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Rt. Hon. R. J. Seddon.

MAORI LANDS ADMINISTRATION.

ANALYSIS.

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A BILL INTITULED

Title.	AN ACT to provide for the Administration of Maori Lands. BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title.	1. The Short Title of this Act is "The Maori Lands Administration Act, 1899."	
Act divided into Parts.	2. This Act is divided into five Parts, as follows:— PART I.—Preliminary. (Sections 3 and 4.) PART II.—Adoption of Act. (Sections 5 and 6.) PART III.—Districts and Councils. (Sections 7 to 12.) PART IV.—Powers of Council and Administration of Maori Lands within each District. (Sections 13 to 50.) PART V.—General. (Section 51.)	10 10 15 15
	PART I.	
	PRELIMINARY.	
Interpretation.	3. In this Act, if not inconsistent with the context,— "Alienation," and all reference thereto, include sale, lease, mortgage, charge, lien, encumbrance, contract, <i>exchange</i> , and every other disposition, whether absolute or limited: "Council" means a Maori Council constituted under this Act: "District" means a Maori land district under this Act: "Maori" means an aboriginal native of New Zealand, and includes half-castes and their descendants by Maoris: "Maori land" means any land or estate or interest in land in New Zealand held, or which may hereafter be held, by any Maori under any class of title, and includes papatupu land: "Order" means any award, decision, or other order made by the Council by virtue of the powers conferred upon it by this Act: "Owner" shall include those holding land in trust or otherwise: "Papakaingā" means an inalienable reserve set aside for the occupation and support of any person of the Maori race as in this Act provided: "Papakaingā certificate" means the certificate issued by the Council on making any such inalienable reserve: "Papatupu land" means any land claimed or owned by Maoris the title to which has not yet been investigated and determined: "Prescribed" means prescribed by regulations under this Act: "Registrar" means the District Land Registrar of the land registration district in which the land is situate.	20 25 30 30 35 35 40 40 45 45
References.	4. All references in this Act to Maori owners shall be construed as applying to the Maori owners of Maori lands situate in the Maori land district to which the reference relates.	50

Struck out.

PART II.

ADOPTION OF ACT.

5 5. This Act shall not be adopted in any Maori land district except at the request of the Maori owners, to be expressed as hereinafter provided.

Adoption of Act.

6. Any twenty or more of the adult Maori owners of Maori land situate in a district may by petition in the form numbered one in the Schedule hereto request the Governor to declare this Act to be adopted in the district, and thereupon the following provisions shall apply :—

Petition of Governor to declare Act adopted.

15 (1.) The Governor, upon being satisfied that the petitioners are adult Maori owners of Maori land situate in the district, shall by notice in the *Gazette* and *Kahiti* set forth the fact of the petition having been made, and declare that the same will be complied with unless written notice of objection in the form numbered two in the Schedule hereto, under the hands of not less than twenty adult Maori owners, is lodged at the Government House, Wellington, on or before a date to be specified in the Governor's notice, being not later than *twenty-eight* days after the first publication thereof in the *Gazette* and *Kahiti*.

Objection.

25 (2.) If such notice of objection is duly lodged, the Governor, upon being satisfied that the objectors are adult Maori owners of Maori land situate in the district, shall cause a poll of all the Maori owners in the district to be taken on the question whether this Act should or should not be adopted therein, and the question shall be decided by the majority of votes recorded at the poll.

Poll of Maori owners.

30 (3.) The poll shall be taken in the same manner, as nearly as may be, as in the case of the election of a member of the House of Representatives for a Maori electoral district.

35 (4.) If the petition is not duly objected to in manner aforesaid, or if, being duly objected to, the majority of the votes recorded at the poll are in favour of the adoption of this Act, the Governor shall by notice in the *Gazette* and *Kahiti* declare this Act to be adopted in the district; whereupon, from the date of the first publication of such notice in the *Gazette* and *Kahiti*, this Act shall be deemed to be adopted in the district accordingly.

40 (5.) If the majority of the votes recorded at the poll are against the adoption of this Act, the Governor shall by notice in the *Gazette* and *Kahiti* declare that this Act is not adopted in the district, and in such case no fresh petition for adoption shall be acted on by the Governor unless it is made at least six months after the date of the former poll.

Governor to notify if Act adopted or not.

45 (6.) The Governor's notice in the *Gazette* or *Kahiti*, declaring this Act to be adopted or not to be adopted in a Native land district, shall be conclusive evidence of the fact, and of the regularity and validity of all proceedings antecedent thereto.

