

Hon. Mr. Herries.

NATIVE LAND AMENDMENT AND NATIVE LAND CLAIMS ADJUSTMENT.

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A BILL INTITULED

AN ACT to further amend the Laws relating to Native Lands and to Maori Councils, and to determine certain Claims and Disputes in relation to Native Lands, and to confer Jurisdiction upon the Native Land Court and the Native Appellate Court, and for other Purposes.

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

1. This Act may be cited as the Native Land Amendment and Native Land Claims Adjustment Act, 1916.

Amendments to Native Land Laws.

2. (1.) The Native Land Court may, out of the assets of any deceased Native, allow to his administrator or trustee for the time being such commission or percentage, not exceeding five per centum per annum, as remuneration for his services as is just and reasonable.

Provision for payment of commission to trustee or administrator of estate of deceased Native.

(2.) The power conferred on the Court by this section may be exercised in any case, notwithstanding that probate or letters of administration may have been granted before the passing of this Act.

(3.) An allowance under this section may be made at any stage of the administration, upon such conditions as to the filing and vouching of the accounts of the administrator or trustee as the Court thinks fit. 5

Section 35 of the Native Land Amendment Act, 1913, amended.

3. Section thirty-five of the Native Land Amendment Act, 1913, is hereby amended by adding thereto the following subsection:—

“(6.) With the precedent approval of the Native Minister, the Board may out of the surplus funds of such account expend moneys for the acquisition and furnishing of office premises.” 10

Empowering the Crown to purchase individual interests in Urewera lands.

4. Notwithstanding anything to the contrary in the Urewera District Native Reserve Act, 1896, or in any other Act, the Crown shall be deemed to have and at all times to have had power to purchase the interest of any individual owner in the land comprised in the First Schedule to the aforesaid Act, and every such owner shall be deemed to have and to have had power to sell his interest to the Crown, but to no other person. 15

Section 4 of the West Coast Settlement Reserves Amendment Act, 1915, amended.

5. Section four of the West Coast Settlement Reserves Amendment Act, 1915, is hereby amended as from the date of the passing thereof by omitting the word “thirty,” and substituting the word “forty” therefor. 20

Administration of land set apart for landless Natives in the South Island.

6. Section twelve of the Native Land Amendment Act, 1914, is hereby amended as follows:— 25

(a.) By omitting from paragraph (b) the words “vest the same,” and substituting the words “vest the control of the same”;

(b.) By omitting from the said paragraph (b) the words “in trust for the beneficial owners”;

(c.) By omitting from the said paragraph (b) the words “in respect of any lands so vested in it,” and substituting the words “in respect of such lands”; and 30

(d.) By omitting from paragraph (d) the words “instead of in the Land Board.”

Section 16 of the Native Land Amendment Act, 1914, amended.

7. Section sixteen of the Native Land Amendment Act, 1914, is hereby amended by omitting from subsection one all words after the words “shall not exceed,” and substituting the words “the interest to which such owner would be entitled on partition (whether such partition be made on the basis of area or the basis of value), and his interest in the remainder of the block shall by such transfer be reduced accordingly, or be deemed to be extinguished, as the case may be.” 40

Amendments to Maori Councils Act.

Provisions for appointment of Maori Councils by Governor.

8. Whereas doubts have arisen as to the tenure of office of members of Maori Councils under the Maori Councils Act, 1900: And whereas it is expedient to remove such doubts and to confirm the tenure of office by the persons purporting to hold office as members under the said Act: And whereas it is desired to amend the said Act in the manner hereinafter set forth: Be it therefore enacted as follows:— 45

(1.) The persons who, at the passing of this Act, purport to hold office as members of any Maori Council constituted under the Maori 50

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Councils Act, 1900, are hereby declared to have been validly elected or appointed as members of such Council, and to have continued and to continue as such members from the date of their election or appointment until the date of their retirement from office in accordance with this Act.¶

(2.) All members of Maori Councils now in office shall go out of office on a day to be fixed by the Governor by Order in Council gazetted, and the Governor may by the same or any subsequent Order in Council appoint for each or any district under the said Act a Council consisting of an official member (as provided for by section eight of the said Act) and seven other Maori members resident in the said district.

