

[AS REPORTED FROM THE NATIVE AFFAIRS COMMITTEE.]  
House of Representatives, 25th November, 1910.

Hon. Mr. Carroll.

## NATIVE LAND CLAIMS ADJUSTMENT.

### ANALYSIS.

- | Title.  | Second Schedule of the Horowhenua Block Act Amendment Act, 1906.   |
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| 3. Public Trustee empowered to survey, subdivide, and lay off roads on Native reserves vested in him.   | 13. Owners of Section 97A, Borough of Foxton, empowered to convey same by way of gift to the Council of the borough.   |
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| 5. Native Land Court authorized to exercise jurisdiction under Part V of the Native Land Act, 1909, in respect of certain lands.  | 15. Governor may authorize issue of certificate of title to members of the Whanauakai Tribe, Poverty Bay, for Section 91, Block VII, Patutahi Survey District.   |
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## A BILL INTITULED

**Title.** AN ACT 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 5  
in Parliament assembled, and by the authority of the same, as follows:—

**Short Title.** 1. This Act may be cited as the Native Land Claims Adjustment Act, 1910.

**Application under section 26 of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, may be completed notwithstanding the repeal of that section.** 2. Notwithstanding the repeal by the Native Land Act, 1909, 10 of section twenty-six of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, and of sections twenty-six and twenty-eight of the Maori Land Laws Amendment Act, 1908, any recommendation duly made by a Maori Land Board under those sections, before the repeal thereof, may be proceeded with and acted 15 upon, and for this purpose all powers conferred by those sections upon the Native Minister, the Maori Land Board, and the Governor in Council, or any other person may be exercised in the same manner, and the exercise thereof shall have the same effect, as if those sections were still in force; and for the purposes of this section every reference 20 in those sections to a Board shall be construed as a reference to the Maori Land Board having for the time being jurisdiction in the district in which the land is situated to which the recommendation relates.

**Public Trustee empowered to survey, subdivide, and lay off roads on Native reserves vested in him.** 3. (1.) For the purpose of enabling the Public Trustee to more 25 profitably utilize Native reserves vested in him, the following special provisions shall apply in the case of every such reserve:—

(a.) The Public Trustee may from time to time survey and subdivide any reserve into suitable allotments, and, with the consent of the local authority, lay off, form, and 30 dedicate such roads thereupon as he thinks fit.

(b.) Every such road shall be deemed to be a public road vested in His Majesty.

(c.) The expenses incurred by the Public Trustee in carrying out the aforesaid works in connection with any reserve 35 shall be a first charge against that reserve and the rents and profits thereof.

(d.) If such rents and profits are not sufficient to pay the expenses, the Public Trustee may advance moneys out of the Common Fund of the Public Trust Office to pay 40 such expenses, and all such advances, with interest thereon at the current rate charged by the Public Trustee on advances, shall be paid out of the rents and profits as they accrue.

(2.) In carrying out the aforesaid works the Public Trustee 45 shall conform to the survey regulations for the time being in force, and also to the statutory provisions in force relating to the subdivision of lands and the laying-off of roads.

(3.) This section shall be construed in aid, and not in derogation, of any other statutory powers conferred upon the Public Trustee 50 with respect to roads.

(4.) For all the purposes of this section the term "roads" includes streets where the land is within a borough, but in such case the street shall vest in the Corporation of the borough as provided by the Municipal Corporations Act, 1908.

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*New.*

3A. In the case of every lease and of every renewal thereof granted under the West Coast Settlement Reserves Act, 1881, or any amendment thereof, the improvements to be valued by arbitration in pursuance of the covenants contained in the lease, instead of being limited in character as provided by the lease and by the regulations under the said Act, shall be and be deemed to be all the substantial improvements of a permanent character as defined by section two of the Land Act, 1908, which are in existence on the land at the time of the valuation up to the value of five pounds for every acre of the land included in the lease.

Provisions as to improvements by lessees under the West Coast Settlement Reserves Act, 1881.

3B. Notwithstanding the provisions of any Act, any portion of any block of Native land (including customary land), not exceeding in any one case an area of five acres, which in the opinion of the Native Minister is suitable as a site for a fruit-preserving factory, dairy factory, cheese-factory, or creamery, or for any building required for any religious, charitable, educational, or public purpose, may be dealt with subject to the provisions following:—

Sites for dairy factories, &c.

(a.) The Governor may, on the recommendation of the Native Land Court, by Order in Council vest such portion as aforesaid in the Maori Land Board of the district in which the land is situated for an estate in fee-simple in possession, subject to all valid incumbrances, liens, and interests affecting the same, to be held and administered by the Board for the benefit of the Maori owners, and the said land shall vest in the Board accordingly:

(b.) The Court, in making any recommendation under this section, shall at the same time furnish to the Governor a statement of what (if any) are the wishes of the owners or claimants (or a majority of them) of the land affected by such recommendation as to the disposal thereof, whether by sale, gift, lease, or otherwise:

(c.) For the purposes of this section the District Land Registrar, whenever requested by the Native Minister so to do, is empowered and directed to do all things necessary in order to duly record the title of the Board:

(d.) The Board may, having due regard to the wishes of the owners or claimants as aforesaid, dispose of such land by way of gift or sale in fee-simple or may lease the same at a nominal rental without public competition, or by competitive public tender at an upset rental to be determined by the Board, for any term not exceeding twenty-one years, with such provision for right of renewal for one term of twenty-one years at such rental as shall be deemed adequate, and upon such conditions as to erection of buildings and expenditure of capital as the Board deems expedient to insure that the said portion shall be utilized for the purpose contemplated.

Jurisdiction conferred on Native Land Court in respect of (a) Matahiia, (b) Waipiro 8 or 2B, and (c) Te Reureu No. 1 Blocks.

4. (1.) The Native Land Court shall have jurisdiction and power, on the application of any person interested, or of the Native Minister,—

(a.) To cancel the division order made on the second day of September, eighteen hundred and eighty-five, in respect of Matahiia Block, situated in the Gisborne Native Land Court District, and the definition of the relative interests then made, and to determine the relative interests of the owners. The Court shall have power upon such determination to order, for the purpose of the payment of rent to the owners, from what date payment upon the basis of such determination shall commence, and to make such consequential amendments in the title as the Court thinks fit :

(b.) To amend the partition order dated the twenty-fourth day of August, eighteen hundred and ninety-four, in respect of Waipiro 8 or 2B Block, forming part of Waipiro Native Township, in the Gisborne Native Land Court District, so as to give effect, with such modifications as the Court thinks fit, to a deed of covenant, dated the twenty-seventh day of July, nineteen hundred and four, now in the possession of the Tairawhiti Maori Land Board, signed by the owners, and undertaking to vest a part of the said land in other Natives named in that deed, but who are not included in the title ; and to make such consequential amendments in the title as the Court thinks fit :

(c.) To inquire into the allegations made by Te Rangihopu Henare and others in Petition Number 424, of nineteen hundred and ten, in respect of Te Reureu Number 1 Block, in the Wanganui Native Land Court District, and, if necessary, to amend the list of owners of the said land and the definition of relative interests, and to make such consequential amendments in the title as the Court thinks fit :

(2.) The power of the Court to cancel or amend any order in pursuance of this section may be exercised although that order has been already registered or provisionally registered under the Land Transfer Act, 1908, and in such case the District Land Registrar shall make all necessary consequential amendments of the Register or Provisional Register, as the case may be.

(3.) No appeal shall lie to the Native Appellate Court from any order made under this section.

