

## New Zealand.



### ANALYSIS.

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1914, No. 63.

AN ACT to amend the Native Land Act, 1909.

[5th November, 1914.]

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 Act, 1914, and shall form part of and be read together with the Native Land Act, 1909 (hereinafter referred to as the principal Act).

2. (1.) Section four of the Native Land Amendment Act, 1913 (hereinafter referred to as the amending Act of 1913), is hereby amended by omitting the words "appointed to a district."

(2.) Subsection four of section six of the amending Act of 1913 is hereby amended by omitting the words "appointed to any other district," and by omitting the words "first mentioned."

(3.) The said amendments shall be deemed to have operated as from the thirty-first day of March, nineteen hundred and fourteen.

(4.) Every Judge of the Native Land Court shall have and be deemed to have had jurisdiction to hear and determine any matter or cause within the jurisdiction of the Court notwithstanding that such matter or cause has arisen, or shall arise, or has been or shall be heard and determined, within a district to which the Judge hearing and determining the same may not have been appointed.

**Title.**

**Short Title.**

**Jurisdiction of  
Judges of the  
Native Land Court.**

Assessors of Maori Land Board may be appointed.

3. (1.) The President of a District Maori Land Board may, if he thinks fit, associate with himself an Assessor to advise and assist the Board, but the concurrence of any such Assessor shall not be necessary for any decision of the Board.

(2.) Any Assessor may be appointed by the President to represent the Board at any meeting of assembled owners under subsection six of section three hundred and forty-two of the principal Act.

(3.) Every Assessor, whether associated with a Judge of the Native Land Court or with a District Maori Land Board, shall for the period of his service receive the remuneration of one pound per diem and his actual travelling-expenses.

Section 8 of amending Act, 1913, amended.

4. Section eight of the amending Act of 1913 is hereby amended by omitting the word "within" after the words "Native Land Court Office," and substituting therefor the word "for"; and by inserting, after the words "such place or places," the words "either within or without the district."

Section 11 of amending Act, 1913, amended.

5. Section eleven of the amending Act of 1913 is hereby amended by omitting the word "Registrar" where it first occurs, and substituting therefor the words "Recorder of Native Titles."

Section 217 of principal Act amended.

6. Subsection two of section two hundred and seventeen of the principal Act is hereby amended by omitting the words "In the case of land in the North Island"; and subsection three of section two hundred and seventeen is hereby amended by omitting the words "In the case of land situated in the South Island or."

Section 96 of amending Act, 1913, amended.

7. Subsection three of section ninety-six of the amending Act of 1913 is hereby amended by omitting the words "ninety-eight," and substituting the words "one hundred and one" therefor; and such amendment shall be deemed to have operated as from the passing of the amending Act of 1913.

Tenants' rights of purchase.

8. The rights conferred by section one hundred and ten of the amending Act of 1913 upon tenants of land acquired by the Crown of acquiring the reversion of such land shall not be exercisable in respect of any land by the tenant thereof under any lease which the Minister of Lands has determined or may determine under the provisions of section three hundred and seventy-five of the principal Act, and shall not be exercisable in any case unless and until the Commissioner of Crown Lands shall have notified such tenant in writing that such right has become exercisable.

Section 113 of amending Act, 1913, amended.

9. Subsection seven of section one hundred and thirteen of the amending Act of 1913 is hereby amended by inserting, after the words "such debentures to bear interest at," the words "a rate not exceeding"; and such amendment shall be deemed to have operated as from the passing of the amending Act of 1913.

Compensation for improvements on forfeiture of contract.

10. In the case of a contract for sale made by a District Maori Land Board being determined by reason of default on the part of the purchaser, then, in case the purchaser shall have executed improvements on the said land or shall have paid for any improvements executed by a former occupant, the following provisions shall apply:—

(a.) The land shall be again offered for sale by the District Maori Land Board on terms (other than price) similar to those contained in the former contract, subject as hereinafter provided,

- (b.) All such improvements as aforesaid shall be valued before such land shall be offered for sale, and the conditions of sale shall specify what part of the upset price represents the value of such improvements.
- (c.) It shall be a term of such sale that the new purchaser shall, before or at the time of his obtaining from the District Maori Land Board a contract evidencing the sale to him, pay to the District Maori Land Board in cash the amount at which the said improvements are valued.
- (d.) The amount so paid to the District Maori Land Board shall be paid by such Board to the former purchaser whose interest under the contract has been determined for default, or, in case such former purchaser shall have mortgaged or charged his interest under the contract which has been determined, such sum or so much thereof as shall be necessary to discharge such mortgage or charge shall be paid to the mortgagee and the balance (if any) to the former purchaser.
- (e.) Any effective mortgage or charge of the interest of a purchaser under a contract for sale from a District Maori Land Board (whether executed before or after the passing of this Act) shall be construed as conferring the right to payment for improvements under the foregoing provisions in case such contract shall be determined for default.
- (f.) The term "purchaser" in this section shall mean the assigns of such purchaser where the contract for sale determined for default is at the time of such determination held by a person claiming through or under the original purchaser named in such contract.

11. Subsection two of section eighty-three of the amending Act of 1913 is hereby amended by substituting for the words "Land Registration Act, 1908," the words "Deeds Registration Act, 1908," in the said subsection.

Section 83 of  
amending Act,  
1913, amended.

