

Right Hon. Mr. Forbes.

NATIVE PURPOSES.

ANALYSIS.

Title.	
1. Short Title.	<i>Matters affecting Aotea District.</i>
2. Provisions of Native Land Act, 1931, to apply to this Act.	6. Authorizing rehearing regarding succession to Karauria (deceased). 7. Authorizing Court to make vesting order respecting Oraukawa Block.
PART I. AMENDMENT OF LAWS.	
3. Section 10 of Native Land Amendment Act, 1932, amended.	<i>Matters affecting South Island District.</i>
4. Restriction upon the assignment of mortgages executed in favour of any State loan Department.	8. Authorizing an appeal in respect of the Wharekauri No. 1K Block.
PART II. MISCELLANEOUS POWERS AND JURISDICTION.	
<i>Matters affecting Tairāwhiti District.</i>	<i>Matters affecting Waiariki District.</i>
5. Construction of will of Turuhira Tuhiwai (deceased) may be referred to Supreme Court.	9. Establishment of Bledisloe Park.
	<i>Reference of Petitions to the Court.</i>
	10. Chief Judge may refer matters in Schedule for report.

A BILL INTITULED

AN ACT to amend the Laws relating to Natives and Native Land, to adjust certain Claims and Disputes in relation to Native Land, to confer Jurisdiction upon the Native Land Court and the Native Appellate Court, and for other Purposes. Title.

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 Purposes Act, 1934. Short Title.

No. 97—1.

Provisions of
Native Land
Act, 1931, to
apply to this
Act.
See Reprint
of Statutes,
Vol. VI, p. 103

2. Words and expressions used in this Act shall, unless the contrary intention appears, have the same meaning as in the Native Land Act, 1931 (hereinafter referred to as the principal Act), and the provisions of the principal Act so far as applicable shall extend and apply to the cases provided for by this Act in as full and ample a manner as if this Act had been incorporated with and formed part of the principal Act. 5

PART I.

AMENDMENT OF LAWS. 10

Section 10 of
Native Land
Amendment Act,
1932, amended.

3. (1) Where any land is acquired pursuant to the provisions of subsection four of section seven of the Native Land Amendment Act, 1932 (including the acquisition upon the advice or request of the Dominion Land Purchase Board of any further undivided shares, estates, or interests in land, as defined by section four hundred and thirty-eight of the principal Act, in cases where undivided shares, estates, or interests in that land have heretofore been acquired) that land shall not be deemed to be settlement land, but shall, on the issue of a Proclamation under section four hundred and fifty-four of the principal Act, be deemed to be Crown land subject to the provisions of the Land Act, 1924. 15 20

See Reprint
of Statutes,
Vol. IV, p. 622

(2) Moneys required in connection with the acquisitions referred to in the *last preceding* subsection shall, without further appropriation than this Act, be paid out of the Land for Settlements Account from the capital moneys received from the sale of Crown lands pursuant to section twenty of the Land Act, 1924, and upon any such payment the capital moneys upon which interest is payable to the Consolidated Fund in accordance with section thirteen of the Land Laws Amendment Act, 1926, shall be reduced accordingly. Any moneys received as the Crown's share from the letting or other disposal of lands in which the Crown possesses or acquires any undivided share, estate, or interest shall be dealt with in all respects as if such land were Crown lands to which subsection two of section twenty of the Land Act, 1924, relates. 25 30 35

(3) Section ten of the Native Land Amendment Act, 1932, is hereby consequentially amended by omitting from subsection one the words "This shall extend and apply to moneys required for the purpose of subsection four of section seven of this Act". 40

(4) This section shall be deemed to have come into operation on the first day of April, nineteen hundred and *thirty-three*.

4. Section two hundred and ninety-seven of the principal Act is hereby amended by adding the following proviso :—

“ Provided that, notwithstanding anything to the contrary in any other Act, where an unconfirmed mortgage or charge has been given in favour of a State loan Department, that Department may, in its discretion, refuse to assign that mortgage or charge.”

Restriction upon the assignment of mortgages executed in favour of any State loan Department.

PART II.

MISCELLANEOUS POWERS AND JURISDICTION.

Matters affecting Tairāwhiti District.

