

New Zealand.



ANALYSIS.

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1889, No. 9.—*Local.*

AN ACT for quieting the Title to certain Lands situate at Heretaunga, Title, in the Hawke's Bay County, and for making Provision for an Inalienable Reserve for certain Aboriginal Natives known as Ngatihori, who have occupied the Karamu Block.

[16th September, 1889.

WHEREAS by a deed-poll or grant from the Crown under the hand of His Excellency Sir George Grey, K.C.B., and sealed with the seal of the Colony of New Zealand, made under the provisions of "The Native Lands Act, 1865," and "The Native Land Act, 1866," dated the first day of April, one thousand eight hundred and sixty-seven, Her Majesty granted unto Henare Tomoana, Arihi te Nahu, Manaena Tini, Matiaha, Paramena One One, Apera Pahora, Karaitiana Takamoana, Te Waka Kawatini, Noa Huke, and Tareha Moananui, of the Ahuriri district, in the Province of Hawke's Bay, aboriginal natives of New Zealand, their heirs and assigns, all that parcel of land in the Province of Hawke's Bay, in

Preamble.

the Colony of New Zealand, containing by admeasurement nineteen thousand three hundred and eighty-five acres, more or less, situate at the Heretaunga, in the district of Ahuriri, called or known by the name of "Heretaunga," and numbered twenty-eight (N), bounded towards the north-west by the Waitio Stream, towards the north-east by the Ohika Karewa Block nine thousand five hundred and twenty links and by the Ohiwhia Stream, and on all other sides by the Ngaruroro River, to hold unto the said Henare Tomoana, Arihi te Nahu, Manaena Tini, Matiaha, Paramena One One, Apera Pahora, Karaitiana Takamoana, Te Waka Kawatini, Noa Huke, and Tareha Moananui, their heirs and assigns, for ever :

And whereas by virtue of divers conveyances and assurances in the law all the estate, right, title, and interest of the said Te Waka Kawatini and Tareha Moananui in the said parcel of land called or known as Heretaunga had become, and was on the twenty-second day of March, one thousand eight hundred and seventy, vested in James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner, all of the Province of Hawke's Bay, sheep-farmers :

And whereas prior to the said twenty-second day of March, one thousand eight hundred and seventy, all the estate, right, title, and interest of the said Arihi te Nahu in the said parcel of land called or known by the name of Heretaunga had become and then was vested in Thomas Purvis Russell, of Hawke's Bay, sheep-farmer, and John Nathaniel Wilson, of Napier, solicitor, upon the trusts of a certain deed dated the eighth day of September, one thousand eight hundred and sixty-nine, registered in the Deeds Registry Office at Hawke's Bay as number four thousand and thirty-five :

And whereas by virtue of a certain deed of conveyance dated the twenty-second day of March, one thousand eight hundred and seventy, registered in the Deeds Registry Office at Hawke's Bay as number five thousand eight hundred and ninety-five, made between the said Henare Tomoana, Manaena Tini, Paramena One One, Karaitiana Takamoana, Noa Huke, Hirika, and Arihi te Nahu his wife, and Apera Pahora of the first part, the said Thomas Purvis Russell and John Nathaniel Wilson of the second part, and the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner of the third part, all the estate, right, title, and interest of the said Henare Tomoana, Manaena Tini, Paramena One One, Karaitiana Takamoana, Noa Huke, Hirika, and Arihi te Nahu his wife, and of the said Apera Pahora, and of the said Thomas Purvis Russell and John Nathaniel Wilson, in the said parcel of land called or known by the name of Heretaunga, was conveyed and assured unto the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner, their heirs and assigns, for ever :

And whereas the said Matiaha died at some time during the year one thousand eight hundred and sixty-eight; and on the seventeenth day of September, in the year one thousand eight hundred and seventy, an order was duly made by the Native Land Court whereby Rata te Houi, of Hawke's Bay, aboriginal native, was appointed the successor to the estate, share, and interest of the said Matiaha

in the said parcel of land called or known by the name of Here-taunga :

And whereas by virtue of a certain deed, dated the nineteenth day of September, one thousand eight hundred and seventy, registered in the Deeds Registry Office at Napier as number five thousand nine hundred and one, made between the said Rata te Houi of the one part, and the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner of the other part, all the estate, right, title, and interest of the said Matiaha and of the said Rata te Houi as his successor in the said parcel of land called or known by the name of Heretaunga became vested in the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner :

And whereas on or about the ninth day of January, one thousand eight hundred and seventy-one, the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner made and executed a deed of conveyance to Samuel Locke, of Napier, sheep-farmer, and the said Thomas Purvis Russell, of a part of the said parcel of land called or known by the name of Heretaunga, which said deed was and is in the words and figures following :—“This deed is made the ninth day of January, one thousand eight hundred and seventy-one, between James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner, all of the Province of Hawke’s Bay and Colony of New Zealand, sheep-farmers, of the one part, and Samuel Locke, of Napier, in the said province, Esquire, and Thomas Purvis Russell, of Woburn, in the said province, sheep-farmers, of the other part : Whereas by deed bearing date the twenty-second day of March, one thousand eight hundred and seventy, and made between Henare Tomoana, Manaena Tini, Paramena One One, Karaitiana Takamoana, Noa Huke, Hirika, and Arihi te Nahu his wife, and Apera Pahora, therein described, of the first part, Thomas Purvis Russell and John Nathaniel Wilson of the second part, and the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner of the third part, all the shares of the said parties thereto of the first and second parts of and in all that parcel of land called the Heretaunga Block were conveyed to the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner for the consideration therein expressed : And whereas by other separate deeds of conveyance the shares of all the other grantees of the said block of land were conveyed to the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner for the considerations in the said deeds respectively expressed : And whereas at the time of the execution of the said conveyance it was agreed that the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner should by this present deed convey the parcel of land hereinafter described, being portion of the lands conveyed by the deeds now in recital, unto the said Samuel Locke and Thomas Purvis Russell, nevertheless upon and for the trusts hereinafter described of and concerning the same : Now, this

deed witnesseth that, in consideration of the premises and of the said agreement, and in pursuance thereof, and also in consideration of the sum of ten shillings to the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner paid by the said Samuel Locke and Thomas Purvis Russell, the receipt whereof is hereby acknowledged, they, the said James Gillespie Gordon, Andrew Hamilton Russell, John Davies Ormond, James Nelson Williams, and Thomas Tanner, do, and each of them for himself doth, hereby convey and assure unto the said Samuel Locke and Thomas Purvis Russell, their heirs and assigns, all that piece or parcel of land called the Karamu Reserve, and being portion of the Heretaunga Block, containing by admeasurement one thousand six hundred and one acres, more or less, bounded on the north by the River Ohiwia, on the east by the River Ngaruroro, on the south-west by land now in the occupation of the said Thomas Tanner, and on the west by land now in the occupation of the said James Nelson Williams, as the same is shown and delineated on the plan thereof drawn hereon, to hold the said parcel of land and hereditaments unto the said Samuel Locke and Thomas Purvis Russell, their heirs and assigns, nevertheless upon and for the trusts hereinafter declared of and concerning the same: And it is hereby declared and agreed that the said Samuel Locke and Thomas Purvis Russell, their heirs and assigns, shall stand seised of the said parcel of land hereby conveyed upon trust for such person or persons and to such use and purposes as the Native Land Court shall, by an order to be made under the seventeenth clause of 'The Native Land Act, 1867,' declare and order: In witness whereof the said parties have hereunto subscribed their names the day and year first above written: "

And whereas the said parcel of land known as Karamu, described in the said deed of the ninth day of January, one thousand eight hundred and seventy-one, was then, and had been prior to the issue of the said Crown grant of the said parcel of land known as Heretaunga, and has always heretofore continued, in the actual possession and occupation of a tribe of Natives called or known by the name of the "Ngatihori: "

And whereas on or about the seventh day of April, one thousand eight hundred and eighty-six, the said Arihi te Nahu, Hamiora Tupaea, Paramena One One, and Hotene Ruri as successor to the said Apera Pahora, commenced a suit in the Supreme Court of New Zealand, Wellington District, number two hundred and twenty-seven, Gisborne Registry, in respect of the said parcel of land called or known as "Karamu," against the said Thomas Tanner, John Davies Ormond, Andrew Hamilton Russell, and James Nelson Williams, and the said Samuel Locke and Thomas Purvis Russell, and the said Henare Tomoana, Noa Huke, and Charles Debenham Bennett and Cholwell Dean Pitt as trustees of the will of the said Karaitiana Takamoana deceased, to which said suit Moanaroa Kokohu and Porokoru Tiakipou, as the successors of the said Manaena Tini deceased, and the said John Nathaniel Wilson were subsequently added as parties by order of the said Court:

And whereas divers interlocutory decrees or orders were made in the said suit number two hundred and twenty-seven, Gisborne Regis-

try, and amongst other orders and decrees an order or decree was on the twenty-second day of September, one thousand eight hundred and eighty-seven, made in the said suit whereby amongst other things it was ordered that the costs of all parties to the said suit as between solicitor and client, including the plaintiffs' costs, charges, and expenses properly incurred in obtaining the succession order to Manaena Tini deceased, should be taxed by the Registrar of the Supreme Court of New Zealand, Wellington District, at Napier, and that the costs when so taxed as aforesaid should be a charge upon the said parcel of land called or known as the Karamu Block; and the said Thomas Purvis Russell and Samuel Locke were thereby authorised and ordered to raise by way of mortgage of the said Karamu Block, without their personal covenant or liability, or from time to time by way of sale of a part or parts of the said Karamu Block, as might be deemed necessary or expedient, such sum or sums of money as might be necessary to pay the costs, charges, and expenses to the respective solicitors for the different parties to the said action, and should pay the same to the said solicitors respectively :

And whereas the said Thomas Purvis Russell and Samuel Locke, pursuant to the said order, raised from the Colonial Bank of New Zealand on the fifth day of January, one thousand eight hundred and eighty-eight, the sum of one thousand six hundred pounds, and on the same day made and executed to the said bank, pursuant to the said order, a certain deed of mortgage, which is registered in the Deeds Registry Office at Napier as number twenty-two thousand one hundred and eighty-two, of the said lands called or known as the Karamu Block, for the purpose of securing the due payment of the said sum of one thousand six hundred pounds, and of such further sums as should thereafter be advanced by the said bank to the said Thomas Purvis Russell and Samuel Locke, with interest thereon as therein mentioned :

And whereas the said bank after the execution of the said deed advanced to the said Thomas Purvis Russell and Samuel Locke, pursuant to the said order, on the ninth day of March, one thousand eight hundred and eighty-eight, the further sum of one hundred and ninety-four pounds nine shillings and one penny; on the twelfth day of March, one thousand eight hundred and eighty-eight, the further sum of five hundred and ninety-nine pounds eight shillings and twopence; and on the twenty-ninth day of May, one thousand eight hundred and eighty-eight, the further sum of eighty pounds and sixpence, all which said sums, with interest thereon at the rate of eight pounds per centum per annum, still remain owing to the said bank :

And whereas by another interlocutory decree or order made in the said suit number two hundred and twenty-seven, Gisborne Registry, on the thirtieth day of August, one thousand eight hundred and eighty-eight, it was amongst other things ordered that the said Samuel Locke and Thomas Purvis Russell should stand seised of the said parcel of land called or known by the name of the Karamu Block, in trust for the said Henare Tomoana, the trustees of the said Arihi te Nahu, the trustees of the said Karaitiana Takamoana, the said Hotene te Ruri, the said Paramena One One, the said Noa Huke, and the said Moanaroa Kokohu and Porokoru Tiakipou, in the proportions in the said order or decree mentioned : And it was further ordered that the said parcel

of land known as the Karamu Block, except certain portions thereof in the said decree or order mentioned, should be sold by public auction by the said Samuel Locke and Thomas Purvis Russell on the seventh day of November, one thousand eight hundred and eighty-eight, upon the terms and in manner in the said decree or order mentioned: And it was further ordered that the residue of the said parcel of land should be valued as therein mentioned, and that, as to part thereof, the said Henare Tomoana, Noa Huke, Moanaroa Kokohu, and Porokoru Tiakipou should be at liberty to purchase the same upon the ascertainment of the valuation thereof, and that, as to the residue thereof, the said Henare Tomoana should be at liberty to purchase at such valuation:

And whereas on the third day of November, one thousand eight hundred and eighty-eight, Peni te Ua and Reihana Paukena, of Karamu, aboriginal natives, commenced in the Supreme Court of New Zealand, Wellington District, a suit, number four thousand four hundred and thirty, Wellington Registry, wherein the said Peni te Ua and Reihana Paukena were plaintiffs, and the said Samuel Locke and Thomas Purvis Russell, and the said Arihi te Nahu and Hamiora Tupaea, and the said Paramena One One, the said Hotene Ruri (as successor to Aperu Pahora), and the said Henare Tomoana and Noa Huke, and the said Charles Debenham Bennett and Cholwell Dean Pitt (as the trustees of the will of the said Karaitiana Takamoana), and the said Moanaroa Kokohu and Porokoru Tiakipou (as the successor of the said Manaena Tini deceased), and the said John Nathaniel Wilson were defendants, to which said suit the said the Colonial Bank of New Zealand was afterwards added as a defendant by order of the said Court, wherein, amongst other things, the said Peni te Ua and Reihana Paukena, the plaintiffs in the said suit, alleged that they, the said Peni te Ua and Reihana Paukena and other persons, members of the Ngatihori Tribe, were at the time of the negotiations for the sale of the said parcel of land known as Heretaunga, which was carried into effect by the said deed of conveyance, dated the twenty-second day of March, one thousand eight hundred and seventy, residing upon and cultivating that portion of the said block of land called Heretaunga which is called or known by the name of the Karamu Block or the Karamu Reserve; and that the said Peni te Ua and Reihana Paukena, and such other persons, were the owners of the said lands according to Native custom, and were always regarded as such owners by the Native defendants to the said suit and their predecessors; and they also averred that they were advised and believed that the trusts of the said deed of the ninth day of January, one thousand eight hundred and seventy-one, were valid and ought to be carried into effect; and that upon an inquiry in the Native Land Court, pursuant to the prayer in the said suit, it would appear that the plaintiffs and the said other persons, members of the Ngatihori Tribe, then residing upon and in occupation of the said block of land known as Karamu, would be found to be the persons entitled thereto under the trusts of the same deed; and, as a further cause of action, the said Peni te Ua and Reihana Paukena also alleged in the said suit that they, the said Peni te Ua and Reihana Paukena, and the said other persons, members of the Ngatihori Tribe, then residing upon and cultivating the said block of land known as Karamu, had for the space of twenty years and upwards held, kept, and enjoyed, as of right, the