(4.) No order made by the Native Land Court under this section shall invalidate any valid alienation made in respect of the land before the making of that order.

5. (1.) Notwithstanding the provisions of sections one hundred and three, one hundred and seven, and four hundred and thirty-two of the Native Land Act, 1909, the Native Land Court is hereby authorized and directed, on the application within three months after the passing of this Act of any person interested, and on such terms as to costs, security for costs, or otherwise as the Chief Judge thinks fit, to exercise in respect of—

Native Land Court authorized to exercise jurisdiction under Part V of the Native Land Act, 1909, in respect of certain lands.

- (a.) Manawatu Number 6 Block, known as Te Whitiatara Reserve, in the Wellington Native Land Court District ;  
 (b.) Tatua East, Pakuri, and Otuhounga Blocks, in East Taupo County ;  
 5 (c.) Opoutama Reserve, at Mahia, in the Gisborne Native Land Court District ;  
 (d.) Puketotara or Carnarvon Section 336, in the Wellington Native Land Court District ;  
 10 (e.) Whenuakura, in the Wellington Native Land Court District—

the jurisdiction conferred upon the Court by Part V of the Native Land Act, 1909.

(2.) This section shall not affect the sale to the Crown by, or the purchase by the Crown from the present owners, or any of them, of the land mentioned in paragraph (a) of the *last preceding* subsection, except—

- (a.) That three-fourths of the purchase-money of the said land shall be paid to the Public Trustee, to be held by him pending and subject to the determination of the Court, and in the meantime shall be invested by him in such manner as he thinks fit ; and  
 20 (b.) That no claim shall be made against the Crown in respect of purchase-money paid to any owner, or against any owner, in respect of any money received by him for the said land prior to the determination of the Court.

*New.*

(3.) This section shall not prejudicially affect any valid outstanding lease of any of the lands mentioned in subsection *one* hereof.

30 6. Whereas the Native Affairs Committee of the House of Representatives recommended that the petition (Number 239/1908) of Raniera Te Rore Taoho and another be referred to the Government for inquiry: And whereas, in pursuance of that recommendation, an inquiry was held by the Chief Judge, who reported that the parties  
 35 interested have arrived at an agreement and that such agreement should be carried into effect: Be it therefore enacted that the Chief Judge may, without further authority than this Act, order the cancellation or amendment of any existing instrument of title affecting Opanake 1c and Opanake 1d Blocks, and the issue of such new  
 40 instruments of title as he may deem necessary for the purpose of giving effect to the agreement, that Netana Patuawa or his successors give up all their claims or interests in Opanake 1d Block to Te Rore Taoho or his successors, and give up four hundred and fifty acres out of the total area to which they are entitled under the orders of the  
 45 Native Land Court in Opanake 1c, to the said Te Rore Taoho or his successors; and the District Land Registrar is hereby directed on the application of the Chief Judge to make all necessary consequential amendments of the Register or Provisional Register, as the case may be, in respect of the said lands.

Chief Judge authorized to amend orders relating to Opanake 1c and 1d Blocks, in order to give effect to an agreement between the parties interested.

50 7. (1.) The Chief Judge may, on such terms as to costs, security for costs, or otherwise, as he thinks fit, and on the application of any person interested, within ~~six weeks~~ *three months* after the passing of this Act, grant leave to the applicant to appeal to the Native Appellate Court—

Chief Judge may grant leave to appeal to Native Appellate Court *in re* (a) succession to Matenga Te Rapa

in Lot 22, Kaiapoi Native Reserve, (b) succession to Wiremu Tahana Tirarau or Tahana Marupo in Pakia No. 1A, and (c) succession to Heni Te Paakamutu in Rotokautuku No. 2.

- (a.) Against the order of the Native Land Court, made at Kaiapoi on the thirteenth day of September, eighteen hundred and eighty-three, appointing successors to Matenga Te Rapa in Lot 22, Kaiapoi Native Reserve : 5
- (b.) Against an order of the Native Land Court, dated the ninth day of September, eighteen hundred and seventy-two, appointing a successor to Wiremu Tahana Tirarau, *alias* Tahana Marupo, in the Pakia Block, situated at Hokianga, in the Auckland Native Land Court District : 10
- (c.) Against an order of the Native Land Court, dated the sixth day of April, eighteen hundred and eighty, appointing successors to Heni te Paakamutu, in Rotokautuku Number 2 Block, in the Gisborne Native Land Court District. 15

(2.) The Native Appellate Court shall have power to hear and determine any appeal under this section, and to exercise in respect of any such appeal all or any of its powers under Part II of the Native Land Act, 1909 ; and all proceedings in respect of such appeal shall be taken as if the same were an appeal by leave of the Chief Judge under section fifty of that Act. 20

Native Appellate Court authorized to rehear orders in respect of Mangahauini Block.

8. (1.) The Native Appellate Court is hereby authorized and directed to rehear its previous orders made in February and March, nineteen hundred, in respect of Mangahauini Block and its subdivisions, situated in the Gisborne Native Land Court District. 25

(2.) This section shall be deemed to be an order under section fifty of the Native Land Act, 1909, made with the precedent consent of the Governor in Council, for the complete rehearing of the orders referred to in subsection *one* hereof, and shall operate and be dealt with accordingly. 30

(3.) Nothing in this section shall invalidate the order of incorporation made on the sixteenth day of September, nineteen hundred and ten, in respect of the owners of the said lands. 35

(4.) This section shall operate as a caveat against all alienations of the said lands (except as to the parts thereof included in the Tuatini Native Township *and as to Subdivision 2 of the said block*) until the determination of the Native Appellate Court on the rehearing is made. 40

*Struck out.*

Native Appellate Court authorized to rehear orders in respect of Taraire 1 and 2 Blocks.

9. (1.) The Native Appellate Court is hereby authorized and directed to rehear its previous orders made on the thirty-first day of March, nineteen hundred and eight, in respect of Taraire Numbers 1 and 2 Blocks, situated at Kaikohe, in the Auckland Native Land Court District. 45

(2.) This section shall be deemed to be an order under section fifty of the Native Land Act, 1909, made with the precedent consent of the Governor in Council, for the complete rehearing of the orders referred to in subsection *one* hereof, and shall operate and be dealt with accordingly. 50

(3.) This section shall operate as a caveat against all alienations of the said lands until the determination of the Native Appellate Court on the rehearing is made.

10. (1.) The order of the Native Appellate Court, made at a sitting of that Court on the sixth day of December, eighteen hundred and ninety-five, in respect of the succession to the interest of Wiremu Kingi Matakatea in Ngatikahumate Block, situated in the Wanganui Native Land Court District, is hereby amended, so far as it relates to the definition of relative interests, by awarding to Ngawhakaka one-half share, and to Akinihi Himiona and Ruhe Hakopa one-fourth share each.

Order of Native Appellate Court in respect of succession to Wiremu Kingi Matakatea in Ngatikahumate Block amended so far as it relates to definition of relative interests.

(2.) The rents and moneys ~~now~~ *accrued up to the thirtieth day of June, nineteen hundred and ten*, and held by the Public Trustee in respect of the interest of the said Wiremu Kingi Matakatea in the said land shall be held by him subject to the provisions of section four hundred and twenty-four of the Native Land Act, 1909, and all the provisions of that section shall accordingly apply to those rents and moneys.

*New.*

(3.) The Public Trustee shall pay the said rents and moneys to the persons entitled thereto according to their respective interests, as defined by the said order, before the passing of this Act.

