

# SUPPLEMENTARY ORDER PAPER.

## HOUSE OF REPRESENTATIVES.

Friday, the 22nd Day of November, 1907.

### MAORI LAND CLAIMS ADJUSTMENT AND LAWS AMENDMENT BILL.

Hon. Mr. CARROLL, in Committee, to move the following amendments:—

Clause 20A (1), line 32: Strike out "such said usufructs," and insert in lieu thereof, "timber, flax, and such other indigenous usufructs of the soil of Native land."

To add the following new subclause:—

(2.) Whenever any person desires to enter into an agreement or deed with the Native owners for the purpose of alienating any such usufructs, such person shall apply to the Board in writing to approve of such alienation. The Board shall report to the Minister whether such alienation should be permitted, or permitted with such modifications as in such report suggested, and the Minister may (if he thinks it desirable to permit such alienation) lay the matter before the Governor, who may by Order in Council authorise the Board to approve of such alienation modified as aforesaid, or on such other terms and conditions as the Governor in such Order directs. On such approval the alienation shall, notwithstanding any Act to the contrary, be deemed to be valid, and may be registered in the Land Transfer Office or in the Deeds Registry Office.

Omit clause 32, and substitute the following:—

Wi Pere trust  
lands.

32. Whereas by deed dated the fourteenth day of April, eighteen hundred and ninety-nine, made between Wi Pere, Arapera Pere, Hetekia Pere, Moanaroa Pere, Riria Mauaranui, and Riripeti Rangikohera (hereinafter referred to as the beneficiaries) of the one part, and Walter George Foster of the other part, certain real and personal property in the Poverty Bay District was conveyed and transferred to the said Walter George Foster upon certain trusts declared in the said deed: And whereas by deed dated the fifteenth day of August, eighteen hundred and ninety-nine, and made between Mangatu No. 1, a corporation incorporated under the Mangatu No. 1 Empowering Act, 1895, of the one part, and the said Walter George Foster of the other part, the said corporation did convey, assure, and set over to the said Walter George Foster a parcel of land in the Poverty Bay District containing twenty thousand acres, more or less, being Subdivision 1 of Mangatu No. 1 Block, upon the trusts declared in the said deed of the fourteenth day of April, eighteen hundred and ninety-nine: And whereas the beneficiaries, or such of them as are now surviving, desire to appoint a new trustee in place of the said Walter George Foster,

and to alter the trusts upon which the said property is held, and it is expedient to give effect to such desire: Be it therefore enacted as follows:—

- (a.) On the application of the said Wi Pere on behalf of such beneficiaries as are surviving, and of the successors of such of them as are dead, the Governor may by Order in Council remove the said Walter George Foster from his position as trustee under the said deeds and appoint some other fit and proper person as trustee in his place, and may by such Order declare fresh trusts in respect of the residue of the real and personal estate now remaining subject to the trusts of the said deeds.
- (b.) On making such Order in Council, and notice thereof being given to the said Walter George Foster, he shall forthwith, at the cost of the beneficiaries, execute such deeds and instruments and do all such acts and things as may be necessary to vest the real and personal property subject to the trusts of the said deeds in such new trustee.
- (c.) On the making of the said Order in Council, and on the execution by the said Walter George Foster of the instruments necessary for the purpose of the *last preceding* section hereof, all liabilities, contracts, and engagements of the said Walter George Foster incurred or entered into by him as trustee under the said recited deeds shall become liabilities, contracts, and engagements of the new trustee so to be appointed as aforesaid; and the said Walter George Foster shall be released and discharged therefrom and from all actions, claims, and demands for or in respect of any act, matter, or thing whatsoever done, omitted, or suffered by him as trustee under the said recited deeds, or arising out of his administration of the trusts thereof, or otherwise howsoever happening for or by reason or in respect of the premises.
- (d.) The obligations created by the deed dated the seventh day of November, eighteen hundred and ninety-eight, expressed to be made between the said Wiremu Pere, Riria Mauaranui, Arapera Pere, Hetekia Pere, and Moanaroa Pere of the one part, and Mangatu No. 1 of the other part, and adopted by the said Walter George Foster by memorandum dated the eleventh day of July, nineteen hundred and ninety-nine, shall become binding on such new trustee in the same manner as if the same had been originally executed by him.
- (e.) The said Arapera Pere and Moanaroa Pere shall be entitled to a charge upon the estate and interest of the said Wi Pere in the lands remaining subject to the trusts of the said deed of the fourteenth day of April, eighteen hundred and ninety-nine, in respect of a sum due to them on account of the fact that considerable parts of their estate have been sold for the purpose of paying the debts of the said Wi Pere. Such amount shall be ascertained in accordance with the following principle:—
- (i.) The value of the whole of the real and personal estate subject to the trusts of the hereinbefore-recited deeds (except Mangatu No. 1 Block, Subdivision No. 1) shall be taken as at the fourteenth day of April, eighteen hundred and ninety-nine, as set out in the books kept for the purpose of the trust.
- (ii.) The value of the share of each of them the said Wi Pere, Arapera Pere, Hetekia Pere, Moanaroa Pere,

Riria Mauaranui, and Riripeti Rangikohera shall be taken, and its proportion to the total amount of the above value ascertained.

(iii.) The properties remaining unsold shall be taken as at the valuation made thereof in June, nineteen hundred and seven, and the excess or difference between their values in April, eighteen hundred and ninety-nine, and June, nineteen hundred and seven, shall be taken; to the total surplus as at June, nineteen hundred and seven, shall be added the net amount realised by the sale of all properties, and this sum when ascertained shall be apportioned among all owners in the ratio of their original interests.

(iv.) The difference between the shares so ascertained of the said Arapera Pere and Moanaroa Pere and the amounts of their original shares shall be the amounts deemed to be due by the said Wi Pere to them respectively.

(v.) The said amounts shall respectively carry interest at the rate of five pounds per centum per annum from the dates of the sales of the properties of the said Arapera Pere and Moanaroa Pere; and the new trustee to be appointed in place of the said Walter George Foster aforesaid shall execute in favour of Arapera Pere and Moanaroa Pere proper legal mortgages of the interest of the said Wi Pere in the real and personal estate in his hands, subject to the trusts of the said hereinbefore-recited deeds.

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