

Hon. Mr. Carroll.

NATIVE LAND SETTLEMENT.

ANALYSIS.

- | | |
|--|--|
| <p>Title. Preamble. 1. Short Title. 2. Interpretation.</p> <p><i>Vesting of Land in Maori Land Boards.</i> 3. Governor may declare certain land subject to Act. 4. Such land to vest in Maori Land Board. 5. To be held in trust for Maori owners. 6. Maori owners not to have power of disposition. 7. Land to remain subject to existing charges, &c. 8. Act to apply to other lands vested in Maori Land Board. 9. Board not to exercise powers conferred by Acts of 1900 and 1905 over land subject to this Act. 10. Restriction of powers of alienation.</p> <p><i>Disposition of Land by Maori Land Boards.</i> 11. Board to divide land subject to Act for purposes of sale and lease. 12. Land to be surveyed and subdivided. 13. Board to classify land. 14. Maximum area of land to be held by any one person. 15. Purchaser or lessee to make declaration.</p> <p><i>Sales.</i> 16. Sales to be by public auction or public tender. 17. Purchaser to pay 10 per centum of purchase-money on acceptance. 18. On default of purchaser executing contract, &c., Board may cancel sale. 19. Residue of purchase-money payable by instalments. 20. Purchaser entitled to possession on execution of contract by Board. 21. Interest on unpaid purchase-money. 22. Provisions of Land Acts as to residence, &c., to apply. 23. Purchaser not entitled to commit waste. 24. On default by purchaser of payment of interest, Board may require assignment of contract. 25. Purchaser entitled to a transfer after five years if purchase-money paid. 26. Land so alienated to be subject to Part IV of Land Laws Amendment Act, 1907. 27. Form of contract of sale to be prescribed by regulations.</p> | <p><i>Leases</i> 28. Leases to be by public auction or public tender. 29. Land may be leased for fifty years without right of renewal. 30. Lessee entitled to valuation of improvements. 31. Forms of lease to be prescribed by regulations. 32. Record of improvements.</p> <p><i>Transfers and Subleases.</i> 33. Purchaser or lessee not to assign within two years, and only with consent of Board. 34. Executors or administrators of deceased lessee or purchaser may assign.</p> <p><i>Registration of Titles.</i> 35. Registrar to issue certificate of title to Maori Land Board. 36. Land Transfer Act to apply. 37. Contract of sale may be registered against title of Board.</p> <p><i>Miscellaneous.</i> 38. Advances out of Public Works Fund for purpose of surveys, &c. Repayment of such advances. 39. No land to be offered for sale or lease until satisfactorily roaded and bridged. 40. Application of revenues derived from land. 41. Moneys payable into Maori Land Board accounts. 42. Appointment and remuneration of officers. 43. Contracts to be under seal of Board. 44. Other Acts as to Native land to be subject to this Act. 45. No personal liability on member of Board. 46. Removal by Governor of members of Board. 47. Certain powers of Native Land Court, &c., with respect to land subject to this Act, not affected. 48. Regulations for issue of documents of title as to equitable interests. 49. Provisions to apply to executors, &c., of purchaser or lessee. 50. Provisions as to completion of negotiations already commenced. 51. Board may set apart reserve. 52. Board may sell site for dairy factory, &c. 53. Regulations. 54. Termination of powers of Commission.</p> <p><i>Leases to Maoris.</i> 55. Land may be set apart for leasing to Maoris. 56. Maori Land Board may act as agent of Maori owners.</p> |
|--|--|

A BILL INTITULED

Title. AN ACT to make Further Provision for the Settlement of Native Lands.

Preamble. WHEREAS certain Commissioners were, on the twenty-first day of January, nineteen hundred and seven, appointed by the Governor with intent that they should make inquiry as to the areas of Native land which are unoccupied or not profitably occupied, and as to the mode in which such lands can best be utilised and settled in the interests of the Native owners and the public good: And whereas the said Commissioners have already reported as to certain areas of the said lands, and are about to report further as to other areas thereof: And whereas it is expedient to give effect to the recommendations of the said Commissioners in manner hereinafter appearing, and to make further provision for the settlement of the lands belonging to the Native race:

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

Short Title 1. This Act may be cited as the Native Land Settlement Act, 1907.