50 (7.) The Governor may from time to time, by Order in Council published in the *Gazette* and *Kahiti*, make such regulations as he deems necessary for the purposes of this section and the proper conduct of the aforesaid poll.

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PART III.

DISTRICTS AND COUNCILS.

As to Districts.

Districts. 7. For the purposes of this Act there shall be within the North Island of New Zealand ~~three~~ *not less than five nor more than six* Maori land districts, to be called respectively the Northern Maori Districts, the Eastern Maori Districts, and the Western Maori Districts. *The boundaries of such districts to be defined by the Governor in Council.* 5

Struck out. 10

Boundaries of districts. 8. The boundaries of such districts shall be the boundaries of the districts for the time being constituted under the electoral laws in force for the time being for the election of Native members of the House of Representatives.

As to the Councils. 15

Maori Councils. 9. For each Maori land district ~~wherein this Act is adopted~~ there shall be a Maori Council, which shall be called the "District Maori Council," and shall consist of not more than ~~ten~~ *eight* and not less than ~~six~~ *four* members, to wit,—

(1.) A President to be appointed by the Governor, *who shall be a Judge of the Native Land Court* (hereinafter to be called "the President"); 20

(2.) Not less than ~~two~~ *one* nor more than ~~four~~ *three* other persons to be appointed by the Governor, ~~of whom at least one shall be a Judge of the Native Land Court;~~ 25

(3.) Not less than ~~three~~ *two* nor more than ~~five~~ *four* Maoris to be elected by the Maoris of the district out of their number.

Elected and nominated members. 10. The number of elected and nominated members, inclusive of the President, shall be equal, and no elected Maori shall be a member of more than one Council. 30

Council to be a body corporate. 11. Every Council shall be a body corporate, with perpetual succession and a common seal; and with respect to the Council and its members the following provisions shall apply:—

Term of office. (1.) The ordinary term of office of each member of the Council shall be three years, but a retiring member shall be eligible for reappointment or re-election. 35

Resignation. (2.) A member may at any time resign his seat by notice in writing under his hand delivered to the Governor in the case of the President, and to the President in the case of any other member. 40

Removal. (3.) A member may be removed from office at any time by the Governor if the Governor is of opinion that from any cause he is incapacitated to act, or that he has been guilty of any misconduct which renders him unfit for office. 45

Vacancies. (4.) The seat of a member shall become vacant if he resigns, or is removed from office, or dies, or becomes bankrupt, or is convicted of any crime punishable by imprisonment for twelve months or upwards, or is absent from three successive ordinary meetings of the Council without leave of the Council; and every such vacancy shall be deemed to be a casual vacancy. 50

(5.) Every vacancy consequent on the expiry of the ordinary term of office shall be deemed to be an ordinary vacancy.

(6.) Every vacancy, whether casual or ordinary, shall be filled by the same appointing or electing authority as in the case of the vacating member: Provided that where the vacating member is a Maori, and the unexpired residue of his term does not exceed twelve months, the Governor may fill the vacancy by the appointment of a qualified Maori. Elections.

(7.) Every casual vacancy shall be filled within twenty-eight days after the occurring thereof, and the member filling it shall hold office only for the unexpired residue of the term of the vacating member.

(8.) Every appointed member shall take office on the date of his appointment.

(9.) The election to fill an ordinary vacancy shall be held on the twenty-eighth day next before the vacancy occurs consequent on the expiry of the term, and the elected member shall take office on the day of such expiry.

(10.) Every election shall be held in the same manner, as nearly as may be, as in the case of an election of a member of the House of Representatives for a Maori electoral district.

(11.) In the case of Native members "The Disqualification Act, 1878," shall not apply.

(12.) Subject to the provisions of this Act and the regulations thereunder, the elections shall be held at such time and place and in such manner as are directed by the Governor in the case of the first election, and by the Council in the case of every subsequent election.

(13.) Each member shall be entitled to receive out of funds under the control of the Council the sum of ten shillings for each day whilst he is actually engaged on the business of the Council, together with all sums actually paid by him for train-fares, steamer-fares, coach-fares, or horse-hire whilst travelling on such business.

12. With respect to all meetings of the Council the following provisions shall apply:—

(1.) The quorum shall be ~~four when the Council consists of not more than six members, and six in every other case~~ *in every case be one more than half the total number of members constituting the Council*: Provided that in every case at least one Maori member shall be necessary in order to constitute the quorum.

(2.) The President shall be Chairman, and shall have a deliberative vote, but not a casting-vote.

