

## NATIVE PURPOSES BILL.

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### EXPLANATORY NOTES.

Clause 3: Section 11 of the Native Purposes Act, 1933, empowers the Court to make an order vesting the Otorohanga Native-school site in the Natives. The beneficial owners practically comprise a whole sub-tribe, and they desire the land to be used as a sports-ground. This clause empowers the Court to vest the land in trustees upon such trusts for the benefit of Natives as the Court may deem expedient.

Clause 4: The Bank of New Zealand is mortgagee in possession of certain leasehold and undivided freehold interests in Native lands in the Raetihi district. The purchase of the lands by the Crown was commenced for the purpose of enabling the Bank to acquire the freehold for cash, but was subsequently discontinued at the request of the Lands Department. It is now desirable to enable the Bank to acquire and hold those undivided interests already purchased by the Crown, and any further interests it may acquire direct from the Native owners, and also two blocks of European land being worked in conjunction with the leaseholds.

Clause 5: Questions have arisen as to whether or not Section 141, Block VII, Carlyle Survey District (Crown land), was intended to be included in the Waitotara Reserve and whether or not that reserve should be vested in persons other than the representatives of the original grantee, Taurua. This section authorizes the Court to go into the points at issue, with power to make orders (including an order vesting either or both parcels or any part thereof in one or more trustees) if the circumstances of the case so require.

Clause 6: A claim has been set up, by way of petition and otherwise, that the trust which was found by the Court, in exercise of the jurisdiction conferred upon it by section 38 of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, to exist in respect of the Oturei and Okapakapa Blocks, exists in the case of Lot 44, Parish of Kopuru. This section authorizes the Court to inquire into the ownership of that land and to make such orders as may be found to be necessary to give effect to its findings.

Clause 7: The school-site is not required for the purpose, and this section enables the land to be re-vested in the Native owners.

Clause 8: This section, which gives effect to recommendations made by the Native Affairs Committee on several petitions, authorizes the Court to inquire into the appointment of the representatives or successors of certain deceased persons interested in the Nelson "Tenth", and to make such amendments of the Court's records as may be found to be necessary to carry out its determinations.

*Right Hon. Mr. Savage.*

## NATIVE PURPOSES.

### ANALYSIS.

Title.	
1. Short Title.	
2. Provisions of Native Land Act, 1931, to apply to this Act.	6. Authorizing inquiry into ownership of Lot 44, Parish of Kopuru.
	<i>Tokerau District.</i>
<i>Waikato-Maniapoto District.</i>	
3. Amending section 11 of the Native Purposes Act, 1933.	7. Revesting Whaiti-Kuranui 2D school-site in Natives.
	<i>Waiariki District.</i>
<i>Aotea District.</i>	
4. Enabling the Bank of New Zealand to acquire certain lands notwithstanding Part XIII of the Land Act, 1924, and Part XII of the Native Land Act, 1931.	8. Authorizing inquiry as to certain interests in the Nelson "Tenths".
5. Authorizing inquiry as to ownership of Waioiture Reserve.	<i>South Island District.</i>
	<i>Reference of Petitions to the Court.</i>
	9. Chief Judge may refer matters in Third Schedule for report. Schedules.

### A BILL INTITULED

AN ACT to amend the Laws relating to Natives and Native Land, to adjust certain Claims and Disputes in Relation to Native Land, to confer Jurisdiction upon the Native Land Court and the Native Appellate Court, and for other Purposes. Title.

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

10    1. This Act may be cited as the Native Purposes Act, 1936. Short Title.

Provisions of  
Native Land  
Act, 1931, to  
apply to this  
Act.  
See Reprint  
of Statutes,  
Vol. VI, p. 103

2. Words and expressions used in this Act shall, unless the contrary intention appears, have the same meaning as in the Native Land Act, 1931 (hereinafter referred to as the principal Act), and the provisions of the principal Act, so far as applicable, shall extend and apply to the cases provided for by this Act in as full and ample a manner as if this Act had been incorporated with and formed part of the principal Act. 5

*Waikato-Maniapoto District.*

Amending  
section 11 of  
the Native  
Purposes Act,  
1933.  
1933, No. 50

3. Section eleven of the Native Purposes Act, 1933, is hereby amended by repealing subsections two and three, and substituting the following subsections:— 10

“(2) The Court is hereby authorized to inquire and determine in whom the said land ought to become vested, and the Court may make an order either— 15

“(a) Vesting the said land or any part thereof in the person found entitled for an estate of freehold in fee-simple, and in the case of more than one person being found entitled, then as tenants in common in the relative proportions defined by the Court; or 20

