

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Monday, the 28th Day of September, 1896.

HOROWHENUA BLOCK BILL.

Hon. Sir R. STOUT, in Committee, to move:—

To amend clause 3 by striking out the word “Fourteen” where it first occurs.

To amend clause 4 by striking out subclauses (f) and (g).

To add after clause 4 two new clauses, 4A and 4B, as follows:—

4A. The Public Trustee is hereby authorised within three months of the date hereof to institute an action in the Wellington District of the Supreme Court against Meiha Keepa Te Rangihwinui (hereinafter called “Meiha Keepa”) to try the question whether Meiha Keepa became on the first day of December, one thousand eight hundred and eighty-six, and consequently now is, a trustee of the land comprised in Division Fourteen:

Provided that in case the Supreme Court shall by its judgment in such action declare that Meiha Keepa became and is a trustee as last aforesaid, then and in that case it shall be referred to the Court to ascertain and determine the names of the persons entitled to the benefit of such trust (which last-mentioned persons are hereinafter in this section called “the tribesmen”):

Provided further that in the like case, and on production to the Registrar of an office-copy of the judgment so declaring, all right, title, and interest of Meiha Keepa to and in the land comprised in Division Fourteen or any part thereof shall, by virtue of this Act, but subject and without prejudice to the proviso next following, vest in and be transferred to the Public Trustee upon trust for the tribesmen, and shall be deemed to be vested in that officer as a reserve under the provisions of “The Native Reserves Act, 1882”; and the Registrar is hereby required to give effect to this provision by registration accordingly:

Provided, however, that in the like case and on or after such production as last aforesaid, and on production to the Registrar of an acknowledgment by the Public Trustee that the purchase-money (to be ascertained as hereinafter provided) has by or on behalf of Her Majesty been paid to him for or on account of the tribesmen, such right, title, and interest as aforesaid shall by virtue of this Act vest in and be transferred to Her Majesty the Queen; and the Registrar is hereby required to give effect to this provision by registration accordingly:

Provided always, and it is hereby expressly declared to be the intention of this Act, that nothing in this section contained shall prejudice any person, other than Meiha Keepa, who may now be registered as proprietor of an estate in the land comprised in Division Fourteen or part thereof, either in respect of such estate or any other benefit:

Provided further that so far only as is necessary to give effect to the last proviso, and without prejudice thereto but subject to section four B, the following effects shall ensue as from the date when such right, title, and interest in such land as last aforesaid shall (if it so happens) by virtue of the foregoing provisions of this section vest in and be transferred to Her Majesty the Queen or the Public Trustee (each and either of which last-named persons is hereinafter in this

proviso referred to as "the new certificated owner"): namely, that as from such last-mentioned date the same respective rights and liabilities shall, in regard to the said land and otherwise, subsist between the new certificated owner and all persons, other than Meiha Keepa, who may now be registered in virtue of any dealing or dealings as proprietors of estates in the land comprised in Division Fourteen or part thereof (every and any of which last-mentioned persons other than Meiha Keepa are hereinafter in this proviso referred to as "the lessee"), as if wherever the name of Meiha Keepa appears in any instrument relating to the said land or part thereof the name of the new certificated owner had, with the consent of the new certificated owner and that of the lessee, been originally inserted there instead, and as if Her Majesty the Queen were bound by every provision in "The Land Transfer Act, 1885," and every amendment thereof:

Provided further that neither the prerogative of the Crown nor anything contained in any Act relating to Native reserves or Crown or other lands or to the Public Trustee shall operate to lessen or impair the full effect of the last two provisions of this section:

Provided always that, notwithstanding anything to the contrary contained in any statute, the Public Trustee, in his corporate capacity, shall, by reason of any action which under the authority of this Act he may institute, incur the same liabilities to all parties to such action or any of them for costs and otherwise as if he were a private individual; and any moneys that may become due by virtue of this proviso are hereby required to be paid out of the Public Trustee's Account (which expression shall have the same meaning as it bears in "The Public Trust Office Consolidation Act, 1894"), or, if the same shall be insufficient, then out of such moneys as may be appropriated from time to time by the General Assembly to implement that account:

Provided that nothing contained in, or done or suffered in pursuance of, this Act shall prejudice any such action as is thereby authorised to be instituted, or therein mentioned, nor any right or liability tried in any such action.