(3.) The Councils appointed under this section shall for all purposes be deemed to be Maori Councils under the Maori Councils Act, 1900.

(4.) Sections four, five, six, and seven of the said Act are hereby repealed.

(5.) Section nine of the said Act is hereby amended as follows:—

(a.) By repealing paragraph (1) thereof; and

(b.) By omitting from paragraph (6) thereof the words “and appoint a new election to be held.”

9. Where in the opinion of the Native Minister any Maori Council has failed properly to carry out the duties imposed upon it by section eight of the Maori Councils Amendment Act, 1903, with respect to the registration of dogs, or to enter into an arrangement with a European local authority as authorized by that section, the Governor may by Order in Council confer upon any such European local authority all the powers and functions of the Maori Council with respect to the registration of dogs in the district of that Maori Council.

Special provisions for registration of dogs in Maori Council districts.

Adjustment of Claims.

10. (1.) Notwithstanding anything to the contrary in the Land Act, 1908, the following provisions shall apply with respect to the disposition of any land situated in the Hurakia Block, in the Mangaoporo Survey District, in the Hawke's Bay Land District, that may heretofore have been or that may hereafter be acquired by the Crown from the Native owners thereof.

Special provisions for disposition of lands acquired by the Crown in Hurakia Block.

(2.) The Native Minister may agree with the Native owners, or with the Natives from whom the said land has been acquired, that the said land or any part thereof shall be subdivided into such allotments as may be agreed on between the parties, and that the said allotments shall be disposed of under the Land Act, 1908, but without a ballot, to such persons as may be agreed on between the parties.

(3.) On the production to the Land Board of an agreement under the hand of the Native Minister, purporting to be made under the authority of this section, the Land Board shall, subject to the provisions of this section, dispose of the said allotments in accordance with the terms of the said agreement.

(4.) If any land to which this section relates is not disposed of pursuant to an agreement under this section within *six* months after the passing of this Act or within *six* months after the completion of the acquisition of that land by the Crown (whichever date is the later), the

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said land shall be disposed of by the Land Board as if this section had not been passed.

(5.) The Tairāwhiti District Māori Land Board is hereby authorized to pay out of its account as compensation for improvements effected on any lands to which this section relates such sums (not being moneys held on trust) as the Native Minister, by writing under his hand, may approve to such persons as the Minister may certify to be respectively entitled thereto. 5

Native Land Court authorized to review partition orders of Parāhaki No. 1 Block, and to make readjustments if he thinks fit.

11. (1.) The Judge of the Native Land Court, for the time being exercising jurisdiction in the Tokerau District, is hereby empowered, 10 on the requisition of the Native Minister, to review the orders made by Judge McCormick on the eleventh day of February, nineteen hundred and thirteen, in partitioning the Parāhaki No. 1 Block, and to make such readjustments as he may think fit with the consent of all parties concerned, and such readjustments shall be registered by the District 15 Land Registrar accordingly.

(2.) The Judge may make such orders as he may think fit with respect to survey fees for any such readjustment.

(3.) The Tokerau District Māori Land Board is hereby empowered to pay, on the certificate of the Judge of the Native Land Court for the 20 district, out of moneys in its account (not being trust moneys), such sums as he may deem fit to such persons as he may find entitled, by way of compensation for loss of cultivations, not exceeding in the aggregate the sum of three hundred pounds.

Native Appellate Court authorized to review orders determining relative interests in Mangahauini No. 7 Block.

12. (1.) To give effect to the recommendation of the Chief Judge 25 of the Native Land Court, bearing date the twenty-ninth day of June, nineteen hundred and sixteen, and made in accordance with the provisions of section twenty-three of the Native Land Amendment and Native Land Claims Adjustment Act, 1915, the Native Appellate Court is hereby empowered and directed to review all previous orders of the 30 Native Land Court or of the Native Appellate Court made in respect of the Mangahauini No. 7 Block, in so far as such orders define the relative interests of the owners thereof, and to affirm or vary the relative interests so defined.

(2.) The District Land Registrar is hereby authorized to amend the 35 Land Transfer Register in accordance with any decision of the Native Appellate Court under the provisions of this section.

