

Amended by 1928 No. 49

New Zealand.

CONSOLIDATED: 1931 Nos. 31 & 32.

ANALYSIS.

Title.

1. Short Title.
2. Interpretation.

Amendments to Native Land Laws.

3. Amending section 31 of the principal Act.
4. Amending section 139 of the principal Act.
5. Preserving right to succeed under adoptions prior to 1902.
6. Amending section 209 of the principal Act.
7. Enabling Boards to impose administrative charges.
8. Permitting Boards to consider applications for confirmation not made within six months.
9. Enabling several areas to be farmed and dealt with conjointly.
10. Lender not concerned as to necessity for or application of loan.
11. Body corporate may acquire land by purchase, lease, or exchange.
12. Board may acquire land for Natives.
13. Maori Land Board may accept surrender of lease.
14. Enabling roads ordered by Court to be proclaimed public roads.
15. Enabling appeal in compensation cases.
16. Limitation of area not to apply to certain interests.
17. Governor-General may authorize acquisition notwithstanding provision as to limitation.
18. Amending and extending section 92 of the Native Land Amendment Act, 1913.
19. Section 96 of the Native Land Amendment Act, 1913, amended.
20. Amending section 97 of the Native Land Amendment Act, 1913.
21. Amendment of section 110 of the Native Land Amendment Act, 1913.
22. Amending section 6 of the Native Land Amendment and Native Land Claims Adjustment Act, 1923.
23. Enabling European land to be brought into consolidation scheme by purchase.
24. Further powers of Court upon consolidation.
25. Enabling rates to be liquidated by Crown during consolidation proceedings.
26. Rates may be paid to Boards and overpayments recovered.

27. Amending section 6 of the Native Land Amendment and Native Land Claims Adjustment Act, 1926.
28. Native burial-grounds and meeting-house sites may be declared Native land.
29. Permitting Native land valuations to be revised.
30. Right to take Native land without compensation to cease. Repeals.
31. Abolishing collection of rates as stamp duty.
32. Survey charges may be remitted.

Native Townships.

33. Making provision for exchange of existing deferred-payment licenses to occupy lands in Native townships for deferred-payment licenses under section 6 of the Land Laws Amendment Act, 1926.

Miscellaneous.

34. Authorizing redetermination of owners of Maimaru E Block.
35. Enabling Native Land Court to investigate title of Mahuki Island.
36. Rectifying grant of closed road in Opanake 2c Block.
37. Authorizing inquiry as to alienation of part of Kaihu 2B 3 Block.
38. Permitting ascertainment of equitable owners of Oturei and Okapakapa Blocks.
39. Authorizing titles to issue for certain landless Native land.
40. Authorizing rehearing of compensation claim.
41. Authorizing loans by Tuwharetoa Trust Board.
42. Giving right of appeal regarding Reureu No. 1 Block.
43. Enabling inquiry as to rights in Wharekahika 2c Block.
44. Extending time for appeal from order regarding Te Araroa Native Township.
45. Court may vest part of Te Araroa Native Township in trustees.
46. Extending term of leases in Waipiro and Tuatini Native Townships.
47. Authorizing rehearing of investigation of Mangahauini 7A Block.
48. Directing rehearing of succession to Ereti Amaru, deceased.

- | | |
|--|--|
| <p>49. Enabling adjustment of accounts of beneficiaries under the East Coast Native Trust Lands Act, 1902.</p> <p>50. Authorizing arrangements between East Coast Commissioner and Wi Pere Trust to be given effect to.</p> <p>51. Authorizing disposal to Gisborne Harbour Board of Sections 35 to 39, Kaiti, and creation of trust fund.</p> <p>52. Authorizing inquiry as to beneficial owners of Hinewhaki West and other Blocks.</p> <p>53. Permitting ascertainment of equitable owners of Tutuotekaha No. 4 Block.</p> <p>54. Directing rehearing of succession to Papa Mauroa Tutu, or Pera, deceased.</p> <p>55. Enabling Crown to accept gift of Tutira C Block.</p> | <p>56. Revesting the Tangoio South Block in Native owners.</p> <p>57. Declaring part Mangateretere East to be European land.</p> <p>58. Authorizing loans by Arawa District Trust Board.</p> <p>59. Amending boundaries of Ngongotaha Cemetery.</p> <p>60. Enabling the rights of Pi (deceased) to be determined.</p> <p>61. Amending title to Lot 13A, Block B, Otago Heads Native Reserve.</p> <p>62. Title to issue for Arahura Native Reserve (including river-bed within reserve).</p> <p>63. Chief Judge may refer matters in First Schedule for report.</p> |
|--|--|

1927, No. 67.

Title.

AN ACT to further amend the Laws relating to Native Lands, and to determine certain Claims and Disputes in relation to Native Lands, and to confer Jurisdiction upon the Native Land Court and the Native Appellate Court, and for other Purposes.

[5th December, 1927.]

Short Title.

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

1. This Act may be cited as the Native Land Amendment and Native Land Claims Adjustment Act, 1927.

Interpretation.

2. In this Act the expression "the principal Act" means the Native Land Act, 1909.

*Amendments to Native Land Laws.*Amending section 31
of the principal Act.

3. Section thirty-one of the principal Act is hereby amended as follows:—

(a) By adding to subsection two the words "No appeal to the Appellate Court shall lie from an order under this subsection":

(b) By omitting from subsection five the word "ten," and substituting the word "twenty-one."

Amending section
139 of the principal
Act.

4. Section one hundred and thirty-nine of the principal Act is hereby amended by adding thereto the following subsection:—

"(3) (a) The persons entitled on the complete or partial intestacy of a Native to succeed to his estate so far as it consists of freehold interests in any land derived by, through, or under the will of any other Native, and the shares to which they are entitled, shall be determined in accordance with Native custom as it applies to gifts of land from one Native to another, and for the purpose of determining the successors the devise of such land shall be deemed to be a gift thereof.

"(b) The provisions of paragraph (a) of this subsection shall extend to all estates of persons to which the principal Act applies, save and except in any case in which a succession order heretofore made in respect of the interest of the deceased has matured."

Preserving right to
succeed under
adoptions prior to
1902.

5. (1) Notwithstanding the provisions of section one hundred and sixty-one of the principal Act, an adoption according to Native custom which was made prior to the thirty-first day of March, nineteen hundred

and two, and was subsisting at the date of the commencement of the principal Act, shall, in the case of a Native who dies or has died subsequently to the commencement of the principal Act, be and be deemed to have been of full force and effect in respect of intestate succession to Native land, and succession orders may be made accordingly.

(2) If and whenever an adoption in accordance with Native custom as referred to in subsection one hereof is given effect to by a succession order, and the Court finds upon inquiry that subsequently to the thirty-first day of March, nineteen hundred and two, but prior to the commencement of the principal Act any other Native was adopted according to Native custom by the Native whose estate is succeeded to, the Court shall have power to include such person as a successor to the interest of the deceased Native.

(3) Where a succession order has heretofore been made under the principal Act respecting any interest in land where an adoption was subsisting as mentioned in subsection one hereof, any person claiming to be entitled may, within six months after the date of the passing of this Act, apply to the Court for a rehearing of the application upon which the order was founded.

(4) The Court may grant such rehearing notwithstanding that such succession order has been affirmed or varied on appeal; and upon such rehearing may either affirm, vary, or annul its former determination, and may exercise any jurisdiction which it might have exercised on the original hearing and as if the provisions of this section were then in force.

(5) The Court may decline to grant a rehearing if it thinks that under the peculiar circumstances of the case the former order should not be disturbed, or it may, if it thinks it expedient, make an order including the person already appointed successor as a successor or part-successor to some one or more of the interests of the deceased in land notwithstanding that the person so included may in law have no claim to be appointed.

(6) Where an order is made under this section and the Court finds that a former successor has made improvements upon the land affected, the Court may impose a charge upon the interest of the new successor in favour of such former successor in respect of the value of the improvements effected by such former successor.

(7) No rehearing shall be granted in any case in which the validity of an unregistered adoption of or by a Native has formed the subject of a decision by the Supreme Court.

6. (1) Section two hundred and nine of the principal Act, as amended by section eight of the Native Land Amendment Act, 1912, is hereby amended by adding, after the words "assembled owners" in subsection one thereof, the following words: "Or with the consent of the Governor-General in Council granted upon the recommendation of a Maori Land Board."

Amending section
209 of the principal
Act.

(2) This provision shall apply to alienations made prior to as well as after the passing of this Act, excepting alienations the validity whereof has formed the subject of proceedings in the Supreme Court.

7. (1) A Maori Land Board shall be entitled to charge a commission, not exceeding five pounds per centum, on all rents and other moneys deposited with or collected and distributed by it.

Enabling Boards
to impose
administrative
charges.

(2) In the case of money required to be paid to the Board under section ninety-two of the Native Land Amendment Act, 1913, other than rent, and held, deposited, or invested on behalf of or for the benefit of the person entitled thereto, commission shall be chargeable only on the income arising from such money.

(3) The Board, when requiring money to be paid to it on behalf of a Native alienor, may stipulate that the purchaser or lessee shall pay a commission to the Board, limited as aforesaid, to defray the cost of distributing such moneys to or on behalf of the beneficiary entitled thereto, and in such case no further charge shall be made against the beneficiary.

Permitting Boards to consider applications for confirmation not made within six months.

8. (1) Section two hundred and eighteen of the principal Act is hereby amended by adding to subsection one of the said section the following proviso:—

“Provided that the Board may in its discretion and subject to such conditions or terms as it thinks just confirm an alienation which in its opinion is one that ought to be confirmed, notwithstanding that the application for confirmation was not made within the time limited by this subsection.”

(2) This proviso shall extend and apply to instruments of alienation executed prior to the passing of this Act as well as to those executed hereafter, but nothing herein contained shall affect any application for confirmation the validity of which has heretofore formed the subject of proceedings in the Supreme Court.

Enabling several areas to be farmed and dealt with conjointly.

9. (1) Where several areas of Native land are vested in a Maori Land Board or in a body corporate constituted under Part XVII of the principal Act, and it is convenient or otherwise advisable that any such areas be occupied and farmed conjointly, the Board or corporate body, as the case may be, shall have and be deemed to have always had full power and discretion to jointly occupy and manage the several areas as one or more farms, and carry on any agricultural or pastoral business on behalf and for the benefit of the beneficial owners of such areas, notwithstanding that the several areas may be owned either legally or equitably by different sets of owners under separate titles or otherwise.

(2) When several areas of Native land are jointly occupied and managed as a farm the Board or corporate body, as the case may be, and subject to all necessary consents in that behalf, shall have and shall be deemed to have had power to raise money upon the security of the several areas of land vested in it, and to mortgage, either jointly or otherwise, all or any of such areas as one or more securities, and to expend such moneys or any part thereof either upon one only or more than one of such areas of land.

(3) (a) The provisions of section eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, shall be deemed to extend and apply to cases where two or more areas are conjointly occupied and farmed. Moneys advanced under that section may be charged upon all or any of the lands so conjointly occupied and farmed, and the memorandum of charge thereby authorized to be executed shall operate and take effect according to its tenor.

(b) A Board shall be deemed to have power to adjust or apportion any such charge in any way that may seem expedient.

(4) For the purpose of dividing any profits or adjusting any losses the beneficial owners of the several areas shall be deemed to be beneficially interested in the whole estate in the proportion which the value of the shares in any one area in which they are beneficial owners bears to the whole estate.

(5) For the purpose of ascertaining the value of any area or of any particular beneficial interest as regards the whole estate, the valuation of the unimproved value of the land for the time being in force under the Valuation of Land Act, 1925, shall be taken as a guide: Provided that where there were unexhausted permanent improvements upon any area prior to its being occupied and farmed jointly with any other area the value of such improvements shall also be taken into account.

