

Native Land Claims Adjustment and Laws Amendment Act 1901

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An Act to determine certain Claims and Disputes, and to fulfil certain Contracts and Promises made by or on behalf of the Government, and to amend the Laws, in relation to Native Lands.

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

1 Short Title.

The Short Title of this Act is “The Native Land Claims Adjustment and Laws Amendment Act, 1901.”

2 Interpretation.

In this Act, if not inconsistent with the context,—

“Court” means the Native Land Court as defined by “The Native Land Court Act, 1894”:

“Appellate Court” means the Native Appellate Court established by the said Act:

“Validation Court” means the Court established by “The Native Land (Validation of Titles) Act, 1893”:

“District Land Registrar” and “Registrar of the Court” mean respectively the District Land Registrar and Registrar of the Court for the district in which the land referred to in each case is situated:

“Chief Judge” means the Chief Judge of the Native Land Court:

“Land Transfer Act” means “The Land Transfer Act, 1885.”

3 Power to investigate and determine claims to ownership of Huatau Block, Hokianga District.

The Governor by Order in Council may confer on the Court jurisdiction to inquire into and determine all questions as to the boundaries of the Huatau

Block, otherwise known as Odeland's Land Claims, in the Hokianga County, and to adjudicate upon as Native land any land which the Court shall find ought to be included in the said block, notwithstanding that the same may have become land of the Crown.

4 Appellate Court to hear appeal as to Lot 66, Waipa Survey District.

To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the eighth day of September, one thousand eight hundred and ninety-six, on the petition of Anatipa Pukatea and others in reference to the partition of Lot 66, Waipa Survey District, the Appellate Court is hereby empowered and directed to deal with any appeal which has been lodged against the decision of the Court in making the said partition as if such appeal had been lodged in due time.

5 Power to investigate claims of descendants to money derived from sale of Purapura Block.

The Court is hereby empowered and directed to investigate and decide the claims of certain Natives, descendants of Wetere te Kaue and Katariana, to certain moneys arising out of the sale of Purapura Block, which were advanced by them to pay for the original survey of Opuatia Block, Lower Waikato; and, upon the amount (if any) so found to be due being ascertained, the said Court may make an order directing payment thereof by such Natives as shall be found liable to pay the same to the Natives entitled thereto, and such order may be registered as a survey lien or charging order against the interest of all or any of the owners of the said Opuatia Block who may be found liable to contribute, or may have benefited by such survey: Provided that no such order shall affect any portion of the said block already sold and awarded to the Crown. Any order made as aforesaid shall be final.

6 Power to investigate claims to Tauranganui or Opuatia Block.

It shall be lawful for the Governor by Order in Council to appoint a Royal Commission to investigate and decide the claims of Wiremu Karaka te Aho and others to a block of land known as Tauranganui, or Opuatia, Nos. 11A, 16, 17, and 18 Blocks, as if the same had not been already heard and decided.

Pending such decision the Registrar of the Court is directed to impound the existing partition orders.

7 Rehearing as to Maungatapu and Te Au o Waikato Blocks.

To give effect to the report of the Native Affairs Committee upon the petitions of Teni Tuhakaraina and others the said Royal Commission is further authorised and empowered to rehear and determine who are the Natives (if any), in addition to those named in the original titles, beneficially entitled to certain blocks of land situate in the Piako Survey District, known as Maungatapu and Te Au o Waikato Blocks, and for the purpose aforesaid to order the cancellation

or amendment of any existing order, and the issue of such fresh orders and other instruments of title as may be necessary.

8 Court to inquire as to transfers of Waitakaruru No. 2 Block.

The Court is empowered and directed to inquire into the circumstances under which the Native owners executed transfers of portion of Waitakaruru No. 2 Block; and, if satisfied that such transfers have been executed in conformity with the requirements of subsection two of section fifty-three of “The Native Land Court Act, 1894,” and that the provisions of the said subsection have been complied with, may confirm accordingly, anything contained in section one hundred and seventeen of the said Act to the contrary notwithstanding.

9 Power to lease Lot 99, Onewhero.

Nothing contained or implied in “The Onewhero Grant Act, 1879,” shall be deemed to prevent the grantees or their successors from leasing all or any portion of Lot 99, Onewhero; and the said grantees or their successors are hereby empowered and authorised to lease the said land for any term of years not exceeding twenty-one years, with or without covenant for compensation for tenants’ improvements on the expiration of the said term: Provided that any such lease shall be of no effect unless or until confirmed by the Court.

10 Extended time for notice of appeal by Natives in succession to Wahanui Huatare.

Whereas the Native Affairs Committee of the House of Representatives have recommended that effect be given to their report, bearing date the eleventh day of September, one thousand nine hundred, on the petition of Kahu Huatare, in reference to the granting of probate of the will of Wahanui Huatare by the Appellate Court: Be it therefore enacted as follows: Any person claiming an interest in the estate of the said Wahanui Huatare may, within two months after the coming into operation of this Act, appeal from the order of the Court granting probate of the said will; and, if such appeal be lodged, it shall be lawful for the Governor by Order in Council to appoint a Royal Commission which shall have jurisdiction to hear and determine the same as if no appeal from the said decision had been already heard and determined: Provided that before the said Royal Commission shall proceed to hear and determine the case the appellants shall lodge with the Registrar of the Court a sum of money which, in the opinion of the Chief Judge, shall be sufficient to cover the costs of the respondents in case the finding of the Royal Commission shall be in their favour.