15 5. (1) The Chief Judge is hereby authorized to state a case for the opinion of the Supreme Court regarding the proper interpretation of the will of one Turuhira Tuhiwai (deceased) so far as it affects the devise of Native land to one Potene Tuhiwai (now deceased), and
20 the decision of the Supreme Court on the case so stated shall be binding upon the Native Land Court and the Native Appellate Court.

Construction of will of Turuhira Tuhiwai (deceased) may be referred to Supreme Court.

(2) The Chief Judge may make or cause to be made all such amendments to orders previously made that are
25 considered necessary to give effect to the decision of the Supreme Court on the case so stated, and may, if he thinks fit, cancel any order heretofore made by the Native Land Court or the Native Appellate Court in relation to
30 the appointment of successors to the interests in Native land of the said Turuhira Tuhiwai or Potene Tuhiwai respectively.

(3) Any such amendment shall take effect as at the date of the order amended, but no amendment or cancellation shall take away any right or interest
35 acquired in good faith and for value before the making of the amendment or the cancellation of any order.

Matters affecting Aotea District.

Authorizing
rehearing
regarding
succession to
Karauria
(deceased).

6. (1) The Court is hereby authorized to rehear the applications upon which the Court made orders on the twenty-eighth day of January, eighteen hundred and eighty-seven, appointing successors in respect of the interest of one Karauria (deceased) in the parcels of land situate in the Aotea Native Land Court District and known as the Mangawhero Block (or Section 38, Block X, Ngaere Survey District) and the Umutahi Block.

(2) On any such rehearing the Court may either affirm, vary, or annul its former determination, and may exercise any jurisdiction which it might have exercised on the original hearing.

Authorizing
Court to make
vesting order
respecting
Oraukawa Block.

7. Whereas the land referred to in subsection *four* hereof was granted under the provisions of the West Coast Settlement (North Island) Act, 1880, and the West Coast Settlement Reserves Act, 1881, to one Rangiteikinga (since deceased): And whereas by order made on the twenty-third day of August, nineteen hundred and sixteen, the Court, with the consent of the successors in title to the said Rangiteikinga (deceased), or some of them, purported to vest the said land in certain members of the Ngatituhekerangi Tribe: And whereas doubts have arisen as to the validity of the order so made, and it is desirable to confer upon the Court the jurisdiction herein appearing: Be it therefore enacted as follows:—

(1) Upon the commencement of this Act the said land shall cease to be subject to the West Coast Settlement Reserves Act, 1892, and its amendments, and shall be deemed to be Native freehold land within the meaning of the principal Act.

(2) The order of the twenty-third day of August, nineteen hundred and sixteen, is hereby cancelled, and the Court is authorized and empowered to make an order vesting the said land in such persons of the Ngatituhekerangi Tribe as it may determine for an estate in fee-simple in possession as tenants in common in the shares determined by the Court, and the said land shall vest accordingly, subject to all registered liens and encumbrances (if any) affecting the said land.

(3) Upon production of an order made under the provisions of this section the District Land Registrar is authorized to cancel certificate of title, Volume 10, folio 62, of the Taranaki Land Registration District, and to issue a new certificate of title in favour of the persons named as proprietors in the said order and to transfer to the new certificate of title a record of all memorials and entries affecting such land so far as may be necessary to preserve existing interests.

(4) The land referred to in this section is that parcel of land situate in the Taranaki Land Registration District, containing by admeasurement ten acres or thereabouts, and being Section 1, Block V, of the Opunake Survey District, and sometimes known as the Oraukawa Block.

Matters affecting South Island District.

8. In order to give effect to a recommendation of the Native Affairs Committee of the House of Representatives be it enacted as follows:—

Authorizing an appeal in respect of the Wharekauri No. 1K Block.

(1) Notwithstanding anything to the contrary in any Act, any person claiming to be interested may appeal against a final order of the Court, made on the eighteenth day of April, nineteen hundred, determining the persons entitled beneficially to the land situated at the Chatham Islands and designated by the Court as the Wharekauri No. 1K or Mairangi No. 1 Block, by notice of appeal given in the prescribed manner within six months after the commencement of this Act, and the Appellate Court is hereby authorized to hear and determine such appeal.

(2) If the Appellate Court finds that any person other than the owner named in the order of the eighteenth day of April, nineteen hundred, is entitled to any interest in such land either together with or in lieu of the said owner, that Court may inquire into any expenditure made upon the said land by such owner and may make in respect thereof such order as it deems just.