(6) The Board or corporate body, as the case may be, may adjust the accounts between the respective areas. Provided, nevertheless, that the Board, the body corporate, or any person interested may apply to the Court so to do. The Court shall have jurisdiction to inquire into all the circumstances and make such orders as to adjustment of the accounts between the several areas or between the beneficial owners of each area as to it may seem just.

(7) Wherever in the opinion of the Court it is necessary or expedient to do so, the Court may grant an order charging any one or more of such areas, and the legal or equitable interests therein of the beneficial owners, with the payment of such sum as it shall find the beneficial owners of any other area are entitled to under any adjustment of accounts as in the last preceding subsection mentioned.

10. No person lending money to a Maori Land Board or to a body corporate under Part XVII of the principal Act upon the security of any land vested in such Board or corporate body shall be concerned to see or inquire as to the necessity for the loan or as to the application of the proceeds thereof by the mortgagor, and every such security shall be as valid and effectual for the protection of the mortgagee and his assigns as if the mortgagor had been entitled in its own right to the lands comprised in such security. This section shall apply to mortgages executed before as well as those executed after the passing of this Act.

Lender not concerned as to necessity for or application of loan.

11. (1) Notwithstanding the provisions of section three hundred and thirty-six of the principal Act, a body corporate constituted under the said Act may, with the consent of the Native Minister, acquire any land, whether by way of purchase, lease, or otherwise, which a Maori Land Board recommends should be so acquired by the said corporate body.

Body corporate may acquire land by purchase, lease, or exchange.

(2) The Court may make orders of exchange, under Part VII of the principal Act exchanging the Native freehold land owned by a corporate body constituted under the said Act, or any part thereof, for other lands or interests in lands; and any land acquired by a corporate body under an order of exchange shall be held by it on trust for the persons entitled under the order of incorporation constituting the said body corporate, and shall be administered and dealt with under Part XVII of the principal Act. All land vested in a corporate body by order

of exchange under the authority of this section shall be deemed to be Native freehold land, notwithstanding any provision of the principal Act to the contrary.

Board may acquire
land for Natives.

12. (1) It shall be lawful for a Maori Land Board, subject to the consent of the Native Minister, to acquire any land or interest in land for and on behalf of any Native or body of Natives including a body corporate constituted under Part XVII of the Principal Act, at such price and upon such terms as the said Board shall think expedient.

(2) No transfer or other instrument of alienation of such land or interest therein to the Board shall require confirmation under the principal Act although executed by Natives, but shall take effect according to its tenor and may be registered accordingly. This section shall apply to instruments of alienation executed before as well as after the passing of this Act.

(3) The said Board shall hold the land or interest therein so acquired upon trust for the person upon whose behalf it was acquired, subject to payment to the Board of the costs of acquisition, the Board's charge for administration, and any payments made by the Board for or in respect of such land.

(4) Notwithstanding that such land or interest therein may not be Native freehold land, it shall nevertheless be subject to the provisions of section eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, in the same manner as if it was Native freehold land.

AS AM 8501 010

(5) The Court may from time to time upon the application of the said Board make an order vesting the land or interest therein so acquired in the person for the time being beneficially entitled thereto for an estate of freehold in fee-simple, and the land or interest therein shall vest in the person named in such order, subject to any encumbrance charge, or lien to which the land or interest therein is then subject. Where the whole of the freehold interests in any area of land not being Native land is so vested, the land affected shall, upon the making of such order, be deemed to become Native freehold land, and be subject to the provisions of the principal Act affecting Native freehold land.

(6) The provisions of Part XII of the principal Act, or of sections seventy-two to seventy-six (inclusive) of the Native Land Amendment Act, 1913, shall not apply to the acquisition of land or interest in land under this section.

Maori Land Board
may accept
surrender of lease.

13. (1) If and whenever the lessee holding under a lease of Native freehold land executed by Natives desires to surrender such lease, he may apply to the Native Land Court for an order directing the Maori Land Board to execute and accept for and on behalf of the Native lessors a surrender of the said lease either wholly or in part, and the Court may, after due inquiry, make an order accordingly, and may impose therein such conditions as it thinks fair and just under the circumstances.

(2) The Board acting under an order made as aforesaid may, as the agent of the lessors, execute and accept a surrender of the lease referred to in such order, and such surrender upon execution by the Board shall, without confirmation under Part XIII of the principal Act, have the same force and effect and may be registered in like manner

as if it had been lawfully executed by all the Native lessors or their trustees, and as if those lessors and trustees had been fully competent in that behalf. Adu 3.3. (3) 1929 Inset.

14. (1) The Governor-General may, by Proclamation, proclaim as a public road any road or line of road laid off by order of the Court under section fifty-two of the Native Land Amendment Act, 1913, or under section thirteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, and the same shall thereupon vest in the Crown as a public road accordingly.

Enabling roads ordered by Court to be proclaimed public roads.

(2) The provisions of section fifty-one of the Native Land Amendment Act, 1913, and of section fifteen of the Native Land Amendment Act, 1914, shall apply to any such road or lines of roads.

(3) This section shall extend and apply whether the order was made before or after the commencement of this Act.

(4) Every Proclamation made before the passing of this Act proclaiming a public road in respect of any road or line of roads mentioned in subsection one hereof is hereby validated.

15. (1) Notwithstanding anything to the contrary contained in the Public Works Act, 1908, or its amendments, an appeal shall lie to the Appellate Court from any final order of the Court made under section ninety-one of the said Act both as regards the amount of compensation awarded and the right or title of any person to be paid such compensation or any part thereof.

Enabling appeal in compensation cases.

RPLD: S. 346 1928 No. 21.

(2) Any application under the said section ninety-one may be heard by the Court notwithstanding that the sitting of the Court to be held for the purpose of dealing with the land affected has not been notified in the *Gazette*.

16. The provisions of sections seventy-two to seventy-six (inclusive) of the Native Land Amendment Act, 1913, shall not apply to—

Limitation of area not to apply to certain interests.

(a) Land which has become vested in any European by virtue of an order of exchange made under Part VII of the principal Act, except in cases where the land received by the Native in exchange was immediately prior to the exchange subject to the provisions of the said sections seventy-two to seventy-six (inclusive): Provided, however, that this exemption shall not apply to any undivided interest in Native freehold land acquired by virtue of an order of exchange, unless and until such time as the interest so acquired has been partitioned off either in favour of the European so acquiring it or of some one claiming through or under him:

(b) Land formerly used or laid off as a road and which road has been closed or stopped and has become or is intended to be vested in any European:

(c) Land, not exceeding twenty acres in extent, which has been severed from a greater area by reason of the laying-off of a public road or railway.

17. (1) The Governor-General may, by Order in Council, in any case in which he deems it expedient in the public interest so to do authorize any acquisition, alienation, or disposition of any land, or any interest therein, notwithstanding the provisions of sections seventy-two

Governor-General may authorize acquisition notwithstanding provision as to limitation.

to seventy-six (inclusive) of the Native Land Amendment Act, 1913, or of Part XII of the principal Act.

(2) Section two hundred and three of the principal Act is hereby repealed.

Amending and
extending section 92
of the Native Land
Amendment Act,
1913.

18. Section ninety-two of the Native Land Amendment Act, 1913, is hereby amended by the addition of the following subsection:—

“(5) (a) The Board may expend for and on behalf of any Native entitled thereto any money held, invested, or deposited under this section in the purchase or lease of land, or any interest in land (herein called “the said property”). The said property may be acquired in the name of the Board or in the name of the Native beneficiary, and the provisions of subsections three and four shall apply to the said property in the same manner and to the same extent as if it were money invested or deposited under this section.

“(b) Upon the acquisition of the said property the District Land Registrar shall, at the request in writing of the Board, enter a memorial upon the Register-book, and upon the certificate or other instrument of title, that such property is subject to the provisions of section ninety-two of the Native Land Amendment Act, 1913, and, at the like request, may cancel such memorial. Upon cancellation of such memorial the provisions of this section shall cease to apply to the said property.

“(c) Nothing in this subsection contained shall affect the operation of any statute under which rates or taxes are levied or recovered, or under which any lien or charge may be granted against land; nor shall the operation of any mortgage, charge, lien, or encumbrance granted prior to the acquisition in manner aforesaid of the said property be affected, but all rights and remedies may be exercised and as fully and freely enforced in such cases as if the said property was not subject to the provisions of this section.

Section 96 of the
Native Land
Amendment Act,
1913, amended.

19. (1) Subsection six of section ninety-six of the Native Land Amendment Act, 1913, is hereby repealed, and the following subsection substituted in lieu thereof:—

“(6) (a) Upon the making of an Order in Council as aforesaid the land affected by such Order in Council shall cease to be subject to Part XIV or Part XV of the principal Act, as the case may be, and shall thereupon vest in the person for the time being beneficially entitled thereto for an estate of freehold in fee-simple; and if there be more than one person entitled, then as tenants in common, in accordance with their several shares or interests in the said land.

“(b) The District Land Registrar shall register the said Order in Council against the title (if any), and may call in and cancel any certificate of title either wholly or in part, as the case may require, and shall issue a certificate of title to the person beneficially entitled to the land affected by the said Order in Council. Where the order of the Court evidencing the rights of the person entitled is already entered upon the Land Transfer Register, a certificate to the effect that the person named in such order of the Court is so entitled, signed by the Registrar of the Court, shall be accepted by the District Land Registrar as sufficient evidence of the person so entitled.

“(c) If and whenever the order of the Court which evidences the title of the person beneficially entitled to the land affected by the said

Order in Council is not already entered upon the Land Transfer Register, such order of the Court may be transmitted to the District Land Registrar in accordance with the provisions of the principal Act governing the transmission of orders for registration, together with a certificate by the Registrar of the Court that the person named in such order is the person entitled to the land affected by the said Order in Council, and such certificate shall be accepted by the District Land Registrar as sufficient evidence of the person entitled. Any such order of the Court shall be registered without fee, and may be so registered notwithstanding that it purports to affect only the equitable estate of the beneficiary.

“(d) In giving effect to the provisions of this section it shall not be necessary to register any prior Order in Council under or by reason of which the land had become subject either to Part XIV or Part XV of the principal Act, nor shall it be necessary to issue a certificate of title to the Maori Land Board in respect of so much of the land referred to in such prior Order in Council as is affected by an Order in Council issued under this section.”

(2) The last preceding subsection shall apply to Orders in Council made under the said section ninety-six, whether made before or after the passing of this Act.

(3) All alienations heretofore executed or confirmed of land which was the subject of an Order in Council made under the said section ninety-six shall be deemed to be executed or confirmed after the land had reverted, and may be confirmed and registered accordingly.

20. Section ninety-seven of the Native Land Amendment Act, 1913, is hereby amended by deleting the words “to the outgoing tenant,” at the end of paragraph (c) (iii) of subsection one, and substituting therefor the words “to the lessor, and the lessee shall have no right or claim to any part of such surplus.”

Amending section 97
of the Native Land
Amendment Act,
1913.

21. Section one hundred and ten of the Native Land Amendment Act, 1913, is hereby amended as follows:—

Amendment of
section 110 of the
Native Land
Amendment Act,
1913.

- (a) By omitting the words “to commence on the expiry of his current lease” from paragraph (a) (i) of subsection one thereof:
- (b) By omitting the word “total” from paragraph (a) (ii) of subsection one thereof:
- (c) By omitting the words “then within six months before the expiration of the tenant’s current lease” from paragraph (f) (i) of subsection one thereof:
- (d) By omitting the words “not more than six months before the expiration of the existing lease” from paragraph (f) (v) of subsection one thereof:
- (e) By adding, at the end of paragraph (f) (vi) of the said subsection one, the words “less the present value of the lessee’s interest for the unexpired period of the current or existing lease in the improvements effected by the lessee, or those claiming through or under him, upon the land to be comprised in the renewable lease.”

Amending section 6 of the Native Land Amendment and Native Land Claims Adjustment Act, 1923.

