

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

Legislative Council,
18th October, 1899.

Hon. Mr. W. C. Walker.

NATIVE LAND CLAIMS ADJUSTMENT AND LAWS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Appellate Court to hear appeal as to Lot 66, Waipa Survey District.</p> <p>4. Appeals from decision of Appellate Court as to Heke Block validated.</p> <p>5. Court to ascertain names of beneficial owners of part of Motiti B Block.</p> <p>6. Court to ascertain owners of certain sections, Parish of Waimana.</p> <p>7. Boundaries of Pukehina Block to be determined.</p> <p>8. Pariroa Native Reserve vested in Public Trustee for use of certain tribes.</p> <p>9. Claim of Maraea Puri to certain sections, Hampden, to be investigated.</p> <p>10. Order determining certain successors in Karamu Native Reserve declared void.</p>	<p>11. Court to inquire into ownership on partition of reserves for Natives set aside from Rukituri Block.</p> <p>12. Repeal. Court to ascertain who were children of Hine Koau, and their shares in certain land.</p> <p>13. Grant of land, Milford Sound, to H. K. Taiaroa authorised.</p> <p>14. Repeal.</p> <p>15. Extended power as to orders permitting land to be mortgaged.</p> <p>16. When a lessee requires lease to be determined, same may be taken over by Crown.</p> <p>17. Power to investigate claims of descendants to money derived from sale of Purapura Block.</p> <p>18. Power to investigate claims to Tauranganui or Opuatia Block. Schedules.</p>
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A BILL INTITULED

AN ACT to determine certain Claims and Disputes, and to fulfil certain Contracts and Promises made by or on behalf of the Government, and to amend the Laws in relation to Native Lands. Title.

5 BE IT 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 Native Land Claims Adjustment and Laws Amendment Act, 1899." Short Title.

10 2. In this Act, if not inconsistent with the context,—
"Court" means the Native Land Court as defined by "The Native Land Court Act, 1894": Interpretation.

"Appellate Court" means the Native Appellate Court established by the said Act:

“Validation Court” means the Court established by “The Native Land (Validation of Titles) Act, 1893”:

“District Land Registrar” means the District Land Registrar for the district in which the land referred to in each case is situated.

Appellate Court to hear appeal as to Lot 66, Waipa Survey District.

3. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the eighth day of September, one thousand eight hundred and ninety-six, on the petition of Anatipa Pukatea and others in reference to the partition of Lot Sixty-six, Waipa Survey District, the Appellate Court is hereby empowered and directed to deal with any appeal which has been lodged against the decision of the Court in making the said partition as if such appeal had been lodged in due time.

Appeals from decision of Appellate Court as to Taheke Block validated.

4. The decision of the Appellate Court on the rehearing of the Taheke Block shall, so far as relates to the partition of the said block, and to the definition of the shares or interests therein, be deemed to have been a decision of the Court. And all appeals from such decision heretofore lodged with the Registrar of the Court at Auckland, or which shall be so lodged within two months from the date of the passing of this Act, shall, as regards such partition and definition of interests, be deemed valid appeals, and shall be dealt with accordingly.

Court to ascertain names of beneficial owners of part of Motiti B Block.

5. (1.) The Court is hereby authorised and directed to ascertain who were the one hundred and eighty-seven Natives, referred to in paragraph twelve of the First Schedule to “The Special Powers and Contracts Act, 1886,” whose names were decided upon at a meeting of the Patuwai Tribe, held at Tauranga in February, in the year one thousand eight hundred and eighty-six, as the beneficial owners of the northern portion of Motiti B Block, containing one hundred and sixty-six acres, and being the whole of the land comprised in Volume Forty-six, folio one hundred and eighty-four, of the Land Transfer Register of the Auckland District, and what was the individual share or interest of each person.

(2.) A duplicate or certified copy of the order of the Court, or of the Appellate Court, under the provisions of this section, shall be deposited with the District Land Registrar for safe custody and reference, as provided by section one hundred and twenty-two of “The Land Transfer Act, 1885.”

Court to ascertain owners of certain sections, Parish of Waimana.

6. (1.) The Court is hereby directed and authorised to ascertain who are the persons beneficially interested in the lands known as sections numbered one hundred and eighty-three and one hundred and eighty-four, Parish of Waimana, containing one hundred and fifty acres, and in what shares or proportions, and to make orders accordingly.

(2.) Every order made by the Court under this section shall declare the land the subject thereof to be absolutely inalienable by sale, gift, or mortgage, or by lease for a longer period than twenty-one years.

Boundaries of Pukehina Block to be determined.

7. The Governor may, by Order in Council, confer on the Court jurisdiction to inquire into and determine all questions as to the boundaries of the Pukehina Block, and to adjudicate upon as Native land any land which the Court shall find ought to be included in the

said block, notwithstanding that the same may have become land of the Crown.

8. (1.) The lands described in the *First* Schedule hereto, known collectively as the Pariroa Native Reserve, are hereby vested in the Public Trustee as an estate in fee-simple, and the District Land Registrar is hereby authorised and directed to issue a certificate of title to the Public Trustee accordingly. Such certificate shall declare the lands to be absolutely inalienable.