11 Appeals of Paora te Ahuru and others in the estate of Hakiriwhi te Purewa.

The Appellate Court is hereby directed and authorised to hear and determine the appeals of Paora te Ahuru and others in the estate of Hakiriwhi te Purewa

(deceased) in the following lands: Maungatautari No. 5a No. I., Maungatautari No. 4h (Section 8), Tamahere (Lots 53, 90, 71, 99, and 144), Tauwhare (Lot 90), Tawhaka-poro, Maniapoto (Lot 61, Tamahere), and Te (Urenui) Karangi Blocks, as if such appeals had not been struck out or dismissed by the Appellate Court. Pending the hearing of the said appeals, the Registrar of the Court is directed to impound the existing succession orders for the estate of the said Hakiriwhi te Purewa in the said lands.

12 Appeals from decision of Appellate Court as to Taheke Block validated.

The decision of the Appellate Court on the rehearing of the Taheke Block shall, so far as relates to the partition of the said block, and to the definition of the shares or interests therein, be deemed to have been a decision of the Native Land Court. And all appeals from such decision heretofore lodged with the Registrar of the Court, or which shall be so lodged within two months from the date of the passing of this Act, shall, as regards such partition and definition of interests, be deemed valid appeals, and shall be dealt with accordingly.

13 Orders of Appellate Court *re* Tihoi Block declared void.

To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the third day of November, one thousand eight hundred and ninety-eight, on the petition of Tokena Kerehi te Kehakeha and others, the judgment of the Appellate Court, dated the twenty-first day of May, one thousand eight hundred and ninety-eight, and all orders made in pursuance thereof, on the appeals against the decision of the Court, dated the fifth day of June, one thousand eight hundred and ninety-seven, as to the definition of relative interests and partition of the Tihoi Block are hereby declared void, and the appeals aforesaid shall be deemed to be still subsisting and undisposed-of, and shall be dealt with accordingly:

Provided always that the provisions of this section shall not affect the validity of any *bonâ fide* dealings for value with any portion of the said block entered into before the passing of this Act, or before any order shall have been made by the Appellate Court for the definition of relative interests and partition of the said block pursuant to the provisions of this section; and, further, that for the purposes of such dealing, but not otherwise, all partitions of the said block heretofore made by the Appellate Court and the Court shall be deemed to be valid and effectual, so that such dealings may take effect in all respects as if this Act had not been passed.

14 Court to ascertain names of beneficial owners of part of Motiti B Block.

- (1.) The Court is hereby authorised and directed to ascertain who were the one hundred and eighty-seven Natives, referred to in paragraph twelve of the First Schedule to “The Special Powers and Contracts Act, 1886,” whose names were decided upon at a meeting of the Patuwai Tribe held at Tauranga in February, in the year one thousand eight hundred and eighty-six, as the beneficial owners

of the northern portion of Motiti B Block, containing one hundred and sixty-six acres, and being the whole of the land comprised in Volume Forty-six, folio one hundred and eighty-four, of the Land Transfer Register of the Auckland District, and what was the individual share or interest of each person.

- (2.) A duplicate or certified copy of the order of the Court, or of the Appellate Court, under the provisions of this section, shall be deposited with the District Land Registrar for safe custody and reference, as provided by section one hundred and twenty-two of “The Land Transfer Act. 1885.”

15 Court to ascertain owners of certain sections, Parish of Waimana.

- (1.) The Court is hereby directed and authorised to ascertain who are the persons beneficially interested in the lands known as sections numbered 183 and 184 (containing together one hundred and fifty acres), and of Section 266 (containing fifty acres), Parish of Waimana, and in what shares or proportions, and to make orders accordingly.
- (2.) Every order made by the Court under this section shall declare the land the subject thereof to be absolutely inalienable except by lease for a period not exceeding twenty-one years.

16 Thomas Hawkins Smith’s claim to 600 acres in the Maungarangi Block

To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the eleventh day of September, one thousand nine hundred, on the petition of Thomas Hawkins Smith in reference to certain Native-land transactions in the Bay of Plenty District, the Governor may, by warrant under his hand, direct the District Land Registrar to issue a certificate of title to the said Thomas Hawkins Smith for six hundred acres of the Maungarangi Block, in full satisfaction of all claims which he may have, either against the Natives or the Government, in respect of all such transactions, or otherwise howsoever.

17 Boundaries of Pukehina Block to be determined.

The Governor may, by Order in Council, confer on the Court jurisdiction to inquire into and determine all questions as to the boundaries of the Pukehina Block, and to adjudicate upon as Native land any land which the Court shall find ought to be included in the said block, notwithstanding that the same may have become land of the Crown.