Interpretation. 2. In this Act, except so far as a contrary intention appears from the context or subject-matter,—

“Board” means a Maori Land Board:

“Commission” means the Commissioners hereinbefore referred to, and any Commissioners who may be hereafter appointed by the Governor in lieu of the said Commissioners for the purposes of this Act:

“Native land” means all land owned at law or in equity by any Maori under any class of title, ~~whether~~ *if* the title has been ascertained ~~or not, or~~ whether the said land is vested at law in the Maori owner or is held in trust for him by any trustee, ~~Maori Land Board, or body corporate;~~ but does not include any land which, although owned by a Maori, has been at any time alienated from the Crown in fee-simple to any person other than a Maori:

“Maori” includes half-caste Maoris and their descendants:

“Prescribed” means prescribed by regulations or by this Act:

“Regulations” means regulations made by the Governor by Order in Council gazetted.

New clause.

2A. This Act shall not apply to—

(a.) Land situated in the South Island or in Stewart Island:

(b.) Land vested in a Maori Land Board under any other Act:

(c.) Land which is subject to or administered under any of the following Acts, that is to say:—

(i.) The Thermal-Springs Districts Act, 1881;

(ii.) The West Coast Settlement Reserves Act, 1892;

(iii.) The Native Townships Act, 1895;

(iv.) The Urewera District Native Reserve Act, 1896;

(v.) The Kapiti Island Public Reserve Act, 1897;

(vi.) The East Coast Native Trust Lands Act, 1902.

Lands exempted from operation of this Act.

PART I.

Vesting of Land in Maori Land Boards.

3. (1.) When and as often as the Commission has reported to the Governor, ~~whether before or within one year after~~ the passing of this Act, that any Native land is not required for occupation by the Maori owners and is available for sale or leasing, it shall be lawful for the Governor by Order in Council to declare that such land shall be subject to this *Part of this Act* as from the date of such Order, and the same shall thereupon become and at all times thereafter remain subject to this *Part of this Act* accordingly.

Governor may declare certain land subject to Act.

(2.) Every Order in Council purporting to be made under the authority of this *Part of this Act* shall be conclusive proof that all conditions precedent to the making of such Order have been duly observed and fulfilled, and the validity of any such Order shall not be questioned in any Court.

(3.) Every such Order in Council shall determine the boundaries of the lands therein referred to in accordance with the report of the Commission, or so far as such report does not define the said boundaries, then as the Governor thinks fit, so as to conform to the true intent of the said report.

(4.) It shall be the duty of the ~~Maori Land~~ Board of the district to take, when required by the Governor so to do, all necessary steps to ascertain the most suitable boundaries so to be determined, and to report to the Governor thereon, and the Governor may act upon such report accordingly so far as it is consistent with the report of the Commission.

(5.) Every such Order in Council shall be gazetted, and shall be laid before Parliament within fourteen days after the making thereof if Parliament is then sitting, or if not, then within fourteen days after the commencement of the next ensuing session.

(6.) Any report made by the Commission before the passing of this Act may, within ~~two~~ four months after the passing of this Act, be modified by the Commission in such manner as the Commission thinks fit, having regard to the provisions of this *Part of this Act*; and it shall not be lawful to make any Order in Council in pursuance of such report during the said period of ~~two~~ four months, or until the report of the Commission making such modification is presented, whichever first happens.

4. All land which so becomes subject to this *Part of this Act* shall at the same time become vested in the ~~Maori Land~~ Board of the district in which it is situated for a legal estate in fee-simple in possession.

Such land to vest in Maori Land Board.

5. The land so vested in a ~~Maori Land~~ Board shall be held by the Board in trust for the Maori owners ~~who at the time of the vesting thereof are~~ beneficially entitled thereto or to any estate or interest therein, in accordance with their respective rights, titles, and interests.

To be held in trust for Maori owners.

6. (1.) No Maori for whom the said land is so held in trust, and no Maori claiming through or under him, shall have any power of disposition in respect of the same or of his equitable estate or interest therein, whether by way of sale, lease, mortgage, charge,

Maori owners not to have power of disposition.

contract, or otherwise howsoever, or any power of charging or alienating by way of anticipation any moneys receivable by him in respect of the sale, lease, or other disposition of the said land under the authority of this *Part of this Act* :

New proviso.