22. Section six of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, is hereby amended by adding to subsection two thereof the words: "No European who submits his land to the jurisdiction of the Court under this section shall be permitted to withdraw the same therefrom without the consent of the Court first had and obtained."

Enabling European land to be brought into consolidation scheme by purchase.

23. Section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1923, is hereby amended by adding the following words to subsection seven thereof: "Out of the funds in the Native Land Settlement Account the Crown may purchase under the provisions of Part XIX of the principal Act or section one hundred and nine of the Native Land Amendment Act, 1913, any land or interest in land although it may not be Native Land, whether owned by Europeans or Natives, which it is considered expedient to include in any consolidation scheme; and the Court may vest in any Native or European the land or interest so acquired, or may include it in an order made under subsection five hereof."

Further powers of Court upon consolidation.

24. Section five of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, is hereby amended by the addition of the following subsection:—

"(12) (a) The Court may, by order, vest any area of Native land or an interest in Native land in His Majesty the King, subject to payment by the Crown of the sum found by the Court to be payable therefor. Such land shall thereupon vest in His Majesty, and be deemed to be a purchase or acquisition of Native land under the authority of the principal Act.

"(b) The purchase-money payable for such land shall be paid to the Maori Land Board of the district in which the land is situate, for distribution to the persons beneficially entitled thereto, subject to all necessary and proper deductions (if any)."

REFER: S. 34 1929
Enabling rates to be liquidated by Crown during consolidation proceedings.

25. (1) If and whenever during consolidation proceedings or on the preparation of any scheme of consolidation it is proposed to vest Native freehold land in the Crown for the purpose of liquidating any liability for rates due or payable in respect of any Native freehold land, the Court may from time to time grant a certificate setting forth the amount to be paid by the Crown in respect of the land so to be vested in it by order of the Court, and the sum so certified, together with a sum for the cost of distribution of such money, shall be paid out of the Native Land Settlement Account as for a purchase or acquisition of Native land.

(2) Upon the requisition of the Court, a local authority claiming that rates are due on any land being dealt with under the consolidation proceedings shall deliver to the Court a certificate setting forth full particulars of the amount of rates claimed to be due to such local authority in respect of the Native freehold land mentioned in such requisition. The Court may inquire into the correctness of the amount so claimed for rates in the same manner as on the hearing of an application for a charging-order under the Rating Act, 1925.

(3) Any sum payable by the Crown under this section may be paid to the Maori Land Board of the district for payment to the local authority or the person entitled thereto. The Board may inquire into

and adjust any error appearing in the claim of the local authority or other person entitled to payment of the said sum.

(4) Notwithstanding that for any reason the application for preparation of a scheme of consolidation is not proceeded with, or that the scheme of consolidation submitted by the Court may not be approved or carried into effect, the Court shall nevertheless have jurisdiction to make an order vesting land in His Majesty to the value of the sums from time to time paid under the authority of a certificate of the Court as in this section mentioned.

26. (1) Where rates due upon Native freehold land are deducted from the proceeds of an alienation of such land, or from money advanced upon the security of such land, the amount so deducted shall be paid in the first instance to the Maori Land Board of the district wherein the land is situate, and it shall be the duty of the person making the deduction to forthwith pay the amount so deducted to the Board. The Board, upon being satisfied that the amount claimed to be due for rates, or any part thereof, is properly due and payable, shall pay to the local authority or person to whom it is due so much thereof as it shall find to be owing, and shall pay the surplus (if any) to the person entitled thereto.

Rates may be paid to Boards and over-payments recovered.

(2) The receipt of the Maori Land Board for the rates so paid as aforesaid shall be sufficient discharge, *pro tanto*, to the purchaser or mortgagee in respect of any liability that might attach to the land the subject of the alienation by reason of such rates being levied or charged upon the land. A charge granted under the Rating Act, 1925, in respect of such land shall, to the extent of the payment to the Board, be deemed to be paid or secured within the meaning of subsection eight of section one hundred and eight of that Act.

(3) If and whenever money is paid by or on behalf of the owner to a local authority in respect of rates levied on Native freehold land, and it appears that such money has been paid or received in error, the person paying such money shall be entitled to a refund thereof and may recover the same by action in a Court of competent jurisdiction notwithstanding that the payment of such money may have been purely voluntary, and nothing in any Act requiring notice of action to be given to a local authority or limiting the time of commencement of action shall apply to proceedings taken under this section.

27. Section six of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, is hereby amended by adding the following subsections thereto:—

Amending section 6 of the Native Land Amendment and Native Land Claims Adjustment Act, 1926.

“(9) If and whenever any lease referred to in subsection one hereof has not been executed by all the owners of the land purported to be leased, the following provisions shall apply:—

“(a) The Board may cause notice to be given, in such manner as it thinks fit, to those owners who have not executed the lease that the lessee has applied for a new or renewed lease to include (if approved by the Board) the interests of all the Native owners of the said land.

“(b) If within a reasonable time after such notice has been given the owners who have not signed the lease make no

objection to their interests being included in a new or renewed lease, or if, having made objection, the Board is of opinion that such objection should not prevail, the Board may, as agent as aforesaid, grant the new lease in respect of the interests of all the owners, subject to such reservation of any portion of the land as it shall deem necessary or expedient.

“(c) The Board shall not exercise the discretion hereby given to it in the case of the interest of any owner or non-lessee who at the time application is made for a new or renewed lease is in actual occupation of any part of the land described in such lease, unless such owner consents thereto, nor in any case where a majority in value of the owners has not executed the lease.

“(10) Notwithstanding that any area of a block of land referred to in a lease is set apart as a reserve for the use or occupation of the Native lessors, or is otherwise excluded from the operation of the original lease, the Board may, in granting any new lease, if in its opinion the necessity for such reservation or exclusion has ceased to exist, omit any reference to any such reservation, or may include in the new lease the land so excluded from the original lease upon such terms as it thinks just.

“(11) Where a lessee holds two or more leases of several undivided interests in the same land, the Board may grant a new lease consolidating such leases notwithstanding the time for renewal of any one or more of them may not then have arrived; and where the covenants vary in their terms, whether as to payment of rent or otherwise, the Board shall have power to recast such terms so as to make such terms uniform.”

28. The Governor-General may, by Order in Council, declare any of the following classes of land to be Native freehold land, and thereupon such land shall for all purposes be deemed to be Native land within the meaning of the principal Act:—

- (a) Land owned by or on behalf of Natives whereon is situated any Native burial-ground;
- (b) Land owned by or on behalf of Natives whereon a Maori church or Native meeting-house is erected, or whereon a Maori village is situated.

29. (1) Where a new valuation of Native freehold land is requisitioned or made under the provision of the Valuation of Land Act, 1925, for the purpose of ascertaining the consideration or rental to be paid under any instrument of alienation of such land any person affected thereby, including a person interested in an alienation or proposed alienation of the land so valued, may object to such valuation by notice in writing delivered to the Valuer-General within ^{six} two months after the making of such valuation.

(2) Notwithstanding anything contained in the Valuation of Land Act, 1925, all objections to such new valuation shall be heard and determined by the President of the Assessment Court constituted under the Valuation of Land Act, 1925, sitting alone, and it shall not be necessary for assessors to act with the President in the hearing of any

Native
burial-grounds and
meeting-house sites
may be declared
Native land.

Permitting Native
land valuations to be
revised.

Refer: 1928 Inset.

such objections. The President of the Assessment Court, on the hearing and determination of objections, shall have the same powers of hearing evidence and of summoning witnesses as are possessed by the said Assessment Court, and may make such alteration in the valuation as he shall think expedient, together with all such consequential alterations as are necessary for the purpose of fixing the capital and unimproved values of the land and the value of any improvements, and the decision of the said President shall be final.

(3) There shall be payable in respect of the hearing of objections hereinunder such fees as the Governor-General may from time to time by Order in Council prescribe.

(4) Notwithstanding that a new valuation may be obtained or made as aforesaid the Board shall not grant confirmation of any alienation or any resolution of assembled owners under Part XVIII of the principal Act at a consideration or rental less than that named in the instrument of alienation or the resolution of the assembled owners until and unless the Board is satisfied that the majority in value of Natives executing the instrument of alienation or those voting in favour of a resolution, as the case may be, agree to accept the lesser consideration or rental.

30. (1) The power conferred upon the Governor-General by Part XX of the principal Act to lay out, set apart, or take roads upon Native land without liability to pay compensation to any person is hereby abolished. Right to take
Native land without
compensation to
cease.

(2) Sections three hundred and eighty-seven, three hundred and eighty-eight, three hundred and eighty-nine, three hundred and ninety, three hundred and ninety-one, three hundred and ninety-two, and three hundred and ninety-three of the principal Act, and section one hundred and twenty-seven of the Native Land Amendment Act, 1913, are hereby repealed. Repeals.

31. Notwithstanding anything to the contrary in section one hundred of the Rating Act, 1925, or in any other Act, rates paid by the Colonial Treasurer under the provisions of the Crown and Native Lands Rating Act, 1882, in respect of Native land as defined by that Act shall no longer be payable to His Majesty or be collected as a stamp duty payable upon the sale, exchange, or lease of land. Abolishing
collection of
rates as stamp
duty.

32. If and whenever the Court is of opinion that any charge for the survey of Native land (whether such survey was made before or after the passing of this Act) might reasonably be remitted, it may make a recommendation accordingly, and it shall thereupon be lawful for the Minister of Lands, in his discretion, to approve and direct the remission and discharge of any mortgage, charge, lien, or other encumbrance imposed or constituted in favour of the Crown in respect of the survey of any Native land or of any portion of such mortgage, charge, lien, or other encumbrance, or of any interest, costs, or charges due or payable thereon. A certificate under the hand of the Chief Surveyor of the district wherein the land affected is situated to the effect that the Minister of Lands has approved of the remission or discharge of any moneys under this section shall for all purposes be accepted as sufficient evidence that the amount named therein has been duly remitted or discharged under this section, and such certificate shall have the effect Survey charges
may be
remitted.

of a discharge to the extent therein mentioned and may be registered and acted upon accordingly.

Native Townships.

Making provision for exchange of existing deferred-payment licenses to occupy lands in Native townships for deferred-payment licenses under section 6 of the Land Laws Amendment Act, 1926.

33. (1) Any owner of a deferred-payment license issued pursuant to the provisions of clause nine of the regulations regarding the disposal of lands acquired by the Crown under the Native Townships Act, 1910, made on the twentieth day of December, nineteen hundred and twenty, may, with the consent of the Land Board of the district in which the land is situated, at any time during the currency of such license, surrender his license and obtain in exchange a license to occupy on deferred payments subject to the provisions, with such modifications as may be necessary, of section six of the Land Laws Amendment Act, 1926.

(2) In any such case the term of the license granted under this clause shall be computed as from the commencement of the term of the surrendered license, and all payments of principal and interest made under the surrendered license shall be deemed to have been made under and for the purpose of the new license.

(3) Any payments made under the surrendered license in excess of the payments that would have been required to be made under the new license shall be deemed to have been paid in advance, and the provisions of paragraph (h) of subsection one of section six of the Land Laws Amendment Act, 1926, shall apply thereto accordingly; or, notwithstanding anything to the contrary in that paragraph, the amount of the excess may be applied to the extent thereof in payment of instalments of principal and interest becoming payable under the new license immediately after the date of the surrender of the existing license.

Miscellaneous.

Authorizing redetermination of owners of Maimaru E Block.

34. (1) The Court is hereby authorized and empowered to inquire and determine who, according to the ancient custom and usage of the Maori people, were or are the owners of the land situate in the Tokerau Native Land Court District and known as Maimaru E Block (sometimes also called the Native School Reserve), and to make an order vesting the said land or any part thereof in the persons so found entitled for an estate of freehold in fee-simple according to their respective shares and interests.

(2) The Court, in determining the owners, shall not be bound by any former decision of the Court as to the ownership of the land, or by the fact that it forms part of a title to land for which a Crown grant has been issued.

