following proviso:—

Copy of Order, Proclamation, or notice need not be certified under hand of Under-Secretary if copy of Gazette deposited. 1936, No. 53

“Provided that a copy of the Order or Proclamation need not be certified under the hand of the Under-Secretary if a copy of the *Gazette* containing any such Order or Proclamation is deposited with the District Land Registrar.”

(2) Section four of the Maori Land Amendment Act, 1936, is hereby amended by adding to subsection three the following proviso:—

“Provided that a copy of the notice need not be certified under the hand of the Under-Secretary if a copy of the *Gazette* containing the notice is deposited with the District Land Registrar.”

19. (1) Notwithstanding the provisions of section one hundred and seventy-seven of the principal Act, where it is proved to the satisfaction of the Court that the widower of any Maori woman who has died intestate has contributed any property to or otherwise increased the value of the estate of the deceased without receiving adequate compensation for so doing, or where, in any particular case, the Court considers it just and equitable

Widower of intestate Maori may receive share of estate.

to do so, the Court may, in its discretion, appoint to the widower of the deceased such interest, either absolute or otherwise, in the whole or any part or parts of the real or personal estate of the deceased as in the opinion of the Court the circumstances of the case warrant.

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(2) In appointing to the widower any interest less than an absolute interest the Court may impose such conditions or limitations with respect to remarriage or otherwise as it thinks fit.

(3) Every order made by the Court under this section in favour of the widower shall have the same effect as if it was a disposition lawfully made by the deceased by will, but shall be subject to any alienation lawfully made after the death of the deceased and before the making of the order.

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(4) Every order so made in favour of the widower in respect of the Maori freehold or other land of the deceased shall be deemed to be a succession order, and the widower shall be deemed to be a successor of the deceased accordingly.

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(5) Any Maori who, whether before or after the commencement of this Act, has been married to a Maori woman in accordance with Maori custom and whose marriage is subsisting at the time of her death shall be deemed to be her widower within the meaning of this section.

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(6) Every application under this section shall be made within two years of the death of the deceased unless the Court is satisfied that there are good grounds for extending that time. No distribution of any part of the estate, not being Maori freehold land, nor any alienation of the Maori freehold land, nor any alienation of the Maori freehold land being part of the estate made prior to the application, shall be disturbed by reason of the application or of an order made thereon, whether or not the time for making application has already expired.

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(7) This section shall be deemed to have come into force on the first day of January, nineteen hundred and forty-nine.

20. (1) Notwithstanding anything contained in the principal Act or in any other Act, no instrument of alienation executed by a Maori Land Board, whether the

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Instruments
of alienation
executed by
Maori Land
Boards not to
require
confirmation.

instrument is executed by a Board as agent, or as trustee, or in any other capacity whatsoever, shall require confirmation by the Maori Land Court under Part XIII of the principal Act.

5 (2) This section shall be deemed to have come into force on the ninth day of December, nineteen hundred and thirty-two.

21. The Board of Maori Affairs Act, 1934-35 is hereby amended as follows:—

Powers and functions of committees appointed under section 8 of Board of Maori Affairs Act, 1934-35. 1934, No. 44

10 (a) By omitting from section two the definition of "District Committee" and substituting the following definition,—

" "District Committee" means a Maori district advisory committee appointed under this Act: "

15 (b) By repealing subsection one of section eight and substituting the following subsection:—

20 " (1) The Governor-General in Council may from time to time appoint such number of district committees as he thinks fit. Every such committee shall be called " The Maori District Advisory Committee," and shall consist of not less than three or more than nine members who shall be members of the Maori tribe or tribes residing within the district in respect of which the committee is appointed. The district in respect of which the committee is appointed shall be prescribed by the Governor-General in Council when appointing the committee. All the members of the committee shall hold office for a term of three years from their respective appointments and shall be eligible for re-appointment. The Governor-General in Council shall appoint one member of each committee to be the chairman thereof. " :

30 (c) By adding to section nine the following subsections,—

35 " (3) Every district committee shall have such other powers, duties, and functions, of an advisory nature and relating to the district for which it was appointed, as may be prescribed in that behalf by regulations made under this Act. Any such powers, duties, or functions

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45 may be exercised by the committee without

being delegated to it by the Board or without express authority or request from the Board.