Pariroa Native Reserve vested in Public Trustee for use of certain tribes.

(2.) The said lands shall thereafter be held in trust by the Public Trustee for the exclusive use and occupation of the members of the Ngati-tupito and Ngati-ringi Tribes.

(3.) The Court is hereby authorised and directed to ascertain who are the beneficiaries of the said lands, and in what shares and localities they are respectively interested; and the Public Trustee may grant occupation licenses to any of the Natives so found to be beneficially interested according to their respective shares or interests.

(4.) A copy of this Act, and duplicate or certified copies of all orders made from time to time by the Court under the provisions of this section, shall be deposited with the District Land Registrar for safe custody and reference, as provided by section one hundred and twenty-two of "The Land Transfer Act, 1885."

9. Whereas lots numbered twenty-one, twenty-two, thirty-one, and thirty-two, Tikokino Agricultural Reserve, in the Township of Hampden, Land District of Hawke's Bay, containing by admeasurement two hundred and twenty-five acres one rood, were by "The Special Contracts Confirmation Act, 1877," authorised to be granted to Reihana Ikitahi and eight other Natives on payment by them to the Crown for the land at the rate of fifteen shillings per acre: And whereas such purchase-money has been paid by one of the proposed grantees named Maraea Puri (formerly Heketa), who claims, therefore, that the Crown grant should be issued to her alone: Be it therefore enacted as follows:—

Claim of Maraea Puri to certain sections, Hampden, to be investigated.

The Governor may appoint any Judge of the Court to investigate the claim of the said Maraea Puri, and to report the facts to him, and if he is satisfied that the purchase-money has been wholly contributed by Maraea Puri, and that it is equitable that the title should issue in her name, he may grant the land to her in fee-simple, or he may include in such grant the name of any other person or persons (if any) who may be found to have any equitable title to the land, and such persons shall hold the land as tenants in common in such shares as the Governor shall direct.

10. In order to carry out the recommendation of the Native Affairs Committee of the Legislative Council on the petition (No. 4, 1898) of the Honourable Henare Tomoana, the order of the Court dated the twelfth day of September, one thousand eight hundred and ninety-five, determining successors to Te Haumihiata Pateriki in the Karamu Native Reserve, is (notwithstanding the subsequent affirmation thereof by the Appellate Court) hereby declared void, and the application of Pateriki Ngamotu to the Court to determine the said successors shall be deemed to be still subsisting, and shall, with all other applications hereafter made, be dealt with accordingly.

Order determining certain successors in Karamu Native Reserve declared void.

Court to inquire into ownership on partition of reserves for Natives set aside from Ruakituri Block.

11. Whereas on the sale to the Crown of the Ruakituri Block, situated in the Poverty Bay Land Registration District, the reserves enumerated in the *Second* Schedule hereto were reconveyed by the Crown each to the whole of the persons theretofore declared by the Court to be the owners (hereinafter called "the vendors") of the said block: And whereas it is now alleged that, according to the understood conditions of the sale aforesaid, each reserve should have been reconveyed in accordance with family and hapu interests and occupation, and not to the whole of the vendors indiscriminately: And whereas it is further alleged that the persons declared by the Court to be the owners of the said block were not the whole of the persons so entitled: And whereas it is expedient that the Court should be empowered to rearrange the ownership of each reserve on a basis which will more equitably conserve the interests of all persons found to be beneficially interested: 5 10 15

Be it therefore enacted as follows:—

- (a.) On application being made to the Court for partition of the said reserves, or any of them, the provisions of section fifty-two of "The Native Land Laws Amendment Act, 1895," shall apply as if such lands were still held under orders of the Court on original investigation of title, and had not become the subject of Crown grants or Land Transfer certificates of title. 20
- (b.) The Court may, on such partition, include as owners of the said lands, or any of them, any persons, or the representatives of any persons deceased, who, in the opinion of the Court, were inadvertently and without intention on the part of the Court omitted from the list of owners of the said block on the investigation of the title thereto: Provided that no claim shall be admitted under the provision aforesaid except such as is consistent with the finding of the Court on the original investigation of title. 25 30
- (c.) The District Land Registrar shall do all things necessary on his part to give effect to any order of the Court under the foregoing provisions, and may for that purpose cancel any existing certificate of title and issue such other certificates of title under the provisions of the Land Transfer Act as may be necessary or expedient. 35

Repeal.

12. (1.) The first sub-paragraph in the second column of paragraph forty-two of the First Schedule to "The Special Powers and Contracts Act, 1886," and the Crown grant issued to Andrew Moore under the provisions thereof, are hereby repealed. 40

Court to ascertain who were children of Hine Koau, and their shares in certain land.

(2.) The Court is hereby authorised and directed to ascertain who were the children of Hine Koau, deceased, wife of the said Andrew Moore, surviving on the eighteenth day of August, one thousand eight hundred and eighty-six, and to allocate to each of them such share and interest as may be deemed equitable in the land known as Section Fifty-four, Block Five, Hawksbury District, in the Provincial District of Otago. 45

(3.) Every order of the Court, or of the Appellate Court, made under the provisions of this section shall vest the land as from the eighteenth day of August, one thousand eight hundred and eighty- 50

six, subject to any previous or subsequent lawful dealings therewith by the said Andrew Moore under the Crown grant hereby repealed.