“(b) Setting apart the said land or any part thereof for some purpose for the benefit of Natives and vesting the same in one or more persons on trust to hold and administer the same for the purpose aforesaid, and the District Land Registrar is hereby authorized to issue without payment of any fee a certificate of title in favour of the said persons. 25

“(3) The Court may ascertain the ownership of the said land as if the title had not been previously investigated, and shall not be bound or restricted by any former order of the Court made in respect of that land. 30

“(4) The provisions of the Public Reserves, Domains, and National Parks Act, 1928, shall not apply to the said land.” 35

See Reprint  
of Statutes,  
Vol. VI,  
p. 1134

*Aotea District.*

4. Whereas it is desirable that the Bank of New Zealand (hereinafter referred to as the Bank) should be permitted to acquire the lands or interests in the lands hereinafter described: And whereas the Bank is precluded by law from acquiring such lands: Be it therefore enacted as follows:—

(1) Notwithstanding the provisions of Part XIII of the Land Act, 1924, or Part XII of the Native Land Act, 1931, or of any other statutory enactment or provision to the contrary, the Bank may, subject to the provisions of the last-mentioned Act as to confirmation of alienations of Native land by Natives where so required, purchase or acquire the lands described in the *First* Schedule hereto, or any share or interest therein, whether from the Crown or from any person or persons, including Natives, and may hold the same or any share or interest therein as aforesaid. The District Land Registrar is hereby empowered and directed to register a transfer or transfers of the said lands, or of any share or interest therein, to the Bank without requiring any declaration or declarations which, but for the provisions of this section, would have been so required.

(2) Where the Crown is the owner of any of the said lands, whether the same have been proclaimed Crown land or not, or of an undivided share or partial interest in any of the said lands, such lands or any undivided interest or interests therein may, with the approval of the Minister of Lands, be sold to the Bank without competition at such price as the Minister of Lands may determine, but in no case shall such price be less than the cost to the Crown of the acquisition of such lands or of such undivided interest or interests therein together with any expenses incurred by the Crown in the purchase of such lands or undivided interest or interests.

(3) Where the Minister of Lands has approved of the sale to the Bank of any of the said lands, or of any undivided interest or interests therein, it shall not be necessary to execute any conveyance or transfer to the Bank, or to register any transfer to or from the Crown,

Enabling the Bank of New Zealand to acquire certain lands notwithstanding Part XIII of the Land Act, 1924, and Part XII of the Native Land Act, 1931.

See Reprint of Statutes, Vol IV, p. 796; Vol. VI, p. 189

but upon the application of the Commissioner of Crown Lands for the Wellington Land District, together with a certificate by him that the said lands or any of them, or any undivided interest or interests therein, have been acquired by the Crown in manner aforesaid, and that the Minister of Lands has approved of their disposal under the provisions of this section, the Court may make an order vesting such lands or any of them, or any undivided interest or interests therein, in the Bank for an estate of freehold in fee-simple, and any such vesting order may be registered accordingly.

See Reprint  
of Statutes,  
Vol. IV, p. 796;  
Vol. VI, p. 192

(4) Notwithstanding the provisions of Part XIII of the Land Act, 1924, or of section two hundred and forty-eight of the Native Land Act, 1931, or of any other statutory enactment or provision to the contrary, the Bank may purchase, acquire, and hold any of the lands described in the *Second* Schedule hereto, and the District Land Registrar is hereby empowered and directed to register a transfer or transfers of such lands to the Bank without requiring any declaration or declarations which, but for the provisions of this section, would have been so required.

Authorizing  
inquiry as to  
ownership  
of Waioture  
Reserve.

5. (1) The Court is hereby authorized and empowered to inquire and determine whether or not the parcel of land known as Section 141, Block VII, Carlyle Survey District, was intended to be reserved for Natives as part of the Waioture Reserve, and if the Court finds that it was intended so to be reserved, to deal with the said land in manner provided in subsection *two* hereof.