“(4) The Board shall give heed to, and adopt, as far as it deems the same practicable or expedient, any recommendation made by a committee pursuant to this section in respect of any matter affecting the district for which the committee is appointed.” 5

PART IV

MISCELLANEOUS POWERS 10

Tokerau District

Maori Trustee authorized to expend moneys towards cost of Auckland Maori Community Centre.

See Reprint of Statutes, Vol. VI, p. 395

Validating Order of the Court concerning Motatau Number 2 Block.

22. Notwithstanding the provisions of section forty-nine of the Maori Trustee Act, 1930, the Maori Trustee is hereby authorized to expend from the Assurance and Reserve Fund referred to in that section the sum of one thousand pounds towards the cost of alterations to, and equipment for, the Auckland Maori Community Centre. 15

23. Whereas a sum of one thousand three hundred and four pounds six shillings and elevenpence has been held by the Tokerau District Maori Land Board for a number of years on behalf of the owners of certain subdivisions of the land known as Motatau Number 2 Block: And whereas it is not now possible, owing to the loss of certain records, to ascertain the persons entitled to the said sum: And whereas, after consultation with representatives of the Maori tribe which formerly resided in the district in which the said land is situated, the Court made an order dated the second day of September, nineteen hundred and forty-nine, for the payment of the said sum for various communal purposes: And whereas doubts have been raised as to the validity of the said order: Be it therefore enacted as follows:— 20 25 30

The order made by the Court on the second day of September, nineteen hundred and forty-nine, for the payment of certain moneys held by the Tokerau District Maori Land Board in respect of the Motatau Number 2 Block is hereby declared to have been validly made. 35

Waikato-Maniapoto District

24. Whereas by Order in Council dated the fourteenth day of December nineteen hundred and nine all that piece or parcel of land containing thirteen thousand seven hundred and twenty-seven acres, more or less, being the block situated in the Hurakia Survey District called Maraeroa C, and being all the land in certificate of title Volume 193, folio 147, Auckland Registry, became vested in the Waikato-Maniapoto District Maori Land Board (in this section referred to as the Board) for an estate in fee simple subject to the provisions of Part XIV of the Maori Land Act, 1909: And whereas the Board, acting under the provisions of section two hundred and eighty of that Act, by deed dated the twelfth day of May, nineteen hundred and thirty, and registered in the Auckland Land Registry Office as Number 14306 granted to Ellis & Burnand, Limited, of Hamilton, Timber Merchants, the right to remove the timber and trees on the said Maraeroa C Block, subject to payment of the royalties and to the conditions and agreements set out in the said deed Number 14306 (in this section referred to as the timber cutting licence): And whereas the term for which the timber cutting licence was granted expires on the twenty-fifth day of November, nineteen hundred and fifty-seven: And whereas timber cutting operations on the said Maraeroa C Block cannot be properly and satisfactorily completed by that date and it is expedient that the term of the timber cutting licence be extended: Be it therefore enacted as follows:—
- 30 (1) Notwithstanding anything to the contrary in section three hundred and forty-six of the principal Act or in any other enactment, the Board may, upon application made to it in that behalf by Ellis & Burnand, Limited, grant to Ellis & Burnand, Limited or its successors or assigns, by instrument in writing under the seal of the Board a memorandum of extension of the term of the timber cutting licence subject to such conditions as the Board, with the approval of the Minister of Maori Affairs, may decide.
- 40 (2) Any such memorandum of extension may be registered in the Land Registry Office in the same manner as a grant of a licence to remove timber under section three hundred and forty-six of the principal Act may be registered.