Removing restrictions against alienation on Subdivisions 3 and 28 of Section 8, Block XI, Belmont Survey District.

13. (1.) The restrictions on alienation imposed on Subdivisions 3 40 and 27 of Section 8, Block XI, Belmont Survey District, in the Wellington Land District, by the partition orders issued by the Native Land Court on the twenty-first day of March, eighteen hundred and eighty-eight, are hereby declared to be annulled and removed as from the date of the imposition thereof in respect to the share or interest of Ruihana te Mare thereunder.

(2.) The Native Land Court or the Native Appellate Court may give 45 effect to any testamentary dispositions of the said sections by Ruihana te Mare in any proceedings now before the Native Land Court or the Native Appellate Court or hereafter to be brought.

(3.) Nothing in the Land Titles Protection Act, 1908, or section 50 four hundred and thirty-two of the Native Land Act, 1909, shall operate so as to prevent effect being given to the provisions of this section.

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14. Whereas a Crown grant, No. 2125 (Auckland Land District), dated the twenty-fourth day of September, eighteen hundred and seventy, was issued in the name of Maungapohatu and Te Wana Kore, as trustees for the Pirirakau Tribe, as regards Allotment No. 16 of the Parish of Te Puna mentioned therein, containing fifty acres: And whereas it is desirable to vest the said land in the Waiariki District Maori Land Board in trust for the beneficial owners: Be it therefore enacted that the piece of land known as Allotment No. 16 of the Parish of Te Puna, in the Auckland Land District, is hereby vested in the Waiariki District Maori Land Board in trust for such members of the Pirirakau Tribe as shall be ascertained to be entitled thereto by the Native Land Court on the application of the Native Minister.

Vesting Te Puna, Lot 16, in Waiariki District Maori Land Board in trust for members of the Pirirakau Tribe to be ascertained by the Native Land Court.

15. The Native Land Court (Ikaroa District) is hereby directed, on the application of any party interested, to inquire into a certain deed of family arrangement, made the eighth day of May, nineteen hundred and sixteen, between Adam Pohio, of the first part; Noti Moa, Ani Riki, Wiremu Pohio, Mere Brown, and Whetu Pohio, of the second part; Kiu te Moananui, and Ponga te Moananui on his own behalf and also as trustee for Tira Kopa, an infant, of the third part; and Thomas Sinclair Roulston and William Thomas Prentice, of the fourth part; and is hereby empowered and authorized, if it finds the provisions of the said deed to be equitable, to confirm and validate the same, and to make all orders and take all steps necessary to carry the said deed into effect, including any orders cancelling or varying the succession orders made by the Native Land Court at Dannevirke on the twenty-fourth day of October, nineteen hundred and fourteen, and referred to in the said deed, and the making of any necessary succession orders in lieu thereof.

Authorizing Native Land Court to inquire into certain deed of arrangement between Adam Pohio and others, and to validate such deed if it thinks fit.

16. (1.) The Minister of Public Works, on the request of the Native Minister, is hereby authorized to take under the Public Works Act, 1908, as for a public work within the meaning of that Act, such portion of the Tawhiti No. 1 Block, in the Waiapu County, not exceeding in the aggregate an area of twenty-five acres, as he thinks fit.

Authorizing portion of Tawhiti No 1 Block to be taken under Public Works Act, 1908, as residential sites.

(2.) The land taken under this section, or any portion of it, may be disposed of by way of sale or lease under the Land Act, 1908, but without a ballot, as residential sites for the employees for the time being of the Tokomaru Sheep-farmers' Freezing Company (Limited).

17. (1.) The Chief Judge is hereby authorized to refer to the Native Land Court, or to any Judge or Commissioner thereof, for inquiry and report, the claims and allegations made by the petitioners in the petitions mentioned in the *First* Schedule hereto.

Chief Judge may refer matter mentioned in Schedule to the Court or a Judge or Commissioner for investigation and report.

(2.) The Chief Judge may, upon such inquiry and report, make to the Native Minister such recommendation in any case as appears to accord with the equities of the case.

(3.) The report and recommendation under this section shall be laid before Parliament on as early a date as possible, and shall be referred to the Native Affairs Committee of the House of Representatives.