5

Provided that nothing herein shall be construed to prevent a Maori, with the consent of the Board, from charging any such moneys as security for moneys borrowed for the improvement of other land occupied by him.

(2.) Nothing in this section shall take away or affect any power of testamentary disposition vested in a Maori. 10

Land to remain subject to existing charges, &c.

7. All land which so becomes vested in a Maori Land Board shall remain subject to all valid leases, mortgages, liens, or charges to which it was subject at the date when it so became vested in the Board. 15

New clause.

7A. The Board is empowered to inquire into any equitable claims with respect to such land, and to deal with such claims as it may think fit, subject to the consent of the Native Minister.

Struck out.

20

Act to apply to other lands vested in Maori Land Board.

8. All land which is at the passing of this Act or thereafter becomes vested in any Maori Land Board by virtue or in pursuance of any Act other than this Act shall, on such land becoming subject to this Act by virtue of any Order in Council made in manner aforesaid, be deemed to be vested in the Maori Land Board by virtue of this Act, and the provisions of this Act shall apply thereto accordingly. 25

Board not to exercise powers conferred by Acts of 1900 and 1905 over land subject to this Act.

9. No Maori Land Board shall exercise with respect to any land which is subject to this *Part of this Act* any of the powers conferred upon such a Board by the Maori Land Settlement Act, 1905, or the Maori Lands Administration Act, 1900, or by any amendment of either of those Acts. 30

Restriction of powers of alienation.

10. (1.) For the purpose of rendering effectual the provisions of this *Part of this Act* the Governor may at any time make, with respect to any ~~specified area or areas of Native land, whether the Commission has reported thereon or not,~~ land reported on by the Commission in accordance with the provisions of section three hereof, an Order in Council prohibiting all private alienation of such land during any period not exceeding one year from the date of such Order. 35

(2.) So long as any such Order in Council remains in force it shall not be lawful for any person, without the consent of the Governor in Council first obtained, to acquire or contract to acquire, whether by purchase, lease, license, mortgage, or charge, any estate or interest in any Native land to which such Order applies. 40

(3.) Any contract or disposition made in breach of this section shall be void and of none effect. 45

(4.) Nothing in this section shall invalidate any contract validly made before the date of the said Order in Council, or render illegal the performance of such contract after the said date. 50

(5.) Nothing in this section shall apply to any assignment, sub-lease, mortgage, or other disposition of any valid lease, license, mortgage, or other incumbrance of Native land.

Disposition of Land by Maori Land Boards.

11. (1.) From time to time, so soon as any area of land has by Order in Council become subject to this Act, the ~~Maori Land Board~~ in which the same is vested shall with the approval of the Native Minister divide such land into two portions approximately equal, and set apart one of those portions for sale and the other portion for leasing in accordance with this *Part of this Act*.

Board to divide land subject to Act for purposes of sale and lease.

(2.) Any such division may from time to time be varied with the consent of the Native Minister, but every such alteration shall preserve a due proportion as aforesaid between the portions set apart for sale or leasing respectively.

12. (1.) Every ~~Maori Land Board~~ shall cause all land vested in it by virtue of this *Part of this Act* to be surveyed and subdivided into allotments of such areas as the Board, with the approval of the Native Minister, thinks suitable for the purposes of settlement.

Land to be surveyed and subdivided.

(2.) In making any such subdivision the Board shall lay off and dedicate all roads upon the said land which in the opinion of the Board are required for the opening-up and settlement thereof.

13. Every ~~Maori Land Board~~ shall in the case of all land vested in it by virtue of this *Part of this Act* classify such land in accordance with the provisions of the Land Act, 1892, and its amendments, as being either first-class land, second-class land, or third-class land.

Board to classify land.

14. (1.) No person shall be capable of acquiring, whether by way of lease, sublease, or contract of purchase, or by way of assignment of any such lease, sublease, or contract, any land subject to this *Part of this Act* which, together with all other land of any description owned, held, or occupied under any tenure, either severally or jointly or in common with any other person, exceeds a total area of five thousand acres, calculated in manner hereinafter provided.

Maximum area of land to be held by any one person.

(2.) For the purposes of this section the interest of a Maori in any land that has not been partitioned shall not be deemed to be land owned, held, or occupied by such Maori.