(3) Any order made under this section may be registered and dealt with as if it was a partition order, and the provisions of section one hundred and fourteen of the principal Act or section one hundred and twenty of the Native Land Amendment Act, 1913, as the case may require, shall apply to every such order.

Enabling Native Land Court to investigate title of Mahuki Island.

35. (1) Notwithstanding anything contained in section eighty-seven of the principal Act, the Native customary title of the land situate in the Tokerau Native Land Court District and known as Mahuki Island shall be deemed not to have been extinguished, and the said land

is hereby declared to be Native customary land subject to all the provisions of the principal Act.

(2) Any existing tenancy granted by or on behalf of the Crown shall be deemed to be valid, and to entitle the tenant to occupy until the expiration thereof, subject to the payment of the rent thereby reserved.

(3) The Court shall have power, by order, to permit the removal of any buildings and fences erected by such tenant upon the said land, or, in lieu thereof, may order that reasonable compensation for such buildings and fences shall be paid by the owners of the land to such tenant, and may grant a charge upon the said land for the amount thereof.

36. Whereas by Proclamation dated the twenty-first day of February, nineteen hundred and one, and published in the *New Zealand Gazette* of the twenty-eighth day of February, nineteen hundred and one, at page 520, and made pursuant to the statutory powers in that behalf, certain areas, inclusive of a portion of the land known as Opanake 2G Block, were proclaimed as a road: And whereas by another Proclamation made and published simultaneously with the aforesaid Proclamation a road, including an area which was described as forming part of the said Opanake 2G Block, was proclaimed to be closed, and it was proposed and intended to vest the land comprised in the road so proclaimed to be closed in the persons for the time being entitled to the Opanake 2G Block by way of exchange for the new road proclaimed on or over the said Block: And whereas, acting upon the assumption that such land had so become vested the Opanake 2G Block was partitioned by the Native Land Court as if such road proclaimed as closed had been vested in the Native owners of the Opanake 2G Block: And whereas a title for certain land, including a portion of land affected by this section, was directed to be issued to another person who had no claim in, to, or upon the Opanake 2G Block: Be it therefore enacted as follows:—

Rectifying grant of
closed road in
Opanake 2G Block.

(1) The area of road proclaimed to be closed as aforesaid, traversing the Opanake 2G Block, and containing three roods thirty-one and four-fifths perches, as the same is shown on plan numbered 8588 (3), deposited in the Office of the Chief Surveyor, North Auckland, at Auckland, shall be deemed to have become Native freehold land within the meaning of the principal Act, and to have duly vested by way of exchange as from the twenty-first day of February, nineteen hundred and one, in the owners of the Opanake No. 2G Block for an estate of freehold in fee-simple as tenants in common in the same relative interests in which they then held the Opanake 2G Block, and as from that date such area shall be deemed to have been added to and formed part of the Opanake 2G Block and to have been capable of being dealt with as part of such land by the Native Land Court. All amendments of orders and titles required to be made to give effect to the provisions of this subsection may be made by the Court and the District Land Registrar respectively.

(2) (a) The District Land Registrar is hereby directed to cancel the folium of Register-book, Volume 373, folio 103, of the Auckland Land Registration District, which includes such land, and the certificate of title issued thereunder is hereby declared to be of no further force or effect.

(b) Section 6, Block II, Kaihu Survey District, shall hereafter contain an area of six acres one rood eighteen perches, or thereabouts, and shall be exclusive of the land mentioned in subsection one hereof. All maps of the said land shall be amended accordingly.

(c) The Warrant given under the hand of the Governor-General, dated the twenty-fourth day of April, nineteen hundred and twenty-three, directing the District Land Registrar at Auckland to issue a certificate of title in respect of Section 6, Block II, Kaihu Survey District, shall have endorsed upon it a memorial that the title and area of the land referred to therein is affected by the provisions of this Act.

(d) The District Land Registrar is hereby directed to issue a certificate of title vesting the land known as Section 6, Block II, Kaihu Survey District, according to the area as amended by this subsection, in James Trounson, of Northcote, gentleman, for an estate of freehold in fee-simple as from the twenty-first day of February, nineteen hundred and one.

Authorizing
inquiry as to
alienation of
part of Kaihu
2B 3 Block.

37. (1) The Court is hereby authorized to inquire into the grievances alleged in a petition No. 129 of 1927, presented to the House of Representatives by Pouaka te Awha, in respect of land situate in the Tokerau Native Land Court District, and known as the Kaihu 2B 3 Block.

(2) If upon such inquiry the Court shall find that a certain memorandum of transfer executed by the said Pouaka te Awha in favour of Francis Joseph Dargaville, under date of the twenty-fourth day of January, nineteen hundred and sixteen, dealing with a portion of the said land should be given effect to, notwithstanding the allegations made in the said petition, the Court may make an order declaring the said memorandum of transfer to be valid and effective, or it may by such order impose upon the transferee the performance of such terms and conditions, subject to the performance of which the said memorandum of transfer shall become effective. The Court may in any order made under the provisions of this section order and direct that the said memorandum of transfer shall be amended in such manner as in the Court's opinion will give effect to the intention of the parties. Upon the terms and conditions imposed by any order being duly performed, which due performance may be evidenced by a certificate of the Registrar endorsed upon the order, the said memorandum of transfer shall take effect as if it were amended in accordance with the provisions of such order as fully and effectually as if such terms and conditions were set out in the said memorandum of transfer, and the memorandum of transfer and any order made under the provisions of this subsection may be registered accordingly.

(3) If upon such inquiry the Court shall find that the alienation witnessed by such memorandum of transfer should not under the circumstances have been confirmed by the Maori Land Board, the Court may, subject to such terms and conditions as it may in its discretion see fit to impose, including, if the Court so decides, the making of any payment by the said Pouaka te Awha or those claiming through him either by way of refund or otherwise, make an order declaring the said memorandum of transfer of the twenty-fourth day of January, nineteen hundred and sixteen, to be null and void, and thereupon such

memorandum of transfer shall cease to have any force or effect and shall be incapable of registration.

(4) Notwithstanding any of the provisions of the principal Act the powers and jurisdiction hereby conferred upon the Court shall be exercisable only by such Judge or Judges of the Court as the Native Minister or the Chief Judge may from time to time appoint in writing for the purpose.

38. (1) Notwithstanding that the lands situate in the Tokerau Native Land Court District and known respectively as the Oturei Block and the Okapakapa Block may have ceased to be Native freehold land, the Court is hereby authorized and empowered to exercise in respect of the said lands, or either of them, the jurisdiction conferred upon the Court by Part V of the principal Act, and the Court may proceed to exercise with respect to the said lands such jurisdiction without the necessity of being authorized by Order in Council so to exercise the same in respect of the said lands.

(2) The said jurisdiction may be exercised notwithstanding any provision of the principal Act or any other Act which would otherwise prevent the orders of the Court or the title of the nominal owners being called in question.

39. Whereas various areas of Crown land situate in the Auckland Provincial District have from time to time been marked on public maps and otherwise indicated as being allocated or set apart for Native purposes: And whereas doubts have arisen as to the authority for and the purpose of setting apart of many such areas of land: And whereas the Court has, after full inquiry, made certain recommendations regarding the disposition in favour of Natives of certain of such areas of land, and it is considered expedient to authorize the issue of titles as nearly as may be in accordance with the recommendations of the Court: Be it therefore enacted as follows:—

(1) The lands comprised and described in the Second Schedule hereto shall be deemed to be Crown land set apart for Natives, and shall upon the making of orders as herein referred to be and be deemed to be Native freehold land within the meaning of the principal Act.

(2) The Court is hereby authorized to ascertain and determine what persons are entitled to the benefit of the respective lands set out in the said Second Schedule hereto, or any part or subdivision thereof, and to make orders declaring the persons found entitled thereto to be owners of the land described in such order for an estate of freehold in fee-simple, and, if more than one, as tenants in common in the relative shares or interests expressed in such order (where such shall have been defined), and the land shall thereupon vest in the persons so named.

(3) Where at the time of making such order the Court finds it inconvenient or inexpedient to define the relative interests of the persons found by its order to be entitled to any of such lands, it shall have jurisdiction to define the relative interests of the owners at any time and from time to time thereafter.

(4) No claim arising out of the Native customary title of any land prior to its becoming vested in the Crown shall prevail as of right in any proceedings before the Court. The Court, in determining the persons

REPEAL: S. 1930 No. 29.
Permitting
ascertainment of
equitable owners
of Oturei and
Okapakapa Blocks.

Authorizing titles
to issue for certain
landless Native
land.

entitled to such lands, or any of them, may proceed upon any principle it deems just, taking into consideration all the circumstances, and may make an order notwithstanding that any person found entitled may not have a strictly legal claim to the land.

(5) The Court shall not necessarily be bound by any recommendation already made by it in any report to the Chief Judge, but may, if it deems it expedient, make orders in accordance with any such recommendation, or may make further inquiries into any matter or thing arising in any proceedings before it respecting such lands.

(6) All orders made under this section shall have the same force and effect as freehold orders made under the principal Act, and may be registered and dealt with in the same way as is provided under the principal Act for registering and dealing with freehold orders.

(7) The Governor-General may, upon the application of the Minister of Lands, by Order in Council, confer upon the Court jurisdiction to make orders under this section in respect of the lands known as Lot 366, Parish of Taupiri, and Section 1 of Lot 2, Tauranga, or of any other Crown land which there is good reason to believe was intended to be reserved or set apart for the use, benefit, or occupation of Natives, notwithstanding that there may be no authentic record of the reserving or setting-apart of such land for Natives.

(8) Where any money is held by a Maori Land Board or other authority or person in respect of or arising out of any of the lands mentioned in the Second Schedule hereto, the Court may make an order disposing of such moneys, either for payment to the persons found by the Court to be entitled thereto, or in liquidating any survey costs or other liabilities against the lands affected.

(9) The Court may, if it deems it expedient, make an order vesting Lot 125 of the Parish of Tamahere and Lot 154 of the Parish of Tamahere in such persons as it may consider entitled thereto, subject to payment to the Crown upon demand of a sum equivalent to the Government valuation of the unimproved value of the said lands. The Court may grant to His Majesty the King a charge upon the said land for the amount of such liability, together with interest at the rate of five pounds per centum per annum from the passing of this Act until payment. Any such order shall constitute a legal charge upon the land mentioned therein, and may be registered against the land under the Land Transfer Act, 1915. Such charge may be enforced by the Court by making an order vesting in His Majesty the King the whole or such part of the land as is sufficient, in the opinion of the Court, to satisfy such charge, and the land mentioned in such order shall vest in His Majesty the King accordingly, subject, however, to any estate or interest having priority of the charge.

(10) The Auckland Land Board is hereby authorized to permit Manuate Patara to occupy for the term of his life the land known as Lot 11, Parish of Onewhero, without payment of rent. Upon the death of the said Manuate Patara the land shall revert to the Crown, and be deemed to be free from any moral or other obligation to Natives.

(11) The lands mentioned in the Third Schedule hereto are hereby declared to be Crown lands freed and discharged from any moral or other obligation to Natives, and may be dealt with accordingly.

(12) By any order made under subsection two hereof, or by any subsequent order of the Court, the Court may in respect of any land dealt with under the jurisdiction conferred by this section prohibit or restrict, in such manner as it thinks fit, the exercise of any powers of alienation contained in the principal Act or its amendments, and the Court may at any time and from time to time remove or vary any such prohibition or restriction.

Take in addition 1929 Inset.

40. (1) Subject to the provisions contained in subsection two hereof, the Court is hereby directed and empowered to rehear the application whereon was founded an order made by the Court on the ninth day of October, nineteen hundred and twenty-two, awarding compensation in respect of a portion of the Hauturu East 1E, Section 3, Block, taken under the Public Works Act, 1908, for the purpose of a quarry, and to make such order therein as to the Court may seem just :

Authorizing
rehearing of
compensation claim.

