

New Zealand



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Schedule.

1944, No. 17

Title.

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 for other Purposes.
[15th December, 1944

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 Purposes Act, 1944. Short Title.

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

PART I

AMENDMENT OF LAWS

3. Where the Court allows a commission or percentage under section one hundred and eighty-five of the principal Act, in any case in which there are or have been two or more administrators or trustees, whether acting at the same time or at different times, the Court may, in its discretion, apportion the total amount allowed among the administrators or trustees in such manner as it thinks fit, and, in particular, may divide the amount in unequal shares or may make the allowance to one or more of the administrators or trustees to the exclusion of the other or others. Executors' commission may be apportioned.

4. Nothing in Part XII of the principal Act shall prevent the acquisition of any land by the Taranaki Maori Trust Board constituted under section forty-nine of the Native Purposes Act, 1931, or the Arawa District Trust Board constituted under section fifty-one of that Act, or the Tuwharetoa Trust Board constituted under section fifty-five of that Act. Part XII of the principal Act not to prevent acquisition of land by Maori Trust Boards.
1931, No. 32

5. Section forty of the Native Trustee Act, 1930, is hereby amended by repealing subsection two, and substituting the following subsection:— Operation of Native Trustee's Account.

“(2) The Native Trustee's Account shall be operated on only by cheque signed by the Native Trustee or by the Deputy Native Trustee, and countersigned by such officer of the Native Department as the See Reprint of Statutes, Vol. VI, p. 391

Native Trustee may from time to time authorize in that behalf, either generally or specially.”

Interest may be allowed on credit balances in Native housing and land-development accounts.
1935, No. 34
1936, No. 53

6. (1) Interest on the credit balance in any account kept for the purposes of the Native Housing Act, 1935, or Part I of the Native Land Amendment Act, 1936, may from time to time, with the approval of the Minister of Finance, be credited to that account, the interest to be computed in such manner and at such rate as that Minister may from time to time determine:

Provided that the rate of interest shall not exceed the rate for the time being fixed in respect of moneys deposited in the Post Office Savings-bank.

(2) Any authority given by the Minister of Finance pursuant to this section may be given either generally or with respect to any particular account or class of accounts.

(3) Any interest so credited to any account before the passing of this Act shall be deemed to have been lawfully credited thereto.

Applications and notices by Board of Native Affairs may be signed by Under-Secretary of Native Department.
1936, No. 53

7. Section fifty of the Native Land Amendment Act, 1936, is hereby amended by adding to subsection four the following proviso:—

“ Provided that any application made to the Court by the Board or any notice or notification required to be given or published by the Board may be signed by the Under-Secretary of the Native Department or by some person authorized by him in that behalf, either generally or specially.”

Order vesting land for dwelling-site in Native may be cancelled.
1941, No. 22
1938, No. 17

8. (1) Where the Court has, whether before or after the passing of this Act, made an order under section seven of the Native Purposes Act, 1941, or section twenty of the Native Housing Amendment Act, 1938, vesting in a Native or a descendant of a Native any estate or interest in land for the purposes of a site for a dwelling, and it is shown to the satisfaction of the Court that the provision of a site as aforesaid has for any reason become unnecessary, the Court may, subject to the consent of any mortgagee or encumbrancer, make an order, subject to such terms and conditions as it thinks fit, cancelling the vesting order:

Provided that this subsection shall not apply to any vesting order registered under the Land Transfer Act, 1915.

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

(2) Upon the cancellation of any vesting order as aforesaid, the estate or interest affected thereby shall revert to the former owner thereof or his successors in title, and the Court may, if it thinks fit, make an order vesting the estate or interest in the person or persons entitled thereto.

PART II

MISCELLANEOUS POWERS

Tokerau and Waikato-Maniapoto Districts

9. (1) Notwithstanding anything contained in any Act, deed, or other instrument, the Native Trustee may from time to time, with the consent of the Native Minister, out of the moneys standing to the credit of the fund in the Native Trustee's Account known as the Auckland and Onehunga Native Hostelries Account Fund (hereinafter referred to as the said fund) purchase, take on lease, or otherwise acquire any land within the Tokerau and Waikato-Maniapoto Native Land Court Districts for the purpose of providing and maintaining hostels for the accommodation of Natives or the descendants of Natives.

Native
Trustee may
provide
hostels out of
Auckland and
Onehunga
Hostelries
Account
Fund.

(2) Out of the moneys aforesaid the Native Trustee may from time to time, with the consent of the Native Minister, expend such sums as may be necessary for the erection, replacement, repair, upkeep, maintenance, furnishing, and equipping of any building on any land acquired under this section, and generally may, out of such moneys, pay all necessary outgoings in respect of any such building or land.

(3) Any land acquired by the Native Trustee as aforesaid shall, subject to the provisions of this section, be held upon the same trusts as the said fund, but may be sold, let, leased, sub-leased, or otherwise disposed of by the Native Trustee upon such terms and conditions as he thinks fit:

Provided that no such land shall be sold or leased for a term exceeding three years without the precedent consent of the Native Minister.

(4) In respect of any accommodation provided by the Native Trustee in pursuance of the provisions hereof, the Native Trustee may from time to time impose such charges as he thinks fit, and may from time to time prescribe such rules as he thinks necessary for regulating the management and control of any hostel or the conduct of the inmates thereof.