(3.) Nothing in this section shall prevent the acquisition of any land by any executor, administrator, trustee, or beneficiary under any will or intestacy.

(4.) Nothing in this section shall prevent an assignment to any person by way of mortgage.

(5.) In estimating for the purposes of this section the area of land already owned, held, or occupied by any person no account shall be taken of land vested in such person as a trustee, mortgagee, executor, or administrator only.

(6.) For the purpose of computing the total area mentioned in this section every acre of first-class land shall be reckoned as seven and a half acres, and every acre of second-class land shall be reckoned as two and a half acres.

(7.) For the purposes of this section the class to which any land belongs shall be determined as follows:—

(a.) In the case of Crown land which is classified by a Land Board in accordance with the Land Act, 1892, and its amendments, then in accordance with such classification:

(b.) In the case of land which is subject to this *Part of this Act* and is classified by a ~~Maori Land~~ Board in pursuance of this Act, then in accordance with such classification :

(c.) All other land, if of an unimproved value of not less than four pounds per acre, shall be deemed to be first-class . 5
land, and if of an unimproved value of less than four
pounds but not less than two pounds per acre shall be
deemed to be second-class land, and if of an unimproved
value of less than two pounds per acre shall be deemed
to be third-class land. 10

(8.) Land held under lease the term of which expires within nine months shall not be deemed to be land held or occupied within the meaning of this section, unless the lessee has a right to a renewal of such lease.

(9.) Nothing in this section shall prevent the acquisition by any 15
person of any land which in the opinion of the Board is incapable of profitable occupation in areas less than five thousand acres, and which is disposed of by the Board accordingly in areas exceeding that extent.

Purchaser or lessee
to make declara-
tion.

15. Every purchaser or lessee of land subject to this *Part of* 20
this Act shall, before executing the contract of purchase or the lease, make a statutory declaration in the prescribed form that he is legally qualified to become the purchaser or lessee of the said land, and that he is acquiring the said land solely for his own use and benefit and not directly or indirectly for the use or benefit of any other person. 25

Sales.

Sales to be by
public auction or
public tender.

16. (1.) All land set apart for sale under the authority of this *Part of this Act* shall be sold by the Board by public auction or *public* tender after public notification in the prescribed manner of the intention to offer the same for sale. 30

(2.) Subject to any restrictions and qualifications prescribed by this *Part of this Act* or by regulations, all land so offered for sale shall be sold to the highest bidder or highest tenderer.

(3.) The Board in offering the same for sale shall fix an upset price to be approved by the Native Minister, and no land shall be 35
sold below the price so fixed.

Purchaser to pay
10 per centum of
purchase-money
on acceptance.

17. (1.) The purchaser of any such land shall forthwith, on the acceptance of his bid or tender by the Board, pay to the Board a sum equal to ten per centum of the purchase-money.

(2.) On default in making such payment the contract may be 40
forthwith cancelled by the Board, and the land may at the discretion of the Board be sold to the next highest bidder or tenderer, or may be again offered for sale.

On default of pur-
chaser executing
contract, &c., Board
may cancel sale.

18. If the purchaser makes default in executing a written con- 45
tract of sale and making the declaration required by section *fifteen* hereof within thirty days after he has received written notice so to do, the Board may cancel the sale, and may deal with the land in manner provided by the *last preceding* section. On any such cancellation of the sale the Board may forfeit the purchase-money already paid by the purchaser, or such part thereof as the Board 50
thinks fit.

19. The residue of the purchase-money, after deducting the deposit of ten per centum thereof so made as aforesaid, shall be payable at such times and by such instalments as ~~the purchaser from time to time thinks fit~~, are fixed by the Board in the notification of sale, but the said purchase-money shall be fully paid within the period of ten years after the date of the execution by the Board of the contract of sale.

Residue of purchase-money payable by instalments.

20. On the execution by the Board of the said contract of sale the purchaser shall be entitled to the possession of the land so sold, and to retain such possession so long as the said contract remains in force.

Purchaser entitled to possession on execution of contract by Board.

21. The purchaser shall pay interest at the rate of five per centum per annum on all purchase-money for the time being unpaid. Such interest shall be payable by half-yearly payments on the first day of January and the first day of July in every year. On the next first day of January or first day of July succeeding the date of the execution of the contract by the Board the purchaser shall pay interest at the rate aforesaid for the period which has elapsed since the said date of execution.