18. The transfers mentioned in the *Second* Schedule hereto are hereby validated as from the dates thereof respectively, and the District Land Registrar of the Auckland Land Registration District is hereby authorized and directed to register the same, and the lands comprised therein shall be deemed to have been lands owned by a Native or Natives within one of the exceptions mentioned in section one hundred and

Validating transfers of Whakamaru Maungaiti M No. 1 and other blocks.

seventeen of the Native Land Court Act, 1894, and shall be deemed accordingly to have been free from the restrictions upon alienation imposed by that section.

Providing for cancellation of certain succession orders made in error with respect to interests in Section 1, Block IV, and Section 1, Block VII, Waihi South Survey District, and for the restoration of earlier succession orders.

19. Whereas on or about the seventh day of August, eighteen hundred and eighty-four, a Crown grant was issued in favour of certain Natives in respect of an area of land, comprising 1,000 acres, more or less, being Section 1, Block IV, and Section 1, Block VII, Waihi South Survey District, in the Auckland Land District: And whereas between the years eighteen hundred and eighty-six and eighteen hundred and eighty-eight succession orders were issued in respect of the interests in the said land of the following Natives— Hamiora Kamu, Matahera Paretatau, Te Puehu te Rirituku, and Ereataira Hirini: And whereas the Native Land Court, in ignorance of the fact that such succession orders had been made, did, on or about the twenty-ninth day of June, nineteen hundred and seven, make other succession orders in respect of the same interests of the said Natives: And whereas it is desired to provide for the cancellation of the last-mentioned orders and for reviving the succession orders originally made in respect of the said interests: Be it therefore enacted as follows:—

(1.) The Native Land Court is hereby authorized to make such inquiry as it thinks proper with respect to the interests of the said Hamiora Kamu, Matahera Paretatau, Te Puehu te Rirituku, and Ereataira Hirini in Section 1, Block IV, and Section 1, Block VII, Waihi South Survey District, in the Auckland Land District, and to cancel the succession orders made on or about the twenty-ninth day of June, nineteen hundred and seven, and to restore the succession orders originally made, with such alterations or modifications (if any) as may be required to bring the said succession orders up to date.

(2.) On production to the District Land Registrar of a succession order under this section in respect of the interest of any person in the land aforesaid, the District Land Registrar shall register the same, and shall forthwith cancel the registration of any other succession order in respect of the same interest.

(3.) Nothing in this section shall be deemed to render invalid any alienation by way of lease of any land to which this section relates, and every such lease shall be deemed to be as valid as if the succession orders made on or about the twenty-ninth day of June, nineteen hundred and seven, had been validly made.

Amending Order in Council with respect to vesting certain land, known as Waingarara, in the Tokerau District Maori Land Board.

20. Whereas by Order in Council under section eight of the Maori Land Settlement Act, 1905, dated the tenth day of December, nineteen hundred and six, and published in the *Gazette* of the thirteenth day of the same month, certain land, known as Motatau No. 2 Block, was vested in the Tokerau Maori Land Board for the benefit of the Maori owners thereof: And whereas part of the said land, comprising about 453 acres, and known as Waingarara Block, was vested in the said Board by mistake, and it is desired to make other provision with respect to the said land: Be it therefore enacted as follows:—

(1.) The Chief Judge of the Native Land Court is hereby authorized to complete the interlocutory orders made by the Native

Appellate Court on the twenty-first day of September, nineteen hundred and five, with respect to the land known as Waingarara Block, being Section 10, Motatau No. 2 Block, comprising 453 acres, more or less, and the orders when completed shall be deemed to have
5 been in force as from the said twenty-first day of September, nineteen hundred and five.

(2.) The Governor in Council is hereby authorized, by Order in Council under section ninety-six of the Native Land Amendment Act, 1913, to vest the land to which this section relates in the Native
10 owners thereof without the provisions of subsection two or of subsection three of that section having been complied with.

(3.) The District Land Registrar of the Auckland Land Registration District is hereby authorized and directed to amend the register in such manner as may be necessary for the purpose of
15 giving effect to this section.

