

Hon. Mr. Bryce.

## NATIVE LAND SALES.

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### A BILL INTITULED

AN ACT to authorize the Government, on behalf of the Native Owners, to dispose of their Lands. Title.

WHEREAS it is expedient that the Government of the colony should be authorized to dispose of lands in the colony belonging to aboriginal natives on behalf of the owners thereof: Preamble.

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

1. The Short Title of this Act is "The Native Land Sales Act, 1880." Short Title.

2. In this Act the words and phrases following have the meaning here attached to them:— Interpretation.

- 10 "Court"—the Native Land Court of New Zealand:
- "Owner"—person certified by the Native Land Court to be entitled to Native land or any interest therein:
- "Native"—aboriginal natives, half-castes and their descendants by Natives.
- "Native land"—land belonging to Natives under their usages or customs:

"Land Act"—"The Land Act, 1877," and regulations thereunder :

"Land Board"—the authority administering such Act within the district in which the land referred to is situate :

"Receiver of Land Revenue"—the officer so called within such district :

"Block"—a piece of land and any subdivision respecting which certificate of title has been made by the Court. 5

## SALES.

Owners may apply to Land Board.

3. When the owners of any block of land desire to sell or lease it they shall make application in writing to the Land Board stating their desire.

Owners under disability.

4. If any owner is an infant or under other legal disability, the Court may appoint a trustee on his behalf with such power of dealing with his interest as the Court may think fit. 10

Sale by Land Board.

5. When the Land Board is satisfied that all owners or their trustees as aforesaid concur in the application, and that the land proposed to be dealt with is not subject to restrictions or conditions incompatible with the proposed mode of disposition, the Land Board shall cause the land therein referred to to be sold or leased in the same manner as if the land were Crown land under its authority. 15

## PROCEEDS.

Proceeds of sale.

6. The gross proceeds of the sale shall be paid to the Receiver of Land Revenue. 20

Public Trustee.

7. The Receiver shall immediately pay the same to the Public Trustee.

Accounts.

8. The Public Trustee shall keep a separate account of each estate, which shall be examined and compared with the bank account and with the vouchers at the end of each month, by a person to be appointed by the Governor, who shall certify to its accuracy or report to the Governor its inaccuracy or defects. 25

Public Accountant.

9. For the purposes of this Act the Public Trustee shall be a Public Accountant.

Application of proceeds.

10. Out of such gross proceeds the Public Trustee shall pay—

- (1.) The cost of survey ;
- (2.) The fees of Court ; 30
- (3.) The costs ordered by the Court (if any) ;
- (4.) The cost of advertising ;
- (5.) The duties payable to Her Majesty ;
- (6.) One per centum commission to the Receiver of Land Revenue ;
- (7.) And to the Receiver of Land Revenue not less than ten nor more than 35

thirty per centum of the gross proceeds as may be agreed upon by the owners and the Land Board for the making of roads :

and shall pay the balance to the owners in proportions of their respective interests, if stated in the certificate of Court, but in equal shares if no proportion of interests is set forth. 40

Roads.

11. The percentage money for roads shall be expended by or under the authority of the Land Board in making roads for access to or increasing the value of the land sold respectively.

Disputes.

12. In the case of any dispute between the Receiver and the Public Trustee, or between the Public Trustee and the owners, or between the owners and any person as to the charges against the proceeds or the mode of expending them, the same shall be heard and determined by the Court. 45

Further as to disputes.

13. Any dispute as to the proper persons to whom the money ought to be paid by the Public Trustee shall be decided by the Court.

14. Money payable to infants or other persons under legal disability shall be dealt with by the Court in the same manner, *mutatis mutandis*, as money paid into the Colonial Treasury may be dealt with by the Supreme Court under "The Lands Clauses Consolidation Act, 1863," sixty-fifth and following sections.

Owners under disability.

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## COMPLETION OF PURCHASE.

15. Upon the due completion of an absolute purchase the purchaser shall be entitled to receive a certificate of title under the Land Transfer Act for the land purchased.

Title to purchaser.

10 16. Upon compliance by the purchaser with the terms on which a lease has been sold, a lease and counterpart shall be made and executed by the Chairman of the Land Board in his own name on behalf of the owners. His signature and execution shall be deemed to be the signature and execution of the owners and their trustees respectively, if there are any owners under disability.

Execution of leases.

## GENERAL.

15 17. No town shall be set out under this Act without the previous approval by the Governor of the site, and the Governor may make the necessary reserves for any of the purposes mentioned in "The Public Reserves Act, 1878."

Town sites.

18. Such reserves shall be vested in Her Majesty, subject to the provisions of that Act.

Public reserves.

20 19. Saving existing contracts, land for which any certificate of title has been or may be issued shall be sold and disposed of under this Act, and in no other way.

Native land to be sold under this Act.