4B. The Public Trustee is hereby authorised within three months of the date hereof to institute an action in the Wellington District of the Supreme Court against any person other than Meiha Keepa in respect of any dealing that prior to the date hereof has taken place in relation to the land comprised in Division Fourteen or part thereof, in order by such action to try the following two questions—namely, whether Meiha Keepa became on the first day of December, one thousand eight hundred and eighty-six, and consequently now is, a trustee of the land comprised in Division Fourteen, and, if so, whether such dealing is impeachable in law or equity on any ground of invalidity—or the following three questions—namely, whether Meiha Keepa became on the last-mentioned date and is a trustee of the land comprised in Division Fourteen, and whether, if such is the case, any of the persons other than Meiha Keepa named in instruments of title relating to the said land (each and any of which last-mentioned persons other than Meiha Keepa is hereinafter in this section called "the lessee") became a proprietor of any part of the said land with notice of such trust as last aforesaid, and whether, if such is the case, the lessee is and should be deemed a trustee of such land, or such part thereof as is comprised in any dealing (which last-mentioned part is hereinafter in this section called "the lease"):

Provided that in case the Supreme Court shall by its judgment in such action as last aforesaid declare that the last three questions in this section before mentioned should be answered in the affirmative, then and in that case it shall be referred to the Court to ascertain and determine the names of the persons entitled to the benefit of such last-mentioned trust (which last-mentioned persons are hereinafter in this section called "the tribesmen"):

Provided further that in the like case, and on production to the Registrar of an office-copy of the judgment so declaring, all the right title, and interest of the lessee named in such judgment to and in the lease described in such judgment shall, by virtue of this Act, vest in and be transferred to the Public Trustee upon trust for the tribesmen, and the Registrar is hereby required to give effect to this provision by registration accordingly :

Provided further that in case the Supreme Court shall, by its judgment in such action as last aforesaid, declare that the first two questions in this section before mentioned should be answered in the affirmative, then and in that case it shall be lawful for such Court to make such order as may be just, and (in its discretion) to declare that the lessee named in such judgment is and should be deemed a trustee of the lease described in such judgment; and, in case it so declares as last aforesaid, the like reference to the Court, *mutatis mutandis*, shall be made, and, *mutatis mutandis*, on the like production the like effects shall, in respect to the lease described in such judgment, ensue, as are hereinbefore in this section provided and described.

To strike out clauses 7 and 8, and substitute the following :—

7. The Public Trustee is hereby authorised to institute any action or actions in the Wellington District of the Supreme Court against Meiha Keepa within three months of the date hereof, to try whether Meiha Keepa, or any one on his behalf, has received the following sums or any part thereof from the following persons in respect of the following matters, and on the following dates or during the following periods respectively—namely, the sum of one thousand pounds from Hector McDonald or his representatives, in respect of Hector McDonald's lease dated the first day of December, one thousand eight hundred and seventy-six, of part of the land comprised in Division Eleven and renewals thereof, between the years one thousand eight hundred and seventy-six and one thousand eight hundred and ninety-five; the sum of five hundred pounds from Peter Bartholomew, in respect of a memorandum of license dated the twenty-sixth day of February, one thousand eight hundred and eighty-nine, to cut timber over part of the last-mentioned land, on or about the said twenty-sixth day of February; and the sum of five hundred pounds from Peter Bartholomew for the right to cut timber on part of the land comprised in Division Three, in the year one thousand eight hundred and eighty-two or one thousand eight hundred and eighty-three—and, if so, whether Meiha Keepa is accountable to any persons in law or in equity for the same :

Provided that if the Supreme Court shall by its judgment in any such action declare that both of these last-mentioned questions should be answered in the affirmative, then and in that case it shall be referred to the Court to ascertain and determine the names of the persons entitled to receive the moneys declared by such judgment to be due and owing :

Provided always that no dealing by Meiha Keepa in respect of any lands or interest in lands to which in law or equity he is entitled shall be effectual or have any validity whatsoever until the expiration of the two following periods—namely, three months from the date hereof, and such further time as may elapse before all actions, if any, brought by the Public Trustee under the authority of this Act against Meiha Keepa shall be disposed of by judgment or otherwise :

Provided, and it is hereby declared, that all expressions employed in Section 4A or 4B, or in this section, shall have the same meaning as they bear in "The Land Transfer Act, 1885."

The *Fifth* Schedule to be amended by adding thereto the name of Meiha Keepa te Rangihwinui.