Provided, however, that the jurisdiction hereby granted shall not be exercised unless the persons beneficially interested in the said land, or some one on their behalf, deposit with the Registrar of the Court at Auckland, within three months after the passing of this Act, the sum of twenty pounds as security for costs. Any sum so deposited shall be disposed of in such manner as the Court directs.

(2) The Court shall have power to cancel, vary, or amend the said order of the ninth day of October, nineteen hundred and twenty-two ; but any moneys heretofore paid under or by virtue of the said order shall be deemed to be paid under or on account of any substituted, varied, or amended order.

41. (1) Notwithstanding any rule of law or equity to the contrary, the Tuwharetoa Trust Board may from time to time advance money upon mortgage to a member of the said Board on the security of Native freehold land, and a member of the said Board may accept an advance so made by the Board.

Authorizing loans
by Tuwharetoa
Trust Board.

(2) The provisions of paragraph (e) of section sixteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1926, shall not apply to any such mortgage.

(3) All the provisions of the principal Act as to confirmation and its effect, save and except the provisions of sections two hundred and thirty and two hundred and thirty-one of that Act, shall apply and extend to any mortgage to which this section applies.

(4) It shall be the duty of a Maori Land Board, before granting a certificate of confirmation of any instrument of alienation by way of mortgage executed under this section, to satisfy itself that the amount of the advance does not exceed three-fifths of the value of the property proposed to be mortgaged, and that in making the advance the Tuwharetoa Trust Board is acting upon a report as to the value of such property made by a competent valuer instructed and employed independently of the owner of the property to be mortgaged, and that the advance is being made upon the advice of such valuer expressed in such report.

(5) No member of the Tuwharetoa Trust Board shall be personally liable in damages for any act done or omitted by that Board, or by any member thereof, in good faith and in pursuance or intended pursuance of the authority of this section, and a member shall, so far

as regards his personal responsibility, be deemed to have discharged his duty as a trustee in the matter of the application for an advance made under this section.

(6) No member of the said Board shall take part in any proceedings or vote on any resolution of the Board concerning an application for an advance in which he shall have a personal interest; nor shall a member who has applied for an advance as aforesaid attempt to influence any other member to vote in favour of the said Board making such advance; and any breach of this section shall be deemed to be an offence punishable upon summary conviction by a penalty not exceeding fifty pounds.

Giving right of
appeal regarding
Reureu No. 1
Block.

42. (1) Notwithstanding anything contained in subsection three of section six of the Native Land Claims Adjustment Act, 1910, an appeal may be brought from the order of the Court made on the thirtieth day of August, nineteen hundred and twelve, in pursuance of the jurisdiction conferred on the Court by the said section six in respect of the land known as Reureu No. 1 Block, provided that such appeal shall be commenced by notice of appeal given in the prescribed manner within three months after the date of the passing of this Act. The Appellate Court shall have jurisdiction to hear and determine every such appeal, and to make such order as the circumstances may require. Every such appeal shall be subject in all respects to the Rules of Court.

(2) The Appellate Court, in the exercise of the jurisdiction hereby conferred, may amend, vary, or cancel any partition or other order made by the Court or by the Appellate Court which it considers ought to be amended, varied, or cancelled.

(3) If any order or instrument required to be amended, varied, or cancelled has been registered by a District Land Registrar, the District Land Registrar shall, upon receipt from the Registrar of the Court of a copy of the order of the Appellate Court or of a memorandum setting forth the nature of the order made by the Appellate Court, make all consequential amendments in the register.

(4) Any amendment, variation, or cancellation made under this section shall take effect as at the date thereof; but no such amendment, variation, or cancellation shall take away or affect any right or interest theretofore acquired in good faith and for value.

Enabling inquiry
as to rights in
Wharekahika
2c Block.

43. (1) The Court is hereby authorized and empowered to hear any application by or on behalf of the descendants of Tangioneone for admission to the title of the Wharekahika 2c Block, situate in the Tairawhiti Native Land Court District, and to make such order as to it seems just, including the admission into the title of such further persons (if any) as may be found to be entitled as owners, and may amend any existing order for title accordingly.

(2) The Court may readjust the shares and interest awarded to Kuratu Ngatai Mahue, Ruawhaitiri Manuariki Ngatai Mahue, and Marara Mahue in the said land, so as to provide shares for any person so found to be entitled as owner; but the shares awarded to other owners in the said land shall remain undisturbed.

(3) The Court shall not be bound by any former decision of the Court in the same matter.

44. Notwithstanding that the time for appealing against a final order of the Court dated the second day of September, nineteen hundred and twenty-seven, ascertaining the beneficial owners of the Te Ararōa Native Township has expired, any appeal against such order may be commenced by notice of appeal given in the prescribed manner within two months from the date of the passing of this Act. Every appeal shall be subject in all respects to the Rules of Court, and the Appellate Court shall have jurisdiction to hear and determine every such appeal.

Extending time for appeal from order regarding Te Ararōa Native Township.

45. (1) The Court is hereby authorized and empowered, upon the application of any person claiming to be interested if the Court is satisfied that the owners consent thereto, to make an order vesting the lands known as Tapuaeteao D1, Tapuaeteao D2, Tapuaeteao D3, and Tapuaeteao D4, forming part of the Te Ararōa Native Township, situate in the Tairāwhiti Native Land Court District, or any of them, and herein referred to as "the said land," in such persons as the Court shall decide, not exceeding seven in number, to be called "The Hinerupe Trustees" (herein called "the said trustees"), upon trust for the use, benefit, and occupation of members of the Whanau-a-Tuwahakairiora Tribe.

Court may vest part of Te Ararōa Native Township in trustees.

(2) Upon the making of an order as aforesaid, so much of the said land as is comprised therein shall cease to be a part of the Te Ararōa Native Township, and shall be freed and discharged from all right, title, and interest of the Tairāwhiti District Maori Land Board or of the present beneficial owners of the said land.

(3) Every person having any estate or interest in the said land, and who is deprived thereof or is injuriously affected by the making of an order as aforesaid, shall be entitled to compensation, provided a claim is made therefor either at the time of the making of the said order or within one month after the making thereof.

(4) The Court shall have full power, authority, and jurisdiction to ascertain and determine what amount of compensation should be paid in respect of the matters mentioned in subsection three hereof, and the person entitled to be paid such compensation, and to make an order or orders awarding the compensation to the persons entitled thereto. Any sums so awarded for compensation shall be paid by the said Maori Land Board out of the funds held by the said Board on behalf of the beneficiaries of Te Ararōa Native Township in the manner and to the persons directed by the Court.

(5) (a) The Court may from time to time, by order, appoint a new trustee or new trustees, either in substitution for or in addition to any existing trustees, and whether there is any existing trustee or not at the time of the making of the order.

(b) Any person so appointed shall, unless otherwise provided by the order, have the same powers as if appointed by the original order.

(c) The Court may at any time make an order cancelling or varying an order appointing a trustee.

(d) The powers of the trustees may be exercised by the majority of the continuing or surviving trustees for the time being: Provided such powers shall not be exercisable if and whenever less than three trustees remain to perform the trust.

Extending term of
leases in Waipiro
and Tuatini Native
Townships.

46. Whereas leases have been granted under the provisions of the Native Townships Act, 1895, and its amendments, in respect of allotments within the Native Townships of Waipiro and Tuatini, situate in the Tairawhiti Native Land Court District: And whereas the lessees under such leases had or have certain rights of renewal and otherwise: And whereas it is desired to preserve the rights and remedies of such lessees for the period hereinafter mentioned: Be it therefore enacted as follows:—

(1) Notwithstanding that, according to the tenor thereof, the term of any lease heretofore granted by the Commissioner of Crown Lands or by the Maori Land Board in respect of land situate in either of the said Native townships will or may have expired by effluxion of time between the thirty-first day of December, nineteen hundred and twenty-four, and the first day of October, nineteen hundred and twenty-nine, such lease shall for all purposes be deemed to be extended to the first day of October, nineteen hundred and twenty-nine, upon the same terms and conditions as to payment of rent or otherwise, and the enforcement thereof, as are contained in such lease: Provided that this section shall not apply to any lease which, having expired since the thirty-first day of December, nineteen hundred and twenty-four, has been heretofore renewed.

(2) Any notices and acts required to be given and done during the continuance of the term of any such lease for obtaining or securing a renewal of the lease, or in obtaining or making valuations, or in fixing the terms and conditions of rentals and otherwise, may be given and done within such extended term.

(3) Notwithstanding such extension a tenant may elect to accept a renewed lease, and the Maori Land Board may grant such renewed lease accordingly. In the event of any of the leases herein referred to being hereafter renewed, such renewal shall take effect as from the date of expiration by effluxion of time of the former lease, and, if the rent is increased under such renewed lease, the difference between such increased rent and that payable under the former lease shall be paid to the Maori Land Board for or on behalf of the beneficiaries entitled thereto.

(4) Nothing herein contained shall prevent the Maori Land Board from taking steps during the extended term of the lease regarding any breach of the conditions or covenants of any lease, and a breach committed or permitted during the extended term shall have the same effect and consequences as if it had been committed or permitted during the term granted by the lease.

(5) This section shall not affect the title of the Maori Land Board in any case where it has heretofore re-entered into possession of the land comprised in any lease, either under the provisions contained in the lease or by reason of the surrender or abandonment of the lease.

47. (1) The Court is hereby authorized and empowered, upon the application of any person interested made within three months after the coming into operation of this Act, to rehear the proceedings upon investigation of title of the Mangahauini Block, situated in the Tairawhiti Native Land Court District, but only in so far as the part of the land now known as Mangahauini 7A is concerned or affected.

Authorizing
rehearing of
investigation of
Mangahauini 7A
Block.

(2) The Court may either confirm the order of the Appellate Court conferring title to the said land, or it may by its order amend such order by specifying the persons found by the Court to be entitled thereto, and may redefine the relative interests of the owners, and such amendment shall take effect as from the date of the order so amended.

(3) Every order made under this section, except an order confirming the former decision, shall be subject to appeal to the Appellate Court.

(4) All orders heretofore made not in conflict with the order of the Court made under this section, including any order of incorporation, shall be deemed to be validly made, and shall continue to be of full force and effect. The Court may make all consequential amendments that may be required by reason of any order made under the provisions of this section.

(5) No amendment made under this section shall take away or affect any right or interest acquired in good faith and for value before the making of the amendment.

48. (1) Upon application made to the Court within six months after the passing of this Act, the Court may rehear the applications whereon are founded succession orders dated the second day of October, nineteen hundred and twenty-five, made in respect of the interests of Ereti Amaru, late of Tolaga Bay (deceased), in the lands known respectively as Kopuni, Mangatuna E, and Mangaheia 2D Blocks, situate in the Tairāwhiti Native Land Court District.

Directing rehearing
of succession to Ereti
Amaru, deceased.

(2) The Court may upon such rehearing affirm, vary, or annul its former determination and may exercise any jurisdiction which it might have exercised on the original hearing and as if the provisions of subsection three, paragraph (a), of section one hundred and thirty-nine of the principal Act were then in force and applied to the determination of such succession and, notwithstanding anything in this Act, the provisions of that subsection shall extend to the cases herein mentioned.

(3) The Court, if it thinks it expedient, may make an order including the person already appointed successor as a successor or part successor to some one or more of the deceased's interests in the said lands.

(4) If a successor appointed under any of the said orders of the second day of October, nineteen hundred and twenty-five, has made improvements upon the lands affected, the Court may impose a charge upon the interest of the new successor in favour of the successor appointed under that order for such sum as it shall consider fair and reasonable.

(5) The interests in land mentioned in subsection one hereof shall be inalienable other than to the Crown for a period of six months from the date of the passing of this Act, and the proceeds of any alienation thereof or compensation-money held by the Native Trustee or the Maori Land Board or by any person, either on behalf of the estate of the deceased or for his successor, shall not be paid out to the person claiming to be entitled thereto during such period of six months except upon an order of the Court directing payment to be made.