(2) The Court shall have jurisdiction to determine whether or not the parcels of land known as part Section 84, Block VII, Carlyle Survey District (Waioture Reserve), and Section 141, Block VII, Carlyle Survey District, or either of them, or any part thereof, should be set apart for the use and benefit of the Pakakohe Native Tribe or any section of Natives, and if the Court finds that the said parcels of land, or either of them, or any part thereof, should be so dealt with, it may set apart the same accordingly, and may by order vest the same in the persons found by it to be entitled beneficially thereto for an estate in fee-simple in the relative interests defined by it. Alternatively, if the Court deems it expedient so to do, it may, without ascertaining the persons entitled beneficially to the land so set apart, by order vest the

same in one or more trustees in trust for the said Pakakohe Native Tribe or any section of Natives, to hold and administer it upon such trusts and conditions as the Court may in its order or in any subsequent orders from  
 5 time to time declare. For the purposes aforesaid, the Court may order the cancellation or amendment of any existing instrument of title, and the issue of such new instrument of title as may be necessary, and notwithstanding any provision of the Land Transfer Act, 1915,  
 10 to the contrary, the District Land Registrar may issue a certificate of title to the land comprised in any vesting order made under this subsection.

See Reprint  
of Statutes,  
Vol. VII,  
p. 1162

(3) Upon the making of a vesting order as aforesaid, the land included in such order shall become Native  
 15 freehold land within the meaning of the principal Act, and the provisions of the West Coast Settlement Reserves Act, 1892, shall not apply thereto.

1892, No. 22

*Tokerau District.*

6. Whereas, pursuant to the provisions of section  
 20 thirty-eight of the Native Land Amendment and Native Land Claims Adjustment Act, 1927, the Court inquired into the ownership of the lands known as the Oturei and Okapakapa Blocks, and determined that  
 25 persons other than the nominal owners thereof were entitled beneficially to the said lands: And whereas it is claimed that the land situate in the Tokerau Native Land Court District, known as Lot 44, Parish of Kopuru (hereinafter referred to as the said land), is held in  
 30 trust by the nominal owners thereof for the same persons as were found by the Court to be entitled beneficially to the Oturei and Okapakapa Blocks, and it is desirable that jurisdiction should be conferred upon the Court authorizing it to inquire into the ownership of the said  
 land: Be it therefore enacted as follows:—

Authorizing  
inquiry into  
ownership of  
Lot 44,  
Parish of  
Kopuru.  
1927, No. 67

35 (1) The Court is hereby authorized and empowered, upon application made in writing by any interested person and lodged within six months after the commencement of this Act, to hear and determine any claim, whether at law or in equity, to the ownership of the said

land, and, if the Court finds that persons other than the nominal owners thereof are entitled beneficially to the said land, to order the inclusion of those persons in the title to the said land in the relative interests defined by the Court either together with or in lieu of the nominal owners and to order the cancellation or amendment of any existing instrument of title and the issue of such new instrument of title as may be necessary, subject to all existing registered encumbrances. 5

(2) No order made by the Court in pursuance of the provisions of this section shall invalidate any alienation made in respect of the said land before the commencement of this Act, and all rights to which the nominal owners of the said land are entitled at the date of any order made hereunder, by contract or otherwise, shall pass to, and enure for, the benefit of the persons found to be entitled beneficially to the said land. 10 15

*Waiariki District.*

Revesting  
Whaiti-  
Kuranui 2D  
school-site  
in Natives.

7. Whereas the land hereinafter described was vested in the Crown for the purpose of a Native school and is no longer required for that purpose: Be it therefore enacted as follows:— 20

(1) The land situate in the Waiariki Native Land Court District, and known as Whaiti-Kuranui No. 2D school-site, containing three acres, more or less, being the land more particularly delineated on plan numbered 5156D red, deposited in the office of the Chief Surveyor at Auckland, shall, as from the commencement of this Act, cease to be Crown land and shall thereafter be and be deemed to be Native land within the meaning of the principal Act. 25 30

(2) The Court is hereby authorized to inquire and determine in whom the said land ought to become vested, and the Court may make an order either—

(a) Vesting the said land or any part thereof in the person found entitled for an estate of freehold in fee-simple, and in the case of more than one person being found entitled then as tenants in common in the relative proportions defined by the Court; or 35 40

(b) Setting apart the said land or any part thereof for some purpose for the benefit of Natives, and vesting the same in one or more persons on trust to hold and administer the same for the purpose aforesaid, and the District Land Registrar is hereby authorized to issue without payment of any fee a certificate of title in favour of the said persons.

(3) The Court may ascertain the ownership of the said land as if the title had not been previously investigated, and shall not be bound or restricted by any former order of the Court made in respect of that land.

(4) The provisions of the Public Reserves, Domains, and National Parks Act, 1928, shall not apply to the said land.