(3.) In the absence of the President from any meeting he may appoint a European member to act as Deputy Chairman at such meeting, and the Deputy Chairman, whilst so acting, shall have the same powers as the Chairman.

(4.) Subject to the provisions of this Act and the regulations thereunder, the Council may regulate its own procedure.

Proceedings at meetings of Council.

PART IV.

POWERS OF COUNCIL AND ADMINISTRATION OF MAORI LANDS WITHIN EACH DISTRICT.

~~13. This Part of this Act shall apply only within districts in which this Act has been adopted as hereinafter provided.~~

Wherein this Part to apply.

Powers of Maori
Council.

14. The Council shall, in respect of all Maori lands within its district, have and exercise all the powers, authority, and jurisdiction vested in the Native Land Court by virtue of "The Native Land Court Act, 1894," and for such purpose Parts III. and IV. of that Act shall be construed, so far as the context will permit, as if incorporated with this Act. 5

New proviso.

Provided that the Council shall not have or exercise the powers, authority, and jurisdiction conferred upon it by this section in respect to any particular block, except as follows:— 10

- (1.) Upon the written application of a majority of the Maori owners of a block of land, or the Block Committee, who are authorised by the owners to deal with such land within its district;
- (2.) Unless the Council has previously satisfied itself that the Maoris making such application are a majority of the owners of such land;
- (3.) Unless the Council reports to the Minister for Native Affairs that it has satisfied itself as aforesaid, and such application and report are published in the *Gazette* and *Kahiti*. 20

Appeals to Native
Appellate Court.

15. Every person who is dissatisfied with any order made by the Council in exercise of the powers conferred upon it by or under *the last-preceding section of this Act* may, within two months after the date of such order, appeal thereupon to the Chief Judge of the Native Land Court, who shall, as he thinks fit, either himself 25 inquire into and determine the appeal or refer the appeal to the Native Appellate Court constituted under Part X. of "The Native Land Court, Act, 1894," and in the latter case the Native Appellate Court shall have power to hear and determine the appeal.

In case of a dead-
lock Chief Judge to
decide.

16. In any case where the Council is equally divided on any question before it *arising out of the discharge of its judicial functions conferred on it by section fourteen of this Act*, and by reason thereof a deadlock arises, the matter in question shall, in the prescribed manner, be referred to the Chief Judge of the Native Land Court, whose decision shall be final. 30

Council may refer
claims to local Com-
mittees to investi-
gate and report.

17. The Council may for all or any of the purposes for which jurisdiction has been conferred upon it by this Act ~~appoint one or more Committees in manner prescribed, and may refer any claim or question brought before the Council to such any Block Committee for investigation and report.~~ 40

Council may adopt
report.

18. On receipt of any such report from any *Block Committee*, and after having given due notice by publication in the *Kahiti* and *Gazette* of its intention so to do, the Council may proceed to give effect to such report, and make such order thereon as the Council thinks fit: Provided that if a caveat is lodged in the prescribed manner and 45 within the prescribed time the Council, in lieu of giving effect to such report or making any order thereon, shall refer the question to an open meeting of the Maoris interested, and after considering the result of such meeting shall proceed as follows:—

May make order
thereon, or, if caveat
lodged, may rehear.

- (1.) Either refer the question to some other *Block Committee* to 50 be appointed by the Council; or
- (2.) Investigate the question afresh and make such order thereon as the Council thinks fit.

Orders to be sealed
add signed.

19. All orders made by the Council shall be sealed with its seal and signed by the President and at least two members, *one of whom shall be a Maori.* 55

20. Every such order shall be forthwith forwarded in duplicate by the Council to the Chief Judge of the Native Land Court, who shall briefly notify the purport thereof in the *Kahiti*, and if no appeal is lodged with the Chief Judge within two months after such notification he shall countersign and issue the same, whereupon the order shall have effect.

Orders to be forwarded to Chief Judge for his approval.

21. Every such order affecting Maori land or title thereto may be registered in the prescribed manner.

Orders may be registered.

New clauses.

As to Papatupu Block Committees.

21A. The owners of any specified block of *papatupu* land within a district may, in the prescribed manner, elect a committee, to be called "the Papatupu Committee of the block"; and with respect to such committee the following provisions shall apply:—

- (1.) The committee shall consist of such number of persons, being not less than *five* nor more than *nine*, as is prescribed.
- (2.) In no case shall a member of the Council be a member of the committee.
- (3.) The term of office of each member of the committee shall be *three* years, but retiring members shall be eligible for re-election; and every election shall be held at such time and place as the Council appoints.
- (4.) Subject to regulations under this Act, the committee may direct its own procedure.