(6) Nothing in this section contained shall take away or prejudicially affect any interest heretofore acquired in good faith or for

value, nor shall it prevent the completion, confirmation, or registration of any instrument of alienation of the said interests in land executed in pursuance of a valid contract heretofore made.

Enabling
adjustment of
accounts of
beneficiaries under
the East Coast
Native Trust Lands
Act, 1902.

49. (1) Notwithstanding anything to the contrary contained in the East Coast Native Trust Lands Act, 1902, or any other Act, the Court may reopen and review and readjust as between the beneficiaries or groups of beneficiaries interested any accounts of the trust estate created under the said Act heretofore agreed upon, settled, or confirmed by the Court, or by any person having control and management of the said trust estate, which in the opinion of the Court should be reopened, reviewed, or readjusted.

(2) The Court may, in its discretion, direct the East Coast Commissioner appointed under section twenty-two of the Maori Land Claims Adjustment and Laws Amendment Act, 1906, to write off and discharge in respect of the accounts of the properties under his control any sums charged or paid for simple or compound interest, or any part thereof; or to alter, amend, or adjust such accounts which in the opinion of the Court should be so dealt with.

(3) The Court may for the purpose of adjusting the accounts of respective groups of beneficiaries direct the East Coast Commissioner to write off and discharge any liability against any land comprised in the trust estate which in the opinion of the Court should be so written off or discharged.

(4) If the Court is satisfied that it is in the interests of the trust estate so to do, it may, by order, give leave to the East Coast Commissioner to sell at the best price obtainable any land forming part of the trust estate which is non-revenue producing and unlikely to be a profitable source of income to the trust estate.

(5) The East Coast Commissioner shall be deemed to have full power and authority to act in accordance with every order of the Court made under this section; and the East Coast Commissioner in so acting shall be deemed to have discharged his duty as a trustee, except in the case of fraud, or wilful concealment, or misrepresentation by the East Coast Commissioner, in obtaining such order.

(6) Nothing in this section shall prejudicially affect any payment which has been made in good faith by any person prior to the making of an order under the provisions of this section.

(7) Notwithstanding the provisions of this section, the East Coast Commissioner shall not proceed to sell, except to the Crown, any of the lands vested in him as such Commissioner, without first obtaining the approval of the Native Minister in writing to the sale of such land.

(8) Section one hundred and nine of the Native Land Amendment Act, 1913, shall, notwithstanding anything in section one hundred and seventeen of that Act to the contrary, apply to any land in respect of which an order giving leave to sell the same has been made under subsection four of this section, and any such land may be purchased by the Crown at a price to be agreed upon between the East Coast Commissioner and the Native Land Purchase Board.

(9) Section twenty-eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, is hereby repealed.

50. Whereas the land situate in the Tairawhiti Native Land Court District, known as Subdivision 1 of Mangatu No. 1 Block, being the land comprised and described in certificate of title, Volume 63, folio 105, of the Gisborne Registry, hereinafter called the said land, was, under the circumstances set forth in section forty-seven of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, vested in certain trustees for the benefit of the beneficiaries named in the said section forty-seven (hereinafter called the Wi Pere Trust): And whereas by virtue of an Order in Council made under the provisions of section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1917, the East Coast Commissioner named therein is now seized of the estate and interest mentioned in the said section seven: And whereas it is desirable to enable arrangements made between the Wi Pere Trust and the East Coast Commissioner to adjust differences which have arisen between the respective estates to be carried out: Be it therefore enacted as follows:—

Authorizing
arrangements
between East
Coast
Commissioner
and Wi Pere
Trust to be given
effect to.

(1) On the application of the East Coast Commissioner the Court is hereby authorized and empowered (subject as hereinafter mentioned) to make an order vesting the said land in the East Coast Commissioner for an estate of freehold in fee-simple, and thereupon the said land shall vest accordingly and shall be held subject to the same powers, authorities, and discretions as are referred to in the said section seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1917, and upon trust for the same persons as are now entitled to the beneficial ownership of the balance of the Mangatu No. 1 Block mentioned and described in the Mangatu No. 1 Empowering Act, 1893, as the same may be affected by any order made under the provisions of section six of the Native Land Amendment and Native Land Claims Adjustment Act, 1917, and of this section. An order made under this section shall be registered by the District Land Registrar.

(2) The Court may by such order, or by any other order, direct that the East Coast Commissioner shall pay to the trustees of the Wi Pere Trust such sum as the Court approves and as may be arranged between the said trustees and the East Coast Commissioner, and the East Coast Commissioner may pay the sum so directed to be paid. Any order made hereunder may be enforced as an order within the ordinary jurisdiction of the Court.

(3) No order made hereunder shall be effective as against a mortgagee of the said land until and unless the mortgagee consents to such order or has arranged for apportionment or discharge of the mortgage so far as the said land is concerned.

(4) Upon an order being made under subsection one hereof the said land shall be deemed to cease to be subject to all and every of the trusts of the Wi Pere Trust as set forth in section forty-seven of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, or in the deeds therein mentioned, or in any amended or substituted deed, or to any fresh or altered trusts declared as referred to in the said section forty-seven.

(5) By the same or any subsequent order the Court may direct the list of beneficial owners of the Mangatu No. 1 Block vested in the East Coast Commissioner (including the said land if and when it shall be

vested in the East Coast Commissioner) to be amended by deleting from such order the name or names of such persons as it shall find to be entitled as beneficiaries under the Wi Pere Trust to the intent that they and each of them shall cease to be entitled to any interest thereunder and that the shares and interests of such persons shall vest in the remaining beneficial owners of the Mangatu No. 1 Block in the shares and interests in which they are now entitled. From the date of the making of an order under this subsection the persons named in such order shall, with regard to the interests held by them at that date, be deemed to be no longer beneficial owners of the said Mangatu No. 1 Block or of the said land.

(6) The Court may, by order, impose any terms and conditions which it thinks ought to be imposed in giving effect to the provisions of this section, and from time to time may amend, vary, or cancel the terms and conditions so imposed, or any of them.

(7) Any of the parties may apply to the Court for direction regarding any matter arising out of this section, or the proceedings or dealings thereunder, and any person acting under the direction of the Court shall be deemed to have discharged his duty as a trustee in the subject-matter of such application.

Authorizing disposal
to Gisborne Harbour
Board of Sections 35
to 39, Kaiti, and
creation of trust
fund.

51. Whereas the land known as Kaiti Blocks numbered 35, 36, 37, 38, and 39, situate in the Borough of Gisborne, and comprised and described in certificate of title, Volume 22, folio 86, of the Gisborne Land Registry (herein called "the said land"), was by order of the Native Land Court vested in certain Native owners upon trust for the purpose of a Native village, the actual beneficiaries under such trust being unascertained: And whereas by reason of the proximity of harbour-works at present being undertaken by the Gisborne Harbour Board (herein called "the said Harbour Board") under its powers in that behalf, the said land is rendered unsuitable as a site for a Native village: And whereas part of the said land has been acquired by the said Harbour Board under the provisions of the Public Works Act, 1908, and it is necessary and expedient that the said Harbour Board should acquire for its purposes the residue of the said land: And whereas the Tairāwhiti District Maori Land Board (herein called "the said Maori Land Board"), purporting to act for and on behalf of the beneficiaries of the trust under which the said land is held, has, as agent of such beneficiaries, entered into an agreement with the said Harbour Board, dated the twelfth day of October, nineteen hundred and twenty-seven, for the disposition of the said land and for the settlement of claims to compensation therefor and payment thereof: And whereas it is desirable, owing to the peculiar circumstances of the case, that the terms of the said agreement should be given effect to as hereinafter appears: Be it therefore enacted as follows:—

(1) (a) The said land shall as from the passing of this Act be and be deemed to be vested in the said Harbour Board for an estate of freehold in fee-simple freed and discharged from the Native title and all trusts affecting it.

(b) The District Land Registrar is authorized and directed to cancel certificate of title, Volume 22, folio 86, of the Gisborne Land Registry,

and to issue a new certificate of title in the name of the said Harbour Board for the land thereby affected.

(2) In addition to the powers conferred upon the said Harbour Board by any Act, and notwithstanding any of the provisions of the Harbours Act, 1923, or any other Act to the contrary, the said Harbour Board may and it is hereby expressly authorized and empowered—

(a) To dispose of any part of the said land by way of sale or exchange or in liquidation of compensation for any other land taken or acquired by the said Harbour Board for the purposes for which the said Harbour Board could take or acquire land; and it shall not be necessary to comply with the provisions of sections thirty to thirty-two of the Public Works Act, 1908, in respect of such land:

(b) To do all such acts, matters, and things upon or in connection with the said land as may be necessary or advisable in the opinion of the said Harbour Board to settle any claims made by the owners of or other persons having estate or interest in adjoining or contiguous land taken or acquired by the said Harbour Board, and to pay the cost thereof out of the loan-moneys hereinafter referred to.

(3) (a) The said Harbour Board shall, within thirty days after the passing of this Act, pay to the said Maori Land Board out of loan-moneys raised by the said Harbour Board under powers conferred by the Gisborne Harbour Board Enabling Act, 1919, the sum of ten thousand pounds (herein called "the said fund"). The said sum of ten thousand pounds shall be deemed to be in full satisfaction of all claims against the said Harbour Board in respect of the said land, whether for compensation for the portion taken under the Public Works Act, 1908, or as purchase-money for the said land vested by this section in the said Harbour Board, and it shall not be necessary to take any action or make any order under section ninety-one of the Public Works Act, 1908, in respect of such compensation.

(b) The said Harbour Board will, at its own expense, when called upon by the said Maori Land Board so to do, remove and re-erect upon some other suitable site to be approved, and provided in that behalf by the said Maori Land Board, the monument now standing and being on Kaiti Block No. 35. Should the said Harbour Board refuse or neglect to remove the said monument when called upon to do so by the said Maori Land Board, the said Maori Land Board may, by its agents, servants, and workmen, enter upon the said premises and remove the said monument, and the cost of removing and re-erecting the same shall be a debt due by the said Harbour Board to the said Maori Land Board and be recoverable accordingly. Any building standing upon the said land at the date of the passing of this Act may, notwithstanding that such building is affixed to the soil, be removable by the person claiming the same, provided it be so removed within sixty days after the passing of this Act or such further time as the said Harbour Board may in its discretion allow. It shall be deemed to be within the power of the said Harbour Board, out of the said loan-moneys, and the Maori Land Board, out of the said fund, to make a payment for or towards the cost of removing any such building or settling any claim arising in that respect.

(c) If default is made by the said Harbour Board in paying the said sum of ten thousand pounds or any part thereof within the time limited by this subsection, the said Harbour Board shall be chargeable with interest upon so much of such money as remains unpaid at the rate of six pounds per centum per annum calculated from the expiration of the time so limited until payment.

(4) (a) The said fund shall be held by the said Maori Land Board in trust for the persons who would have been entitled to the benefit of the trust under which the said land was held.

(b) The said Maori Land Board may expend the said fund or any part thereof in purchasing land for a new village-site, and shall hold the land so purchased upon the same trust as that under which the said land was held.

(c) The Court shall have power to appoint an advisory committee of Natives, not exceeding five in number, to confer with the said Maori Land Board in the administration of the trust, but the advice or direction of the said advisory committee shall not be binding upon the said Maori Land Board.

(d) The Maori Land Board or any person claiming to be beneficially interested may apply to the Court for the direction of the Court on any question respecting the management or administration of the said fund or of any property acquired with any part of the proceeds of the said fund. The said Maori Land Board acting upon the direction or order of the Court shall be deemed to have discharged its duty as a trustee in the subject-matter of the application.

(e) In all questions arising out of the said trust and the disposal of the said fund or any other of the trust property the Court shall have and may exercise the same powers and jurisdiction with regard to and in respect of the said trust as the Supreme Court would be entitled to exercise in any such case.