(4.) Every such order shall declare the land to be absolutely inalienable by sale, gift, or mortgage, or by lease for a longer period than twenty-one years.

Grant of land, Milford Sound, to H. K. Taiaroa authorised.

13. Whereas on the purchase by the Crown of certain land, known as the "Murihiku" Block, there was awarded by Mr. Commissioner Mantell to one Taiaroa (father of the Hon. H. K. Taiaroa) an area of one hundred acres of land at Milford Haven, but, owing to difficulties that arose, it was afterwards found to be impossible to give effect to the award, and the claim has never been satisfied, but the land in question is now available: Be it therefore enacted as follows:—

The Governor may, after survey, grant to Hon. Hori Kerei Taiaroa an area of one hundred acres of land at Anita Bay, Milford Sound, to be laid off in conformity with "The Land Act, 1892," provided that he shall first of all agree in writing to accept the same in full satisfaction of all claims and demands under the aforesaid award.

14. Paragraph forty-one of the First Schedule to "The Special Powers and Contracts Act, 1886," is hereby repealed.

Repeal.

15. Subject to the provisions contained in section four of "The Native Land Laws Amendment Act, 1895," the Governor in Council, when making an order under the said section four for the purpose of permitting land to be mortgaged by the Native owner thereof, may except the said land from the operation of sections five and six of the said Act, or of any other enactment in force in New Zealand relating to Native lands or lands owned by Natives, so that the owner thereof may mortgage the same as fully and effectually and confer the same power of sale as if the land comprised in the mortgage were lawfully owned by a European: Provided always that such Native owner is lawfully married to a European at the time of the making of such order.

Extended power as to orders permitting land to be mortgaged.

16. When notice shall be given to the Minister of Lands by any lessee under section seventy of "The Native Land Laws Amendment Act, 1895," requiring a lease to be determined as therein mentioned, the Governor may, by Order in Council, in lieu of determining such lease, order that the same shall be taken over by and vested in the Crown. And upon the gazetting of such Order in Council such lease shall pass to and become vested in Her Majesty for all the residue thereof as if an assignment of such lease to Her Majesty had been duly made and executed by all necessary parties; subject, nevertheless, to the payment of compensation where payable, as in the said section is provided.

When a lessee requires lease to be determined, same may be taken over by Crown.

17. It shall be lawful for the Governor by Order in Council to appoint a Royal Commission to investigate and decide the claims of certain Natives, descendants of Wetere te Kaue and Katariana, to certain moneys arising out of the sale of Purapura Block, which were advanced by them to pay for the original survey of Opuatia Block, Lower Waikato; and, upon the amount (if any) so found to be due being ascertained, the said Commission may make an order directing payment thereof by such Natives as shall be found liable to pay the same to the Natives entitled thereto, and such order may be registered as a survey-lien or charging-order against the interest of

Power to investigate claims of descendants to money derived from sale of Purapura Block.

all or any of the owners of the said Opuatia Block who may be found liable to contribute, or may have benefited by such survey: Provided that no such order shall affect any portion of the said block already sold and awarded to the Crown.

Power to investigate claims to Tauranganui or Opuatia Block.

18. The said Royal Commission is further authorised and empowered to investigate the claims of Wiremu Karaka te Aho and others to a block of land known as Tauranganui or Opuatia, Nos. 11A, 16, 17, and 18 Blocks, as if the same had not been heard and decided by the Native Land Court.

The Registrar of the Native Land Court at Auckland is directed to impound, and shall not issue, the existing partition orders for the said land.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

DESCRIPTION OF THE PARIROA NATIVE RESERVE.

Section 8.

ALL that parcel of land in the Taranaki District, containing by admeasurement 29 acres, more or less, being Section No. 488, Patea District, Carlyle Survey District.
 All that parcel of land in the Taranaki District, containing by admeasurement 43 acres, more or less, being Section No. 489, Patea District, Carlyle Survey District.
 All that parcel of land in the Taranaki District, containing by admeasurement 66 acres 2 roods, more or less, being Section No. 503, Patea District, Carlyle Survey District.
 All that parcel of land in the Taranaki District, containing by admeasurement 67 acres and 14 perches, more or less, being Section No. 547, Patea District, Carlyle Survey District.

SECOND SCHEDULE.

Section 11.

RESERVES FOR NATIVES OUT OF THE SALE TO THE CROWN OF THE RUAKITURI BLOCK.

	A.	R.	P.
Whataroa	1,001	0	0
Rimuroa	416	2	0
Makareao	202	2	0
Okare	188	0	0
Ngaipu	20	1	0
Raupo	96	1	0
Tapatangata	20	0	0
Tarake	324	0	0
Matakuhia	400	3	30
Paraumu	100	0	0
Oriwha	300	0	9
Waikatea	100	2	24