21B. The committee, having due regard to Maori customs and usages, shall make full investigation into the ownership of the block, and, as the result of such investigation, shall cause a sketch-plan of the block to be prepared setting forth the situation and boundaries of the block, adopting hapu boundaries as far as practicable.

21C. The committee shall also prepare a report setting forth—

- (1.) The names of the owners of the block, grouping families together, but specifying the name of each member of each family;
- (2.) The relative share of the block to which each family is entitled;
- (3.) The relative share to which each member of the family is entitled in such family's share of the block;
- (4.) Such other particulars as are prescribed.

21D. Such sketch-plan and report shall be forwarded by the committee to the Council, and the Council, after considering the same, and giving all parties concerned full opportunity of being heard, shall in the prescribed manner by order confirm the same with such modification or alterations as it finds to be necessary.

21E. The committee's sketch-plan and report and the Council's confirming order may be made although the block has not been surveyed, or a survey-plan authorised by the Surveyor-General has not been prepared, and, except at the request of the committee, the actual survey of the block, or of any part thereof, shall not be necessary until after the Council's confirming order has taken effect, anything in "The Native Land Court Act, 1894," or any other Act to the contrary notwithstanding.

As to Papakaingas.

22. With respect to all Maori lands within the district of the Council the following special provisions shall apply:—

- (1.) The Council shall with all convenient speed proceed to ascertain and determine what land each Maori, man,

woman, or child, has suitable for his, her, or its occupation and support, and to determine how much thereof and what portion is necessary for such purpose, and shall declare an area of such land of not less than fifty acres first-class land, or one hundred acres of second-class land, to be a papakainga for each such Maori, and shall issue a papakainga certificate declaring that the Council holds such land in trust as a papakainga for such Maori, and thereupon such land shall vest in the Council in trust to permit such Maori to occupy such land for his maintenance, support, and to grow food upon. 5 10

- (2.) Such land shall be absolutely inalienable.
- (3.) Papakainga certificates shall be prepared on parchment, in triplicate, and shall set forth a plan and description of the land, and the name of the holder thereof. 15
- (4.) One copy of such certificate shall be filed by the Council, one copy shall be filed with the Registrar, and the third copy shall be issued to the Maori named therein as the holder thereof.
- (5.) Such certificates shall be signed by the President of the Council and sealed with its seal, and the production thereof shall be conclusive evidence that the holder thereof alienating any other land owned by him has sufficient land left for his occupation and support. 20
- (6.) In the event of loss or destruction of a papakainga certificate, the owner thereof may apply to the Council for a duplicate copy thereof. Such application shall be supported by a declaration setting forth the facts or circumstances under which such certificate was lost, and the Council may issue a duplicate thereof. 25 30

Lost papakainga certificates.

New subclause.

- (7.) In cases where the whole of the land of any Maori is unsuitable for his occupation and support, he may, with the consent of the Council, either exchange the land for other suitable land, or he may sell the land and purchase other suitable land. In all such cases of sale and purchase of land the Council shall receive the purchase-money derived from the sale of the said land, and expend the same in paying for the land purchased. The suitability or unsuitability of any land to be so exchanged, sold, or purchased shall be determined by the Council. 35 40

As to Alienation.

23. Immediately upon the coming into operation of this Act Maori land, except such as is held under title issued under the provisions of the Land Transfer Act, shall not be alienated, either to the Crown or to any other person, except with the consent of the Council first obtained and in accordance with the provisions of this Act. 45

Alienation to be only under this Act.

24. No Maori shall alienate any Maori land, either to the Crown or to any other person, unless and until he has had issued to him a papakainga certificate as hereinbefore provided. 50

When Maori may alienate land.

25. For the purposes of this Act the Governor may, on the recommendation of the Council, remove and revoke any and all restrictions existing against the alienation of Maori land, whether contained in any Crown grant certificate or other instrument of title, or in any Act heretofore passed; and thereafter, but subject in 55

Governor may remove restrictions.

every case to the provisions of this Act, the Maori owners of the land against the alienation whereof the restrictions have been so removed and revoked shall have the same rights and privileges to alienate the land as a European possesses in respect of his land :

5 Provided that nothing in this Act contained shall be construed to authorise the alienation of papakaingas.

26. Maori land owned by not more than twenty Maoris shall be alienable by lease, subject to confirmation by the Council, or shall be alienable by mortgage or sale with the consent of the
10 Council previously had and obtained.