(5) The said Maori Land Board shall have full power to invest the said fund or any part thereof in accordance with its ordinary powers of investment, either as part of its common-fund investments or upon some one or more specific investments, and may apply the said fund and the trust property and all income arising therefrom, together with all accumulations thereof, including the income of such accumulations, for the following purposes, namely:—

- (a) Defraying the cost of administration of the trust property by the said Maori Land Board, including a fair and reasonable charge for commission :
- (b) Paying all expenses incurred in the lawful administration of the trust :
- (c) Paying all rates, taxes, and other assessments and outgoings payable in respect of the trust property :
- (d) Insuring the trust property against fire :
- (e) Paying the principal and interest of all charges upon the trust property :
- (f) Keeping in repair any buildings, fences, or other structures forming part of the trust property :

- (g) Erecting buildings, fences, and other structures on any land forming part of the trust property, and making any other improvements of that property :
- (h) Managing any such land as a farm, or carrying on any agricultural or pastoral business thereon :
- (i) Assisting, subject to the order of the Court, any religious, charitable, or educational purpose for the benefit of Natives, or such other purpose as may be approved of by the Native Minister, including the making of contributions to the Maori Purposes Fund Control Board or the Board of Maori Ethnological Research.

52. (1) The Court is hereby authorized and empowered, upon an application lodged not later than ^{eighteen} six months after the passing of this Act, to inquire into and determine what persons (if any) ought to be included, in addition to those already included, as beneficial owners in the orders made by the Court upon the investigation of the title of the lands referred to in subsection six hereof.

Authorizing inquiry as to beneficial owners of Hinewhaki West and other blocks.

Refer: 1928 Inset.

(2) (a) If the Court finds that any additional persons are entitled to be included as beneficial owners of the said lands or any of them it may, by order, admit such persons into beneficial ownership of the land to which they are so found entitled, and may redefine the relative interests of the beneficial owners (including any further or additional owners admitted under this section).

(b) The Court may amend the title to any such land so as to include as beneficial owners therein such further or additional persons as are admitted to beneficial ownership, or make such order as the circumstances may require.

(3) In ascertaining the persons entitled to be included in the beneficial ownership of any of the said lands the Court shall not be bound to regard any former decision of the Court or Appellate Court in respect of such land, but shall proceed as nearly as may be as if the Native customary rights of the parties still existed.

(4) The Court may, in defining the relative interests of the beneficial owners of any of the said lands, take into consideration any circumstances which in its opinion might be fairly considered in defining such relative interests, although the Court may not be acting strictly in accordance with Native customary rights.

(5) No order made hereunder shall affect the title of the Tairawhiti District Maori Land Board to the said lands, or take away or affect any interest in the said lands or any of them heretofore acquired in good faith and for value ; but all rights to which the former beneficial owners are entitled by contract or otherwise at the date of such order shall pass to and enure for the benefit of the beneficial owners, inclusive of those found by order under this section to be entitled.

(6) This section shall apply to the following lands, situate in the Tairawhiti Native Land Court District, and vested in the Tairawhiti District Maori Land Board, namely :—

- (a) The Hinewhaki West Block. (also sometimes called Hinewhaki No. 2 Block), comprised and described in certificate of title, Volume 61, folio 230, of the Hawke's Bay Land Registry.

(b) The Ohuia No. 3 Block, comprised and described in certificate of title, Volume 52, folio 100, of the Hawke's Bay Land Registry, and being portion of the land formerly known as Ohuia No. 2 Block.

(c) The Ohuia No. 4 Block, comprised and described in certificate of title, Volume 52, folio 101, of the Hawke's Bay Land Registry, and being portion of the land formerly known as the Ohuia No. 2 Block respectively.

Permitting
ascertainment of
equitable owners of
Tutuotekaha No. 4
Block.

53. (1) The Court is hereby authorized and empowered to exercise in respect of the land situate in the Tairawhiti Native Land Court District and known as the Tutuotekaha No. 4 Block the jurisdiction conferred upon the Court by Part V of the principal Act, and the Court may proceed to exercise such jurisdiction without the necessity of being authorized by Order in Council so to exercise the same in respect of the said land.

(2) The said jurisdiction may be exercised notwithstanding any provision of the principal Act or any other statutory provision which may but for the provisions of this section prevent the order of the Court or the title of the nominal owners being called in question.

Directing rehearing
of succession to
Papa Mauroa Tutu,
or Pera, deceased.

54. (1) Upon application made to the Court within six months after the passing of this Act the Court may rehear any application whereon is founded a succession order dated the second day of October, nineteen hundred and twenty-six, in respect of the interests of Papa Mauroa Tutu, or Pera, late of Hawke's Bay, deceased, in the Tutira, Awa-o-totara, and Arapawanui Blocks.

(2) The Court may upon such rehearing affirm, vary, or annul its former determination, and may exercise any jurisdiction which it might have exercised on the original hearing as if the provisions of subsection three (a) of section one hundred and thirty-nine of the principal Act were then in force and applied to the determination of such succession, and notwithstanding anything in this Act contained that subsection shall extend to the cases mentioned in subsection one hereof.

(3) The Court, if it thinks it expedient, may make an order including the person already appointed successor as a successor or part-successor to some one or more of the deceased's interests in the said lands.

(4) If a successor appointed under the said order of the second day of October, nineteen hundred and twenty-six, has made improvements upon the land affected, the Court may impose a charge upon the interest of the new successor in favour of the successor appointed under that order for such sum as it shall consider fair and reasonable.

(5) The interests in land mentioned in subsection one hereof shall be inalienable, other than to the Crown, for a period of six months from the date of the passing of this Act, and the proceeds of any alienation thereof or compensation-money held by the Native Trustee, or the Maori Land Board, or by any person, either on behalf of the estate of the deceased or for his successors, shall not be paid out to the person claiming to be entitled thereto during such period of six months except upon an order of the Court directing payment to be made.

(6) Nothing in this section contained shall take away or prejudicially affect any interest heretofore acquired in good faith or for value, nor

shall it prevent the completion, confirmation, or registration of any instrument of alienation executed in pursuance of a valid contract heretofore made.

55. Whereas Mohi Nicholson and Wiki Ngakura, the owners of the land hereinafter described, desire to cede such land to the Crown as a gift for scenic and historical purposes: Be it therefore enacted as follows:—

Enabling Crown to
accept gift of Tutira
C Block.

(1) The Governor-General may, by Proclamation, declare the land known as Tutira C Block, containing two acres or thereabouts, situate in the Provincial District of Hawke's Bay, to be Crown land, and thereupon the land shall be deemed to be vested in His Majesty the King freed and discharged from any Native title thereto, but shall nevertheless be subject to any valid existing lease heretofore granted by or on behalf of the owners of the Tutira Block.

(2) Any Proclamation issued hereunder shall be deemed to be conclusive of its own validity, but any error that may occur in the making of any such Proclamation may be rectified or amended by the Governor-General by further Proclamation or by substituting a new Proclamation in lieu of the one alleged to be erroneous.

(3) Upon being so proclaimed the said land shall be deemed to be a scenic and historic reserve within the meaning of the Scenery Preservation Act, 1908, and shall be dealt with accordingly.

(4) Notwithstanding any provision in the Scenery Preservation Act, 1908, such land shall not be alienated or exchanged in any way: Provided that no restriction shall be imposed by this section upon dealings with any existing leasehold or other limited interest in the said land.

56. Whereas by Order in Council dated the sixteenth day of February, nineteen hundred and seven, and made under the powers in that behalf, the land known as Tangoio South Block, described in the Schedule to the said Order in Council, was declared to be vested in the Ikaroa District Maori Land Board, to be held and administered by the said Board for the benefit of the Maori owners: And whereas it is desirable that the said land shall be revested in the Native owners: Be it therefore enacted as follows:—

Revesting the
Tangoio South Block
in Native owners.

(1) The land described in the said Order in Council, and now comprised in certificate of title, Volume 74, folio 30, of the Hawke's Bay Land Registry, excepting that part described in subsection five hereof, shall upon the passing of this Act vest in the owners beneficially entitled to the several parts thereof in accordance with their respective interests, and shall cease to be vested in the said Board or to be subject to Part XV of the principal Act, and the said certificate of title shall be cancelled.

(2) From and after the passing of this Act all prior orders made by the Court in respect of the said land shall, notwithstanding the order purports to affect only the equitable estate of the person named therein, be deemed for all purposes to affect the legal estate in the said land and to take effect accordingly; and each partition order made by the Court shall constitute, without any transfer or other assurance,

the title to the parcel of land comprised therein, and may be registered and dealt with under section one hundred and fourteen of the principal Act.

(3) Any dealing or contract heretofore entered into by the said Board in respect of the said land or any part thereof may be executed, completed, and registered against the title of such portion of the said land as may be thereby affected notwithstanding that the Board has ceased to be the registered proprietor thereof, and any such dealing or contract shall have the same force and effect as if the Board had continued to be the legal owner of the land affected.

(4) All leases of and other dealings with the said land registered against the certificate of title hereby directed to be cancelled shall, as from the passing of this Act, be deemed to be determined and cease to exist.

(5) The portion of the Tangoio South Block named by the Court Tangoio South 27B, and now known as Section 4, Block III, Tangoio Survey District, which has been proclaimed to be Crown land is hereby vested for an estate of freehold in fee-simple as from the sixth day of April, nineteen hundred and twenty-seven, in Harry Arnott, of Tangoio, storekeeper, freed and discharged from any lease or underlease affecting the same. The District Land Registrar is hereby directed and authorized to issue a certificate of title for the said land in the name of the said Harry Arnott, excepting therefrom all minerals, oil, and mineral gases, and coal, and the right to mine therefor and win and get the same respectively.

Declaring part
Mangateretere East
to be European land.

57. Whereas doubts have arisen as to whether the land hereinafter described has ceased to be Native land within the meaning of the principal Act: Be it therefore enacted as follows:—

The land comprised and described in a conveyance dated the fifth day of September, eighteen hundred and eighty-five, registered Number 19517, from Nelson Brothers, Limited, to one Peni te Ua, of an area of seventy-six acres and thirty-five perches, or thereabouts, being part of the Mangateretere East Block, situate in the Hawke's Bay Land Registration District, is hereby declared to have been at and immediately prior to the date of the said conveyance European land within the meaning of the principal Act and not Native land, and the said land shall for all purposes be deemed to have continued to be European land.

Authorizing loans by
Arawa District
Trust Board.

58. (1) Notwithstanding any rule of law or equity to the contrary, the Arawa District Trust Board, constituted under section twenty-seven of the Native Land Amendment and Native Land Claims Adjustment Act, 1922, may from time to time advance money upon mortgage to a member of the said Board on the security of Native freehold land, and a member of the said Board may accept an advance so made by the Board.

(2) Notwithstanding the provisions of subsection four of section fifteen of the Native Land Amendment and Native Land Claims Adjustment Act, 1924, all the provisions of the principal Act as to confirmation and its effect, save and except the provisions of sections two hundred and thirty and two hundred and thirty-one of the Act, shall apply and extend to any mortgage to which this section applies.

(3) It shall be the duty of a Maori Land Board before granting a certificate of confirmation of any instrument of alienation by way of mortgage executed under this section to satisfy itself that the amount of the advance does not exceed three-fifths of the value of the property proposed to be mortgaged, and that in making the advance the Arawa District Trust Board is acting upon a report as to the value of such property made by a competent valuer instructed and employed independently of the owner of the property to be mortgaged, and that the advance is being made upon the advice of such valuer expressed in such report.

(4) No member of the Arawa District Trust Board shall be personally liable in damages for any act done or omitted by the Board or by any member thereof in good faith and in pursuance or intended pursuance of the authority of this section, and a member shall, so far as regards his personal responsibility, be deemed to have discharged his duty as a trustee in the matter of the application for an advance made under this section.