exclusive and undisturbed possession of the said block of land known as Karamu, and that the rights and interests, if any, of all other persons in the said parcel of land had become, and then were, barred by the Statute of Limitations in that behalf; and the said Peni te Ua and Reihana Paukena prayed in the said suit that it might be declared, by the decree of the said Court, that the trusts of the said deed of the ninth day of January, one thousand eight hundred and seventy-one, were valid and effectual, and that the same should be carried into effect, and that a reference might be ordered to the Native Land Court to ascertain and determine the right, title, estate, and interest of the said Peni te Ua and Reihana Paukena, and of all other claimants to the said land, and also the right, title, estate, and interest of every other person and every tribe which, according to Native custom, would have been interested in the said land if the said land had remained Native land, and that the defendants in the said action, and each and every of them, might be restrained by the order and injunction of the said Court until the final determination of the said action number four thousand four hundred and thirty, Wellington Registry, or until the further order of the said Court, from further prosecuting the said suit number two hundred and twenty-seven, Gisborne Registry, and from proceeding further with the sale of the said land; and in the alternative the said Peni te Ua and Reihana Paukena prayed that it might be declared that the said Peni te Ua and Reihana Paukena, and such other persons as aforesaid, had acquired by prescription an estate of fee-simple of inheritance in possession in the said parcel of land known as Karamu, and that the defendants in the said action might be restrained by the order and injunction of the said Court from dealing with the said parcel of land in derogation of the rights of the said Peni te Ua and Reihana Paukena, and from interfering with or molesting the said Peni te Ua and Reihana Paukena, and such other persons, in the enjoyment of the said parcel of land:

And whereas by an interlocutory order made in the said action number four thousand four hundred and thirty, Wellington Registry, on the third day of November, one thousand eight hundred and eighty-eight, it was ordered that the defendants in the said action number four thousand four hundred and thirty, Wellington Registry, be, and they were thereby, restrained until the further order of the said Court from further prosecuting the said action number two hundred and twenty-seven, Gisborne Registry, and from proceeding further with the sale of the said parcel of land known as the Karamu Block, under the decree or order made in the said action number two hundred and twenty-seven, Gisborne Registry, on the thirtieth day of August, one thousand eight hundred and eighty-eight, or under any other authority:

And whereas the said action number four thousand four hundred and thirty, Wellington Registry, came on for trial at Napier on the twenty-ninth day of March, one thousand eight hundred and eighty-nine, and the said trial was continued on the thirtieth day of March, and on the first, second, third, and fourth days of April, one thousand eight hundred and eighty-nine, on which last-mentioned day, the said action being partly heard, and the plaintiffs' case not yet being closed, an agreement was come to in open Court by counsel for all the parties to the said action, with the approval of his Honour the Chief

Justice who presided at the trial of the said action, for the compromise and settlement of the said action, which agreement was and is in the following terms:—

1. Injunction against proceeding with sale in suit *Arihi versus Locke and others* to be perpetual.

2. A sufficient proportion of the whole block to be first sold by auction by James Henry Coleman and Walter Shrimpton to defray the following charges and expenses:—

(a.) To pay off the Colonial Bank's mortgage, principal and interest;

(b.) To pay the expenses incurred in the attempt to sell under the former decree;

(c.) To pay the costs of all parties taxed as between solicitor and client out of this estate of this present suit;

(d.) To pay the unpaid costs of all parties taxed as between solicitor and client (out of the estate) of the former suit which have been ordered to be paid or may be ordered to be paid.

3. The land so sold to be vested in the said James Henry Coleman and Walter Shrimpton immediately after the auction sale, to enable the execution by them of conveyance or transfer to the purchasers.