Authorizing extension of term of timber cutting licence granted to Ellis & Burnand, Ltd., by Waikato-Maniapoto District Maori Land Board.
1909, No. 15

Waiariki District

Court authorized to hear and determine application for probate of will of Mou te Hapuku, deceased.

25. Nothing contained in section one hundred and seventy-five of the principal Act shall apply to the will of Mou te Hapuku, late of Waiohau, Maori, and the Court is hereby authorized and empowered to hear and determine an application for a grant of probate of the said will or for succession orders in pursuance thereof if the application is made to the Court not later than six months after the passing of this Act. 5

Establishment of Whakatohea Trust Board.

26. (1) The Governor-General may, by Order in Council, constitute a Board to be called the Whakatohea Trust Board (in this section referred to as the Board). 10

(2) The purposes for which the Board shall be constituted shall be:—

(a) To administer the moneys paid to the Maori Trustee under section two of the Finance Act (No. 2), 1946 (in this section referred to as the principal sum), and any moneys derived from the investment of the principal sum: 15

(b) To acquire, with the principal sum, land for settlement and development for the general benefit of members of the Whakatohea Tribe and their descendants: 20

(c) To administer and control any land so acquired.

(3) The Board shall be a body corporate with perpetual succession and a common seal. 25

(4) The Governor-General may, by Order in Council, make regulations prescribing the rights, powers, functions, and obligations of the Board, and providing for such matters not inconsistent with this section as are contemplated or required by this section or as may, in his opinion, be necessary or expedient for giving full effect to the provisions thereof. 30

(5) Without in any way limiting the generality of the provisions of subsection *four* of this section, regulations made under this section may provide for all or any of the following matters:— 35

(a) The number of members of the Board:

(b) The qualification for membership of the Board:

(c) The term of office of members of the Board: 40

(d) The mode of filling vacancies on the Board:

- 5 (e) The powers and functions of the Board, including the power to invest the principal sum or any unexpended balance thereof or any other moneys under the control of the Board; the power to purchase or otherwise acquire land with moneys forming part of the principal sum or with any other moneys under the control of the Board; the power to develop, farm, or otherwise administer any such land, and to sell, lease, or otherwise dispose of any such land; the power to borrow money on the security of a mortgage or charge upon any land or other property vested in the Board; and the power to lend money:
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- 15 (f) The expenditure by the Board of moneys under its control, other than the principal sum, for the promotion of the health, social and economic welfare, or education, of members of the Whakatohea Tribe or their descendants:
- 20 (g) The payment of administration expenses:
(h) The keeping of accounts and the auditing thereof:
(i) The transfer, in such manner as may be prescribed, of the principal sum and moneys derived from the investment thereof from the Maori Trustee to the Board.
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(6) Notwithstanding the provisions of any Act or of any rule of law or equity to the contrary, no member of the Board constituted under this section shall be
30 debarred by virtue of his membership of the Board from receiving any benefit from any moneys administered by the Board:

Provided that no moneys shall be applied by the Board, whether by way of grant or loan or in any other
35 manner, for the exclusive benefit of any member of the Board without the prior approval in writing of the Minister:

Provided also that no member of the Board shall take part in any discussion or vote on any resolution of the Board concerning the application of any such
40 moneys for his exclusive benefit.

(7) Section two of the Finance Act (No. 2), 1946, is hereby repealed. Repeal.

Maori Trustee
authorized to
contribute to
cost of guest
house in
Rotorua.
See Reprint
of Statutes,
Vol. VI, p. 395

27. (1) Notwithstanding the provisions of section forty-nine of the Maori Trustee Act, 1930, the Maori Trustee is hereby authorized to expend from the Assurance and Reserve Fund referred to in that section a sum not exceeding one thousand pounds towards the cost of erecting and equipping the guest house for Maoris erected at Rotorua for the Women's Health League, Incorporated. 5

1948, No. 69

(2) The authority conferred by this section is additional to that conferred by subsection one of section nine of the Maori Purposes Act, 1948. 10

Tairāwhiti District

Constitution
of East Coast
Maori Trust
Council.