20 20. All the persons registered under the Act of 1867 shall be regarded as owners for the purposes of this Act.

Owners under certificate of 1867.

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## TRANSACTIONS PAST AND IN ESSE.

21. No transfer, lease, or other instrument of disposition of land held under certificate of title, memorial of ownership, or Crown grant by a Native to any person not of the Native race shall be valid, unless explained to such Native before the execution thereof by an interpreter licensed under "The Native Land

Execution of deeds, &c.

30 Court Act, 1880," and unless a Maori translation thereof be indorsed thereon by the interpreter. Such explanation shall be made and such instrument shall be signed by such Native in the presence of and be attested by a Judge of the Court, or Resident Magistrate, or Justice of the Peace, and at least one other adult witness. The Judge, or Resident Magistrate, or Justice of the Peace in whose

35 presence such instrument shall be signed shall satisfy himself that the Native so signing such instrument fully understands its purport, and shall, when attesting the same, add thereto a memorandum to that effect, and that the translation was on the deed at the time of execution.

40 22. It shall not be nor be deemed to have been necessary for any married woman of the Native race, on executing any deed required by law to be acknowledged before Commissioners, to make such acknowledgment, and such deed shall be deemed to have been as valid and effectual as if signed by a *feme sole*.

Execution by married women.

23. Every conveyance, transfer, gift, or promise affecting Native land is void, except such as have been validly made under any antecedent Act.

Contracts about Native land invalid.

45 24. No judgment of any Court obtained against any owner of an undivided share of any land shall affect such share, and no judgment against any Native grantee shall be registered in the Deeds or Land Registry Offices.

Judgments of Courts.

Land for roads.

25. From and out of any land which may have heretofore been or may be granted to any Native without purchase, it shall be lawful for the Governor, at any time hereafter, to take and lay off for public purposes one or more line or lines of road or railway, provided that the total quantity of land which may be taken for such line or lines of road shall not be more than after the rate of five acres in every one hundred acres : Provided that it shall be lawful for the Governor at any time, by indorsement on the Crown grant or on a subsequent instrument of disposition, or by separate deed, to release any such right, and to discharge the land comprised therein from the said liability : Provided also that nothing herein contained shall authorize the taking of any lands which shall be occupied by any pas, Native villages, or cultivations, or by any buildings, gardens, orchards, plantations, burial or ornamental grounds, without compensation, to be ascertained in manner provided by "The Lands Clauses Consolidation Act, 1863:" Provided always that this power shall cease and determine at the expiration of fifteen years from the date of the Crown grant.

Government land purchases.

26. And whereas arrangements have at various time heretofore been made by officers duly authorized to obtain the cession of Native land to Her Majesty with Natives owning or pretending to own Native land, and in some cases money has been paid on account of such arrangements, but no perfected agreements have been made nor possession acquired by Her Majesty of such lands : Be it enacted that it shall be lawful for the Court, either in the claim of any Native claiming to be interested in any such land or in the claim of the Governor, to investigate the title to and the interests in such land, and the Court shall make such orders either for the completion of the agreement upon such terms and conditions as the Court shall think fit, or for the apportionment of the land and the parties interested therein, in such manner as the Court shall think equitable, or for the repayment by the Natives who shall be found to have received such money as aforesaid of the same or any part thereof to Her Majesty, with or without interest, or it may by such order declare that such land or any part thereof has been duly ceded to Her Majesty, and all such orders shall be good and effectual, and any order declaring that the land or any part thereof has been duly ceded to Her Majesty shall vest the same in Her Majesty and Her successors absolutely, as demesne lands of the Crown, freed and discharged from all Native titles, customs, or usages.

Grantees tenants in common.

27. In any Crown grant heretofore made, or hereafter to be made, to more Natives than one under the provisions of any Act of the General Assembly, the grantees shall be and shall be deemed to have been, from the date of the grant or the antevesting date therein (if any), whichever is earliest, tenants in common, and not joint tenants ; but the estate or interest of each of several of such grantees shall not be deemed to be equal or of an equal value unless it has been so stated in their grant.

Grantees before Act of 1869.

28. This provision shall not apply to cases in which the grantees or the survivors of them shall, before the third day of September, one thousand eight hundred and sixty-nine, have alienated by sale, lease, or otherwise the land comprised in their grant, or to such part of the land as they may have so alienated.

Exception of certain grantees.

29. Nor shall it apply in any case where the grant is made expressly to the grantees as joint tenants, nor where the grant is made upon trust expressed in the grant.

Grantees under "East Coast Act, 1863."