21. Whereas by deed of conveyance, dated the twenty-third day of February, eighteen hundred and seventy-eight, registered in the Deeds Registration Office, at Wellington, as Number 33228, and made between Te Ratana te Urumingi, Keruhi te Ope, Utiku
20 Mohuia, Rimitiri Kahukura, Matiaha Takupawhiwhi, Eruini Ngairo, and Heni Tihi, of the one part, and Augustin Georgetti, of the other part, all that piece or parcel of land situate on the left bank of the Wanganui River, containing by admeasurement 1,212 acres, more or less, being part of the land known as Upokongaro Block
25 No. 2, and numbered 102H, bounded towards the north-east by lines, 569 links and 4520 links; towards the east by lines, 2367 links, 4885 links, and 4332 links; towards the south by lines, 3450 links and 4820 links; towards the west by lines, 1290 links, 1488 links, 3390 links, 1031 links, 762 links, 896 links, and 2667
30 links; and towards the north-west by lines, 1915 links, 2334 links, 403 links, 439 links, 240 links, 465 links, and 2385 links, was conveyed and assured by the said Natives above named to the said Augustin Georgetti, his heirs, and assigns: And whereas in and by the Crown grant issued to the above-mentioned Natives in respect of
35 the said land, which Crown grant bears date the twenty-first day of January, eighteen hundred and seventy, it is expressly provided that the said land shall be inalienable by sale or by lease for a longer period than twenty-one years or by mortgage except with the consent of the Governor being previously obtained to every such sale, lease, or
40 mortgage: And whereas the consent of the Governor was not obtained previous to the execution of the said deed of conveyance of the twenty-third day of February, eighteen hundred and seventy-eight: And whereas doubts have arisen as to the validity of the said conveyance, and it is desirable that the same should be validated:
45 Be it therefore enacted as follows:—

The conveyance of the twenty-third day of February, eighteen hundred and seventy-eight, registered Number 33228, and made between the above named Natives, of the one part, and the said Augustin Georgetti, of the other part, and the alienation of the said
50 lands above described purporting to be thereby effected is hereby validated as from the date of the said conveyance.

Validation of
certain conveyance
of Upokongaro
No. 2 Block.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

PETITIONS TO BE REFERRED TO THE NATIVE LAND COURT, OR A JUDGE OR COMMISSIONER THEREOF.

1. PETITION No. 167 of 1915, Kahukiwi Parata: Praying for further inquiry *re* ownership of area remaining in Maungatapu D Block.
2. Petition No. 43 of 1916, Kaho Barton: Praying that Kawhia R No. 2B Block be repartitioned.
3. Petition No. 342 of 1915, Rangi M. Rore and others: Praying for cancellation of an order appointing a successor to petitioner *re* his interest in Runanga 1B Block.
4. Petition No. 143 of 1915, Rota Tumehe Houia: Praying for an inquiry *re* succession to interest of Te Raihi te Uru, deceased, in the Mangorewa-Kaharoa 6E Block.
5. Petition No. 159 of 1915, Maora Muhu: Praying for an opportunity to have her name included in Marau Block.
6. Petition No. 36 of 1916, Waitu Akurangi and others: Praying for relief *re* succession to interests of Ihaka te Kai, deceased, in Whatatuna No. 6 and other Blocks.
7. Petition No. 116 of 1913, Waireti te Aohinga Taekata and others: Praying that rents retained by the Government *re* Te Haka No. 7 and Tupaea Blocks be paid to them.

SECOND SCHEDULE.

Date.	Land affected.	Parties.
9th January, 1904	Whakamaru Maungaiti M No. 1 (166 acres 2 roods 12 perches)	Hira Rangimatini and Kaiapa te Rangi Karipiripia to the Wellington Industrial Development Company (Limited).
9th January, 1904	Whakamaru Maungaiti M No. 2 (300 acres)	Hira Rangimatini and Kaiapa te Rangi Karipiripia to the Wellington Industrial Development Company (Limited).
15th March, 1906	Whakamaru Maungaiti West No. 5208A (180 acres)	Rangikara Riripia (otherwise Rangikaripiripia) to the Wellington Industrial Development Company (Limited).