4. The Ngatihori Hapu to take one moiety in value of the whole residue of the block, and, in addition, a proportion of the remaining moiety for the shares therein of Henare Tomoana, Noa Huke, and Manaena's successors, in the proportions ascertained by the order or decree of the thirtieth day of August, one thousand eight hundred and eighty-eight, in the suit number two hundred and twenty-seven, Gisborne Registry; the land taken under this claim to be surveyed off and vested in trustees in trust for the Ngatihori Hapu, and to be inalienable by sale or mortgage, or by lease, otherwise than from year to year, nor to pass under any will.

5. The residue of the block to be taken by Karaitiana's trustees, Arihi te Nahu's trustees, Hotene te Ruri, and Paramena One One in the shares ascertained by the above decree.

6. The persons who shall be entitled under the designation of the Ngatihori Hapu, and the proportions in which they are interested, shall be ascertained by Mr. Thomas William Lewis and Mr. James Nelson Williams. Henare Tomoana, Noa Huke, and Manaena's successors to be considered on such investigation as Ngatihori only, and not as having any special interest by reason of their names being included in the grant, but in no case to have a larger interest than their proportions as grantees brought in under this scheme.

7. The four grantees'—namely, Arihi's, Paramena's, Hotene te Ruri's, and Karaitiana's—section to be divided into plots by the same persons as named in clause three.

8. James Henry Coleman and Walter Shrimpton to have power to employ surveyors and prepare plans; their expenses to be part of charge (c) under clause two.

9. So far as practicable, the division is to be made so as to leave within the Ngatihori portions the buildings and gardens.

10. All parties to concur in promoting legislation for the purpose

of giving effect to this agreement, according to the true intent thereof.

11. If any doubt or difference shall arise as to the meaning of this agreement, or as to any matter omitted therefrom, or as to anything necessary to complete and carry out this arrangement and compromise according to the true intent and meaning thereof, such doubt and difference shall be referred to the award of Martin Chapman, Esquire, of Wellington, barrister-at-law, whose determination shall be final and binding upon all parties :

And whereas, pursuant to the sixth paragraph of the said agreement, the persons who are entitled under the designation of the Ngatihori Hapu, and the proportions in which they are interested, have been ascertained by Messrs. Thomas William Lewis and James Nelson Williams, the persons named in the said agreement; and the names of the said persons and the proportions in which they are interested are set forth in the Second Schedule hereto :

And whereas, if the decree in the said action number two hundred and twenty-seven, Gisborne Registry, should be carried into effect, a great number of Natives would be rendered destitute, and would become a burden to the charitable institutions of the colony; and it is therefore expedient that the said compromise should be validated and carried into effect :

BE IT THEREFORE 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 Karamu Reserve Act, 1889.” Short Title.

2. The parcel of land called or known by the name of the “Karamu Block,” or the “Karamu Reserve,” and which is described in the First Schedule hereto, shall be and the same is hereby vested in James Henry Coleman, of Napier, sheep-farmer, and Walter Shrimpton, of Matapiro, in the Hawke’s Bay County, sheep-farmer, for an estate of inheritance in fee-simple in possession, free from encumbrances, and discharged from all claims, estates, and interests of all other persons and corporations therein or thereto; but upon the trusts and for the purposes hereinafter appearing :

Karamu Block
vested in trustees
for the purposes of
Act.

Provided that nothing in this Act contained shall be deemed to apply to or affect in any manner whatsoever the portion of the said reserve taken for railway purposes by a Proclamation bearing date the second day of April, one thousand eight hundred and eighty-three, and published in the *New Zealand Gazette* of the fifth day of April then instant, or to affect the estate and interest of Her Majesty the Queen in the said reserve.

3. The amount of the moneys owing to the Colonial Bank of New Zealand for principal and interest moneys intended to be secured by the deed of mortgage dated the fifth day of January, one thousand eight hundred and eighty-eight, expressed to be made between Samuel Locke and Thomas Purvis Russell of the one part, and the said bank of the other part, which deed of mortgage is registered in the Deeds Registry Office at Napier as number twenty-two thousand one hundred and eighty-two, shall be ascertained by the Registrar at Wellington of the Supreme Court of New Zealand, Wellington District, by an in-

Amount of moneys
owing to Colonial
Bank of New Zea-
land to be ascer-
tained in action
pending in Supreme
Court.

quiry in the action number four thousand four hundred and thirty, Wellington Registry.

Amount of moneys properly expended in preparing for sale of block to be ascertained in pending action in Supreme Court.