30. In any case where lands have been granted or shall hereafter be granted by the Crown to more Natives than one, or in any case where a certificate of title in respect of any land shall have been issued, or shall hereafter be issued, to any Natives under the provisions of the fourth section of "The East Coast

Act, 1868," then and in every such case all the provisions of any Native Land Court Act for the time being in force in regard to the subdivision or partition of lands and succession to lands, and all the provisions of any such Act that would be applicable in respect of such land or the owners thereof, in case the title to such land had been obtained through the Native Land Court, shall be deemed to apply and may be applied in respect of the land comprised in any such grant or certificate of title issued or to be issued as hereinbefore mentioned, and in respect of the owners of such land, on and from the date of the order or award under or in respect of which any such grant or certificate of title may have been issued or may hereafter be issued, in the same manner as if the title to the land comprised in any such grant or certificate of title had been obtained through the Native Land Court.

31. On the application of either of the parties, or on its own motion, the Court may order that any question of law arising in any matter judicially before it shall be sent to the Supreme Court for decision, and thereupon all proceedings in such matter shall be *ad interim* stopped in the Native Land Court, and a case stating the facts and the question of law arising shall be drawn up by the parties and settled and approved by the Native Land Court, and the Supreme Court shall determine the same; and the judgment or decision given by the Supreme Court shall be returned into the Native Land Court, and be accepted by it as authoritative and final on the question submitted.

Case for Supreme Court.

32. Whenever in any action in the Supreme Court, whether already commenced or hereafter to be commenced, any question of fact, or of Maori custom or usage, relating to any land held under Crown grant howsoever issued, shall arise, and shall for the purposes of such action require to be ascertained and determined, the said Court, or a Judge thereof, shall have power and authority to refer such question of fact, custom, or usage for hearing and determining by the Native Land Court.

Case from Supreme Court.

33. When any such reference is made to it, the Native Land Court shall forthwith proceed to ascertain and determine the matter of the said reference, and shall certify its determination thereon to the Supreme Court.

Proceeding thereon.

34. In any case of a lease of Native land being made either prior to or after the issue of a Crown grant for such land where, in consequence of any of the lessors being under legal disability, or of the individual interest of the several lessors not being ascertained, or of the death of any of the persons entitled at law or in equity to share of such rent, the lessee is unable to make a proper payment of the amount of rent reserved in such lease, and to obtain a satisfactory acquittance for the same, it shall be lawful for such lessee to pay such rent to the credit of the lessors into some public account to be indicated for the purpose by the Governor or a Judge of the Native Land Court, which such Governor and Judge respectively are hereby empowered to do; and such payment by the lessee shall be and be deemed to be a sufficient compliance by him with any covenant in such lease in respect of the payment of rent reserved, and the receipt of the officer receiving such moneys shall be a full discharge to the lessee for so much rent-money as is expressed in the receipt to have been received by such officer.

Rent due to persons under disability.

35. The moneys paid into any public account as aforesaid shall be paid thereout in the manner and on the process indicated by the said clauses of the "Land Clauses Consolidation Act, 1863."

"Land Clauses Consolidation Act, 1863."

36. The interest or estate of any person under disability may be dealt with in accordance with the provisions of "The Maori Real Estate Management Act, Amendment Act, 1877," as well as "The Maori Real Estate Management Act, 1867," and trustees appointed under either of the said Acts shall have the same

Trustees under Maori Real Estate Acts.

power to deal with private persons for the sale or lease of any interest so held in trust by them as they have in cases where the Crown is concerned; and all moneys arising or accruing from such sale or lease to private persons may be applied in the manner set forth in the said Acts.

Errors of Court  
on East Coast.

37. And whereas claims have been heard and decided or partly decided, 5  
and proceedings have been taken by the Native Land Court under "The Native  
Land Act, 1873," and its amendments, in which sundry provisions and pro-  
hibitions of the said Acts have been disregarded by the Court: Be it enacted  
that, on the application of any person interested, either originally or having  
obtained an interest subsequently to any such proceeding, and relying upon the 10  
validity thereof, it shall be lawful for the Court to inquire into the matter and  
make such order respecting the same as shall appear to the Court justly to  
remedy any mistake made by the Court, or any error in its proceedings; and any  
indorsement made by the Court on any instrument of disposition heretofore  
made respecting the lands conferred in any such claim, or of any part thereof, 15  
shall be valid and effectual according to the terms thereof, and may be registered  
in the proper Registry of Deeds or Land Transfer Office.

