

523

(Hon. Mr. McLean.)

Poverty Bay Lands Titles.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Native Land Court may inquire into title to lands in Second Schedule.
3. Validation of grants &c. already made. Schedules.

A BILL INTITULED

AN ACT to provide for ascertaining Titles to certain Lands in the Poverty Bay District. Title.

WHEREAS by an order made by the Governor in Council, bearing Preamble.

date the tenth day of February, one thousand eight hundred and sixty-nine, after reciting that by deed bearing date the eighteenth day of December, one thousand eight hundred and sixty-eight, the loyal portion of the Ai-tanga-a-mahaki and Rongowhakaata Tribes and of the Hapu of Ngaitahupo ceded all their lands within certain boundaries therein described to the Crown, and that it was by the said deed stipulated on the part of the Crown that subject to the terms of the said deed those loyal persons whose claims to land within the said boundaries should have been lodged on or before the eighteenth day of March, one thousand eight hundred and sixty-nine, should have such claim adjudicated upon by a Commission of Judges of the Native Land Court, it was ordered that John Rogan, Esquire, and Henry Alfred Monro, Esquire, being Judges of the Native Land Court, should, and they were thereby empowered to, make inquiry into all such claims as should be referred to them by the Colonial Secretary, in the manner and with the powers and authorities therein particularly set forth: And whereas by a notification under the hand of the then Governor of the colony, published in the *New Zealand Gazette* of the thirteenth day of February, one thousand eight hundred and sixty-nine, it was declared that the Governor had accepted the cession of the lands described in the Schedule thereto (and which said lands are also described in the First Schedule hereto), and it was notified that from and after the said eighteenth day of December, one thousand eight hundred and sixty-eight, the Native title to and over the said land was extinguished: And whereas, under and by virtue of the hereinbefore in part recited Commission, the Judges therein named have held various sittings, and under the authority of "The Poverty Bay Grants Act, 1869," and "The Poverty Bay Grants Act Amendment Act, 1871," Crown grants have been issued for certain lands, being part of the lands included in the said First Schedule: And whereas at a sitting of the said Judges held on the twenty-second day of November, one

thousand eight hundred and seventy-three, the said Judges, without further investigation of individual claims, returned to the Ai-tanga-a-mahaki and Rongowhakaata Tribes and to the Ngaitahupo Hapu the remaining part of the lands so ceded as aforesaid, and which had not then been adjudicated upon, and which said lands so returned as aforesaid are included in the lands described in the Second Schedule hereto: And whereas certain sittings under the said Commission were held before one Judge only, and doubts have arisen as to the validity of the proceedings had and taken at such sittings, and as to the validity of Crown grants and other deeds matters acts and things made or executed in consequence of such proceedings or founded thereon: And whereas, in order to give effect to the terms of the hereinbefore in part recited deed of cession, it is expedient that provision should be made for enabling the persons entitled to such last-mentioned lands, to have their titles ascertained and investigated, and to be dealt with as hereinafter provided :

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

Short Title.

1. The Short Title of this Act shall be “The Poverty Bay Lands Titles Act, 1874.”

Native Land Court may inquire into title to lands in Second Schedule.

2. Notwithstanding that the Native title has been extinguished over the lands described in the said Second Schedule, any person or persons claiming any estate or interest in such of the said lands as have not been adjudicated upon by the said Judge as aforesaid may have his or their title to such land or any parts thereof investigated and determined by the Native Land Court in the manner provided by “The Native Land Act, 1873,” or any Act amending the same (hereinafter called “the said Acts”), as effectually to all intents and purposes as if the Native title to or in such land, or any part or parts thereof, had not been extinguished, and as if such lands were primarily liable to be dealt with under the said Acts or any of them.

Such lands may, upon any investigation of the title thereto in accordance with this Act, and at all times thereafter, be dealt with under the said Acts.

Validation of grants &c. already made.

3. The validity of any Crown grant of land heretofore made under the provisions of “The Poverty Bay Grants Act, 1869,” or any Acts amending the same, shall not be questioned by reason only of any informality attending the issue of any such grant, or of any irregularity in the times and manner in which the said Judges, or either of them, held sittings as aforesaid, or by reason of the fact that one of such Judges sat and acted alone.

And notwithstanding any such informality or irregularity as aforesaid, or by reason of any such Judge having sat and acted alone as aforesaid, every such Crown grant and every other deed conveyance assurance matter or thing executed made or done under or by virtue of the land comprised in any such Crown grant, shall be and the same is hereby declared to be valid to all intents and purposes: Provided that this Act shall only be construed to give validity to any such deed conveyance assurance matter or thing as aforesaid so far as the validity thereof respectively shall or may depend upon the validity of any such Crown grant as aforesaid.

525

Poverty Bay Lands Titles.

SCHEDULES.

FIRST SCHEDULE.

ALL that block of land situate at _____ in the Province of _____ bounded by a line commencing at Paritu, on the sea coast, to the northward of the Mahia Peninsula; thence running straight to Te Reinga; thence along the Rakituri River to its source on the Watershed Range, dividing the East Coast from the Bay of Plenty; thence along the summit of the said range, that is to say, by Maungapohatu and Maungahaunui to Tautamoe; thence in the direction of the sea by Pukahikatoa, Arahiki, Wakaroa, and Rakuraku, to the sea at Turanganui; thence along the sea coast to the commencing point at Paritu.

SECOND SCHEDULE.

BOUNDARIES OF BLOCK AWARDED TO TE AI-TANGA-A-MAHAKI (ESTIMATED AT 400,000 ACRES).

COMMENCING at Waioharore, up the Waimata, then along the boundary of the ceded block to Tautamoe, thence to Mokonuiarangi, thence to Poroha, thence by Government boundary to Waipawa, along Government boundary to north-east corner of Pepe-whakau Bush, crosses Waipawa to Pukearuhe, then along Rongowhakaata's boundary to Waioharore.

BOUNDARIES OF BLOCK AWARDED TO RONGOWHAKAATA (ESTIMATED AT 5,000 ACRES).

Commencing at Waioharore, along the boundary between Waikanae and Awapuni to a bend in the Waipawa Stream at Pukerarauhe, thence across the stream to the east corner of Pepewhakaui Bush, thence round the boundary of the ceded block to Te Arai, up Te Arai Stream to its junction with the Ngaitahupo land, down that same boundary to the mouth of the Waipau Stream, thence along the sea coast to Waioharore.

BOUNDARIES OF BLOCK AWARDED TO RONGOWHAKAATA AND NGATIKAHUNGU, ESTIMATED AT 185,000 ACRES.

Commencing at Tokiahaeringaarangi along the boundary of the ceded block to Maungapohatu; turns thence to Mokonuiarangi to Te Poha; thence round south-east boundary of Government land to Te Arai; thence to Tokiahaeringaraangi.

BOUNDARIES OF NGATITAHAPU BLOCK (ESTIMATED AT 51,600 ACRES).

Commencing at Paritu thence along Confiscated boundary to Tokiahaeringarangi to Te Arai, down the stream to upper corner of Patutahi ceded block; thence by boundary of Te Arai Block to the mouth of the Waipawa Stream; thence to the sea to Paritu.