12. In respect of any lands set apart in the South Island of New Zealand to make provision for landless Natives, or permanently reserved by Proclamation for the purpose of providing land for landless Natives, whether under the South Island Landless Natives Act, 1906, or since the repeal of that Act, the following provisions shall apply:—

Provisions for  
dealing with land  
set apart  
for landless Natives

- (a.) Where inquiry and determination has been or shall be made, to the satisfaction of the Governor in Council, ascertaining the beneficial owners of any such lands, the Governor in Council may direct the District Land Registrar of the district within which such lands are situated to issue certificates of title under the provisions of the Land Transfer Acts to the Natives so found to be the beneficial owners thereof either in severalty or as tenants in common, as the case may be; and in case a certificate of title is directed to be issued to Natives as tenants in common the Governor in Council in such direction may declare the relative shares and interests therein of the Natives entitled in common, and certificates

of title shall be issued by the District Land Registrar accordingly. All such lands shall be absolutely inalienable otherwise than by lease for a period not exceeding twenty-one years or by mortgage to a State Loan Department, but in each case with the consent of the Governor in Council.

- (b.) In respect of any such lands as aforesaid, whether the beneficial owners shall have been ascertained or not, the Governor in Council may vest the same by Order in Council in the Land Board (under the Land Act, 1908) of the district within which the same are situated, in trust for the beneficial owners, and thereupon such Land Board shall, in respect of any lands so vested in it, have all the powers of administration and all the rights vested in, and all duties imposed upon, District Maori Land Boards in respect of Native lands vested in such Board by the Native Land Act, 1909, and the Acts amending the same, excepting the power of sale.
- (c.) The Native Land Court and Native Appellate Court shall have the same jurisdiction in respect of any lands for which certificates of title shall be issued as aforesaid so far as regards partition and exchange thereof and succession thereto as if such lands were Native lands and the owners thereof were Natives within the meaning of the Native Land Act, 1909.
- (d.) All the foregoing provisions shall, *mutatis mutandis*, apply to lands set apart or reserved for landless Natives in the North Island of New Zealand, excepting that for the purpose of administration of any such lands not vested in the owners the Governor may, by Order in Council, vest the same in the District Maori Land Board for the District within which the same are situated instead of in the Land Board, but without power of sale.
- (e.) In leasing any of the said lands under the powers of administration hereinbefore conferred the District Maori Land Board or the Land Board, as the case may be, shall give preference to applications from the beneficial owners, provided that the rent offered shall not be less than the upset rent fixed by such Board.

Section 11 of  
Amendment Act,  
1912, amended.

13. Section eleven of the Native Land Amendment Act, 1912, is hereby amended by adding thereto the following subsection:—

“(1.) After receiving any such report the Governor may direct the District Land Registrar of the district within which the lands referred to in such report are situated to issue a certificate or certificates of title for such land in favour of the Natives so ascertained to be entitled, and if more than one as tenants in common according to their respective shares and interests, subject to such restrictions on alienation as to the Governor shall seem fit; and the District Land Registrar shall issue certificates of title accordingly.”

Repeal.

14. (1.) Section three hundred and seventy-four of the principal Act is hereby repealed, and the following new provision is substituted therefor:—

“374. (1.) Whenever the Governor is satisfied that the purchase of any Native land has been duly completed by or on behalf of the Crown under the authority of this Act, the Governor may issue a Proclamation that such land has become Crown land, and from the date of the gazetting of such Proclamation the land therein described shall be conclusively deemed to be Crown land, and shall thereafter be administered and dealt with accordingly. Such Proclamation shall be registered by the District Land Registrar or Registrar of Deeds, as the case may be, without the production of any instrument of disposition thereof to the Crown; but all transfers and instruments of disposition shall be deposited with the District Land Registrar as soon as may be.

Native land  
purchased by the  
Crown to be deemed  
Crown land.

“(2.) A Proclamation made under this section shall be conclusive as to its own validity, and shall not be questioned in any Court, whether on the ground of want of jurisdiction or otherwise; but any such Proclamation made in error may be at any time amended or revoked by the Governor.

“(3.) All such land shall nevertheless continue to be subject to any lease, license, charge, or particular or limited estate or interest in existence and vested in or enuring to the benefit of any person at the date of the purchase, and not acquired by or surrendered to the Crown.”

15. No road-line laid off or hereafter to be laid off under sections forty-eight, forty-nine, fifty, fifty-one, or fifty-two of the amending Act of 1913 shall be proclaimed to be a public road until after the expiration of one month from the date on which notice in writing of the intention to so proclaim such road-line shall have been given by the Surveyor-General to the local authority having jurisdiction in the district within which such road is situated.

Notice of intention  
to proclaim road-  
line to be given.

16. (1.) Where any land is vested in a District Maori Land Board with power of sale or lease and any part of such land is occupied as a permanent residence by any Native owner of such land the Board may, if satisfied that such Native owner would on a partition of the block be entitled to the land so occupied by him, transfer to such owner in fee-simple the land so occupied, together with such adjoining land in his exclusive occupation as shall appear just, but the land so transferred shall not exceed in value the value of the interest to which such owner would be entitled on partition, and his interest in the remainder of the block shall by such transfer be reduced by the unimproved value of the land so transferred or be deemed to be extinguished, as the case may be.

Land occupied as a  
permanent  
residence may be  
transferred to such  
owner.

(2.) Any land transferred under this section shall be inalienable, except with the consent of the District Maori Land Board.