All alienations to be confirmed by Council.

27. No alienation of Maori land by a Maori shall be valid unless the alienation is effected by instrument signed by the alienating Maori, nor unless the following conditions are complied with in respect of such instrument :—

Alienation, how effected.

15 (1.) Previous to the execution of the instrument there shall be indorsed thereon a translation in the Maori language of the contents thereof, certified as correct by a duly licensed interpreter; also a plan of the land dealt with: and

20 (2.) The instrument shall be signed in the presence of a member of the Council, or a *Stipendiary Magistrate*, or a *Justice of the Peace*, or a *Postmaster*, and a licensed interpreter as the attesting witnesses thereof, who shall satisfy themselves that each alienating Maori understood the meaning and purport thereof :

25 (3.) In the case of an alienation by way of sale or mortgage the money shall be paid in the presence of the attesting witnesses, who shall certify on the instrument that they saw the money paid :

30 (4.) There shall be indorsed on the instrument the number of the papakainga certificate of each alienating Maori, and such further references to the papakainga as will enable the Registrar to satisfy himself that each such Maori has sufficient land left for his occupation and support :

35 (5.) On being satisfied that the provisions of this Act have been complied with, the District Land Registrar may register the instrument.

28. (1.) It shall not be lawful for any European to acquire for himself, or on behalf of any other person, either by purchase, lease,
40 or gift, any Maori land, unless previous to the execution of the instrument of acquisition he has deposited with the Council a declaration in form required by "The Land Act, 1892," declaring that he is acquiring the land for his own use, and that, including the land to be acquired, he does not hold or own more than six
45 hundred and forty acres of first-class or two thousand acres of second-class land.

Purchaser or lessee to make declaration.

(2.) On receipt of such declaration the Council, if satisfied thereon, may, if it think fit so to do, issue to the declarant a license permitting him to acquire such Maori land.

50 (3.) If such declaration contains any wilfully false statement, and the declarant is convicted of perjury in respect thereof, then all his rights in respect of the land acquired shall be deemed to be forfeited, and void : *Provided this shall as to area not apply to persons at the present time holding leases of Maori land.*

limited dealings
in more than
twenty owners.

29. Except in the case of transfers to the Council, or of transfers by incorporated owners, as hereinafter provided, it shall not be lawful for any person to acquire, either on his own behalf or on behalf of any other person, any Maori land the number of Maori owners of which exceeds twenty at the time of the proposed acquisition. 5

Maoris may convey
land in trust to
Council.

30. Any Maori or Maoris, whether incorporated or otherwise, owning Maori land may transfer the same, or any definite part thereof, by way of trust to the Council upon such terms as to leasing, cutting up, managing, improving, and raising money upon the same as may be set forth in writing between the owners and the Council; and the Council is hereby authorised and empowered to accept such trust: 10

Provided that, in the case of unincorporated owners, all the owners must execute the necessary instrument of transfer, and the whole block so owned, or a definite part thereof, must pass thereby. 15

Powers of Council
in respect thereof.

31. With respect to any Maori land which is duly transferred as aforesaid to the Council, the following provisions shall apply:—

- (1.) The Council shall have full power and authority, at the request in writing of a majority of owners, to reserve and render inalienable such portion of such land as may be required for their occupation and support, and also to reserve any land as burial-grounds, eel-pas or eel-weirs, fishing-grounds, or as reserves for the protection of native birds, or the conservation of timber and fuel for the future use of the Maori owners. 20
- (2.) As regards the balance of such land, but subject to the provisions of the instrument creating such trust, the Council shall have full power and authority to lease the same by public tender upon such terms and conditions as may to it seem fit. 30
- (3.) The Council, if so authorised in that behalf by the instrument creating the trust, may borrow money upon the security of the land, or a definite part thereof, to such extent and on such terms in all respects as it thinks fit, and may apply the net proceeds so borrowed in or towards discharging mortgages or survey-charging liens and other *bonâ fide* expenses or debts of the Maori owners incurred in perfecting the title to the said land, or to any other lands owned by the same Maoris, and may apply the balance in cutting up, surveying, roading, opening up, preparing, and advertising such land for lease, or generally improving such land or any other land of the same owners. 35 40
- (4.) The Council shall be entitled to call for vouchers and investigate any such of the aforesaid debts or expenses as are not secured on the land, and may reject or reduce any claim against the owners which the Council is of opinion was not properly incurred in respect to perfecting the title to any such land. 45 50
- (5.) The Council may execute valid and effectual instruments of mortgage or charge of the land as security for the

money so borrowed, and such instruments may contain all such powers and provisions as the Council thinks fit, or as may be prescribed by regulations under this Act.