(5) All moneys arising from the disposition of any land acquired by the Native Trustee under this section, and all revenues derived from charges imposed by the Native Trustee under this section, shall form part of the said fund.

(6) The provisions of this section shall extend and apply to the land containing one rood and nine perches and eight-tenths of a perch, more or less, known as Part Allotments 10 and 11 of Section 51, City of Auckland, and that land shall be deemed to have been lawfully acquired by the Native Trustee under this section.

Waikato-Maniapoto District

Declaring
Ngataipua
No. 4 Block
to have become
Crown land.
1905, No. 44

10. Whereas pursuant to the provisions of section twenty of the Maori Land Settlement Act, 1905, the majority in value of the owners of the land situated in Blocks VII and XI, Thames Survey District, containing nine hundred and sixty-four acres and five perches, more or less, being the Ngataipua No. 4 Block, and being all the land comprised in the order of the Native Land Court registered in provisional register, Volume 80, folio 27, Auckland Registry (hereinafter referred to as the said land), executed a deed of transfer of the said land to His Majesty: And whereas a list of all owners who had not so executed the said deed of transfer, certified as correct by a Judge of the Native Land Court, was issued, and the Receiver-General received the amount of consideration due in respect of their shares or interests in the said land: And whereas it is desirable, for the purpose of completing the registration of the Crown's title to the said land

(the deed of transfer aforesaid having been lost) that the said land should be declared to have become Crown land: Be it therefore enacted as follows:—

(1) The said land is hereby declared to have become Crown land on the first day of December, nineteen hundred and seven, free from all the right, title, estate, and interest of the former Native owners or their successors in title.

(2) Any purchase-moneys held by the Crown for any of the former Native owners may be paid to a Maori Land Board on behalf of such owners, and the receipt of the Board for the moneys so paid to it shall be a good and effectual discharge to the Crown.

(3) The District Land Registrar is hereby authorized to make all such entries in or amendments to the register as may be necessary to give effect to this section.

Aotea District

11. To give effect to a recommendation made by the Native Affairs Committee of the House of Representatives upon Petition Number 19 of 1944, of Wirihana Tete and another: Be it enacted as follows:—

Permitting application for probate of will of Hira Hinekura.

Nothing contained in section one hundred and seventy-five of the principal Act shall apply to the will of Hira Hinekura, late of Wangaehu, a Native woman, and the Court is hereby authorized and empowered to hear and determine an application for a grant of probate of the said will or for succession orders in pursuance thereof if the application is made to the Court not later than six months after the passing of this Act.

See Reprint of Statutes, Vol. VI, p. 170

South Island District

12. Whereas, for the purpose of utilizing more effectively certain leasehold interests in the Nelson Native Reserve, the registered proprietor of an estate in fee-simple in those parcels of land situated in the City of Nelson, containing together two perches and six-tenths of a perch, more or less, being Lots 10 and 11 on Deposited Plan Number 3022, being parts of Section 1118 of the said City of Nelson, and being the land comprised and described in certificate of title, Volume 90,

Lots 10 and 11, D.P. 3022, Part Section 1118, City of Nelson, included in Nelson Native Reserve.

folio 51, Nelson Registry (hereinafter referred to as the said land), has transferred all his estate and interest in the said land to the Native Trustee to the intent that the said land should be held by the Native Trustee upon and subject to the same trusts and conditions as the Nelson Native Reserve aforesaid: Be it therefore enacted as follows:—

The said land shall be deemed, as from the twenty-third day of September, nineteen hundred and forty-three, to be subject to the Native Reserves Act, 1882, and the Westland and Nelson Native Reserves Act, 1887, and to form part of the Nelson Native Reserve, and shall be held by the Native Trustee for the same estate, upon the same trusts and with the same functions, powers, duties, liabilities, and engagements as if it had originally formed part of the Nelson Native Reserve, and the Native Trustee shall be deemed to have had full power and authority to include the said land in memoranda of lease registered Numbers 2764 and 2765.

General

13. (1) The Chief Judge is hereby authorized to refer to the Native Land Court, or to a Judge thereof, for inquiry and report, the claims and allegations made by the petitioners in the petitions mentioned in the 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 Schedule hereto until the report and recommendation under this section 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.

1882, No. 52

1887, No. 29

Chief Judge
may refer
petitions in
Schedule to
Native Land
Court for
report.

SCHEDULE

Schedule.

**PETITIONS TO BE REFERRED TO THE NATIVE LAND COURT OR A
JUDGE THEREOF**

1. Petition No. 9 of 1944, of Turuhira Hinetoia and another, concerning the division of the shares awarded to Hiria in the Mangatu No. 1 Block.

2. Petition No. 30 of 1944, of Hikihana Hamana and others, concerning the division of the shares awarded to the Amaru family in the Mangatu Nos. 1 and 4 Blocks.

3. Petition No. 31 of 1944, of Thomas Smiler and another, concerning the exclusion of Hineteariki Punahamoa from participation in the shares awarded under Taupara in the Mangatu Nos. 1 and 4 Blocks.

4. Petition No. 44 of 1944, of Tiki Riiti and others, concerning the ownership of the Whangara Block.