4. The amount of the moneys properly expended, or in respect of which any liability has been incurred, by the said Samuel Locke and Thomas Purvis Russell, or by their solicitor, in the action number two hundred and twenty-seven, Gisborne Registry, in and about the preparation for the sale of the said block of land known as the Karamu Block or the Karamu Reserve, under and by virtue of the order made on the thirtieth day of August, one thousand eight hundred and eighty-eight, in the said action number two hundred and twenty-seven, Gisborne Registry, shall be ascertained in like manner by the said Registrar.

Costs of all parties of pending litigation to be taxed.

5. The costs of all parties to the said action number four thousand four hundred and thirty, Wellington Registry, and the unpaid costs of all parties to the said action number two hundred and twenty-seven, Gisborne Registry, shall be taxed by the said Registrar, as between solicitor and client, out of the estate.

Trustees to sell sufficient part of block to defray moneys mentioned in sections 3, 4, and 5, and expenses properly incurred by, and allowance made by Supreme Court to, them.

6. The said James Henry Coleman and Walter Shrimpton shall sell by auction a sufficient part of the said block of land to defray the several sums of money mentioned in the third, fourth, and fifth sections hereof, ascertained as therein mentioned, and the charges and expenses incurred by them the said James Henry Coleman and Walter Shrimpton, and such remuneration as may be allowed to them by the Supreme Court on motion in the said action number four thousand four hundred and thirty, and shall pay the said sums of money into Court to the credit of the said action number four thousand four hundred and thirty, Wellington Registry, and the said sums shall be paid out to the several parties entitled thereto, or their solicitors, upon the order of the said Court.

Trustees to be judges as to parts of land to be sold. To employ surveyors, &c.

7. The said James Henry Coleman and Walter Shrimpton shall be the sole judges as to which part or parts of the said block shall be sold for the purposes aforesaid, and shall employ such surveyors, auctioneers, and other persons as they shall deem necessary for the purposes of surveying the said lands, and of selling the same, and for any other purpose hereby authorised, at such rates of remuneration as the said James Henry Coleman and Walter Shrimpton shall think fit.

Costs incurred by trustees to be defrayed out of proceeds of sale.

8. All costs, charges, and expenses incurred by the said James Henry Coleman and Walter Shrimpton in the execution of any of the powers hereby conferred upon them shall be defrayed out of the proceeds of such sale or sales, and shall be a first charge thereon.

If necessary, succession sales may be made.

9. If the lands first offered for sale by the said James Henry Coleman and Walter Shrimpton shall not realise sufficient to discharge all the moneys mentioned in sections six and eight the said James Henry Coleman and Walter Shrimpton shall from time to time make further sales of other portions of the said block, until the whole of the said moneys shall have been realised.

Surplus moneys to be paid into Court. Application thereof.

10. If there shall be any surplus of such money the same shall be paid into Court to the credit of the said action number four thousand four hundred and thirty, and the same shall belong and shall be paid out to the several parties interested in the said block in the proportions in which they are so interested hereunder; but any share of such moneys which shall belong to the members of the Ngatihori Hapu

who are not parties to the said suit number four thousand four hundred and thirty shall be paid out to the plaintiffs in the said suit. But this provision shall be subject to the provision contained in the eighteenth section hereof.

11. The whole of the residue of the said block shall be divided by the said James Henry Coleman and Walter Shrimpton, in the first place, into two portions, whereof the larger shall be of the proportionate value of two hundred and six parts out of two hundred and eighty-eight parts of the value of the whole of the residue then remaining of the said block, and shall include, so far as practicable, the buildings and gardens upon the said block, which buildings and gardens shall nevertheless not be taken into account in estimating the value of the land whereon they are situate.

Residue of block to be divided by trustees into two parts, of relative values: 206 out of 288 parts, and 82 out of 288 parts.

12. The said James Henry Coleman and Walter Shrimpton shall thereupon execute to the persons whose names appear in the Second Schedule hereto a conveyance of the larger of the said portions of land, which shall be of the proportionate value of two hundred and six parts out of two hundred and eighty-eight parts of the whole, which conveyance shall be effectual to vest the said parcel of land thereby conveyed in the said persons whose names appear in the said Second Schedule hereto in the proportions set opposite to their names in the said Second Schedule hereto.

Larger portion to be conveyed by trustees to Ngatihori Tribe specified in Second Schedule.

13. If any of the said persons named in the said Second Schedule hereto shall be dead the conveyance mentioned in the twelfth section hereof shall nevertheless be made in the form and to the persons provided by the said twelfth section, and shall, so soon as the successor or successors of any of the said persons named in the said Second Schedule hereto shall have been ascertained by the Native Land Court, be effectual to vest in such successor or successors the share of the deceased person or persons to whom such successor or successors shall succeed, notwithstanding the death of such person or persons before the execution of the said conveyance.

Provision in case of death of any person named in Second Schedule.