11. (1.) On the appeal of any person interested made within six weeks after the passing of this Act, the Native Appellate Court shall have jurisdiction to hear and determine an appeal from the orders of the Native Land Court, made under section two of the Horowhenua Block Act Amendment Act, 1906, in respect of the lands described in the Second Schedule of that Act, and to exercise in respect of that appeal all or any of its powers under Part II of the Native Land Act, 1909.

Native Appellate Court authorized to rehear orders affecting lands described in the Second Schedule of the Horowhenua Block Act Amendment Act, 1906.

(2.) For the purposes of the proceedings under this section the Court shall proceed as if the judgment of the Native Land Court, given in the year eighteen hundred and seventy-three on the investigation of title of Horowhenua Block, did not affect the lands referred to in the *last preceding* subsection, and shall give due weight to the occupation of such lands since eighteen hundred and forty by any claimant or the ancestor of any claimant thereto.

(3.) Any order made by the Native Appellate Court under this section shall have the same force and effect as an order of that Court under the Native Land Act, 1909.

(4.) The District Land Registrar shall make all necessary consequential amendments in the register or provisional register to give effect to the provisions of this section and to the determination of the Native Appellate Court.

*New.*

11A. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the twenty-first day of August, nineteen hundred and seven, on petition No. 304, of nineteen hundred and seven, of Rangiaukaha Kawharu, the Native Appellate Court is hereby authorized and directed to rehear its previous orders appointing successors to Ngapera Kawharu in respect of the lands known as Rangitoto Nos. 2 and 3 (D'Urville Island), and the Appellate Court shall have and may exercise in respect thereof all its powers under Part II of the Native Land Act, 1909.

Native Appellate Court empowered to rehear orders of succession to Ngapera Kawharu.

*New.*

Native Appellate Court empowered to rehear orders of succession to Roera Rangi.

11B. To give effect to the recommendation of the Native Affairs Committee of the House of Representatives on the petition No. 793, of nineteen hundred and seven, of Ngarongokahau, the following provisions shall apply:—

- (a.) The said petition shall be deemed to be an application under subsection three of section fifty of the Native Land Act, 1909, in respect of which an order for rehearing has been made by the Chief Judge, with the precedent consent of the Governor in Council, and shall be dealt with accordingly, subject to the provisions of subsection five of the said section fifty: 5
- (b.) On the rehearing the Native Appellate Court is empowered to take into consideration the position of the petitioner as though the passing of section fifty of the Native Land Claims Adjustment and Laws Amendment Act, 1901, did not affect the same: 15
- (c.) Nothing in this section shall affect the operation of the probate of the will of Roera Rangi, deceased.

Public Trustee empowered to transfer Section 394, Whareama Block, to the Natives or their successors who sold Tupapakuraa to the Crown.

12. Whereas by deed dated the thirty-first day of January, 20 eighteen hundred and sixty, Piripi Ihairaira, Karauria Ngawhara, Riwai Tamati, Anaru Tuhokairangi, Raharuhi Anaru, Rawinia Te Piki, Terei Rahui, and Haira Hori (hereinafter in this section referred to as the "vendors") sold the block of land known as Tupapakuraa to the Crown, subject to the reservation in the said deed expressed as follows—namely, "One piece of land within these boundaries is to be reserved for Piripi and all of us, the boundaries of which have been pointed out by Piripi to Mr. Searancke. The Puna Kotukutuku is the name": And whereas a Crown grant dated the first day of April, eighteen hundred and sixty-five, was issued under the provisions of the Crown Grants Act (No. 2), 1862, for Section 394, Whareama Block, containing eleven hundred and fifty acres, being the land so reserved, to Piripi Ihairaira and Riwai Tamati, two of the vendors jointly, impliedly in trust for the whole of the vendors: And whereas the said Riwai Tamati died on or about the twelfth day of August, eighteen hundred and seventy-five, and the said Piripi Ihairaira thereupon became the sole owner to the exclusion of all the other vendors, and his heirs thereafter took out a certificate of title under the Land Transfer Act for the said Section 394, Whareama Block: And whereas, for the purposes of securing a mortgage held by the Crown, the said section has been transferred to the Public Trustee, who is now the registered proprietor thereof, subject to the condition that upon the release of the said mortgage he shall retransfer the land to the heirs and successors of the said Piripi Ihairaira: ~~And whereas it is just and equitable~~ 45

*Struck out.*

that all the vendors or their successors should become the registered proprietors of the said Section 394, Whareama Block, on the release of the mortgage aforesaid: Be it therefore enacted that, notwithstanding any agreement entered into by the Crown or the Public Trustee in relation to the said mortgage, the Public Trustee shall, on the release thereof, transfer the said Section 394, Whareama Block, to the whole of the vendors as tenants in common or to their successors (to be ascertained by the Native Land Court) in such shares as the Native Land Court may determine; and the District 50



*Struck out.*

Land Registrar may, upon the registration of such transfer, issue free of charge a certificate of title to the persons so ascertained and in the shares so determined, and the Public Trustee and the District Land Registrar shall thereupon be indemnified against all manner of claims in respect of their compliance with the provisions of this section.

*New.*

And whereas it is expedient that further inquiry be made into the circumstances, and for that purpose it is necessary that jurisdiction be conferred upon the Native Appellate Court, and that no alienation of the said land shall take place pending the determination of that Court: Be it therefore enacted as follows:—

(a.) The Native Appellate Court is hereby authorized and directed to hear and determine the claims and allegations of the respective petitioners set forth in the petitions No. 295, of nineteen hundred and nine (Haira Hori and others), and No. 603, of nineteen hundred and ten (Areta Nahona and others), and to make such orders as the Court thinks fit:

(b.) The jurisdiction of the Court may be exercised and its proceedings taken, notwithstanding any decision of the Supreme Court or of the Court of Appeal in relation to the title of the said land, and as though any such decision had never been given:

(c.) The Court may order the Public Trustee, notwithstanding any agreement entered into by the Crown or the Public Trustee in relation to the aforesaid mortgage, to transfer the said land upon the release of such mortgage to such persons in such shares and subject to such conditions as the Court determines:

(d.) The District Land Registrar may, upon the registration of such transfer, issue free of charge a certificate of title in accordance with the order of the Court, and make such consequential amendments as he deems necessary in the register or provisional register:

(e.) The Public Trustee and the District Land Registrar shall be indemnified against all claims in respect of their compliance with the provisions of this section:

(f.) The said land shall be inalienable in any manner howsoever until the determination of the said Court is made, and all necessary proceedings in consequence thereof completed.

13. (1.) The owners, or their trustees in the case of owners under disability, of Section 97A, in the Borough of Foxton, are hereby authorized to convey by way of gift to the Corporation of the said borough, and the said Corporation is hereby authorized to acquire, the said land or any part thereof, notwithstanding the provisions of the Native Land Act, 1909.

Owners of Section 97A, Borough of Foxton, empowered to convey same by way of gift to the Council of the borough.

(2.) The deed of gift shall be executed in conformity with the requirements of section two hundred and fifteen of the said Act (relating to formalities of execution).

(3.) Such deed shall be subject to confirmation by the Maori Land Board of the district in which the said land is situated, and the Board shall, without fee, grant a certificate of confirmation, if satisfied that the provisions of the *last preceding* subsection have been complied with. 5

(4.) Such certificate of confirmation shall have the same force and effect as a certificate of confirmation under Part XIII of the said Act.

Governor may authorize issue of certificate of title to members of Ngatimatepu Tribe of Tauranga, for Lot 80, Block X, Tauranga Survey District.

