

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.  
House of Representatives,  
22nd August, 1893.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Carroll.

NATIVE TRUSTS AND CLAIMS DEFINITION AND REGISTRATION.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">NATIVE TRUSTS.</p> <p>2. <i>Cestuis qui trustent</i> may become certificated owners. Applications under this section. Notice to be given to Natives affected.</p> <p style="text-align: center;">NATIVE EQUITABLE OWNERS.</p> <p>3. Effect of order under "Native Equitable Owners Act, 1886," sections 2 to 5.</p>	<p>4. When land subject to a lease.</p> <p>5. Effect of order.</p> <p>6. Court may exercise jurisdiction in South Island and Stewart Island. Original intention.</p> <p>7. Land may be held in trust for religious, educational, and other purposes.</p>
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A BILL INTITULED

AN ACT to define and give effect to certain Native Trusts and Claims. 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 Trusts and Claims Definition and Registration Act, 1893." Short Title.

NATIVE TRUSTS.

10 2. To enable *cestuis qui trustent* to become the certificated owners of the lands to which they are entitled, the provisions of sections two to five of "The Native Equitable Owners Act, 1886" (herein referred to as "the said Act"), shall apply to the lands in the Bay of Plenty District more particularly referred to in "The Whakatane Grants Validation Act, 1878," and which have been granted to persons who were selected to be trustees thereof for themselves and others, but who have been placed by such grants in the position of absolute owners of such lands. *Cestuis qui trustent may become certificated owners.*

20 "The Native Land Court Acts Amendment Act, 1889," any application for the purposes of this section may be made under section two of the said Act to the Native Land Court (herein referred to as "the Court") before the expiration of three years from the date of the commencement of this Act, but not afterwards. *Applications under this section.*

25 *New Paragraph.*

Notice of the passing and of the effect of this Act shall immediately be given to the Natives affected in such manner as the Governor in Council shall determine. *Notice to be given to Natives affected.*

NATIVE EQUITABLE OWNERS.

Effect of order under "Native Equitable Owners Act, 1886," sections 2 to 5.

3. Any order heretofore made or that may hereafter be made in pursuance of proceedings already commenced under sections two to five, both inclusive, of the said Act, declaring the persons beneficially entitled to any land subject to the said last-mentioned Act shall be deemed to have the effect of vesting such land in the persons so declared to be entitled for an estate of freehold in fee-simple, as tenants in common, as from the date of the making of such order, anything in "The Native Lands Act, 1865," or any other Act to the contrary notwithstanding. And such persons, and the successors of such of them as may be dead, shall, on the production of such order to the District Land Registrar of the proper district, be entitled to be registered as proprietors and to have issued to them a certificate of title under "The Land Transfer Act, 1885," in respect of the said land, antevesting to the date of the order of the Court.

Where the title to the land the subject of such order is a Crown grant, such grant shall, upon the issue of a certificate as aforesaid, be deemed to be null and void as from the date of the making of such order.

When land subject to a lease.

4. Where land subject to the said Act is also subject to a lease for an unexpired term of years, any order made or certificate issued as aforesaid shall not prejudice the ~~estate or term of the lessee~~ *terms of the lease*; but the lessee, after notice of such order or certificate, shall pay any rent to accrue due under his lease to the Natives for the time being registered as the owners of the land comprised in such lease in the proportions in which they appear in the certificate of title to be interested therein; and in case the relative interests shall not be specified, and in so far as the certificate shall not provide to the contrary, the Natives mentioned in the certificate shall be deemed entitled to receive their rent in equal shares.

Effect of order.