18 Power to determine disputes as to ownership and boundaries of certain blocks.

It shall be lawful for the Governor by Order in Council to appoint a Royal Commission to hear and determine disputes respecting ownership and boundaries of the Awanui-Haparapara Block, containing one thousand eight hundred and eighty-seven acres; the Maraehako Block, containing one thousand eight hundred and ninety-four acres; the Tunapahore Block, containing five thousand

four hundred and forty-nine acres; and the subdivisions of the Kapuarangi Block, known as Kapuarangi West, containing nine thousand acres, Kapuarangi No. 1a, containing five hundred acres, Kapuarangi No. 1B, containing two thousand nine hundred acres, and Kapuarangi No. 3, containing ten thousand five hundred and forty-nine acres: be all the aforesaid acreages more or less. All former orders of the Court or of the Appellate Court affecting these lands aforesaid are hereby declared void.

19 Grant to late Major Ropata Wahawaha, Village of Awanui.

Whereas upon sale to the Crown of certain Native land known as “Te Awanui” it was agreed between the late Sir Donald McLean and the late Major Ropata Wahawaha that a small portion of such land should be reserved for and granted to the latter, and upon the land being surveyed sections numbered 12 and 13, Awanui Village, were set apart for the purpose, and in pursuance of section two of “The Special Powers and Contracts Act, 1884,” section numbered 12 aforesaid was granted to him; but, as he and his personal representatives have been allowed to retain possession of the remaining portion of the land for about twenty-seven years, it is equitable that a grant should be issued for the same: Be it therefore enacted as follows:—

The Governor may grant in fee-simple to the late Major Ropata Wahawaha section numbered 13 in the Village of Awanui, situated in Waiapu Survey District, Land District of Auckland, containing by ad measurement one rood, and may antedate such grant to such period as may be necessary.

20 Leases of Whangara Block validated.

Whereas the Validation Court, in the exercise of its jurisdiction, or supposed jurisdiction, under “The Native Land (Validation of Titles) Act, 1893,” appointed Henry Cheetham Jackson to be receiver of the rents and profits of certain portions of the Whangara Block, and also authorised the said Henry Cheetham Jackson to grant leases of the said land subject to the approval of the said Court: And whereas the said Henry Cheetham Jackson, under the authority aforesaid, has from time to time granted leases of the said land, which leases have been duly approved: And whereas doubts have arisen as to the validity of the said leases: Now, therefore, for the purpose of removing such doubts and of giving effect to the recommendations of the Native Affairs Committee of the House of Representatives upon the several petitions in relation thereto: Be it enacted that every lease heretofore granted as aforesaid in respect of any portion of the Whangara Block shall be, and shall as from the date thereof be deemed to have been, as good, valid, and effectual as if such lease had been duly executed under the provisions of “The Land Transfer Act, 1885,” by all the registered proprietors in fee-simple under the said Act, and had been duly confirmed by the Court under the provisions of “The Native Land Court Act, 1894,” anything in the last-mentioned Act to the contrary notwithstanding.

21 Powers of Validation Court to make further orders, decrees, and declarations.

Whereas the Validation Court, in making certain of its decrees, hereinafter called "original decrees," reserved therein power to itself, on the application of the parties concerned, to make further orders, decrees, and declarations concerning the lands affected thereby, and the interest, claims, and responsibilities of the said parties, and the said Court has from time to time made numerous orders, decrees, and declarations by virtue of such reserved powers: And whereas the said original decrees have been duly confirmed by Parliament in terms of section sixteen of "The Native Land (Validation of Titles) Act, 1893": And whereas doubts have arisen as to the jurisdiction of the said Court to reserve such powers, and also as to the jurisdiction of the said Court to make such further orders, decrees, and declarations: It is hereby declared that the said Court had and still has the respective jurisdictions aforesaid, and that all the orders, decrees, and declarations of the Validation Court, subject in each case to any right of appeal now existing, shall be and be deemed to have been, from the date of such orders, decrees, and declarations respectively, of full force and effect according to the terms thereof for all purposes whatsoever. Subject to the provisions of the Land Transfer Act, the District Land Registrar, upon presentation of any deed or document executed under the authority or by the direction of the Validation Court the registration of which under "The Land Transfer Act, 1885," is necessary to its validity, shall forthwith register the same: Provided that no such deed or instrument shall be registered pending an appeal from the order of the Court directing the execution thereof: Provided also that nothing herein contained shall affect any existing caveat.

22 Mangatu No. 1, provision as to leases, dealings, &c.

Whereas, in supposed pursuance of the provisions of "The Native Land Laws Amendment Act, 1897," the corporation called "Mangatu No. 1," incorporated by virtue of "The Mangatu No. 1 Empowering Act, 1893," by deed dated the eighteenth day of May, one thousand nine hundred and ninety-nine, deposited in the Deeds Registration Office, Gisborne, as number one hundred and twenty-four, purported to transfer the block of land called Mangatu No. 1, described in the First Schedule to the last-mentioned Act, to the Commissioner of Crown Lands for the District of Hawke's Bay and two other persons, as trustees, upon the trusts and purposes and with the powers in the said deed set out: And whereas by divers resolutions passed at a general meeting of the members of the said corporation called Mangatu No. 1, and agreed to by the parties to the said deed, the provisions of the said deed were purported to be modified by the said parties thereto in accordance with the provision in that behalf contained in the said deed: And whereas the said trustees constituted and appointed by the said deed, in supposed pursuance of the said deed as modified by the said resolutions, have granted divers leases of the land called Mangatu No. 1, or parts thereof, to divers persons, who have accepted the