14. (1.) The Native Land Court is hereby authorized and directed to inquire and ascertain what members of the Ngatimatepu Tribe, of Tauranga, shall be included in the certificate of title (hereinafter referred to) of Lot 80, Block X, Tauranga Survey District, to determine the relative interests of the persons so ascertained, and to report its findings to the Governor. 10

(2.) For the purposes of such inquiry the Court shall give due weight to the claims of such members of the said tribe as have occupied the said land, either by themselves or their parents, or grand-parents, since the year eighteen hundred and seventy. 15

(3.) The Governor is hereby authorized and empowered to execute a warrant for the issue of a certificate of title for the said land to the persons so ascertained by the Court, as tenants in common in the shares determined by the Court. 20

(4.) The said land shall, upon the issue of the certificate of title, become Native *freehold* land within the meaning of the Native Land Act, 1909, and shall, without any other authority than this section, be subject to Part XVI of that Act. 25

Governor may authorize issue of certificate of title to members of the Whanauakai Tribe, Poverty Bay, for Section 91, Block VII, Patutahi Survey District.

15. (1.) The Governor is hereby authorized and empowered to execute a warrant for the issue of a certificate of title for Section 91, Block VII, Patutahi Survey District, in the Hawke's Bay Land District, to members of the Whanauakai Tribe of Poverty Bay, to be ascertained as hereinafter provided. 30

(2.) The Native Land Court is hereby authorized and directed to inquire and ascertain what members of the said tribe should be included in the certificate of title, to determine the relative interests of the persons so ascertained, and to report its findings to the Governor. 35

(3.) For the purposes of such inquiry the Court shall take into consideration the recommendation of Mr. Commissioner Clarke, printed in Parliamentary Paper G.-4, eighteen hundred and eighty-four, Session II. 40

(4.) The said land shall, upon the issue of the certificate of title, become Native *freehold* land within the meaning of the Native Land Act, 1909, and shall, without any other authority than this section, be subject to Part XVI of that Act. 40

Authorizing cancellation of titles of Subdivisions 3, 4, and 5, Carnarvon Section 361, and issue of certificates of title to Donald Fraser, on his conveying certain lands to Natives.

16. (1.) The District Land Registrar of the Wellington District is hereby authorized and directed, on the application of the Chief Judge of the Native Land Court, to cancel all existing instruments of title affecting Subdivisions 3, 4, and 5, of Carnarvon Section 361 (otherwise known as Poutu Block), and in lieu thereof to issue certificates of title to Donald Fraser, of Pukehe, Bulls. 45

(2.) Before making such application, the Chief Judge shall satisfy himself that the said Donald Fraser has duly executed and registered 50

at his own cost valid conveyances or transfers of the lands described in the *First* Schedule hereto to the persons and in the respective shares or interests set out in that Schedule.

17. Section four of the Native Land Claims Adjustment Act, 1895, is hereby amended by omitting from subsection three thereof the words "upon Section Seventy-six, Block Two, and," and the said section shall be construed as if those words were omitted therefrom at the date of the passing of the said Act.

Section 4 of the Native Land Claims Adjustment Act, 1895, amended.

18. Whereas in Schedule "C" of the West Coast Commissioner's Report (Parliamentary Paper A-5B, 1883) an area of land was set aside as a Native reserve, known as Otuhuia, and recommended to be subsequently granted to the Public Trustee in trust for the beneficial owners: And whereas on the thirtieth day of August, nineteen hundred, the Crown sold to one Jessie McL'Dowie a portion (now known as Section 14, Block V, Nukumarū Survey District) of the said area, comprising one hundred and nineteen acres three roods and sixteen perches: And whereas by Order in Council dated the twenty-fourth day of October, nineteen hundred and ten, Otuhuia Block (Block V, Nukumarū Survey District), containing four hundred and thirty-six acres, more or less, was vested in the Public Trustee under and subject to the provisions of the West Coast Settlements Reserves Act, 1892: And whereas it is desirable that other Crown lands shall be vested in the Public Trustee by way of exchange for the area sold as aforesaid by the Crown: Be it therefore enacted,—

Lots 16B to 22B of Section 382, Okotuku, vested in Public Trustee.

(a.) Lots 16B, 17B, 18B, 19B, 20B, 21B, and 22B, of Section 382, Okotuku Survey District, are hereby vested in the Public Trustee in fee-simple, under and subject to the provisions of the West Coast Settlements Reserves Act, 1892, upon trust for the beneficial owners of the said Otuhuia Block.

(b.) For the purpose of ascertaining the beneficial owners of the said Otuhuia Block, the said lots of Section 382, Okotuku Survey District, shall be deemed to form part of and be dealt together with that block.

19. (1.) The Chief Judge of the Native Land Court is hereby authorized and directed to amend the orders of the Native Appellate Court, dated the twenty-fourth day of June, nineteen hundred and two, in respect of Kohumarū Block, Mangonui, in the Auckland Native Land Court District, so far as those orders relate to the division of that land and the definition of relative interests.

Chief Judge authorized to amend orders of Appellate Court relating to Kohumarū Block, Mangonui.

(2.) For the purposes of this section the Chief Judge may refer any matter, relating to the said land, to the Native Land Court for inquiry and report.

20. (1.) The orders of the Native Land Court, ascertaining the Natives who are beneficially entitled respectively to the lands described in the *Second* Schedule hereto, and defining their shares, which orders were made in pursuance of the jurisdiction conferred upon the Court by Orders in Council, dated respectively the twenty-second day of October, nineteen hundred and six, and the seventh day of October, nineteen hundred and seven, shall be deemed to be freehold orders under the Native Land Act, 1909, and shall be capable of registration as such.

Validating orders of the Court in re Lot 99, Parish of Onewhero, and Lot 201, Parish of Karamu.

(2.) The District Land Registrar is authorized and directed, on the application of the Chief Judge, to cancel the original certificate

of title or Crown grant, as the case may be, and to issue new instruments of title in accordance with the aforesaid orders of the Court.

(3.) The provisions of this section shall not invalidate any valid alienation made in respect of the said lands before the passing of this Act. 5

*New.*

Vesting Native school site at Waimana in the Crown.

20A. Whereas a piece or parcel of land, containing three acres, more or less, being portion of Waimana 1 C 1c Block, in the County of Whakatane, and shown on the plan of that block as the Native school site, was intended to be set aside as a site for a Native school: And whereas the reservation of such site was never legally completed: And whereas school buildings were established upon such site, and a school conducted by the Education Department for many years: And whereas it is expedient that the intention to set aside the said land should be carried into effect: Be it therefore enacted, that the Native Land Court is hereby authorized and directed to make an order vesting the said area of three acres in His Majesty the King as a site for a Native school under the Education Act, 1908, and to amend, to the extent that is necessary for the purposes of this section, the orders of the Native Land Court or of the Native Appellate Court affecting the said Waimana 1 C 1c Block. 10 15 20

Public Trustee to transfer Waikokopu Native Reserve to beneficiaries.

20B. (1.) The Public Trustee is hereby authorized and directed to transfer Nuhaka No. 3 Block, otherwise known as Waikokopu Native Reserve, in the County of Wairoa, to the beneficial owners thereof according to their relative interests, subject to all valid encumbrances, liens, and interests affecting the same. 25

(2.) The District Land Registrar shall, upon the registration of such transfer, issue a certificate of title to the persons named in such transfer according to their respective interests, and thereupon the said land shall cease to be a Native reserve, and shall become and be deemed to be Native freehold land within the meaning of the Native Land Act, 1909. 30

(3.) The cost of the transfer and of the proceedings necessary to vest the title in the beneficial owners shall, without other authority than this Act, be advanced by the Public Trustee out of the common fund of the Public Trust Office, and shall, together with any other lawful liens or charges due to the Public Trustee in respect of the said land, constitute a charge thereupon. 35

Chief Judge may refer matters mentioned in the Third Schedule to Court, or a Judge, or Commissioner; and Native Minister may refer matters in the Fourth Schedule to a Board for investigation and report.