## NGA HOKO WHENUA MAORI.

### WHAKAWHAITITANGA.

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| <p>Ingoa.<br/>Matua Korero.</p> <ol style="list-style-type: none"> <li>1. Ingoa Poto.</li> <li>2. Whakamaramatanga.</li> </ol> <p style="text-align: center;">NGA HOKO.</p> <ol style="list-style-type: none"> <li>3. Ma nga tangata o te whenua e tono ki te Pooti Whenua.</li> <li>4. Nga tangata whenua e arua ana e te ture.</li> <li>5. Hoko a te Pooti Whenua.</li> </ol> <p style="text-align: center;">NGA UTU O TE WHENUA.</p> <ol style="list-style-type: none"> <li>6. Nga moni o te hoko.</li> <li>7. Kai-tiaki moni-taonga o nga tangata katoa mate oha-aki kore.</li> <li>8. Nga whakatakotoranga moni.</li> <li>9. Kai-whakahaere moni o te katoa.</li> <li>10. Whakahaerenga o nga utu o te whenua.</li> <li>11. Nga rori.</li> <li>12. Nga tautohe.</li> <li>13. Etahi kupu atu ano mo nga tautohe.</li> <li>14. Nga tangata whenua e arua ana e te ture.</li> </ol> <p style="text-align: center;">NGA WHAKAOHINGA HOKO.</p> <ol style="list-style-type: none"> <li>15. Te tuturutanga o te take ki te kai-hoko.</li> <li>16. Nga tuhinga riihi.</li> </ol> <p style="text-align: center;">ETAHI ATU MEA.</p> <ol style="list-style-type: none"> <li>17. Tunga Taone.</li> </ol> | <ol style="list-style-type: none"> <li>18. Nga Rahui mo te katca.</li> <li>19. Nga whenua Maori e hokona ana i raro i tenei Ture.</li> <li>20. Nga tangata whenua whai-tiwhikete o te tau 1867.</li> </ol> <p style="text-align: center;">NGA MAHINGA O MUA ME O NAIANEI.</p> <ol style="list-style-type: none"> <li>21. Whakaoitinga pukapuka tuku me etahi atu.</li> <li>22. Tuhinga Wahine Marua.</li> <li>23. Noatanga o nga whakaritenga mo nga whenua Maori.</li> <li>24. Whakataunga o nga Kooti.</li> <li>25. Whenua mo nga rori.</li> <li>26. Nga hoko whenua a te Kawanatanga.</li> <li>27. Nga tangata Karauna karaati kia teneti ka-mana.</li> <li>28. Nga tangata Karauna karaati o mua atu i te Ture, 1869.</li> <li>29. Whakakorenga i etahi tangata Karauna karaati.</li> <li>30. Tangata Karauna karaati i raro i te "Ture mo te Tai Rawhiti, 1868."</li> <li>31. Whakawa haere ki te Hupirimi Kooti.</li> <li>32. Whakawa ahu mai i te Hupirimi Kooti.</li> <li>33. Nga whakahaere mo reira.</li> <li>34. Nga reti mo nga tangata e arua ana e te ture.</li> <li>35. "Ture whakatapu tikanga whenua, 1863."</li> <li>36. Nga kai-tiaki i raro i nga Ture whakahaere mo nga whenua Maori.</li> <li>37. Nga he o te Kooti i te Tai Rawhiti.</li> </ol> |
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## HE PIRE E HUAINA ANA

HE TURE hei whakamana i te Kawanatanga, mo te taha ki nga Maori, ki te tuku i o ratou whenua.

NOTEMEA e tika ana kia whaimana te Kawanatanga o te Koroni, ki te tuku i nga whenua a nga tangata Maori o roto i te Koroni, mo te taha ano ki nga tangata no ratou ake te whenua.

NO REIRA KA MEINGATIA HEI TURE e te Runanga Nui o Nui Tireni e noho huihui ana i roto i te Paremete i runga i tona mana, nga tikanga e whai ake nei:—

1. Ko te Ingoa Poto o tenei Ture ko "Te Ture mo nga hoko whenua Maori, 1880."

2. Ko nga kupu me nga whakahua o roto i tenei Ture e whai ake nei, koi na ano ona tikanga e mau na.

"Kooti" ko te Kooti Whenua Maori o Niu Tireni.

"Tangata whai Whenua" ko te tangata e whakapumautia ana e te Kooti Whenua Maori e tika ana ki tetahi Whenua Maori, e whai-take ana ranei ki tetahi paanga o roto.

"Maori" ko nga tangata Maori, ko nga hawhe-kaihe me o ratou uri i na te taha Maori.

"Whenua Maori" ko nga Whenua o nga Maori e takoto ana i raro i nga tikanga me nga whakahaere Maori.

"Ture Whenua" ko "Te Ture Whenua, 1877," me ona tikanga.

"Pooti Whenua" ko te hunga e whakamanaia ana hei whakahaere i taua Ture i roto i te takiwa e takoto ana te whenua e meatia ana.

"Kai-tango i nga Takoha Whenua" ko te Apiha ano i roto i aua takiwa e ingoa peratia ana.

"Poraka" He piihi whenua kua tiwhiketitia e te Kooti, ko tetahi wahanga ranei o taua piihi.

## NGA HOKO.

3. Ki te hiahia nga tangata no ratou tetahi poraka whenua ki te hoko, ki te rihi ranei, me tuhituhi e ratou he tono ki te Pooti Whenua whakaatu i tera hiahia a ratou.