5. Any division, partition, or succession order heretofore made by the Court, under voluntary arrangement or otherwise, in respect of the Oruanui Block, at Taupo, or the Opanake Block, at Kaipara, which *inter alia* the Chief Judge of the Court is satisfied rectifies any defect or omission in the title to the land the subject thereof, or has the effect of carrying out the objects and intentions of the said Act, or any voluntary arrangement, shall be valid and effectual, and entitled to registration; and any former Crown grant or certificate of title for such land may be cancelled or amended in accordance with any such order, and a fresh Crown grant or certificate of title, if necessary, issued in lieu thereof: Provided that no estate or interest lawfully acquired in any such land prior to the making of any such order shall be prejudicially affected by any such registration, cancellation, or amendment.

Court may exercise jurisdiction in South Island and Stewart Island.

6. The Court, for the purpose of ascertaining and determining the ownership of any Native reserve in the South Island or Stewart Island, shall have the same jurisdiction over any such reserve as may be submitted to such jurisdiction by Order in Council, which the Governor is hereby authorised to issue from time to time for the purpose, as it has with respect to any land owned by Natives under their custom or usage.

Original intention.

But the Court, in determining the title or interests to any of such reserves, shall give effect to the original intention for which the said lands were respectively set apart.

*Native Trusts and Claims Definition and Registration.* 3

7. At the close of the proceedings upon an investigation of title to Native land, or during proceedings upon partition, the Court may, if a majority in number of the Native owners signify their assent thereto in writing, order that a part of such land or Native land be set apart  
5 and vested in one or more persons, who shall hold the same upon trust for such religious, educational, or other purposes of general or public utility as shall be specified in such order. The land the subject of such order shall be and remain incapable of alienation in any way whatsoever without the consent of a Judge; such consent  
10 shall not be given unless a Judge is satisfied that the land is no longer needed for the purposes for which it was originally set apart as aforesaid. The Court may, on the death of any of the persons so appointed, make other appointments in substitution thereof, and may, for good cause shown, remove any person in whom the land  
15 may be vested by virtue of any order and appoint some other person as a substitute for the person so removed, and the parcel of land shall thereupon vest in the person or persons so appointed without any conveyance, and shall be held by him or them subject to the trusts expressed in the original order.

Land may be held in trust for religious, educational, and other purposes.

[Native Trusts and Claims Definition and Registration.

*Timi Kara.*

TURE WHAKAMARAMA 1893 I NGA TIAKI MAORI ME  
NGA TONO ME NGA REHITATANGA.

WHAKAWHAITITANGA.

HE PIRI I HUAINA

HE TURE hei Whakamarama hei whakamana i nga tikanga e pa ana  
ki etahi Tiaki Maori me nga tonu.

NA KA MEINGA hei Ture e te Runanga Nui o Niu Tireni e noho  
huihui ana i roto i te Paramete i runga ano hoki i tona mana, ara:—

1. Ko te Ingoa Poto o tenei Ture ko "Te Ture Whakamarama  
1893 i nga Tiaki Maori me nga tonu me nga Rehitatanga."

TIAKI MAORI.

2. Mehemea kua whakaputaina tetahi tiwhikete take i mua  
i tukuna ranei he ota kia whakaputaina taua tiwhikete e te  
Kooti Whenua Maori ka kiia a muri nei ko taua Kooti i te mea ranei  
kua karatitia e te Karauna i mua ki tetahi iwi hapu ranei ki tetahi  
wahi ranei o tetahi iwi hapu ranei o nga Maori tuturu a i whakaurua  
toputia ki roto i te karaati, tiwhikete, ota ranei, ki tetahi tangata ranei  
mo tetahi tangata i runga ranei i te tiaki hei kai-tiaki ranei mo tetahi  
iwi hapu ranei wahi ranei o tetahi iwi hapu ranei, ka whai mana te  
Kooti i runga i te tonu a te Kawana a tetahi Maori ranei e tonu ana e ki  
ana e whai take ana ia ki taua whenua ka whai mana te Kooti ki te uiui  
me te whakatau ko wai nga tangata e tika ana ta ratou take ki taua  
whenua i runga i raro ano hoki i taua karaati, tiwhikete, ota ranei, o  
te tiaki nga kai-tiaki ranei e whakaaturia mai ana e taua karati, tiwhi-  
kete, ota ranei a i runga i te ota me ki i te ra mai ano e mau ana i  
roto i taua ota me whakatau ki nga tangata e tika ana to ratou take i  
runga i te tenata kamana mo te rahi ano o ia wahi whenua e mau ana  
i roto i taua ota.