21. (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 respective petitioners in the petitions set out in the *Third* Schedule hereto. 40

(2.) The Chief Judge may, upon such inquiry and report, make to the Native Minister such recommendations as appear to accord with the equities of each case. 45

(3.) The Native Minister may refer to a Maori Land Board, for inquiry and report, the claims and allegations made by the respective petitioners in the petitions set out in the *Fourth* Schedule hereto, and the Board may make such recommendations as appear to accord with the equities of each case. 50

(4.) Every 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 that House of Parliament which dealt with the petition the subject of such recommendation.

22. (1.) The Acts referred to in the *Fifth* Schedule hereto are hereby repealed to the extent indicated in that Schedule. Repeal.

5 (2.) All proceedings pending in the Native Land Court or the Native Appellate Court, or before the Chief Judge, or before a Maori Land Board, or before the Governor, or the Governor in Council, at the date of the passing of this Act under any enactment hereby repealed may be continued and completed in the same manner as if  
10 this Act had not been passed.

## SCHEDULES.

Schedules.

### FIRST SCHEDULE.

THE lands to be conveyed by Donald Fraser to the undermentioned Natives are—

1. Whaiti-Kuranui No. 2c West, being the whole of the land described in Volume 127, folio 117, of the Register-book in the Auckland Deeds Registration Office, containing 39 acres 2 roods 22 perches, to be transferred and conveyed to Timiuhā Taiporutu.

2. Whaiti-Kuranui No. 2c West, being the whole of the land described in Volume 82, folio 61, of the said Register-book, containing 101 acres: 107 shares to be transferred and conveyed to Mere Timiuhā, and 10 shares each to her children Kerehama Miriama, Ihiroa, Wereta, Mauriohooho, Tiemi Erina, Tohunga, and Atareta.

3. Rangitikei-Manawatu C Block No. 7A, being the whole of the land in Volume 37, folio 215, of the Register-book of the Wellington Deeds Registration Office: 54 shares to be transferred and conveyed to Wereta Kimate and 10 shares to each of his children Ngakuku, Te Waenga, Tima, and Rewi.

### SECOND SCHEDULE.

1. ALL that piece or parcel of land, containing 4,314 acres, more or less, being allotment 99, of the Parish of Onewhero, and being the whole of the land comprised in certificate of title, Volume 20, folio 39, of the Register-book of the District Land Registrar, at Auckland.

2. All that piece or parcel of land, containing 551 acres, more or less, and numbered 169N, being allotment 201 of the Parish of Karamu, or Whatawhata, and being the land comprised in a Crown grant dated the second day of August, 1866, in favour of Hami Ngaropi and others, excepting thereout the land comprised in conveyances numbered 1,219, 71,183, 73,463, 73,639, and 77,606, in the office of the Registrar of Deeds, at Auckland.

### THIRD SCHEDULE.

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

1. PETITION No. 260, of 1897.—Wi Kingi Hori and others: Praying that legislation may be passed to enable them to obtain their rights in Pourewa Island, near Tologa Bay.

2. Petition No. 1212, of 1901.—Ripeka Tiria and others: Praying for readjustment of succession to certain deceased owners in Okaunga and Opou Blocks.

3. Petition No. 916, of 1904.—Karaitiana Ruru and others: Praying for a readjustment of the partition of Tangutuhanui Block.

#### *Struck out.*

4. Petition No. 768, of 1907.—Te Karukoura and others: Praying for inquiry into their claims with regard to the Patutahi Block.

5. Petition No. 827, of 1907.—Heneriata Haeata: Praying that the present documents of title to Whakapaupakihi No. 4 Block be cancelled, and that legislation be passed remedying the wrong suffered by the petitioner, so that she may be sole owner in the said block.

THIRD SCHEDULE—*continued.*

6. Petition No. 225, of 1908.—Te Haenga Paretipua and others : Praying for relief on account of not having been included as part owners of Ohuia No. 1 Block.

7. Petition No. 500, of 1908.—Eruera Te Kura and others : Alleging that on the subdivision of Whangara Block and the definition of relative interests, and on the adjustment as between owners who had sold to one Seymour and those who had not sold, and in the allocation of shares, the non-sellers suffered injury.

8. Petition No. 501, of 1908.—Raunateri Patuone and others : Praying that the partition order of Whakanekeneke Block, situated at Hokianga, may be set aside, and that other orders may be made in accordance with facts.

9. Petition No. 548, of 1908.—Karakaina Kaimoana and others : Praying for legislation to amend the list of owners and the definition of relative interests in Hereheretau No. 2 Block.

10. Petition No. 224, of 1909.—Mere Horomona and others : Praying for inclusion in the title of Tutuotekaha No. 1 Block.

*Struck out.*

11. Petition No. 525, of 1909.—Taare Mete and others : Praying that a will regarding Mahanga No. 2 Block be not given effect to.

12. Petition No. 258, of 1910.—Materua te Ngaio and others : Praying that the grantees be declared trustees on behalf of persons not included in the title of Nukutaurua Block.

13. Petition No. 272, of 1910.—Ruku Hinaki and others : Praying that the succession orders made appointing successors to the interests of Paraire Whakatere in Kaiti and other blocks be amended so as to include other persons entitled to succeed.

14. Petition No. 273, of 1910.—Tieki Peka : Praying for inclusion in the title of Ngamoe Block.

15. Petition No. 357, of 1910.—H. Kereama and others : Praying for an inquiry into Matamata North Block.

16. Petition No. 611, of 1910.—Rangitaniwha Pihama : Praying for legislation to enable an appeal *re* succession to Hone Pihama in Mangamingi No. 1 Block.

*New.*

17. Petition No. 732, of 1910.—Kahu Karewao and others : Praying for legislation to enable alteration in the boundaries of Waimarino Native Reserves C and D.

18. Petition No. 597, of 1910.—Hape Renata and others : Praying for an inquiry into the title of Te Ununu Block.

## FOURTH SCHEDULE.

## PETITIONS TO BE REFERRED TO A MAORI LAND BOARD.

1. PETITION No. 395, of 1909.—Henry Cook : Praying for validation of sale of Section 21 of Opau Native Reserve, Block II, Port Nicholson Survey District.

2. Petition No. 397, of 1909.—Christina Prouse : Praying for validation of a sale to her of Horowhenua 3E No. 2.

3. Petition No. 132, of 1910.—Thomas Bevan, senior : Praying for a Land Transfer certificate of title *re* Manawatu-Kukutauaki 4B No. 2 Block.

4. Petition No. 133, of 1910.—Arthur Drake : Praying for a Land Transfer certificate of title *re* Manawatu-Kukutauaki 4B No. 2 Block.

## FIFTH SCHEDULE.

1894, No. 45.—The Native Land Claims and Boundaries Adjustment and Titles Empowering Act, 1894 : Paragraphs (1) and (4) of section 5.

1898, No. 39.—The Reserves, Endowments, and Crown and Native Lands Exchange, Sale, Disposal, and Enabling Act, 1898 : Sections 32 and 34.

1901, No. 65.—The Native Land Claims Adjustment and Laws Amendment Act, 1901 : Sections 3, 23, and 29.