(5) No member of the said Board shall take part in any proceedings or vote on any resolution of the Board concerning an application for an advance in which he shall have a personal interest, nor shall a member who has applied for an advance as aforesaid attempt to influence any other member to vote in favour of the said Board making such advance, and any breach of this section shall be deemed to be an offence punishable upon summary conviction by a penalty not exceeding fifty pounds.

(6) Notwithstanding the provisions of this section, it shall not be necessary to confirm any mortgage heretofore executed by a member of the said Board in favour of the Board before the passing of this Act, and the provisions of subsection one hereof shall be deemed to apply to every such mortgage so executed before the passing of this Act.

59. Whereas the cemetery referred to in section twenty-two of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, is found to be partly situate on the land known as Okoheriki 1K North Block, and it is desirable that the area so situate be included within the limits of such cemetery: Be it therefore enacted as follows:—

Amending
boundaries of
Ngongotaha
Cemetery.

(1) The Court may make an order declaring so much of the land situate in the Waiariki Native Land Court District, and known as Okoheriki 1K North Block, as it shall find to be included within the limits of such cemetery to be a part of the cemetery referred to in the said recited section and designated the Ngongotaha Cemetery by order of the Court dated the twenty-fourth day of August, nineteen hundred and twenty-three.

(2) Upon the making of an order under this section the area of land therein described shall be added to and form part of the Rotohokahoka E Block and be excluded from the area at present comprised in the Okoheriki 1K North Block, and shall henceforth be deemed to be a part of the said Ngongotaha Cemetery and be subject to the provisions of the said recited section and all rules and regulations issued thereunder as fully and effectually as if it had been mentioned in the said recited section or in the order of Court of the twenty-fourth day of August, nineteen hundred and twenty-three.

(3) The Court and the District Land Registrar are hereby authorized to make all consequential and necessary amendments in the respective titles of the said lands.

(4) Any person or persons claiming to be injuriously affected by reason of the exercise of the powers conferred under this section shall be entitled to compensation for such injury, and the Court is hereby authorized to hear any claim and may make such order as to it seems just, determining the amount of compensation payable, and the persons to and by whom the same shall be paid respectively, and, if necessary, may grant a charge over any land for the purpose of securing payment of such compensation.

Enabling the rights
of Pi (deceased) to be
determined.

60. (1) Upon the application of any person made within six months after the passing of this Act, the Court is hereby authorized and empowered to hear and determine any claim alleging the right of Pi (since deceased) to be admitted into any title issued by the Court in respect of land situate in the Provincial District of Canterbury.

(2) If the Court finds that the name of the said Pi should have been included in any such title, the Court may order that either that name or the names of her representatives be included in any such title, and may amend the list of names and adjust the relative interests as the circumstance shall require.

(3) No order made hereunder shall prejudicially affect any alienation of the land or any interest therein theretofore made.

Amending title to
Lot 13A, Block B,
Otago Heads Native
Reserve.

61. Whereas by the Otago Heads Native Reserve Road Act, 1908, the position, boundaries, and sectional lines of the various allotments of the land referred to in that Act were altered and defined: And whereas no provision was made in the said Act for the amendment of the title of the land formerly granted to Octavius Harwood, and now known as Lot 13A of Block B, Otago Heads Native Reserve: Be it therefore enacted as follows:—

(1) The area of land, containing three roods eight perches or thereabouts, shown as Lot 13A of Block B of the Otago Heads Native Reserve (or Otakou Native Reserve) on plan deposited in the office of the Chief Surveyor at Dunedin as Number O. 170 shall be deemed to represent the land comprised and described in Crown grant dated the tenth day of February, eighteen hundred and fifty-four, and registered in the Deeds Office at Dunedin as Number 79932; and the said Lot 13A, as shown on plan Number O. 170 shall vest in the person for the time being entitled to the land described in the said Crown grant, and the said Crown grant shall be deemed to be amended and to take effect as if it comprised the land herein described.

(2) The Registrar of Deeds shall, free of charge, register a memorial of this Act against the land contained in such Crown grant.

Title to issue for
Arahura Native
Reserve (including
river-bed within
Reserve).

62. (1) The District Land Registrar for the Land Registration District of Westland is hereby authorized and directed to issue, in respect of the land situate in the said district and known as Arahura Native Reserve No. 30 (hereinafter called "the said reserve"), including so much of the bed of the Arahura River as is situate within the boundaries of the said reserve, one or more certificates of title vesting the said land (with the exceptions hereinafter mentioned) in the Native Trustee to be held by him as a Native reserve under and subject to the provisions

of the Native Reserves Act, 1882, and the Westland and Nelson Native Reserves Act, 1887, and their amendments.

(2) A certificate of title issued hereunder shall not include any land to which a certificate of title has been heretofore issued, nor any land affected by an order of the Court made under section twenty-six of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, nor such portion of the said reserve or river-bed as may have been taken under the provisions of any Act for a road or public work.

(3) Nothing in the provisions of section two hundred and six of the Coal-mines Act, 1925, or of section twenty-six of the Native Land Amendment and Native Land Claims Adjustment Act, 1919, shall apply to so much of the bed of the Arahura River as is hereby directed to be included in a certificate of title issued hereunder.

63. (1) The Chief Judge is hereby authorized to refer to the Native Land Court, or to a Judge or Commissioner thereof, for inquiry and report, the claims and allegations made by the petitioners in the petitions mentioned in the First Schedule hereto.

Chief Judge may refer matters in First Schedule for report.

(2) The Chief Judge may, upon such inquiry and report, make to the Native Minister such recommendation in any case as appears to accord with the equities of the case.

(3) The report and recommendation under this section shall be laid before Parliament on as early a date as possible, and shall stand referred to the Native Affairs Committee of the House of Representatives.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

PETITIONS TO BE REFERRED TO THE NATIVE LAND COURT, OR A JUDGE OR COMMISSIONER THEREOF.

1. PETITION No. 50, of 1927, of Kaka Porowini: Praying that inquiry be made as to the quantity and value of timber on the Mangakowhara Block at the time of sale, and that the Native owners be paid therefor.
2. Petition No. 13, of 1927, of Te Paea Paro (Sophia Barlow): Praying that her claims to succeed to Matira Toha, deceased, in Mangere, Lots 3, 7, 13, and 15, and Lot 243, Waikomiti, be recognized.
3. Petition No. 53, of 1927, of Te Hina te Tua and 8 others: Praying for a rehearing in connection with Kauangaroa Nos. 3F, 3C, and 3E Blocks.
4. Petition No. 62, of 1927, of Te Huna Paewai and others: Petitioners claim to be the lawful descendants of the deceased owner in Kauangaroa No. 3 Block, and pray for inclusion in the title and that certain persons now residing on the block be excluded therefrom.
5. Petition No. 252, of 1927, of Kepa Anaha Ehau: Praying that certain sections in the Rotorua Township be vested in Ngati-Whakaue only, and members of other tribes be removed from the title.
6. Petition No. 331, of 1927, of W. K. Wihapi: Praying that the Native Land Court may be empowered to inquire into and determine ownership of land alleged to have been erroneously included in the Bay of Plenty Confiscated Lands District, and which is claimed to belong to the Arawa Tribe.
7. Petition No. 284, of 1927, of Ngapine Ruri: Praying for an inquiry into the succession to Timotuha Ruri Hareti, deceased, in order to ensure the claims of Wiremu Williams, an adopted child, being recognized.

8. Petition No. 300, of 1927, of Maora Mawhata : Praying that the Native Land Court may be empowered to inquire into her claims to Tokomaru B No. 7 Block.
9. Petition No. 128, of 1927, of Paetai Kaimoana : Praying for a rehearing in connection with the Kopua C Block.
10. Petition No. 257, of 1927, of Te Amo Koukou Papatatu : Praying for relief in regard to losses incurred through an alleged mistake by the Native Land Court in partitioning of the Aranui Block.
11. Petition No. 291, of 1927, of Emere Poraumati and 2 others : Praying for rehearing as to individual interests in Utuhina Block.
12. Petition No. 48, of 1927, of W. D. Barrett and 37 others : Praying that the use of set-nets for catching whitebait in the Ashley River may be made illegal.
13. Petition No. 57, of 1927, of W. Genet and 36 others : Supporting the petition of the Natives as to making the use of set-nets to catch whitebait illegal on the Ashley River.
14. Petition No. 107, of 1927, of Charles Stevens : Claiming the Titi Island, known as Poho-o-tai-area, or Women's Island.
15. Petition No. 261, of 1927, of Raheara Muriwai Mutu Morrison and 2 others : Praying for inclusion of Te Hore and Ngaki or their descendants in the Native reserves in the Cobden Township.

SECOND SCHEDULE.

SECTION	Area.		
		A.	R. P.
393, Whangamarino Parish	662 0 10		
" 512,	364 3 28		
" 87, Tamahere Parish	10 1 21		
" 88,	1 0 9		
" 89,	0 3 38		
" 139A,	19 0 34		
" 140A,	27 1 23		
" 142A,	72 0 6		
" 144A,	20 0 0		
" 146A,	45 0 35		
" 155,	49 1 3		
" 165 to 226, Tamahere Parish (inclusive)	875 1 9		
" 222, Taupiri Parish	55 1 0		
" 224,	48 0 0		
" 225,	31 3 24		
" 237,	50 2 32		
" 254,	15 1 24		
" 293,	69 3 13		
" 294,	85 0 8		
" 295,	11 3 0		
" 402,	100 0 0		
" 403,	100 3 17		
" 161, Matata Township	0 1 0		
" 144, Pepepe Parish	24 1 0		

All that part of Lot 145A, Tamahere Parish, situated in the Auckland Land District, containing by admeasurement 33 acres 1 rood 30 perches, more or less, being the southern portion of that lot, cut off by a line running from peg VI at the road-angle on eastern boundary to peg X on the western boundary: as more particularly shown on Plan 3300 (blue), deposited in the office of the Chief Surveyor at Auckland.

All that area of land in the Auckland Land District, situated in Blocks I and V, Maramarua Survey District, containing by admeasurement 608 acres, more or less: bounded towards the north by the Waikato River; towards the north-east by Lot 78, Onewhero Parish; towards the south-east, south, and south-west generally by a road, Lot 162, Onewhero Parish, and the Oruarangi Creek; and to the west by Allotment 2 of Lot 54, Onewhero Parish.

THIRD SCHEDULE.

SECTION				Area.		
				A.	R.	P.
304,	Whangamarino Parish	..	..	36	0	0
..	268, Pukete Parish	..	..	2	1	13
..	274,	..	..	0	3	39
..	98, Onewhero Parish	..	..	19	0	0
..	240, Taupiri Parish	..	..	43	2	24
..	375,	..	..	50	0	0
..	131, Komakorau Parish	..	..	100	0	0
..	120, Awhitu Parish	..	..	5	0	8
..	95, Waiuku West Parish	..	..	31	0	31
..	131,	..	..	29	0	0
..	68, Waitara Parish	..	..	51	0	0
..	73, Block VIII, Katikati Survey District	..	..	196	1	0
..	50, Te Mania Parish	..	..	100	0	0

All that piece of land, situated in the Auckland Land District, being part of Lot 441, Whangamarino Parish, and containing by admeasurement 33 acres, more or less: bounded toward the east by a line, 11 chains long, on a bearing of $340^{\circ} 30'$, commencing at peg XLIII on the west boundary of the lot; toward the north by a line, 30 chains long, at right angles to the eastern boundary; toward the west by a line parallel to the eastern boundary; and toward the south by the boundary of the original lot: as shown more particularly on Plan 5163 (blue), deposited in the office of the Chief Surveyor at Auckland.

All that part of Lot 145, Tamahere Parish, situated in the Auckland Land District, containing by admeasurement 29 acres 1 rood 7 perches, more or less, being the Northern portion of the lot cut off by a line running from peg VI at the road-angle on eastern boundary to peg X on the western boundary: as more particularly shown on Plan 3300 (blue), deposited in the office of the Chief Surveyor, Auckland.

Refer 1930 Inset