same in good faith: And whereas doubts have arisen as to the validity of the said trust deed of the eighteenth day of May, one thousand eight hundred and ninety-nine, and the said resolutions, by reason that the conveyance in trust was made to several persons, and that the trusts and purposes and powers thereof may be inconsistent with and exceed the trusts, purposes, and powers declared and contained in "The Mangatu No. 1 Empowering Act, 1893," and doubts have also arisen as to the validity of the said leases, and it is expedient to set such doubts at rest: Be it further enacted as follows: The said deed of trust, dated the eighteenth day of May, one thousand eight hundred and ninety-nine, as modified by the said resolutions, and the said resolutions, shall be deemed to have been and to be, and the same are, valid and effectual to all intents and for all purposes, and constitute a valid deed and declaration of trust under the provisions of "The Native Land Laws Amendment Act, 1897." All leases and other dealings heretofore granted and effected by the said trustees of the block of land called Mangatu No. 1, or any part thereof, and all the powers, options, provisoes, and agreements therein contained, shall be deemed to have been and to be, and the same are, valid and effectual to all intents and for all purposes.

23 Power to lease allotment, Native Township of Parata.

Whereas Section 42, Block V., of the Native Township of Parata, was, in accordance with the provisions of "The Native Townships Act, 1895," set apart as a Native allotment, but is no longer required for that purpose: Be it therefore enacted that the said land shall from the passing of this Act be released from the restrictions relating to such allotments, and may be leased in accordance with the provisions of section fourteen of the said Act, anything therein to the contrary notwithstanding.

24 Certain provisions applied to Puke-totara Native Reserve.

The provisions of subsection ten of section fourteen of "The Native Land Court Act, 1894," shall apply to the Puketotara Native Reserve (otherwise Sections 334 and 335, Carnarvon).

25 Native owners may lease portion of Ruatangata No. 1e Block for a creamery.

Whereas it is desirable that a creamery should be erected on a portion of the Ruatangata No. 1e Block, in the Wellington Land District, which is Native land, and there is a doubt whether the owners are permitted to lease a portion of the block, containing one acre one rood fifteen perches, for the purpose: Be it therefore enacted that, notwithstanding any laws dealing with Native lands, the owners of the Ruatangata No. 1 Block may lease to the Waverley Co-operative Dairy Factory Company (Limited) a portion of the said block, containing one acre one rood fifteen perches, upon such terms and conditions as may be agreed between such owners and the company; provided that no lease can be given for a longer period than twenty-one years.

26 Appeals as to Tahoraite No. 2 Block.

In order to determine disputes amongst Natives claiming to be interested, it is hereby enacted that any appeal lodged within two months from the coming into operation of this Act against the admission to ownership of Aperahama Rautahi or his family on proceedings under “The Native Equitable Owners Act, 1886,” in relation to the Tahoraite No. 2 Block may be dealt with by the Appellate Court as a valid appeal still subsisting and undisposed-of, and the Appellate Court in dealing with any such appeal may amend, or vary, if necessary, any order heretofore made in connection with any other appeal respecting the judgment and finding aforesaid, but in so far only as to determine the ownership of the said Aperahama Rautahi or his family.

27 Certain land declared portion of Kaihinu No. 2 Block acquired by Crown.

Whereas disputes have arisen as to whether the Native title to the land described in the First Schedule hereto has been effectively extinguished according to law, and whether the said land was a portion of the Kaihinu No. 2 Block purported to have been included in the sale to the Crown by deed dated the tenth day of October, one thousand eight hundred and seventy-one, registered at the Deeds Registration Office, Wellington, on the second day of December, one thousand eight hundred and seventy-one, under the registration number of 14018, purporting to be a transfer and surrender to the Crown of the said Kaihinu No. 2 and nine other blocks, for the consideration and subject to the reservations in the said deed set out: And whereas the said disputes are the subject-matter of an action, Number 5496, now depending in the Supreme Court of New Zealand between Nireaha Tamaki and John Holland Baker, Commissioner of Crown Lands for the Land District of Wellington: And whereas it is expedient to provide for the settlement of all such disputes: Be it therefore enacted that, if within sixty days after the passing of this Act, or such extended time as the Governor authorises in that behalf, the said action is duly and effectively discontinued by the plaintiff on the terms of his not being liable to pay the defendant’s costs, then, forthwith upon such discontinuance being duly filed, the following provisions shall take effect:—

- (1.) The Native title to the land described in the First Schedule hereto shall be deemed to have been duly and properly extinguished according to law, and the said lands shall be deemed to have been properly and lawfully included in the transfer and surrender to the Crown purported to have been effected by the said deed; and the title of the Crown to any portion of the land purported to have been included in the said sale shall not hereafter be called in question: Subject nevertheless to the provisions following, that is to say,—
- (2.) The Court is hereby empowered and directed to ascertain and declare who were the former owners or their successors according to Native custom of the land described in the First Schedule hereto, and what was the proportionate share or interest of each; and, subject to the right of appeal as provided by “The Native Land Court Act, 1894,” to make an order accordingly.

Payment therefor to former owners.