(3) In the determination of the relative interests of any such persons other than the owner so found to be entitled the Appellate Court may take into consideration the claim of any such person to have expended money for the purpose of prosecuting the claim to the said

land and may, in its discretion, make an award of additional shares as it may think fit to recompense such expenditure wholly or in part.

(4) For a period of twelve months from the commencement of this Act no alienation of the said land or any part thereof shall be valid unless the consent thereto of the Governor-General in Council is first obtained. 5

(5) The Appellate Court may, in its discretion, cancel or vary any of the orders of the Native Land Court made under section fifty-five of the Native Land Amendment Act, 1913, upon the partition of the Wharekauri No. 1K and Wharekauri No. 1L 1 Blocks, and dated the third day of July, nineteen hundred and twenty-six. 10 15

Matters affecting Waiariki District.

Establishment
of Bledisloe
Park.

9. Whereas in order to mark the appreciation of the Arawa Tribe for the public service of His Excellency the Governor-General and Lady Bledisloe and in recognition of the interest taken by them in matters affecting the Maori people of the Dominion, the Arawa District Trust Board has donated the historic landing-place of the Arawa Canoe for a Memorial Park: Be it therefore enacted as follows:— 20

(1) The land situate in the Waiariki Native Land Court District, containing nine acres three roods and seventeen perches, more or less, and known as the Maketu A Section 127 Block, is hereby vested in the Bledisloe Park Board constituted by this section for an estate in fee-simple as and for a park or pleasure ground. 25 30

(2) The said park shall be known as the Bledisloe Park.

(3) For the purpose of administering and managing the said land there is hereby constituted a Board which shall be a body corporate under the name of "The Bledisloe Park Board", with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and of suffering all that bodies corporate may do or suffer. 35

(4) The Bledisloe Park Board shall consist of nine members, of whom— 40

(a) One shall be the Chairman of the Tauranga County Council for the time being;

- (b) Three shall be members of the Arawa Maori Tribe nominated by the Arawa District Trust Board; and
- 5 (c) Five shall be persons nominated by the Tauranga County Council, being persons who have permanently resided in the Pongakawa, Paengaroa, Maketu, or Te Puke districts for a period of not less than six months immediately preceding the date of nomination.
- 10 (5) Each of the said nominated members shall be appointed by the Governor-General for such term not exceeding three years as the Governor-General shall determine.
- 15 (6) A nominated member may at any time resign from office by notice in writing addressed to the Chairman or Secretary of the Board, or the Governor-General may at any time remove any such member from office for any cause that he thinks fit.
- 20 (7) Any casual vacancy in the membership of the Board shall be filled in the manner in which the appointment of the member vacating office was made.
- (8) Any nominated member still qualified to act whose term of office has expired shall be eligible for reappointment.
- 25 (9) The Board shall have and may exercise in respect of the said park all or any of the functions and powers which by the Public Reserves, Domains, and National Parks Act, 1928, or any other Act, are conferred upon Domain Boards in respect of public domains controlled
- 30 by them.
- (10) The Governor-General may from time to time, by Order in Council, make all such regulations as he deems necessary for effectually carrying out the provisions of this section.

See Reprint
of Statutes,
Vol. VI, p. 1134

35 *Reference of Petitions to the Court.*

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

Chief Judge may refer matters in Schedule for report.

- (2) The Chief Judge may in his report make to the Native Minister such recommendation in any case as appears to him just and equitable

Native Purposes

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

Schedule.

SCHEDULE.

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

1. Petition No. 136, of Te Kata Tamihana and others, praying for rectification of titles of Native reserves in Town of Rotorua.

2. Petition No. 55 of 1928, of Pirika te Miroi and others, and petition No. 146 of 1934, of Wiremu Keepa Patahuri and others, praying for relief in respect of the administration and acquisition of the Pukeroa Oruawhata Block (Town of Rotorua) by the Crown.

3. Petition No. 113 of 1924, of Violet Newdick, praying for relief and compensation respecting the delay in the issue of titles for her land at Maketu and other matters.

4. Petition No. 262 of 1933, of Hari Wi Katene and others, praying for relief in respect of the rightful ownership of Wakapuaka Block on behalf of the relatives of one Kauhoe.

5. Petition No. 123 of 1934, of Waka Rewiri and another, praying for relief in respect of the rightful ownership of the Wakapuaka Block on behalf of the Ngatitama tribe.