1904, No. 49.—The Maori Land Claims Adjustment and Laws Amendment Act, 1904 : Section 16.

1906, No. 51.—The Maori Land Claims Adjustment and Laws Amendment Act, 1906 : Sections 3 and 29.

1908, No. 253.—The Maori Land Laws Amendment Act, 1908 : Sections 38 and 41.

# MEMORANDUM

## EXPLANATORY OF THE PROVISIONS OF

# THE NATIVE LAND CLAIMS ADJUSTMENT BILL.

**Clause 2.** The section, which is proposed to be revived by this clause, was enacted to provide for the validation by the Governor in Council of timber agreements affecting Native lands, after inquiry by a Maori Land Board, with such modifications as the Board might recommend. The section was repealed by the Native Land Act, 1909, and there is no longer any power to validate these agreements, except possibly as to matters in respect of which proceedings were pending before a Board at the 31st March last. The Solicitor-General is of opinion that the authority of the Governor in Council to validate has lapsed, there being no provision of the Native Land Act continuing that authority. It has been suggested that new agreements can be made under the said Act, using section 356 thereof, and section 203, where the limitation provisions present difficulties, or that, if, owing to special circumstances, such course cannot be adopted in any case, special legislation might be passed.

The clause provides for the completion of matters already recommended by the Boards.

**Clause 3.** The Public Trustee has ample powers to deal with reserves vested in him under the West Coast Settlements Reserves Acts, and the Westland and Nelson Reserves Acts, but restricted powers, particularly in the matter of surveying, forming roads, streets, subdividing, &c., in respect of other Native reserves vested in him, of which there are a large number in various portions of the Dominion. The particular case calling for the provision in clause 3 is that of certain reserves in the Borough of Palmerston North, the leases of which have expired, and which it is desirable to cut up into small building-sections. It is deemed advisable to make a general provision.

**Clause 4.** This is to give effect to recommendations of the Native Affairs Committee of the House of Representatives on—

(a.) Petition No. 34, of 1910: Raniera Haereroa and thirty-two others.—This land was partitioned in 1885, up to which time it was held under a memorial of ownership, a kind of title that generally deferred the determination of relative interests to a later proceeding. On partition the relative interests were determined. It is alleged that the majority of the owners were absent from the Court in connection with the dispute over Waipiro Block, and that a number of the owners took advantage of such absence to adjust the shares to their own liking. The clause permits the Court to revise this adjustment.

The Committee recommended favourable consideration.

(b.) Petition No. 237, of 1910: H. Matehe and three others.—When the partition order of Waipiro 8 or 2B (forming part of the Waipiro Native Township) was completed by survey, a small portion of adjoining land on which there are valuable buildings was by mistake included in the area. The discovery was made ten years later, when the rents and compensation-moneys for the township were paid out. The owners recognized that a mistake had been made, and signed a deed acknowledging the rights of other Natives to a portion of the land.

The Committee recommended favourable consideration.

(c.) Petition No. 424, of 1910: Rangihopu Henare and ten others.—Te Reureu No. 1 Block was part of Te Reureu Reserve, one of the reserves made on the sale to the Crown of the Rangitikei-Manawatu Block by the Ngatiapa in 1866. The owners were finally ascertained in 1896 by the Native Appellate Court, when the lists and shares were settled. There has been dissatisfaction at the inclusion of non-resident Natives and others, and it appears desirable that the lists should be revised, also the shares.

The Committee recommended that steps be taken to revise the list of owners and to define the relative interests.

**Clause 5. (a.) TE WHITIATARA RESERVE.**—To give effect to a recommendation of the same Committee on the petition No. 580 of 1908, of Reupeña Taare and others.

Manawatu 6 or Te Whitiatara Reserve was originally 9,600 acres. Title was investigated on the 10th September, 1870, and a certificate of title ordered to be issued in favour of ten Natives. In the judgment the Court's minute says, "Time would be allowed for the owners to appoint the persons whose names should be put in the certificate of title." Ten were appointed, and many of those named during the hearing as entitled were excluded. In 1871 this land was sold to the Crown, but the deed of sale reserved the portion now known as Te Whitiatara Reserve to the ten original owners, and a grant was issued to them under the 'Volunteers' and other Lands Act, 1877. On representations to the Governor in Council, an Order was issued on the 27th April, 1896, giving the Native Land Court jurisdiction, under subsection (10) of section 14 of the Native Land Court Act, 1894, to determine whether the original owners were trustees for others not included in the title. The validity of the Order in Council was questioned, and the matter referred to the Supreme Court, which decided (Stout, C.J., *In re Whitiatara*, N.Z.L.R., Vol. xxvi, page 249 *et seq.*) on the 22nd September, 1906, that the Governor in Council had no jurisdiction to issue the Order.

The Committee referred the petition to the Government.

Since then the Crown has entered into negotiations for the purchase of the block from the assembled owners. It is not desirable to stay these negotiations, as the land is urgently needed for close settlement. Hence the provisions at the end of the clause relating to the purchase-money.

(b.) TATUA EAST.

The following memorandum from Judge Seth-Smith (then Deputy Chief Judge) dated the 11th August, 1904, to the Under-Secretary for Justice explains this matter:—

"The title to this block appears to be in a state of hopeless confusion, which I fear can only be set right by legislation.

The following is a summary of the history of the title.

In 1867 (8th October) Tatua was awarded to eleven persons "if within nine months the above-named persons shall furnish a proper survey thereof."

In 1868 (21st April) Tatua was awarded to ten persons "if within twelve months they shall furnish to the Chief Judge a proper survey of the block."

In 1869 (15th March), on rehearing, Tatua was divided into Tatua East and Tatua West, the dividing-line being clearly defined.

For Tatua East an order was made that a certificate of title for ten persons, named, should be made and issued to the Governor "if within twelve months the claimants shall furnish a proper survey and a certified plan thereof: any question arising out of the description of the boundaries to be determined by the Court." No order was made with regard to Tatua West.

In 1872 (28th March) order was made that the former order for a certificate of title to Tatua East should be carried out on the production of a satisfactory plan.

In 1883 Tatua West was heard apparently as a new claim. An approved plan was produced and used during the hearing, and on the 2nd July an order was made for the title to the block on the plan produced.

Tatua West, as defined in 1883, has since been alienated.

The approved plan of Tatua West contained a portion of the land which was included in Tatua East in 1869 and 1872, and on this ground Judge Scannell in 1894 refused to approve the plan as a correct delineation of Tatua East.

The difficulty by which we are now confronted is that all these orders are more than ten years old, and are therefore affected by the Land Titles Protection Act, 1902.

The orders for Tatua East and Tatua West are inconsistent with each other as applying in part to the same piece of land. The title to Tatua West having passed to the Land Transfer Register, is no longer within the jurisdiction of the Native Land Court, and the orders for Tatua East cannot be given effect to.

It seems that this difficulty cannot be obviated by any Order in Council issued under the Native Land Court Act, 1894, or any of its amendments, and that special legislation will be needed.

I suggest that so much of the Tatua Block as has not been alienated be declared to be Native land, so that the Court may deal with the matter *de novo*, and that a clause to that effect be inserted in any appropriate Bill that may be brought before Parliament this session.

It would be inexpedient to interfere with that part of the block which has passed to Europeans on the Land Transfer Register, although some part of it ought not to have been transferred. It has in fact been transferred, and after this lapse of time should not be disturbed.

With regard to the residue of the block, an application under the Native Equitable Owners Act, 1886, is still pending, and cannot be dealt with until the question of boundary is settled."