- (3.) On such order taking final effect, the Crown shall pay to the persons named therein, according to their proportionate shares or interests, the sum of four thousand five hundred and sixty-six pounds, or the residue thereof after payment of costs as hereinafter provided; and their receipt shall be a complete and valid discharge and release to His Majesty the King, the Government of New Zealand, and all officers and servants thereof, in respect of all claims in connection with the land described in the First Schedule hereto, or any of the lands purporting to have been included in the said sale:

Provided that the Court may give effect to any voluntary arrangement between the persons ascertained to be former owners that one or more of their number shall, for the purposes of this section, be deemed to be sole former owner or owners.

- (4.) The Court shall direct by its order that from the said sum of four thousand five hundred and sixty-six pounds there shall be deducted and set aside a sum sufficient for the payment of all costs incurred by the plaintiff in connection with the prosecution *of* the said action, the amount of such costs to be ascertained and fixed in such manner as the Court thinks fit; and the receipt of the plaintiff or his authorised agent for the amount named in the order of the Court shall in each case respectively be a complete and valid discharge to His Majesty the King, the Government of New Zealand, and all officers and servants thereof, in respect of the amount so paid.

28 Verbal amendment of “The Native Contracts and Promises Act, 1888.”

Whereas by clause six of the Schedule to “The Native Contracts and Promises Act, 1888,” an area of forty-one acres and thirty-eight perches of land, known as Section No. 2a of Block X., Taramarama Survey District, Wairoa County, Land District of Hawke’s Bay, was vested in ten Natives therein named as tenants in common, but by a mistake one was referred to as Te Waata Taiaroa instead of Te Waata Taunoa: Be it therefore enacted as follows:—

Clause six of the Schedule to “The Native Contracts and Promises Act, 1888,” is hereby amended by the insertion of the words “Te Waata Taunoa” in lieu of the words “Te Waata Taiaroa” therein mentioned.

29 Claim of Maraea Puri to certain sections, Hampden, to be investigated.

Whereas lots numbered 21, 22, 31, and 32, Tikokino Agricultural Reserve, in the Township of Hampden, Land District of Hawke’s Bay, containing by admeasurement two hundred and twenty-five acres one rood, were by “The Special Contracts Confirmation Act, 1877,” authorised to be granted to Reihana Ikitahi and eight other Natives on payment by them to the Crown for the land at the rate of fifteen shillings per acre: And whereas it is alleged that such purchase-money has been paid by one of the proposed grantees named Maraea

Puri (formerly Heketa), who claims, therefore, that the Crown grant should be issued to her alone: Be it therefore enacted as follows:—

The Governor may appoint any Judge of the Court to investigate the claim of the said Maraea Puri, and to report the facts to him, and if he is satisfied that the purchase-money has been wholly contributed by Maraea Puri, and that it is equitable that the title should issue in her name, he may grant the land to her in fee simple, or he may include in such grant the name of any other person or persons (if any) who may be found to have any equitable title to the land, and such persons shall hold the land as tenants in common in such shares as the Governor shall direct.

30 Court to inquire into ownership on partition of reserves for Natives set aside from Ruakituri, Tukurangi, and Taramarama Blocks.

Whereas on the sale to the Crown of the Ruakituri, Tukurangi, and Taramarama Blocks, situated in the Poverty Bay Land Registration District, the reserves in each block respectively enumerated in the Second Schedule hereto were reconveyed by the Crown each to the whole of the persons theretofore declared by the Court to be the owners (hereinafter called “the vendors”) of the said blocks: And whereas it is now alleged that, according to the understood conditions of the sale aforesaid, each reserve should have been reconveyed in accordance with family and hapu interests and occupation, and not indiscriminately to the whole of the vendors of each block respectively: And whereas it is further alleged that the persons declared by the Court to be the owners of the said blocks were not in each case the whole of the persons so entitled: And whereas it is expedient that the Court should be empowered to rearrange the ownership of each reserve on a basis which will more equitably conserve the interests of all persons found to be beneficially interested: Be it therefore enacted as follows

- (a.) On application being made to the Court for partition of the said reserves, or any of them, the provisions of section fifty-two of “The Native Land Laws Amendment Act, 1895,” shall apply as if such lands were still held under orders of the Court on original investigation of title, and had not become the subject of Crown grants or Land Transfer certificates of title.
- (b.) The Court may, on such partition, include as owners of the said lands, or any of them, any persons, or the representatives of any persons deceased, who, in the opinion of the Court, were inadvertently and without intention on the part of the Court omitted from the list of owners of any of the said blocks on the investigation of the title thereto: Provided that no claim shall be admitted under the provision aforesaid except such as is consistent with the finding of the Court on the original investigation of title.
- (c.) The District Land Registrar shall do all things necessary on his part to give effect to any order of the Court under the foregoing provisions, and

may for that purpose cancel any existing certificate of title and issue such other certificates of title. under the provisions of the Land Transfer Act as may be necessary or expedient: Provided also that all persons admitted into the title to any of the said lands under the provisions of this section shall hold the same subject to all leases or other dealings with such lands lawfully entered into prior to the passing of this Act.