See Reprint  
of Statutes,  
Vol. VI,  
p. 1134

*South Island District.*

8. To give effect to the recommendations of the Native Affairs Committee of the House of Representatives upon certain petitions presented to Parliament concerning the beneficial ownership of the land known as the "New Zealand Company's Tenth", situated in the City of Nelson and the suburban districts of Moutere and Motueka (hereinafter referred to as the said land): Be it enacted as follows:—

Authorizing  
inquiry as to  
certain  
interests in  
the Nelson  
"Tenth".

(1) The Court is hereby authorized and empowered, upon application made in writing by any person claiming to be interested and lodged within six months after the commencement of this Act, to rehear the proceedings upon which the order of the Court, dated the fourteenth day of March, eighteen hundred and ninety-three, determining the beneficial owners of the said land is founded so far as such proceedings relate to the ascertainment of the representatives of the following persons, whose names are included in certain lists submitted to the Court on the twenty-fourth day of November, eighteen hundred and ninety-two, that is to say—Tana Maui, Ripeka Hikoia, Teone Ngaparu, Ritimana (Retimana) Ngaparu, Wakaupa, Wiremu Katene te Puoho, Hori te Karamu, Herewine te Roha, and Henare te Ranga (all deceased), and, so far as the Court thinks it just or proper, to rehear the proceedings upon which an order of the Court dated the eighth day of April, nineteen hundred and eleven, appointing successors to the interests of one, Huria Matenga, deceased, in the said land was made.



(2) The Court may affirm, vary, or annul any of its former determinations, and, if necessary, may amend any order of the Court heretofore made by including therein the name of any person found by it to be entitled beneficially to the said land, by deleting therefrom the name of any person found by it to be not so entitled, by redefining or readjusting the relative interests of the persons found entitled, and in such other manner as to the Court may seem necessary or expedient, and may annul any order with or without the substitution of any other order therefor. In redefining or readjusting the relative interests of the persons found by it to be entitled beneficially, the Court may, if it thinks it equitable so to do, take into consideration any interests derived by such persons as representatives of any other person whose name is included in the lists referred to in subsection *one* hereof.

*Reference of Petitions to the Court.*

Chief Judge  
may refer  
matters in  
Third Schedule  
for report.

9. (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 *Third* Schedule hereto.

(2) The Chief Judge may, upon such inquiry and report, make to the Native Minister such recommendation in any case as appears to him just and equitable.

(3) Except with the leave of the Court, it shall not be lawful for any person to alienate or otherwise deal with any land the subject of a petition mentioned in the *Third* Schedule hereto until the report and recommendation under this section shall have been considered by the Native Affairs Committee of the House of Representatives.

(4) 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.

LANDS THAT MAY BE ACQUIRED BY THE BANK OF  
NEW ZEALAND.

THE following parcels of land situated in the Wellington Land District:—

Block.	Area.			Survey District.
	A.	R.	P.	
Raetihi 3B 1 .. ..	322	2	12	Block IV, Makotuku.
Raetihi 2B 1A .. ..	79	0	37.3	Block VII, Makotuku.
Raetihi 2B 1B .. ..	238	3	23	Block VII, Makotuku.
Raetihi 2B 2c 3c 2 .. ..	338	0	6	Block VII, Makotuku.
Raetihi 2B 2c 2A 1 .. ..	107	1	8	Block VII, Makotuku.
Raetihi 2B 2c 2B .. ..	190	0	37	Block VII, Makotuku.
Raetihi 2B 3c 2 .. ..	236	0	7	Block VII, Makotuku.
Raetihi 2B 2c 3A .. ..	96	2	36	Block VII, Makotuku.
Raetihi 2B 2c 2A 2 .. ..	53	2	24	Block VII, Makotuku.

## SECOND SCHEDULE.

LANDS THAT MAY BE ACQUIRED BY THE BANK OF  
NEW ZEALAND.

THE following parcels of land situated in the Wellington Land District:—

Block.	Area.			Survey District.
	A.	R.	P.	
Raetihi 2B 1c .. ..	79	2	11.3	Block VII, Makotuku.
Raetihi 2B 1d 2 .. ..	93	1	4	Block VII, Makotuku.

## THIRD SCHEDULE.

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

1. Petition No. 203, of 1936, of Tutawa Paraeroa and others, relative to the ownership of Otautu No. 17 (Section 136, Block VII, Carlyle Survey District).

2. Petition No. 224, of 1936, of Tupito Maruera and others, relative to a certain devise under the will of Waewae Tutange, deceased.

3. Petition No. 123, of 1936, of Waaka te Arakai and others, so far as it relates to Wharewaka Reserve.