1935, No. 39

28. (1) There is hereby constituted a council to be called the East Coast Maori Trust Council (in this section referred to as the Council), consisting of representatives of the Block Committees constituted under section eighteen of the Maori Purposes Act, 1935. Each such Committee shall appoint one member to the Council. 15

(2) The Council shall be a corporate body with perpetual succession and a common seal. 20

(3) Each representative appointed under this section shall be a member of the Block Committee by which he is appointed and shall hold office as a member of the Council only during the currency of his term of office as a member of that Block Committee. 25

(4) Any member of the Council may at any time be removed from office by the Block Committee by which he was appointed, for inefficiency, disability, insolvency, neglect of duty, or misconduct, proved to the satisfaction of that Block Committee. 30

(5) If any member of the Council dies, or resigns, or is removed from office, his office shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy.

(6) In the case of any extraordinary vacancy the Block Committee by whom the vacating member was appointed may appoint some qualified person as a member of the Council for the residue of the term for which the vacating member was appointed. 35

(7) If any member of the Council is, by reason of sickness or otherwise, prevented from attending any meeting of the Council, he may in writing appoint some other member of the Block Committee by which he was
5 appointed to act as his proxy for the purpose of that meeting.

(8) At the first meeting of the Council and at the annual meeting in every year thereafter, the Council shall elect one of its members to be Chairman of the Council.

10 (9) The Chairman shall preside at all meetings of the Council at which he is present, and, in the absence of the Chairman from any meeting, the members present thereat may elect one of their number to be the Chairman of that meeting.

15 (10) No business shall be transacted at any meeting unless a quorum is present thereat. A quorum shall consist of not less than half the total number of the members of the Council.

20 (11) All questions coming before the Council shall be decided by a majority of the votes of the members present at the meeting, and in the case of an equality of votes the Chairman shall have a second or casting vote.

(12) The powers of the Council shall not be affected by any vacancy in the membership thereof.

25 (13) All proceedings, decisions, and resolutions of the Council shall be recorded in a minute book kept for the purpose.

(14) Subject to the provisions of this section the Council may regulate its own procedure.

30 (15) The Council may from time to time appoint some fit and proper person to act as Secretary of the Council and may at any time remove the Secretary from office. The Secretary shall not be a member of the Council but may be a member of a Block Committee. The Secretary
35 shall be paid such remuneration as the Council, with the approval of the Minister, shall decide.

(16) The first meeting of the Council shall be held at such time as the Minister may approve and thereafter meetings of the Council shall be held at such times and in
40 such places as the Chairman of the Council shall decide.

(17) The annual meeting of the Council shall be held in the month of October in each year or as soon thereafter as may be practicable.

1931, No. 32

(18) It shall be the duty of the East Coast Commissioner appointed under Part IV of the Maori Purposes Act, 1931, to submit for the consideration of the Council all important matters and undertakings relating to the general administration of the lands vested in the Commissioner, to explain to the Council any material changes being made with regard to the trust estate, and to give heed to, and adopt, as far as he thinks the same is practicable or expedient, any advice, tendered by the Council in connection with the administration, management, or disposal of the trust estate. The East Coast Commissioner shall also supply to the Council a copy of his official balance-sheet as soon as practicable after the close of each financial year. 5 10

(19) Out of moneys derived from any lands forming part of the trust estate, the beneficial owners of which have not been ascertained by the Court, or out of the accumulations of any such moneys, the Council may, with the prior consent of the Minister of Maori Affairs, make grants, or donations or may authorize expenditure in the nature of grants or donations for any purpose. Any such grant or donation may be charged against the said moneys or the accumulations thereof. 15 20

(20) The East Coast Commissioner shall not, without the prior approval of the Council as aforesaid, make any donation for any purpose out of any such moneys or the accumulations thereof. 25