5 (6.) For the purposes of this section, the Council may borrow money from the Public Trust Office, the Government Insurance Office, the Commissioner of Public Debts Sinking Funds, or such other lending departments as the Governor in Council from time to time names in this behalf; but the Council shall have no power or authority to borrow money from any bank, private institution, or person without the consent of the Governor.

New Subclause.

15 (7.) For the purpose of this section the Minister of Lands may, out of moneys appropriated for the purchase of Native land, or specially for the purposes of this Act, by Parliament, lend money to the Council on mortgage of the land, for such term of years, at such rate of interest, and with the same margin of security as is provided in the case of advances on lands under the Advances to Settlers Act :

20 Provided that the total sum to be lent by the Minister to any one Council in any one year shall not exceed ten thousand pounds.

25 32. (1.) The Maori owners of any Maori land held under any class of ascertained title by more than twenty owners may, ~~with the consent of the Council,~~ form themselves into a body corporate, as provided by Part II. of "The Native Land Court Act, 1894," and the Council shall have all the powers and authority conferred on the Native Land Court by such Act to constitute any such Maori land-owners a body corporate.

Council may constitute Maori owners, when more than twenty, a body corporate.

30 (2.) Upon the constitution of any such body corporate the duly elected Committee may, with the consent of a majority of the owners, transfer the land, or any part thereof, to the Council upon such trusts as may be agreed upon between the parties: Provided that the consent of the Commissioner of Crown Lands shall not be required.

35 33. Any Maori land held under Crown grant or certificate of title by more than twenty Maoris may be administered by the Council in the manner and subject to the conditions following, that is to say,—

Council may administer lands held under grant or certificate by more than twenty Maoris on application from owners.

40 (1.) The owners, or a majority of them, may apply in writing to the Council to administer the land in manner *as nearly as may be* similar to the administration of Crown lands by a Land Board under "The Land Act, 1892" :

45 (2.) The application shall be in the prescribed form, and shall be signed and attested in the prescribed manner :

50 (3.) For the purpose of the administration of such land the Council shall have all the powers of a Land Board in respect of Crown lands, with full power and authority to alienate *by way of lease or mortgage, but not by sale save as hereinbefore provided by subsection (7) of clause 22,* such land, subject to the rules and regulations for the time being in force affecting Land Boards :

- (4.) Before dealing with any application under this section the Council shall satisfy itself that each of the owners of the land is the holder of a papakainga certificate, and that no part of such papakainga is included in the land to be administered: Provided that, in the event of any Maori not holding such certificate, the Council may set aside a suitable portion of land owned by such Maori as a papakainga, and may then deal with the application: 5
- (5.) In cases where only a majority of the owners apply to the Council to administer their land, the Council shall partition off the interests of the objectors, if any, and administer the residue: 10
- (6.) A notice by the Council in the *Gazette* and *Kahiti* that any specified block of Maori land is administered by the Council shall be conclusive evidence of the fact: 15
- (7.) The Registrar shall register a copy of such notice, and thereupon the Council shall for all purposes of administration be deemed to be the owner of the land: 20
- (8.) For the purposes of such administration the Council shall in its own name execute all instruments of alienation, and generally have and be entitled to exercise all the rights of an owner in fee-simple. 20

Struck out.

Maori fisheries and fishing-grounds vested in Council.

34. All fisheries, fishing-grounds, oyster-beds, and other shellfish collecting-grounds used by Maoris, and to which they are entitled, are hereby vested in the Council in trust for any hapu or Maoris entitled thereto, and to permit the owners thereof to use and enjoy the same: Provided that the Council may lease or let any such fishing-grounds, oyster-beds, or shellfish beds as are not required by any such hapu or Maori owners thereof, upon such terms and conditions as the Council thinks fit, and may also issue licenses or permits to any person or persons to collect and sell such oysters and shellfish. 25 30

Also eel-weirs.

35. All eel-weirs, fishing-streams, or lakes used by Maoris and to which they are entitled are hereby vested in the Council in trust for any Maoris or hapus entitled thereto, to allow them to use and enjoy the same: Provided that no eel-weir shall obstruct the navigation of a navigable river, and also that every eel-weir in a navigable river shall have an opening of not less than eight feet. 35 40

Miscellaneous Provisions.