4. Mehemea tetahi tangata whai-whenua e tamarki ana, e araia ketia ana ranei e te ture, ka ahei te Kooti ki te whakatu i tetahi kai-tiaki mona, me te whakaaro ano i te niu o te mana hei tukunga atu ki taua kai-tiaki mo te whakahaere i nga take o taua hunga.

5. A te tino mohiotanga o te Pooti Whenua i uru katoa tahi ki roto ki te tono nga tangata o te whenua, tae noa ki nga kai-tiaki kua kiia ake nei, a me te whenua e meatia ana e ratou kia tukua kaore i te herea e te ture, e etahi tikanga ranei kihai e taea te whakahaere i runga i tenei ahua tuku; heoi ma te Pooti Whenua e tuku i taua whenua ki te hoko, ki te rihi ranei, mehemea tonu nei he whenua Karauna kei raro i tona mana.

## NGA UTU O TE WHENUA.

6. Ko nga moni katoa e puta ana mai o te hoko me utu ki te Kai-tango o nga Takoha Whenua.

7. Ma taua Kai-tango o nga Takoha Whenua e utu atu ki te Kai-tiaki moni-taonga o nga tangata katoa mate oha-aki kore.

8. Na me motu ke te whakatakoto a taua Kai-tiaki i nga rarangi moni o ia whenua o ia whenua, a ma tetahi tangata ano e whakaturia ana e te Kawana, e whakariterite aua rarangi ki nga rarangi e takoto ana i te Peeke, ka mutu, mana e whakaae te tika o aua rarangi, e whakaatu hoki i nga he me nga wahi kore tika e kitea ana e ia ki te Kawana.

9. Hei whakarite i nga tikanga o tenei Ture me tu te Kai-tiaki moni-taonga o nga tangata katoa mate oha-aki kore hei Kai-whakahaere moni o te katoa.

10. Ma te Kai-tiaki moni-taonga o nga tangata katoa mate oha-aki kore, e utu i roto i nga moni katoa o te whenua.

(1.) Nga utu o te ruri.

(2.) Nga utu o te Kooti.

(3.) Nga utu e kiia ana e te Kooti kia utua (me ai he pera).

(4.) Nga utu mo nga panuitanga i roto i nga nupepa.

(5.) Nga takoha hei utunga ki a te Kuini.

(6.) Nga utu i runga i te tikanga kotahi pauna i roto i te rau hei haerenga atu ki te Kai-tango Takoha Whenua.

(7.) Me nga moni e whakaritea ana e nga tangata o te whenua ratou ko te Pooti Whenua kia kaua e iti iho i te ritenga kotahi te kau pauna i roto i te rau, e neke atu ranei i te toru te kau pauna i te rau. Ko aua moni ma ratou e whakatuturu kia hia ranei, hei tangohanga mai i roto i nga moni utu o te whenua, a ka hoatu ki te Kai-tango Takoha Whenua hei moni hanga rori:

Na ko nga moni e toe ana me utu ki nga tangata o te whenua, me ata tuha ano i runga i te nui o te take o tena tangata, i te iti o to tena. Ara, mehemea kua oti ano i te Kooti te whakamarama nga take o ia tangata i roto i te tiwhikete, te nuinga me te itinga; ki te kore i peratia e te Kooti heoi me utu ano kia rite ki ia tangata ki ia tangata.

11. Ko nga moni e tangohia ana mo nga rori me whakahaere i raro i te mana o te Pooti Whenua, hei hanga rori ki nga whenua hoko, hei whakanui hoki i nga utu o aua whenua.

12. Ki te puta tetahi tautohe i waenganui i te Kai-tango Takoha Whenua me te Kai-tiaki moni-taonga a nga tangata katoa mate oha-aki kore, i waenganui ranei i taua Kai-tiaki me nga tangata o te whenua, i waenganui i nga tangata o te whenua ranei me tetahi tangata noa, mo te ahua o nga utunga me nga whakapaunga o aua

moni e tangohia ana mo nga rori. No ko era tautohe katoa ma te whakawa e whakatau.

13. Ki te puta he tautohe ko ewhea ranei nga tangata tika hei utunga atu i nga moni e te Kai-tiaki moni-taonga o nga tangata katoa mate oha-aki kore, na ma te Kooti ano e whakatau.

14. Ko nga moni hei utunga ki nga tamariki, ki etahi atu tangata ranei e araaia ana e te ture ma te Kooti e whakahaere, pera ano—i runga ano i nga rereke haeretanga e mahia ana—me nga moni e utua ana ki roto ki te Tari takotoranga moni o te Koroni e taea nei e te Hupirimi Kooti te whakahaere i raro i te "Ture Whakatapu i nga tikanga Whenua, 1863," i te tekiana ono te kau ma rima me nga tekiana e whai ake ana i muri.

#### WHAKAOTINGA HOKO.

15. A te otinga o tetahi tino hoko, e tika ana kia puta he tiwhikete whaitaketanga o te whenua ki te kia-hoko i raro i te Ture Tuku Whenua.