The Native Land Court shall have jurisdiction to inquire and ascertain who ought, according to Native custom and usage, to succeed to any estate, share, or interest in the said lands so to be conveyed to the said persons named in the Second Schedule hereto as though the said lands were Native lands within the meaning of "The Native Land Court Act, 1886," and to grant certificates accordingly, which certificates shall have the effect of vesting in the person or persons named therein the share or interest in the said lands of the deceased Native owner, and, if there shall be more than one such person, then in the proportions therein mentioned; and such certificates shall be entitled to registration under the Deeds Registration Act.

Native Land Court to have jurisdiction to ascertain successors.

14. It shall not be lawful for the persons named in the said Second Schedule hereto, or for any of them, or for their successors, or for the successors of such successors, however far removed, at any time hereafter to sell, or mortgage, or to lease for any longer period than for one year at a rack-rent, or in any way to alienate or charge the said lands to be conveyed to the said persons named in the said Second Schedule hereto pursuant to the twelfth section hereof, or any share or interest therein, or to devise the same lands, or any share or interest therein, by will; and any conveyance, mortgage, lease, agreement, or

Land conveyed to Ngatihori Tribe to be inalienable.

charge whatsoever, or any will executed in contravention of this provision, shall be absolutely void.

And not to be taken in execution.

15. The said lands shall not, nor shall any share or interest therein, be liable to be taken in execution, or sold under process issued out of any Court.

Residue of block to be further subdivided by trustees and conveyed to other claimants.

16. The smaller of the said two portions of land into which the residue then remaining of the said block shall be divided by the said James Henry Coleman and Walter Shrimpton, pursuant to the eleventh section hereof (which portion will be of the proportionate value of eighty-two parts out of two hundred and eighty-eight parts of the value of the whole residue then remaining of the said block), shall be further divided by the said James Henry Coleman and Walter Shrimpton into four subdivisions, whereof two shall be each of the value of twenty-five parts out of two hundred and eighty-eight parts of the whole, and the remaining two shall be each of the value of sixteen parts out of two hundred and eighty-eight parts of the whole, and the said James Henry Coleman and Walter Shrimpton shall allot to the trustees of the settlement executed by the said Arihi te Nahu, dated the eighth day of September, one thousand eight hundred and sixty-nine, registered in the Deeds Registry Office at Napier as number four thousand and thirty-seven, one of the said subdivided portions, which shall be of the value of twenty-five parts out of two hundred and eighty-eight parts of the whole; and to the trustees of the will of the said Karaitiana Takamoana the remaining of the said subdivided portions, which shall be of the value of twenty-five parts out of two hundred and eighty-eight parts of the whole; and to the said Hotene te Ruri one of the said subdivided portions, which shall be of the value of sixteen parts out of two hundred and eighty-eight parts of the whole; and to the said Paramena One One the remaining of the said subdivided portions, which shall be of the value of sixteen parts out of two hundred and eighty-eight parts of the whole: and the said James Henry Coleman and Walter Shrimpton shall, at the request and at the costs of the persons to whom the said subdivided portions shall be so allotted by them, the said James Henry Coleman and Walter Shrimpton, make and execute to such persons conveyances thereof which shall be effectual to vest the same lands in such persons respectively, but as to the portions allotted to the trustees of the settlement of the said Arihi te Nahu and the trustees of the will of the said Karaitiana Takamoana upon the trusts of such settlement and will respectively.

Trustees may lay out and dedicate roads, &c., through block.

17. It shall be lawful for the said James Henry Coleman and Walter Shrimpton, in carrying into effect the powers and discretions hereby vested in them, to lay out such roads, ways, and approaches as they may think expedient through any part of the said lands described in the said First Schedule hereto, and, by effectual instruments, to dedicate all or any of such roads, ways, or approaches to the public, or to vest the same in Her Majesty, or in any local body in which the public roads in the district wherein the said lands are situate are vested.

Costs incurred by plaintiffs in suit brought on behalf of Ngatihori Tribe to

18. All costs, charges, and expenses incurred by or on behalf of the said Peni te Ua and Reihana Paukena in or about the said action number four thousand four hundred and thirty, and in or about the