## (c.) OPOUTAMA RESERVE.

This reserve is at Mahia, Hawke's Bay, and was originally granted to three Natives. On representations made to the Native Minister he directed the Chief Judge to inquire into the matter. The Chief Judge is of opinion that the original grantees were intended to be trustees for others, although he doubted the advisability of reopening the title at this late date.

**Clause 6.** The clause explains the purpose. The following is extracted from the report of the Chief Judge on inquiry into the matter at Dargaville on the 20th January, 1910.

After referring to the previous history of the land, he says,—

“(7.) That after the trial had been proceeding for two days and late at nights the parties came to an agreement, which I consider a fair adjustment between them, and of which I approved.

“(8.) That the agreement was as follows: That Netana's people give up their claim in Opanake No. 1D Block (i.e., they give up their half-share in this 193 acres), and also that 450 acres be taken off their shares in the Opanake No. 1C Block.

“(9.) That legislation to effect this is unnecessary, as an application to the Chief Judge under section 39 of the Native Land Court Act, 1894, would enable him to make such an order, and the allocation of the actual quantity of land to each of the parties could be done by the Court on a further partition. This I will proceed to do, unless the Government considers that Parliament wish to deal with the matter and require that this report be first dealt with by the House.”

Upon consideration it was deemed advisable to introduce special legislation dealing with this matter.

**Clause 7.** To give effect to recommendations of the Committee on,—

(a.) Petition No. 85, of 1909: Hera Tena Hoari Toms and others. Matenga te Rapa, grantee of Lot 22, Kaipoi Native Reserve, died, leaving two children, Rora Tawha and Riria Paeumu. On application to succeed in September, 1883, one Henare Tawha gave evidence that Rora Tawha and Riria Paeumu were the children of deceased, and entitled to succeed. Through error the order was made in favour of Rora Tawha and Henare Tawha. The petitioners are the children of Riria Paeumu. But for the Land Titles Protection Act, 1908, and section 432 of the Native Land Act, 1909, the matter could have been adjusted without special legislation.

The Committee referred the petition to the Government, and asked that it be treated as an application under the Land Titles Protection Act, 1908. It has been deemed advisable to introduce special legislation.

(b.) Petition No. 160, of 1910: Waata Tahana. Wiremu Tahana Tirarau, *alias* Tahana Marupo, was an owner in Pakia 1 Block, Hokianga. After his death a succession order was made in favour of one Hapakuku Moetara, on the 9th September, 1872. Hapakuku and his successors have retained the land to the present time. The petitioner claims to be the son of the deceased Wiremu Tahana, and that he was an infant of four or five years of age when the succession order was improperly obtained by Hapakuku in his own favour.

The Committee recommended the matter for inquiry. The clause enables petitioner to appeal.

(c.) Petition No. 193, of 1910: Wiremu Karaka.—Petitioner is the son of Heni Paakamutu, an owner in Rotokautuku No. 2 Block, Waiapu district. On the death of Heni, petitioner being then five years of age, one Ani Kaiora applied for succession, and on the 6th April, 1880, an order was made in favour of Ani Kaiora, Eru Pahau, and Katerina Herehere.

The Committee recommended immediate inquiry. The clause enables petitioner to appeal.

**Clause 8** relates to matters arising on the following petitions in respect of Mangahauini Block, which were recommended for inquiry: No. 81 of 1909, Raukura Paerata and others; No. 82 of 1909, Mikaera Pewhairangi and others; No. 74 of 1910, W. H. Potae and others; No. 194 of 1910, W. H. Potae and others; and No. 196 of 1910, Hori Raerena and others.

The Mangahauini Block, of about 6,000 acres, at Tokomaru Bay, was first investigated in 1898, and dealt with by the Native Appellate Court the following year, the latter Court partly affirming and partly varying the former decision. On inquiry it was found that some of the orders are complete, while others were so difficult to follow and comprehend that before they could go forward for registration some inquiry was necessary. The clause provides a rehearing under section 50 of the Native Land Act, 1909.

**Clause 9** gives effect to recommendations of the Committee on petitions No. 74 of 1908, Heteraka Manihera and others; No. 569 of 1908, Hoori Puriri; and No. 570 of 1908, Marama Tahere, that they be referred to the Government for favourable consideration.

The lands are at Kaikohe, Bay of Islands. The title was first investigated by a Block Committee under the Maori Lands Administration Act, 1900, and later by the Maori Land Board, sitting as a Court to hear objections to the report of the Block Committee. In March, 1908, the Native Appellate Court heard appeals. The clause provides for a rehearing by that Court of its orders.

**Clause 10.** The interest of Wiremu Kingi Matakatea in Ngatikahumate Block has been the subject of many petitions. The clause gives effect to the recommendation of the Committee on petition No. 556 of 1909, of Te Ihonga Mokonukau, that it be referred to the Government for favourable consideration so far as the definition of relative interests only is concerned.

The evidence before the Committee as to the relationship of the parties to the deceased was conflicting, but, accepting that of the side opposing the petition, it is clear that the definition of relative interests among the next of kin injured Ngawhakaka, who was entitled to one half, the other half going to Akinihi and Ruhe in equal shares. The clause effects this adjustment without further litigation. Subclause (2) is for the protection of funds that have been accumulating since 1904.

**Clause 11.** To give effect to the recommendation on petition No. 557 of 1908, of Eruera Nikitini and others, referred for favourable consideration.

The original Horowhenua Block was investigated in 1873, when the Court gave judgment in favour of the Muaupoko, a judgment that has bound Courts in subsequent proceedings. Several circumstances led to the appointment of a Royal Commission, which sat and reported in 1896, and in regard to a strip of land near the Hokio Stream, the subject of the petition (found on survey to contain about 140 acres), reported favourably on the claims of the party represented by the present petitioners. In the same year a Committee of the Legislative Council, on the petition of Kipa te Whatanui, reported strongly in favour of a rehearing of the original investigation of 1873, saying "that any inquiry which does not go behind the judgment of the Court in 1873, which caused all the subsequent trouble and litigation, will be futile, and will render confusion worse confounded." The Horowhenua Block Act, 1896, was enacted to settle the various disputes; and that Act, *inter alia*, awarded the strip near the Hokio Stream which is the subject of the present petition to the petitioners and their people. In 1906, however, an amending Act was passed which reopened the title to this particular piece of land, and authorized the Native Land Court to determine ownership. The Court awarded about 45 acres to the petitioners, and the balance, the larger part of the block, to members of the Muaupoko Tribe. There is no appeal from this decision.

The clause provides for an appeal, and on appeal enables the Court to go behind the judgment of 1873, and to give due weight to continuous occupation.

This, it is believed, is the only part of the Horowhenua Block in dispute.

**Clause 12** arises out of petitions No. 295 of 1909—Haira Hori and others—and No. 603 of 1910—Areta Nahona and others.

The former was referred for inquiry, and the latter for favourable consideration. Further inquiry has revealed the facts recited in the clause, and led to the present proposal.

**Clause 13.** To give effect to the wish of the surviving owner of a small section in the Borough of Foxton to give the Borough the east portion of it (an old cemetery) for a reserve. Aputa was one of the original owners, the rest of whom have died. Aputa claims to be sole successor to these deceased owners. The clause will enable her, when the title is wholly vested in her, or will enable her and others, should any others be included in the title, to make the gift, provided they execute the necessary deed with the formalities required by the Native Land Act, 1909, and to the satisfaction of the Maori Land Board.