16. Ki te rite i te Kai-hoko nga tikanga i hokoa ai tetahi rihi, me whakaoti ano e te Tiamana o te Pooti Whenua he rihi me tetahi tauira, me mau ko tona ingoa ki roto mo te taha ki nga tangata no ratou te whenua. Ko tana tuhi i tona ingoa me tana whakaoti, ano ko te tuhi me te whakaoti a nga tangata o te whenua me ia kai-tiaki ano o ratou, mehemea ra e araitia ana etahi o nga tangata whenua e te Ture.

#### ETAHI ATU MEA.

17. E kore tetahi taone e whakatakotoria i raro i tenei Ture me whakapai rano te Kawana i te tuatahi ki te wahi hei tunga, a ma te Kawana ano e rahui nga wahi e tika ana kia rahuitia mo nga tikanga e whakahuatia ana i roto i te "Ture Rahui mo te katoa 1878."

18. Me tuku te mana mo aua rahui ki te kuini kia mau ki runga ki nga tikanga o taua Ture.

19. Ko nga whenua kua tiwhiketitia tera ranei ka tiwhiketitia a muri nei, me hoko me tuku i raro i tenei Ture kaua i tetahi huarahi ke atu, haunga era kei runga nei etahi whakaritenga e tau ana.

20. Katoa nga tangata e rehitatia ana i raro i te Ture o te tau, 1867, ano he tangata whai whenua i runga i nga tikanga o tenei ture.

#### NGA MAHI O MUA ME O NAIANEI.

21. E kore e whai mana tetahi hoko, rihi, tetahi pukapuka tuku whenua ranei a tetahi maori i raro i te tiwhikete whaitaketanga, tuhinga whakamaharatanga take, karauna karaati ranei, ki tetahi tangata e hara na i te maori, me whakamarama rawa ki taua maori i mua ake i tona tuhinga, e tetahi kai-whakamaori kua raihanatia i raro i te "Ture Kooti Whenua, 1880," a me mau rawa te whakamaoritanga a te kai-whakamaori ki runga ki te pukapuka e tuhia ana.

Ko taua whakamaramatanga me oti rawa, me taua pukapuka hoki me tuhi rawa e taua Maori ki te aroaro o tetahi Kai-whakawa o o te Kooti, o tetahi Kai-whakawa Tuturu, o tetahi Kai-whakawa awhina (J. P.) ranei, me tetahi atu ano tangata matua hei kai-titiro; ma tetahi o aua Kai-whakawa e tuhia ana ki tona aroaro taua pukapuka tuku, e tiro rawa kua tino mohio te Maori e tuhi ra i taua pukapuka ki nga korero o roto, a mana e tuhi ake ki runga ki taua pukapuka i tuhi mohio te maori, a i runga ano e mau ana te whakamaoritanga i te wa o te tuhinga.

22. Ko te wahine Marena o te iwi Maori e meatia nei e te Ture, a tona tuhinga i tetahi pukapuka tuku me whakaae rawa ki te aroaro o nga Komihana, kaore he tikanga kia peratia i tenei, engari me tika tonu me mana tonu taua pukapuka tuku ano i tuhia e tetahi wahine takakau.

**23.** Katoa nga hoko nga tuku, nga tuku aroha, nga whakaaetanga e pa ana ki te Whenua Maori me kore noa, ko era anake e tu i mahia tikatia i raro i tetahi o nga Ture o mua ake nei.

**24.** Ki te whakawakia e tetahi Kooti tetahi tangata e whai wahi ana kihai i wehewehea i roto i tetahi whenua a whakataua ana he he ki runga ki a ia, e kore taua whakataunga e whai tikanga ki taua wahi ona. E kore hoki nga whakataunga mo nga Maori whai-karaati e rehitatia i roto i nga Tari Rehita Whenua, Pukapuka tuku ranei.

**25.** Me ahei te Kawana i runga i te Ture a ona takiwa a muri nei ki te tango mai, kore hoko, i tetahi wahi o roto o nga whenua kua oti te Karaati ki te Maori, a muri nei ranei Karaati ai; a ka whakatakoto mo te taha ki te katoa, i tetahi, i etahi ranei raina rori, rerewe; engari hoki ko te nuinga katoa o te whenua e tangohia ana mo aua raina rori me kua e nui atu i te rima eka i roto i te rau eka kotahi. A hoki e ahei ana te Kawana i runga i te Ture, i nga takiwa katoa, ki te tuhi i runga i te Karauna Karaati, i runga ranei i tetahi pukapuka o muri, ki te whakaoti ranei i tetahi pukapuka ke, wewete i taua mana, whakakore hoki i taua tikanga i runga i te whenua e mau ana i roto: A e kore ana hoki he tikanga i roto i enei e mana ai te tango noa i era whenua e tu ana he pa i runga, he Kainga Maori, he mahinga-kai ranei, e tu ana ranei he Whare i runga, he maara, he wahi tunga rakau hua, he ngakinga, he urupa, he wahi whakapai ranei, engari me ata utu marire i raro i nga tikanga o te "Ture Whakatapu Tikanga Whenua, 1863," otira me mutu taua mana i te pahuretanga o nga tau kotahi te kau ma rima timata mai i te ra i tukua ai te Karauna Karaati.