31 Partition of Arapaoanui Blook declared void.

To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the second day of October, one thousand nine hundred and one, on the petition of Te Hata te Kani and others, all orders of the Court heretofore made effecting or purporting to effect partition of the Arapaoanui Block, situated in the Hawke's Bay Land District, are hereby declared void, and the Court may, on the application in due form of any person claiming to be interested, proceed to partition the said Arapaoanui Block as if such orders had not been made:

Provided that any orders made by the Court on partition proceedings under the provisions of this section shall be final and conclusive, and not subject to review by the Appellate Court:

Provided further that the validity of any lease or other dealing with the said block, or any portion or portions thereof, executed prior to the passing of this Act shall be in no way affected by the provisions of this section, but the same shall take effect as if the said orders had remained in full force and virtue.

32 Partition of Mohaka Block declared void.

To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the thirty-first day of July, one thousand nine hundred, on the petition of Wi te Kahu and others, all orders of the Court heretofore made effecting or purporting to effect partition of the Mohaka Block, situated in the Hawke's Bay Land District, are hereby declared void, and the Court may, on the application in due form of any person claiming to be interested, proceed to partition the said Mohaka Block as if such orders had not been made: Provided that any orders made by the Court on partition proceedings under the provisions of this section shall be final and conclusive, and not subject to review by the Appellate Court.

33 Court to proceed with partition of Maraekowhai A Block.

To give effect to the recommendation of the Native Affairs Committee of the House of Representatives, bearing date the second day of October, one thousand nine hundred and one, on the petition of Wharawhara and others in reference to the partition of the Maraekowhai Block, it is hereby enacted that the portions of the said block not alienated in freehold by the Native owners thereof, being subdivisions now known as Nos. 2a and 2b No. 2, containing respectively five thousand and six acres and twenty-six thousand four hundred

and sixty-four acres, or thereabouts, shall be deemed to be one unpartitioned block, and be known collectively by the name of Maraekowhai A; and the Court is, on the application of any person claiming to be interested, hereby authorised and directed to proceed with the partition thereof as if comprised in one title containing the names of the persons found in the partition orders for both the aforesaid subdivisions, bearing date respectively the first day of August, one thousand eight hundred and ninety-six, and the fifth day of June, one thousand eight hundred and ninety-nine, and on the basis of the original shares or interests of such persons in the Maraekowhai Block. The Registrar of the Court is hereby directed to impound the said partition orders pending proceedings under the provisions of this section, and the Court, on making partition as herein provided, shall have full power to cancel the partition orders aforesaid:

Provided that the persons found to be the owners of the subdivision No. 2a, or any portion or portions thereof other than kaingas or Native cultivations in *bonâ fide* use and occupation of Natives prior to the first day of August, one thousand eight hundred and ninety-six, shall hold the same subject to all leases or other dealings therewith lawfully entered into prior to the passing of this Act.

34 Certain beneficiaries may be included as owners of Rangitoto Block.

Whereas on the partition of the land known as Rangitoto Block, or D'Urville's Island, in July, one thousand eight hundred and ninety-five, certain of the owners expressed a desire to transfer their shares or portions of their shares in the said land to certain of their relatives, hereinafter called "the beneficiaries," who had not been included in the original title: And whereas the Court, with a view to giving effect to such desire, vested such shares or portions of shares in certain of the owners of the land in trust for the said beneficiaries: And whereas it is desirable to admit the beneficiaries into the title as owners according to law: Be it therefore enacted that the Court may, after making all necessary inquiries, amend the orders made on partition as aforesaid by including the names of the beneficiaries as owners of the shares or interests intended as aforesaid to be transferred to them.

35 Reserve for Ngaitahu Tribe vested in Public Trustee, with power to lease.

- (1.) Sections 11, 12, and 13 (Ellesmere Reserve), in Block X., Halswell Survey District, Canterbury Land District, containing one hundred and sixty-six acres one rood eleven perches, which were reserved by section twenty of "The Reserves Disposal and Exchange Act, 1895," for the use of the aboriginal natives of the Ngaitahu Tribe for fishing and other purposes, are hereby vested in the Public Trustee for an estate in fee-simple as a Native reserve for the use and benefit of such Natives of the Ngaitahu Tribe as the Court shall, on the application of the Public Trustee or any person claiming to be interested, determine.

- (2.) The Public Trustee may lease any portions of the said reserve for any term not exceeding twenty-one years, in such manner and subject to such covenants and conditions as he shall think fit. The annual rents and proceeds of the said reserve shall be held by the Public Trustee, to be distributed by him for the physical, social, and moral benefit of the Natives individually and collectively interested therein, and the relief of such of them as are poor or distressed.
- (3.) Any rent or sums of money accrued in respect of the said reserve since the first day of November, one thousand eight hundred and ninety-five, shall be paid to the Public Trustee, to be dealt with as hereinbefore provided. The District Land Registrar shall register the Public Trustee as the proprietor of the said sections without any further or other authority than this Act:

Provided that the Governor may by Order in Council appoint any person or persons as trustee or trustees in lieu of the Public Trustee for the purposes of this section, and may in like manner remove any person or persons so appointed and appoint any other person or persons, and the trustee or trustees so appointed shall have all the powers hereinbefore vested in the Public Trustee for the purposes aforesaid.