(21) Section twenty-nine of the Maori Purposes Act, 1931, is hereby amended as follows:—

(a) By adding to paragraph (a) the words “ given upon the recommendation of the East Coast Maori Trust Council ”: 30

(b) By inserting after the word “ Minister,” in paragraph (b), the words, “ given upon the recommendation of the East Coast Maori Trust Council,”: 35

(c) By adding to paragraph (c) the following words “ This power shall not be exercisable without the consent of the East Coast Maori Trust Council.” 40

(22) Where an overdraft has been granted to the East Coast Commissioner by any bank before the passing of this Act the consent of the Council shall be necessary before there is any increase in the limit of any such overdraft. 45

(23) It shall be the duty of the Council to consider all matters referred to it by the East Coast Commissioner and to report to the said Commissioner all such matters affecting the trust estate and the beneficial owners thereof as it may think necessary to bring to his attention.

(24) The East Coast Commissioner shall refund to the members of the Council all reasonable expenses incurred by each member in travelling to and from duly summoned meetings of the Council and shall pay to the said members such daily allowances in respect of their attendance at such meetings as the Minister of Maori Affairs shall from time to time approve. The expenses incidental to the administration of the Council shall be charged to the general administration of the trust estate.

(25) Notwithstanding anything in section twenty-seven of the Maori Purposes Act, 1931, in the event of the office of the East Coast Commissioner becoming vacant for any reason, the Council may recommend the Governor-General to appoint or re-appoint any person to that office. In making any such appointment the Governor-General shall have regard to but shall not be bound by a recommendation of the Council.

29. Whereas by Warrant under the hand of the Governor-General dated the eighteenth day of October, nineteen hundred and twenty-six, a Commission of Inquiry was appointed to inquire into and report upon certain Maori claims, amongst others, touching the cession of the Kauhoroa Block in the Wairoa District: And whereas the majority members of the Commission in the report of the Commission which is reproduced in Paper G-7 of the Appendices to the Journals of the House of Representatives for the year nineteen hundred and twenty-eight, recommended that certain annual sums should be paid as compensation in respect of the cession aforesaid: And whereas the Maoris concerned in the said claims by their representatives agreed on the twelfth day of May, nineteen hundred and forty-nine, to accept payment of the sum hereinafter mentioned in full settlement and discharge of their claims: And whereas it is desirable to make provision for a settlement accordingly and for the control and administration of the moneys paid thereunder: Be it therefore enacted as follows:

Settlement of claims in respect of Kauhoroa Block and constitution of Wairoa Maori Trust Board.

(1) In settlement of all claims and demands which have heretofore been made or which might hereafter be made upon His Majesty's Government in New Zealand in respect of or arising out of the cession of the Kauhoroa Block in the Wairoa District, there shall be paid to the Board hereinafter mentioned from moneys appropriated by Parliament for the purpose a sum of twenty thousand pounds. 5

(2) The Governor-General may, by Order in Council, constitute a Board to be called the Wairoa Maori Trust Board (in this section referred to as the Board) for the purpose of administering the moneys payable to the Board under this section. 10

(3) The Board shall be a body corporate with perpetual succession and a common seal. 15

(4) The Governor-General may, by Order in Council, make regulations prescribing the rights, powers, functions, and obligations of the Board, and providing for such matters not inconsistent with this section as are contemplated or required by this section, or as may, in his opinion be necessary or expedient for giving full effect to the provisions thereof. 20

(5) Without in any way limiting the generality of the provisions of subsection *four* of this section, regulations made under this section may provide for all or any of the following matters:— 25

- (a) The number of members of the Board:
- (b) The qualification for membership of the Board:
- (c) The term of office of members of the Board:
- (d) The mode of filling vacancies on the Board: 30
- (e) The class or classes of persons for whose benefit the said moneys are to be administered:
- (f) The powers and functions of the Board, including the power to borrow money on the security of mortgage or charge upon any land or other property vested in the Board; the power to buy and sell property; the power to farm or otherwise administer lands vested in the Board; and the power to lend or to invest money: 35
- (g) The expenditure by the Board of moneys under its control for the promotion of the health, social and economic welfare, or education, of the persons on whose behalf the said moneys are to be administered: 40 45