said compromise, and the costs of and incidental to the preparation and passing of this Act, and the costs of the preparation, and execution, and stamping, and registration of the conveyance mentioned in the twelfth section hereof, and all other costs incurred by or on behalf of the plaintiffs in carrying the provisions of this Act into execution, shall be ascertained and taxed by the Registrar aforesaid as between solicitor and client, and so much thereof as shall not be payable under the sixth section hereof shall be a charge upon the said lands to be conveyed, as provided by the twelfth section hereof; and, notwithstanding the provisions of the said twelfth section, the said James Henry Coleman and Walter Shrimpton shall, unless the amount of the said costs, charges, and expenses, when so ascertained, shall be forthwith paid to the said James Henry Coleman and Walter Shrimpton, or to the persons entitled thereto, raise by sale, in manner aforesaid, of portion of the part of the said block so to be conveyed, as provided by the said twelfth section, a sufficient sum to pay and discharge the amount of such costs, charges, and expenses, and shall pay the same to the persons entitled thereto; and the said James Henry Coleman and Walter Shrimpton shall not execute the conveyance provided by the said twelfth section until the whole of the said costs, charges, and expenses have been so paid or raised as aforesaid: Provided that any moneys which shall be paid into Court pursuant to the tenth section hereof, and which shall belong to any of the said persons whose names appear in the said Second Schedule hereto, shall be applied in or towards payment of such costs, charges, and expenses.

19. In case the said James Henry Coleman and Walter Shrimpton, or either of them, shall die, or shall desire to be discharged from, or shall refuse or neglect to act, or shall become incapable of acting, in the execution of the trusts and powers hereby vested in and conferred upon them, or shall leave the Colony of New Zealand, or in case for any other reason it shall become necessary or expedient to appoint new trustees or a new trustee in the place of the said James Henry Coleman and Walter Shrimpton, or either of them, or in the place of any trustees or trustee appointed under the power given by this section, it shall be lawful for the Governor in Council to appoint new trustees or a new trustee in the place or stead of the said James Henry Coleman and Walter Shrimpton, or of either of them, or of any new trustees or new trustee appointed under this power; and upon such appointment all lands hereby vested in the said James Henry Coleman and Walter Shrimpton shall vest in the new trustees or trustee so appointed, either jointly with the surviving or continuing trustee, or solely, as occasion may require; and all powers and authorities hereby conferred upon the said James Henry Coleman and Walter Shrimpton may be exercised by the trustees or trustee for the time being acting hereunder. A notice published in the *Gazette* shall be conclusive evidence of every such appointment and of the occurrence and performance of everything necessary to the validity thereof.

20. No conveyance or other instrument executed pursuant to the provisions of the twelfth and sixteenth sections hereof shall be chargeable with *ad valorem* stamp duty.

be provided for out of lands awarded to Ngatihori Tribe.

Governor in Council may appoint new trustees for purposes of Act.

Conveyances pursuant to sections 12 and 16 not chargeable with *ad valorem* duty.

SECOND SCHEDULE—*continued.*

Names of the Members of the Ngatihori Tribe.	Proportions in which the Members of the Ngatihori Tribe are interested in the Karamu Reserve.
Panapa Tuari	Twenty (20) thousandths.
Karaitiana Tuari	Four (4) thousandths.
Mere Panapa	One (1) thousandth.
Paranihia Panapa	One (1) thousandth.
Te Mete Takopa	One (1) thousandth.
Mihinaere Panapa	One (1) thousandth.
Pane Panapa	One (1) thousandth.
Waiu Panapa	One (1) thousandth.
Tomoana Panapa	One (1) thousandth.
Pita Panapa	One (1) thousandth.
Piri Panapa	One (1) thousandth.
Tuaki Panapa	One (1) thousandth.
Matua Panapa	One (1) thousandth.
Hokowaka Panapa	One (1) thousandth.
Meretini Panapa	One (1) thousandth.
Pita Koana	Ten (10) thousandths.
Kapariera Mokonui	Ten (10) thousandths.
Raiha Kapariera	One (1) thousandth.
Ruihi Kapariera	One (1) thousandth.
Tipene Kapariera	One (1) thousandth.
Moanaroa Kokohu	Twenty (20) thousandths.
Porokoru Tiakipou	Twenty (20) thousandths.
Emaraina Hinekura	Twenty (20) thousandths.
Rangitahia Manaena	Twenty (20) thousandths.
Matenga Pekapeka	Forty (40) thousandths.
Heni Unaihi	Ffiteen (15) thousandths.
Waaka Tunui	Ten (10) thousandths.
Henare Tomoana	One hundred (100) thousandths.
Ihakara Rakena	Fifteen (15) thousandths.
Nikera Whitingara	Thirty (30) thousandths.
Henare Hape Tomoana	Forty (40) thousandths.
Te Rehunga Tomoana	Fifty (50) thousandths.
Te Hira Te Ota	Ten (10) thousandths.
Te Weteni Te Karetu	Five (5) thousandths.
Tamati Te Wahine Hehe	Five (5) thousandths.
Homene Nikera	Five (5) thousandths.
Hararutu Ngapu	Thirty (30) thousandths.
Te Hau Mihiata	Ten (10) thousandths.