36 Repeal.

- (1.) The first sub-paragraph in the second column of paragraph forty-two of the First Schedule to “The Special Powers and Contracts Act, 1886,” and the Crown grant issued to Andrew Moore under the provisions thereof, are hereby repealed.

Court to ascertain who were children of Hine Koau, and their shares in certain land.

- (2.) The Court is hereby authorised and directed to ascertain who were the children of Hine Koau, deceased, wife of the said Andrew Moore, surviving on the eighteenth day of August, one thousand eight hundred and eighty-six, and to allocate to each of them such share and interest as may be deemed equitable in the land known as Section 54, Block V., Hawksbury District, in the Provincial District of Otago.
- (3.) Every order of the Court, or of the Appellate Court, made under the provisions of this section shall vest the land as from the eighteenth day of August, one thousand eight hundred and eighty-six, subject to any previous or subsequent lawful dealings therewith by the said Andrew Moore under the Crown grant hereby repealed.
- (4.) Every such order shall declare the land to be absolutely inalienable except by lease for a period not exceeding twenty-one years.

37 Power to adopt recommendation of judge under section 3, “Native Land Act Amendment Act, 1878.”

Where any recommendation has been made to the Governor by a Judge of the Court under the provisions of section three of “The Native Land Act Amend-

ment Act, 1878,” the Governor may, notwithstanding the repeal of the said Act, either adopt or decline to adopt such recommendation, and, in case of adoption, may impose restrictions accordingly, or may, apart from such recommendation, impose such other restrictions on the alienability of the land the subject of such recommendation as to him shall seem necessary or expedient.

38 As to restrictions imposed on adoption thereof.

Every restriction so imposed shall take effect as from the date of such recommendation, and shall be deemed to have been incorporated in any instrument of title issued on the original order of the Court ascertaining the title to such land: Provided that no such restriction shall invalidate any dealing with the said land which may have been effected in accordance with law prior to the imposition of such restriction.

39 Repeal.

Paragraph forty-one of the First Schedule to “The Special Powers and Contracts Act, 1886,” is hereby repealed.

40 Section 34 of “The Reserves, Endowments, and Crown and Native Lands Exchange, Sale, Disposal, and Enabling Act, 1898,” amended.

Section thirty-four of “The Reserves, Endowments, and Crown and Native Lands Exchange, Sale, Disposal, and Enabling Act, 1898,” is hereby amended by the substitution of the words “eleven acres” for the words “five acres” where the latter occur in the said section.

41 “Native Land Court Act, 1894,” amended.

“The Native Land Court Act, 1894,” is hereby amended as follows:—

- (a.) A will shall not be deemed an alienation within the meaning of subsection ten of section fourteen thereof so as to bar the operation of the said subsection.
- (b.) The provisions of the said subsection shall apply to all lands held by Natives under grant from the Crown, other than such lands as are by the said subsection expressly excepted from the operation thereof.
- (c.) The Court, in exercising jurisdiction under the said subsection, shall, as part of the inquiry thereby authorised, proceed to determine the relative interests of the persons whom it shall find entitled to be included in the ownership of any land, whether as original owners or otherwise, and may, at its discretion, afterwards proceed to partition any such land, and to determine and allocate all claims to land based on any alienation theretofore confirmed.
- (d.) Every partition or determination of relative interests heretofore made by the Court in the course of any inquiry under the said subsection shall be as valid as if made after the passing of this Act.

- (e.) The said subsection is hereby amended by the insertion of the words “unless an insufficiently defined trust is expressed in the Crown grant or other instrument of title,” after the words “statutory provision” in the last proviso thereof.
- (f.) The word “vary” in section thirty-nine of the said Act shall include, and be deemed to have included, power to revoke or annul any decision or intended decision.
- (g.) Section eighty-six thereof is amended by omitting the words “at any time before the expiration of twenty-one days.”
- (h.) Section one hundred and ten thereof shall be read subject to section fifty-four thereof, and the provisions of the last-mentioned section shall apply to instruments registrable under “The Chattels Transfer Act, 1889,” in the same manner as to instruments effecting an alienation of land.
- (i.) Section one hundred and seventeen thereof is amended by the addition of the following proviso:—

“Provided also that land acquired by grant from the Crown otherwise than for monetary consideration shall not be deemed land acquired by purchase within the meaning of this section.”

42 “Native Land Laws Amendment Act, 1895,” amended.

“The Native Land Laws Amendment Act, 1895,” is hereby amended as follows:—

- (a.) Section forty-four thereof is hereby repealed.
- (b.) Section fifty thereof is amended by inserting the word “such” before the words “letters of administration” where they last occur therein.

43 Powers of Chief Judge under Native Townships Act may be delegated to Native Land Court.

“The Native Townships Act, 1895,” is hereby amended as follows: The Court may, at the request of the Chief Judge in respect of any objections lodged or hereafter to be lodged under section nine of the said Act, exercise all the powers which are by the said section directed to be exercised by the Chief Judge; and any decision of the Court so given shall be final.

44 Applicants under section 39 of “Native Land Court Act, 1894,” or to Appellate Court may be required to give security for costs.