**Clause 14.** To give effect to the recommendation of the Committee on Petition No. 259 of 1907, of Te Rauhea Paraone and others, referring the same to the Government for consideration and inquiry. The land is a small section of 57 acres at Tauranga.

The matter was referred to Colonel Roberts, S.M., Tauranga, for inquiry. The inquiry was held in the Magistrate's Court at Tauranga on the 23rd July, 1908. The evidence elicited—(1) That the land was given in the seventies by Sir Donald McLean, then Native Minister, to Paraone Koikoi, who represented that his tribe had not sufficient land for their support, so small a portion having been reserved for them out of that confiscated; (2) that the Native Land Court made succession orders to certain Natives supposed to have been owners; (3) that certain Natives have been in unopposed occupation of the land till ordered off by the Crown Lands Ranger; (4) that the Natives during their occupation leased to one Corbett, with whom they had a law suit, and whom they ejected; and the general impression in the minds of old residents at Tauranga is that the land always belonged to the Natives.

The Lands Department favours the issue of a Crown grant over this section when the Native Land Court has ascertained the names of the persons in whose favour the certificate of title should issue, and that when this is done a title can be issued with certain restrictions.

**Clause 15** deals with petition No. 797 of 1907—Manu Tawhiorangi and others—which was referred for inquiry. The petition relates to Section 91, Block VII, Patutahi Survey District, containing 421 acres 2 roods 23 perches.

Commissioner H. T. Clarke dealt with the matter in 1882, and recommended (G.—4, 1884, Sess. II, p. 12) “that 500 acres of land be set apart in the Patutahi Block, if possible on the Patutahi Stream, of fair average quality, having due regard to fair proportions of flat and hilly country, for the Natives named in the list attached hereto.” [There were 113 in the list.] “Grant to be inalienable by sale, lease, or mortgage.”

Wi Pere (now Hon. Wi Pere, M.L.C.) made the application to the Government on behalf of the Whanau-a-Kai Hapu, on the ground that they have been great sufferers through cession of the Patutahi Block to the Government. It was represented by Wi Pere that the people for whom he made application were absolutely landless.

The section has never been granted, and is still Crown land, though shown in the records of the Lands Office at Napier as “reserved temporarily for Wi Pere and others,” &c.

Special legislation is urged, and is desirable. It has been suggested that, as the land was set aside as an inalienable reserve, the administration should be vested in the Maori Land Board of the district.

**Clause 16.** To give effect to the recommendations of the Committee on Petitions Nos. 602 and 603 of 1908 of Donald Fraser—praying for legislative power to effect an exchange of land with certain Natives.

Referred to the Government for favourable consideration.

An inquiry was held by the Chief Judge, who reported to the Native Minister on the 4th June, 1909, and recommended,—(1.) That Subdivision 3 of Poutu Block, 94 acres, be vested in the petitioner, when he has given a good title to the owners of the said land for Mangamahoe No. 7A Block, 50 acres (near the town of Bulls). (2.) That Subdivision 4 of Poutu (187 acres), and Subdivision 5 (37 acres), be vested in petitioner, when he has given a good title to the owners of the said land for 142 acres of land near Okoroire, and paid Atareta Timiuhā a sum not exceeding £30 for the purchase of 10 acres of land near her aunt.

**Clause 17.** To give effect to the recommendation of the Committee on Petition No. 401 of 1908 of Potonga Kaiawha and others—praying that Okotuku Block No. 76, containing some 189 acres, be permanently vested in them and their descendants.

Referred to the Government for inquiry.

The land is officially known as Section 76, Block II, Wairoa Survey District (or Okotuku). Section 4 of the Native Land Claims Adjustment Act, 1895, vested Sections 386 and 387, Block IX, Wairoa Survey District (formerly Crown lands) in the Public Trustee, in trust for Native beneficiaries, and gave the Crown Section 76, Block II, and Sections 395, 397, and 399, Block VIII, Wairoa Survey District, to the Crown—in fact, authorized an exchange. It appears that Section 76, the subject of the petition, was included in error. The Natives are still occupying the same. The Lands Department agrees that the land should not have been included in the exchange, that it is still by rights the property of the Maoris, and that special legislation should free it from being Crown land.

**Clause 18.** The facts are as recited. The Lands Department agrees to vest the seven sections, comprising 112 acres, in the Public Trustee to make up for the area sold by the Crown.

**Clause 19.** This clause gives effect to the recommendation of the Committee on petition No. 32, of 1905, Huirama Tukariri (praying for a hearing of the Kohumaru Block, Mangonui, in the Auckland Native Land Court District), that it be referred to the Government for inquiry.

The area of this land, which is situated at the head of the Mangonui Harbour, is 2,063 acres, and the title was investigated by Judge Edgar on the 18th October, 1901, and by the Appellate Court on the 24th June, 1902. The inquiry recommended by the Committee was conducted by the Chief Judge, under section 49 of the Native Land Laws Amendment Act, 1895, and held at Mangonui on the 12th, 13th, and 14th January, 1910.

Judge Edgar awarded the whole block to petitioners, favouring the grounds on which they claimed. The Appellate Court varied the decision, substantially accepting the grounds put forward by the other side; petitioners were awarded 747 acres—the balance, or nearly two-thirds of block being awarded to the other side.

After inquiry, the Chief Judge recommended,—

“That legislation be passed authorizing the Chief Judge to cancel the orders of the Appellate Court, and to reinstate that of the first Court, but to amend it by adding to it the names of the fourteen persons admitted by the Appellate Court, and to order that the relative interests of each owner be defined by the Native Land Court.”

The proposal in the clause gives effect in another way to this recommendation.

**Clause 20** deals with the following matters :—

(a.) *Lot 201, Parish of Karamu.*

(a.) A Crown grant was issued on the 2nd August, 1866, in favour of Hami Ngaropi and three others (upon trust for the members of the Ngatimahanga tribe) for Lot 201, Parish of Karamu, or Whatawhata, containing 551 acres, more or less. Portions have been sold. It was thought expedient to ascertain the beneficial owners, and extended jurisdiction for the purpose was given to the Native Land Court by Order in Council dated the 7th October, 1907, under section 15 of the Native Land Court Act, 1894. The Court ascertained the names of the beneficiaries, and the shares, but doubt was raised whether the Court could (even if empowered by Order in Council) cancel or amend prior instruments of title, and to substitute new titles to give effect to its ascertainment. This clause gives the Court such power.

(b.) *Lot 99, Parish of Onewhero.*

A Crown grant was issued on the 21st April, 1880, under the Onewhero Grant Empowering Act, 1879, to Patoromu Titoko and sixteen others in trust for three hapus of the Ngatipou tribe. The area of the land is 4,314 acres. An Order in Council under section 15 of the Native Land Court Act, dated the 22nd October, 1906, empowered the Court to ascertain beneficiaries and their shares. The Court completed this work and made an order dated the 29th January, 1908.

As in the case of Karamu, Lot 201, there is a doubt as to the power of the Court to cancel previous instruments of title.

**Clause 21** provides for an inquiry by the Native Land Court, or a Judge or Commissioner thereof, at the instance of the Chief Judge, and for an inquiry by a Maori Land Board at the instance of the Native Minister, into the claims and allegations contained in various petitions, on which the Native Affairs Committee has made recommendations. The petitions are specified in the Third and Fourth Schedules to the Bill. After inquiry, reports and recommendations will be made to the Native Minister, who will present the same to Parliament for the purpose of being referred to the Native Affairs Committee. Further legislation if necessary will then be considered.

**Clause 22** repeals spent sections of various “washing-up Acts,” as reported upon by the various Departments consulted.