**26.** Notemea ko etahi whakaritenga i mahia i etahi takiwa i mua ake nei e nga Apiha a te Kawanatanga e riro mai ai he Whenua Maori ki a te Kuini, ko aua whakaritenga i mahia tahitia e ratou ko nga Maori no ratou te whenua, i mea kau ranei he whenua o ratou; na i roto i etahi o aua whakaritenga kua utua ano he moni, engari kahore i tino whakaotia nga whakaaetanga, a kihai hoki i whiwhi te Kuini ki aua whenua: Heoi ka meingatia kia mana te Kooti ahakoa i runga i te take o tetahi Maori e mea ana kei roto ia i taua whenua, i runga ranei i te take o te Kawana, ki te whakawa i te take o taua whenua me ona paanga; ma te Kooti e whakatau kia whakaotia ranei te whakaaetanga i runga i nga tikanga e paingia ana e ia, kia wehea ranei te whenua i waenganui i nga hunga e whaitake ana, ma te Kooti e whakaaro te tika o taua wehenga, mana ranei e mea kia whakahokia ki a te Kuini e nga Maori e kitea ana kua tango moni pera me tenei kua korerotia i runga nei i tetahi wahi ranei, me te whai hua o aua moni me te kore ranei, a ma te Kooti ranei e ki ko taua whenua kua tino tukua atu ki te Kuini. Ko enei whakataunga katoa me tika me whai mana, a ki te ki tetahi whakataunga kua tuturu taua whenua tetahi wahi ranei ki a Te Kuini, heoi me tino mau tonu ki a Te Kuini me ona uri i muri i a ia hei whenua mo te Karauna, me te kore i runga o nga take Maori, o a ratou tu tikanga me nga ritenga hoki.

**27.** I roto i nga Karauna Karaati kua mahia i mua nei me era ranei o muru nei mahi ai, a e maha atu ana i te tangata Maori kotahi e uru ana ki roto i raro i nga tikanga o te tahi o nga ture a te Runanga Nui; me mea nga tangata o te Karaati mai ano i te ra i hangaia ai te Karaati, te ra ranei i tukua tuatahitia atu te whenua ki a ratou (ki te ai he pera) kia noho ratou hei teneti kamana kia kua e tiota teneti; engari ko nga paanga me nga wahi o nga tangata o roto i te Karaati e kore e kiia e rite tahi ana te nui, te utu ranei, ma te Karaata anake e whakahua e rite ana ka rite.

**28.** Ko tenei tikanga e kore e eke atu ki nga Karaati kua hoko ra nga tangata o roto, o ratou uri ranei e ora ana, i mua atu i te toru o nga ra o hepetema kotahi mano e waru rau e ono tekau ma iwa, kua rihi kua pewhea atu ranei ratou i te whenua e noho ana i roto i to ratou Karaati; kua hoko ranei ratou i tetahi wahi o taua whenua.

**29.** Kauga hoki e pa ki era Karaati i tukua putia ki nga tangata o roto hei tiota teneti, kauga hoki e pa ki te Karaati e whakahuatia ana i roto i tukua i runga i tetahi tikanga tiaki.

**30.** Mehemea he whenua kua Karaatitia, ka Karaatia ranei a muri ake nei e te Karauna ki nga Maori e maha atu ana i te tangata kotahi; mehemea ranei he tewhikete kua whakaputaina mo etahi whenua, a muri nei ranei puta ai, ki etahi Maori i raro i nga tikanga o te tekihana tua-wha o te "Ture mo te Tai Rawhiti 1868," me mana nga ritenga katoa o te Ture Kooti Whenua Maori e tu ana i taua takiwa mo nga wewehenga me nga roherohenga whenua, me nga riiwhitanga tupapaku ki nga whenua, a ko nga tikanga katoa o roto o taua tu ture mehemea e tau ana ki aua tu whenua, ki nga tangata ranei o te whenua, me na te Kooti Whenua Maori i whakatuturu te take, e pai ana ano kia tau ki nga whenua e takoto ana i roto i aua karaati, tiwhikete ranei kua tukua, a muri ranei tuku ai pera kua kiia ake nei, a tae atu hoki ki nga tangata o te whenua, timata mai i te ra o te whakaputanga a te kooti i puta ai te karaati te tiwhikete ranei, ka puta ranei a muri nei, penci ano me na te Kooti Whenua Maori i whakatuturu te take o te whenua e takoto ana i roto i taua Karaati i taua tiwhikete ranei.