(h) The payment of administration expenses:

(i) The keeping of accounts and the auditing thereof

(6) Notwithstanding the provisions of any Act or of any rule of law or equity to the contrary, no member of the Board constituted under this section shall be debarred by virtue of his membership of the Board from receiving any benefit from any moneys administered by the Board:

Provided that no moneys shall be applied by the Board, whether by way of grant or loan or in any other manner, for the exclusive benefit of any member of the Board, without the prior approval in writing of the Minister of Maori Affairs:

Provided also that no member of the Board shall take part in any discussion or vote on any resolution of the Board concerning the application of any such moneys for his exclusive benefit.

30. The Ngatiporou Co-operative Dairy Company Limited, a duly incorporated company having its registered office at Ruatoria, is hereby empowered to expend an amount not exceeding two hundred pounds as a contribution towards the cost of the centennial celebrations of Te Aute College.

Ngatiporou Co-operative Dairy Company, Ltd. authorized to contribute to cost of centennial celebrations of Te Aute College.

Ikaroa District

31. For the purposes of section twenty of the Maori Purposes Act, 1948, the term "issue", when used in subsection one of that section in relation to a contingent residuary beneficiary, shall include any child or other descendant, whether legitimate or illegitimate, and whether a Maori or not, of the contingent residuary beneficiary, who would, if a Maori, be capable of taking by way of intestate succession an interest of the contingent residuary beneficiary in Maori land.

Meaning of term "issue" when used in relation to residuary beneficiaries in Hemi Matenga Trust. 1948, No. 69

32. (1) The Maori Trustee shall, from moneys held or hereafter received by him in respect of the rents and proceeds of such of the land referred to in section thirty-six of the Maori Trustee Act, 1930, as are situated in the Provincial District of Wellington (in this section referred to as the said lands), establish a fund of two thousand five hundred pounds.

Provisions relating to "North Island Tenths" modified. See Reprint of Statutes, Vol. VI, p. 390

(2) The fund established under subsection *one* of this section shall be applied by the Maori Trustee in accordance with the provisions of paragraph (*b*) of subsection one, and of subsection two of the said section thirty-six, for the benefit of the persons interested in the said lands. 5

(3) All rents and proceeds from the said lands, except such rents and proceeds as are required to establish the said fund, shall from time to time be distributed by the Maori Trustee to the Maori beneficiaries entitled thereto in shares determined by the Court. 10

(4) Except as provided by this section, nothing in section thirty-six of the Maori Trustee Act, 1930, shall hereafter apply to the said lands. 15

Proceeds of alienation of Tarawera and Tatarakaikina Blocks to be paid to Ikaroa District Maori Land Board.

33. (1) In confirming any alienation affecting any interest in any subdivision of the lands described in subsection *three* of this section (being Maori land, or land owned by Maoris or the descendants of Maoris), or in confirming any resolution passed by a meeting of the assembled owners of any such subdivision to the effect that there shall be an alienation of any interest in the subdivision, the Court shall direct that the whole of the proceeds of every such alienation shall be paid to the Ikaroa District Maori Land Board and no distribution of any such proceeds or of any part thereof shall be made to any of the owners of the subdivision except with the precedent consent of the Minister of Maori Affairs. 20 25

(2) No moneys now held by the Ikaroa District Maori Land Board in respect of any subdivision of the said land shall be distributed to any of the owners of any such subdivision without the consent of the Minister. 30

(3) The land to which this section relates is the land formerly known as Tarawera and Tatarakaikina Blocks, situate in Hawke's Bay Land District and comprised in orders of the Court dated the sixth day of July, eighteen hundred and eighty-two. 35