The Chief Judge is hereby empowered in respect of any application to the Appellate Court or of any application under section thirty-nine of “The Native Land Court Act, 1894,” to require the person making such application to deposit with the Registrar of the Court such sum as to the Chief Judge shall seem fit as security for costs, and to stay all proceedings in the matter of such

application until the amount required has been deposited, or on non-payment thereof to dismiss such application.

45 In ascertaining successors to deceased Native, Court may award life interest to widow.

It shall be lawful for the Court, in ascertaining successors to a deceased Native, to appoint the widow of such deceased Native to succeed to an estate in any land or personal property of the deceased during her life or widowhood, and, upon the determination of such estate, such land or personal property shall revert to the use of the persons who may be found entitled, according to Native custom, to succeed to the estate of the original deceased: Provided that where there has been no marriage or remarriage according to English law, the terms "widow" and "widowhood" shall, for the purposes of this clause, be understood and construed according to Native custom.

46 Interest payable in respect of survey liens.

No more than five years' interest, at the rate of five per centum per annum, shall be recoverable in respect of any survey lien or charging order, or mortgage obtained in pursuance thereof, whether the same was created before or after the passing of "The Native Land Court Act, 1894," such interest to be computed from the date at which the principal sum became actually due and payable.

47 When a lessee requires lease to be determined, same may be taken over by Crown.

When notice shall be given to the Minister of Lands by any lessee under section seventy of "The Native Land Laws Amendment Act, 1895," requiring a lease to be determined as therein mentioned, the Governor may, by Order in Council, in lieu of determining such lease, order that the same shall be taken over by and vested in the Crown. And upon the gazetting of such Order in Council such lease shall pass to and become vested in His Majesty for all the residue thereof as if an assignment of such lease to His Majesty had been duly made and executed by all necessary parties; subject, nevertheless, to the payment of compensation where payable, as in the said section is provided.

48 Section 10, "Native Land Laws Amendment Act, 1896," amended.

Section ten of "The Native Land Laws Amendment Act, 1896," is amended by the insertion of the words "or on any subsequent partition thereof" after the words "Native land." All orders heretofore made for the purpose specified in the said section which if made after the passing of this Act would be valid and effectual are hereby confirmed.

49 Conveyances to new trustees exempt from duty.

The exemption from certain duties which by section two of “The Native Land Laws Amendment Act, 1898,” is provided for in the case of any conveyance or transfer of Native land by way of trust, as mentioned in that section, is hereby extended, and shall be deemed to have extended, to the case of any conveyance or transfer of the trust property from the original trustee to any new trustee, and that section shall operate and be deemed to have operated as if every such new trustee were the original trustee.

50 Right of adopted children to succeed.

No claim by adoption to the estate of any Native dying after the thirty-first day of March, one thousand nine hundred and two, shall be recognised or given effect to unless such adoption shall have been registered in the Native Land Court in accordance with regulations to be made as hereinafter provided.

Every revocation of an adoption registered as aforesaid shall be registered in like manner, and proof of such registration shall be sufficient evidence of the fact of such adoption or revocation, as the case may be.

The Governor in Council is hereby empowered to make such regulations as to the form and manner of such registration, and the fees to be payable in respect thereof, as he may deem necessary or expedient.

51 Orders made by Royal Commission.

Every order made by a Royal Commission under the provisions of this Act shall be deemed to be an order of the Appellate Court, and shall, on being assented to by the Chief Judge, take effect accordingly.

52 Officials authorised to carry out provisions of Act.

The Appellate Court, the Court, the Chief Judge, the Registrar of the Court, and the District Land Registrar are hereby authorised and directed to perform all acts necessary to give effect to and carry out the provisions of this Act.

SCHEDULES**FIRST SCHEDULE****Description of Land declared to be a Portion of Kaihinu No. 2 Block,
acquired by the Crown.**

Section 27

All that area, situated in the Tararua Survey District, containing about 5,943 acres, bounded generally towards the east by a line starting at Trig. Station Pohehe, and produced through Trig. Station Putara to the Makakahi River; generally towards the west by a line starting at Pohehe, and produced through Trig. Station Kaiparoro to the Makakahi River; and on the south by the Makakahi River.

SECOND SCHEDULE
Reserves for Natives out of Lands sold to the Crown.

Section 30

Ruakitwri Block.

	A.	R.	P.		A.	R.	P.
Whataroa	1,001	0	0	Tapatangata	20	0	0
Rimuroa	416	2	0	Tarake	324	0	0
Makareao	202	2	0	Matakuhia	400	3	30
Okarae	188	0	0	Paraumu	100	0	0
Ngaiapu	20	1	0	Oriwha	100	0	9
Raupo	96	1	0	Waikatea	100	2	24

Tukurangi Block.

	A.	R.	P.		A.	R.	P.
Te Kahotea East	377	2	15	Tarapatiki	206	0	0
Te Kahotea West	1,585	0	33	Tukurangi	507	3	15
Te Kiwi	600	0	0				

Taramarama Block.

	A.	R.	P.		A.	R.	P.
Ohiwa	669	0	0	Wharepapa	96	0	0
Otamariki	90	0	0	Pukewhinau	289	2	25
Mangapapa	201	3	0	Te Rara	200	0	0
Koariari	102	0	0				