Lands not to be subject to higher rate or tax than to which they were previously liable.

36. Nothing in this Act contained shall operate to render Maori lands that are vested in the Council or in incorporated Maori owners, or the income or other moneys arising therefrom, or the Maori owners who are entitled thereto, liable to any other or higher rate or tax than that to which the same were liable prior to the lands being vested as aforesaid. 45

Alienations liable to stamp but not Native duty.

37. Alienations effected under the provisions of this Act shall be liable to the same stamp duty as in the case of alienations of other than Native lands, but shall not be liable to Native land stamp duty. 50

As to Completion of Dealings pending.

38. In any case where, at the time of the adoption of this Act in a district, negotiations for the purchase on behalf of Her Majesty of any specified block of Maori land are in progress, such purchase may be completed, anything hereinbefore contained to the contrary notwithstanding; and a certificate by the Minister of Native Affairs that negotiations for any such purchase were then in progress shall be sufficient evidence of the fact.

Purchases for Queen may be completed.

39. In any case where, at the time of the adoption of this Act in a district, any lawful private dealing in Maori land, being a dealing which was *bona fide* commenced subsequent to the passing of "The Native Land Court Act, 1894," is *bona fide* in progress, and has been *bona fide* completed in part, the following provisions shall apply:—

Completion of lawful private dealings.

(1.) At any time within two months after such adoption, any party to such dealing may give to the Council written notice specifying the nature of the dealing, the land to which it relates, the extent to which the dealing is complete, and his desire to wholly complete the same.

(2.) Any dealing as to which the aforesaid notice is duly given may at any time within twelve months after such adoption be completed with the Council on behalf of the Maori owner, anything hereinbefore contained to the contrary notwithstanding.

(3.) After the expiration of the time hereinbefore limited for the completion of any dealing, the Council may ascertain and determine by partition of the land or otherwise the respective interests of the parties to the dealing.

(4.) Nothing in this section contained shall be construed to authorise the completion of any dealing which could not have lawfully been completed if this Act had not been passed.

As to the Council's Register.

40. The Council shall compile and keep a register, setting forth in respect of each separate block of Maori land vested in it or administered by it—

Council to keep register of lands.

(1.) The area and description of the block;

(2.) The names of the Maori owners of the block, their respective interests therein, and the date on which each Maori owner became entitled to his interest therein;

(3.) Such other particulars as are prescribed.

41. (1.) The register, or a copy thereof, shall be kept open for public inspection, without fee, in such convenient place in the district and during such hours as the Council prescribes.

Inspection of register and alterations therein.

(2.) The Council shall from time to time make all such alterations in the register as are necessary for the purpose of duly recording all changes of ownership, and generally of keeping the register accurate in every respect.

42. (1.) At prescribed intervals the register shall be submitted to a competent authority, who shall inquire into and definitely settle and certify to the accuracy of all entries therein relating to

Accuracy of entries in register to be certified at intervals by Native Land Court.

the Maori owners and their respective interests, and for that purpose shall make all such additions and amendments as are necessary in order that the register may contain an accurate record of the Maori owners and their respective interests as on and during the last-preceding half-year.

(2.) Such authority shall be the Native Land Court, or a Judge thereof, or, in the event of the abolition of the Native Land Court, such other fit person or persons as, after considering any recommendation of the Council, the Governor from time to time appoints.

Register to be
conclusive evidence.

43. The register, when certified to as aforesaid, shall be conclusive evidence of the names of the Maori owners and their respective interests during the period to which the certificate relates.

As to the Application of Proceeds of Alienations by the Council.

Application of
moneys derived from
alienations.

44. All sums derived in respect of the alienation by the Council of Maori lands vested in or administered by the Council under the provisions of this Act shall be paid to the Council, and shall, in the prescribed manner, be applied by the Council—

(1.) First, in defraying the cost of administration;

(2.) Secondly, in defraying all moneys due and payable in respect of any valid mortgage, lien, charge, or liability affecting the land;

(3.) Thirdly, in paying the surplus to the Maori owners in shares proportionate to their respective interests, as shown by the register when certified as aforesaid.

Payments to be
made at intervals.

45. Such application and payment shall be computed and made at prescribed intervals.

Native owner not to
dispose of interest
except by will.

46. Except as provided by this Act, no Maori owner shall alienate, charge, or otherwise dispose of his interest in any Maori land, or in the income thereof, otherwise than by will made in favour of a Maori.

Land of Maori not
to be seizable nor to
be assets.