**31.** I runga i te tonono a tetahi o nga hunga, i te whakaaro ake ano ranei a te Kooti Whenua Maori kia pera, ma taua kooti e tuku ma te Hupirimi Kooti e whakatau etahi putake o te ture e ara ake ana i tona aroaro, i roto i tetahi whakawa; hei reira me whakatarewa te mahi i roto i te Kooti Whenua Maori mo taua mea, na me whiriwhiri tetahi toha me tetahi taha i nga putake korero me taua take ture, i runga ano i te whakarite me te whakaae a te Kooti Whenua Maori, ka mutu, ka riro ma te Hupirimi Kooti e whakatau, na ko te whakataunga a te Hupirimi Kooti me whakahoki atu ki te Kooti Whenua Maori ko reira hei whakataunga hei whakatuturutanga i aua take.

**32.** I roto i nga whakawakanga i te Hupirimi Kooti kua timataria i naianei, ka timataria ranei a muri nei, ki te puta ake he putake korero he take ritenga tikanga Maori ranei e pa ana ki tetahi whenua o roto i tetahi karauna Karaati, a e tika ana kia rapua kia whakatuturutia kia hangai ai te hacre o taua mea e whakawakia ana; me whai mana te Hupirimi Kooti tetahi ranei o ona kaiwhakawa ki te tuku atu i taua putake i taua tikanga Maori ranei ki te Kooti Whenua Maori kia whakataua mai.

**33.** Ka tukua mai he mea pera ki te Kooti whenua Maori me tahuri tonu ia ki te kimi i te tikanga, ki te whakatau hoki, a ka tuku whakatika atu i tona whakataunga ki te Hupirimi Kooti.

**34.** Ko nga rihi mo nga Whenua Maori i whakaritea i mua atu i muri mai ranei i te putanga o te Karauna Karaati mo aua whenua, kihai nei i taea e te kai-rihi te utu i nga moni o taua rihi i te arai a te ture i etahi o nga kai-tuku, i te mea ranei kaore ano i kitea te paanga o etahi o nga kai-tuku, i te mea ranei kua mate tetahi o nga tangata i tika kia tango i aua moni; e tika ana kia utua e te kai-rihi aua moni mo nga kai-tuku ki tetahi o nga takotoranga moni a te katoa e tohua mai ana e te Kawana e te Kaiwhakawa ranei o te Kooti Whenua Maori, no te mea e whaimana ana te kawana me tetahi kaiwhakawa o te Kooti Whenua Maori ki te pera, ko taua utunga pera a te kai-rihi koia tana whakarite i nga kupu o roto i te rihi mo te reti; na ko te pukapuka whakaatu a te Apiha tango i aua moni kati ano he tohu whakapono i te utunga a te kai-rihi i aua moni o te reti, me te rironga ki taua Apiha.

**35.** Ko aua tu moni katoa e tukua ana ki aua takotoranga moni a te katoa me whakaputa ano i raro i nga ritenga me nga tikanga e mau nei aua tekihana o te "Ture Whakatopu Tikanga Whenua, 1863."

**36.** Ko nga paanga me nga whenua a etahi tangata e araia ana e te ture me mahi i raro i nga tikanga o te "Ture Whakatikatika i te Ture Whakahaere mo nga Whenua Maori, 1877," ano me te "Ture Whakahaere mo nga Whenua Maori, 1867," ko nga kai-taki hoki e whakaritea ana i raro i aua ture me whaimana ano hoki ki te rihi ki te hoko ranei ki te tangata ke nga paanga e tiakina ana e ratou, penei ano me era mea e uru ana te karauna ki roto.

**37.** A no te mea kua whakawatia etahi take whenua kua whakataua, kaore ano ranei kia tino whakataua, a kua mahia etahi whakawa e te Kooti Whenua Maori i raro i te "Ture Whenua Maori 1873," me ona ture whakatikatikanga, na kihai i aro ake te Kooti ki nga ritenga me nga mea i whakatapua e aua ture. No reira ka meingatia, ki te tono tetahi tangata kua whai-paanga, i muri ranei i whai-paanga ai ki roto ki tetahi whakawakanga pera, a i whakaponono ki te tika o taua whakawa, me mana te Kooti i runga i te ture ki te whiriwhiri i taua mea a ka hanga i tetahi ritenga e marama ana ki a ia hei whakaora i te pohehetanga o taua Kooti, i tetahi henga ranei o ana whakahaere; na kia mana tonu te tuhinga a te Kooti ana tuhi ia ki runga ki tetahi pukapuka tuku kua mahia i mua atu nei mo nga whenua e whakataua ana i runga i aua take, a me taea hoki te rehitia taua pukapuka i roto i te tino Tari Rehitia Pukapuka-tuku, Tari Tuku Whenua ranei.