3. Ko te ota e hanga peratia ana, e whakarereketia ana ranei e  
whakatikatikaia ana ranei i runga i te whakawa tuarua, ka meinga hei  
take whakataunga mo te whenua e mau ana i roto i taua ota ki nga  
tangata e kiia ana i roto i taua ota ko nga tangata whai take ki taua  
whenua i runga ano i te rahi o nga hea e mau ana i roto i taua ota a  
i muri tonu iho i te kimihanga i nga take a aua tangata i roto i taua  
ota ka whai take kia rehitatia he hunga whai take ki aua whenua me  
te whakaputa ano i te tiwhikete take i raro i "Te Ture Whakawhiti  
Whenua, 1885," tetahi Karauna karaati ranei ara mehemea no mua  
atu te ra tuhinga e taua karaati i te ra i mana ai "Te Ture Whaka-  
whiti Whenua, 1870," mo te whenua e mau ana i roto i taua ota, a i te

ra mai ano e taua ota, mehemea ranei e whakahuatia ana tetahi ra i mua atu i taua ra i roto i taua ota, i taua ra mai ano ka kiia kua whakakorea kua mutu te mana o te Karauna karaati tawhito, tiwhikete ranei, ota ranei e pa ana ki taua whenua :

Ki te mea ia mehemea he rihi kei taua whenua, ka ahei e te Kooti i runga ano i taua ota i tetahi ota ranei o muri iho te ki me mana tonu taua rihi hei painga mo nga kaitango rihi i raro ano ia i nga whakahaere o te peheatanga e utua ai nga moni reti, o te taumahatanga hoki me nga painga o nga tikanga e whakahuatia ana i roto i taua rihi, i runga ano i ta te Kooti i whakaaro ai he mea tika mo tena keehi. Ko tetahi rihi i hanga he ota pera me tera kua kiia ake nei ka meinga mo nga tikanga katoa he rihi tika pumau tonu hoki, i runga ano ia i nga whakahaere kua kiia ake nei, ano i tino whakaotia e nga tangata katoa e pa ana ki taua whenua i riihitia e ratou.

#### MAORI WHAI TAKE TIKA.

4. Ko tetahi ota i hanga i mua e hanga ranei a muri ake nei i runga i nga tikanga kua oti nei te timata i raro i te tekiona rua tae atu ki te tekiona rima o "Te Ture Maori Whakapumau Take Tika, 1886," e panui ana i nga tangata e tika ana kia riro i a ratou tetahi whenua i raro ano ia i te Ture i whakahuatia i muri nei, ka kiia ma kona e tau ai taua whenua ki nga tangata i panuitia he mea tika kia tau taua whenua ki a ratou i runga i te ture tenata kamana timata mai ano i te ra i hanga ai taua ota. A ko aua tangata me nga kairiwhi o ratou i mate ka whai mana i runga i te tukunga o taua ota ki te Kairehita Takiwa Whenua o te takiwa tika kia rehitatia he hunga whai take ki ana whenua a me whakaputa ki a ratou he tiwhikete take i raro i "Te Ture Whakawhiti Whenua, 1885," mo aua whenua timata mai ano i te ra i tuhia ai ki roto i te ota o te Kooti.

Ki te mea he Karauna karaati te take ki te whenua i uru ki taua ota ka kiia taua Karauna karaati i runga i te tukunga o te tiwhikete kua kiia ake nei kua mutu tona mana timata mai ano i te ra i hanga ai taua ota.