47. In no case shall any Maori owners' interest in Maori land or the income thereof be liable to be seized, sold, attached, or levied upon by any process of law (except under the power of sale contained in any lawful mortgage), nor shall it become assets in bankruptcy.

As to Accounts.

Where Maori
Council Account to
be kept.

48. All moneys payable under this Act to the Council shall, as and when received, be paid into the bank at which the Public Account of the colony is kept, to the credit of an account to be called "The Maori Council Account of the Maori Land District of [Name of the district]"; and all moneys payable under this Act by the Council shall be paid out of such account.

Operation on such
account.

49. Such account shall be operated on only by cheque signed by the President and two members, or in such other manner as is prescribed.

Full accounts to be
kept, and copies
furnished to Audit.

50. The Council shall cause full and accurate accounts to be kept of all moneys received and paid by it under this Act, and shall at such intervals as are prescribed, and also whenever the Controller and Auditor-General so directs, furnish to him copies or abstracts of such accounts in such form as he directs.

PART V.

GENERAL.

51. The Governor may from time to time, by Order in Council published in the *Gazette* and *Kahiti*, make regulations for any of the purposes following, that is to say,—

Regulations.

- (1.) Regulating the conduct of elections of Maori members of Council ;
- (2.) Defining the powers, functions, and duties of the President and the Council respectively ;
- 10 (3.) Making provision for the appointment of Returning Officers, Receivers, and other officers under this Act, fixing their salaries, and defining their functions and duties ;
- (4.) Making provision for the taking of Maori land for roads or streets, or for public works within the meaning of " The Public Works Act, 1894," or for any of the purposes referred to in this Act ;
- 15 (5.) Laying off townships ;
- (6.) Fixing the maximum area that may be comprised in any one lease of Maori land, or that may be held by any one lessee ;
- 20 (7.) Classifying and surveying Maori lands ;
- (8.) Fixing the mode in which Maori lands may be leased or otherwise disposed of under this Act ;
- (9.) Prescribing the forms, conditions, and covenants of leases and other instruments under this Act, and the mode of execution and registration thereof ;
- 25 (10.) Defining the duties and powers of the Registrar in respect of the registration of leases and other instruments under this Act ;
- (11.) Prescribing the mode in which and the principle on which valuation for improvements shall be computed ;
- 30 (12.) Applying to this Act such of the provisions of " The Mining Act, 18918," " The Land Act, 1892," and " The Public Works Act, 1894," as he thinks fit, with such modifications as he deems necessary for the purposes of this Act ;
- 35 (13.) Fixing a scale of fees to be charged by the Council, and the commission, if any, to be charged on moneys received and distributed by it ;
- 40 (14.) Any other purpose for which regulations are contemplated or required under this Act, or which he deems necessary in order to give full effect to the intention of this Act.

Schedule.

SCHEDULE.

FORM No. 1.—PETITION.

Under "The Maori Lands Administration Act, 1899."

To His Excellency the Governor :

THE undersigned, being [Set out number, not less than twenty] adult Maori owners of Maori land situate within the _____ Maori District, hereby petition His Excellency the Governor to declare "The Maori Lands Administration Act, 1899," to be adopted in the aforesaid district.

Dated this _____ day of _____, 1 _____.

[Here set out a Maori translation of the foregoing portion of the petition.]

No.	Signature of Petitioner.	Age, in Years.	Block in which Petitioner has interest as Owner.	Signature of Witness, in testimony that the Petitioner fully understood the purport of the Petition before signing it.
1	A.B. ...			E.F.
2	C.D. ...			G.H.
&c.	&c. ...			&c.

[The attesting witness must be a Justice of the Peace, a solicitor, a Postmaster, a Clerk of the Magistrate's Court, or a Registrar or other officer of the Native Land Court.]

FORM 2.—NOTICE OF OBJECTION.

Under "The Maori Lands Administration Act, 1899."

To His Excellency the Governor :

THE undersigned, being [Set out number, not less than twenty] adult Maori owners of Maori land situate within the _____ Maori District, hereby give His Excellency notice that they object to the petition of [Set out name of first petitioner] and others respecting the adoption of "The Maori Lands Administration Act, 1899," within the aforesaid district, as set forth in His Excellency's notice in the *Kahiti* on the _____ day of _____, 1 _____. [Set out date of the Governor's notice.]

Dated this _____ day of _____, 1 _____.

[To be translated, signed, attested, and completed in the same manner as in the case of the petition.]

By Authority: JOHN MACKAY, Government Printer, Wellington.—1899.