5. Ki te mea e taua ana etahi whenua ki raro i "Te Ture Maori Whakapumau Take Tika, 1886," a e ekengia ana e te rihi mo tetahi wa kahore nei ano i pau nga tau ekore tetahi ota i hanga tetahi tiwhikete ranei i whakaputaina pera me tera kua kiia ake nei e takahi e whakakore ranei i nga tikanga i nga tau ranei o te rihi, erangi ia i muri iho i te tukunga o te panui o taua tiwhikete ki te kaitango rihi me utu e ia nga moni reti e hua mai ana i roto i tana rihi ki nga Maori kua rehitatia mo tena wa ko nga tangata whai take ki te whenua i uru ki taua rihi, kia rite tonu te rahi o nga moni ma ia tangata mo nga wahi whenua e mau ana i roto i te tiwhikete take ki taua whenua a mehemea kihai i whakamaramatia i roto i te tiwhikete te rahi o te whenua ma ia tangata, ki te mea ano hoki kihai i whakarerekitia e te tiwhikete ka kiia me rite tonu te moni reti ma ia Maori e whakahuatia ana i roto i te tiwhikete.

6. I runga i te whakatuturutanga o tetahi whakaetanga a te Kawanatanga o Niu Tireni ki etahi Maori i pa ki tetahi tiiti hoko e mohiotia ana ko te Ngaitahu tiiti tera etahi whenua i te Hauta Irana (South Island) o Niu Tireni i whakahaerea i tukuna a e tukuna ana e

whakahaerea ana i naiane mo etahi Maori ara ko aua Maori ano kua kiia ake nei, ko o ratou uri ranei. A no te mea e hiahiatia ana kia kimihia kia tino matauria te ingoa o aua tangata.

Ka mana te Kooti ki te kimi me te whakatuturu ko wai nga Maori i tukuna ai aua whenua kua kiia ake nei a ka whai mana ano hoki te Kooti ki te whakahaere me te tuku i etahi o aua whenua kahore nei ano i whakahaerea i raro ano i nga tikanga i timataia i raro i te tekiona ono o "Te Ture Maori Whakapumau Take Tika, 1886," pera ano mehemea nei he whenua papatipu aua whenua no te Maori, a ka kiia aua whenua he whenua Maori; ki te mea ano hoki ia ko nga tangata take ki aua whenua me arai kia tau ki nga Maori kua kiia ake nei me o ratou uri.

7. Ka kiia ake ano hoki i konei ka whai mana te Kooti a ka pera ano te mana ki te whakahaere i nga tikanga mo runga i etahi i tetahi rahui Maori e takoto ana i te South Island i Stewart Island ranei e tukuna ana ki raro i taua mana e te ota i roto i te Kaunihera kua whakamana nei te Kawana i konei ki te whakaputa i ia wa i ia wa mo taua tikanga.

Erangi i runga i nga whakatuturunga take panga ranei ki aua rahui e te Kooti me mau tonu taua whakahaere ki nga tikanga o mua i wehea ai aua whenua.

8. Ko tetahi rihi whenua i tau ki raro i "Te Ture Maori Whakapumau Take Tika, 1886," a i whakaotia i mua o te torutekau o nga ra o Hurae tahi mano waru rau waru tekau ma ono ara i whakaotia i runga i nga tikanga o te ture e mana ana i te wa i whakaotia ai taua rihi, ara hei whakaotinga rihi e etahi Maori me te tiwhikete mea tuhituhi ki runga i taua rihi e te Komihana Tiaki i runga ano i nga tikanga o te ture e mana ana i tena wa mo taua mahi ka kiia he take rawaho i nga tikanga o "Te Ture Maori Whakapumau Take Tika, 1885," me te tuhituhi ano i taua take.

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He mana whakap, i Taia a te S. COSTALL, Kai-tai Perehi a te Kawanatanga, Weringitana.—1893.