Interest on unpaid purchase-money.

22. All the provisions of the Land Act, 1892, and its amendments, as to compulsory residence on land selected under the system of occupation with right of purchase, and as to the improvements to be put on such land, shall be applicable, subject to such modifications as may be prescribed by regulations, to the purchase of land under the provisions of this *Part of this Act*.

Provisions of Land Acts as to residence, &c., to apply.

23. Without the consent of the Board the purchaser shall not be entitled at any time while any purchase-money remains unpaid to commit any waste of the said land, or to do any other act whereby the value of the said land may be diminished.

Purchaser not entitled to commit waste.

24. If the purchaser at any time makes default for three months in the payment of any interest due by him, or if he fails to observe and perform any of the requirements of this *Part of this Act*, or any of the terms, covenants, or conditions of the contract of sale, the Board may require such purchaser to assign the contract, and all his estate and interest in the land, to some other qualified person to be approved by the Board; and if the purchaser makes default in making such an assignment within the time appointed by the Board for that purpose, the Board may, with the consent of the Native Minister, cancel the contract of sale, and all purchase-moneys theretofore paid by the purchaser shall be forfeited.

On default by purchaser of payment of interest Board may require assignment of contract.

25. At any time after the expiry of five years from the date of the execution of the contract by the Board, and while the contract is still in force, the purchaser shall be entitled, if he has paid the whole of the purchase-money, and interest to date, to a transfer of the fee-simple of the land.

Purchaser entitled to a transfer after five years if purchase-money paid.

Struck out.

26. Any land so alienated in fee-simple shall thereupon become subject to the provisions of Part IV of the Land Laws Amendment Act, 1907, in the same manner as if it had been so alienated by the Crown.

Land so alienated to be subject to Part IV of Land Laws Amendment Act, 1907.

27. (1.) The Governor may make regulations prescribing the form of contract of sale to be used for the purposes of this Act, and the form so prescribed may contain such terms, covenants, and conditions as the Governor thinks fit and as are consistent with this Act.

Form of contract of sale to be prescribed by regulations.

(2-) 27A. Every contract of sale under this *Part of this Act* shall be made and executed in the form so prescribed.

Leases.

Leases to be by public auction or public tender.

28. (1.) All land set apart for leasing in pursuance of this *Part of this Act* shall be leased by the Board by public auction or public tender after public notification in manner prescribed of the intention to offer the same for lease. Every such notification shall indicate in the prescribed manner the period for which the lease is to be granted, and the terms, covenants, and conditions to be included therein. 5 10

New subclause.

(1A.) The Board may set aside any allotment for application in the first instance by landless Maoris.

(2.) Subject to any restrictions or qualifications imposed by this Act or by regulations, all such land shall be leased to the highest bidder or highest tenderer. 15

(3.) Before offering such land for lease the Board shall fix an upset rental to be approved by the Native Minister, and no land shall be leased at a lower rental than the rental so fixed.

Land may be lease for fifty years without right of renewal.

29. All such land may be leased for any term which the Board, with the approval of the Native Minister, thinks fit, not exceeding 20

Struck out.

a term of fifty years, without right of renewal, but every such lease must take effect in possession within six months after the date of the grant thereof. 25

New.

with or without a right of renewal, but every such lease and every renewal thereof shall terminate within fifty years after the coming into operation of this Act. 30

Lessee entitled to valuation of improvements.

30. (1.) Every such lease *the term whereof exceeds ten years* shall confer upon the lessee a right to the valuation, on the termination of the lease by effluxion of time, of all substantial improvements of a permanent character (as defined by the Land Act, 1892) put upon the land during the continuance of the lease and unexhausted on the termination thereof. Every such valuation shall be made by way of arbitration between the Board and the lessee in manner prescribed, and the amount thereof shall, *subject to the provisions hereinafter in this section contained*, be payable to the lessee in manner prescribed out of the revenues received by the Board from the said land after the termination of the lease, and shall be a charge upon such revenues accordingly. 35 40

New subclauses.

(2.) For the purpose of providing a fund for paying off any such charge, the Board shall from time to time during the currency of the lease set aside, out of the revenues received from the said land, such sum as the Native Minister directs. 45

(3.) Moneys so set aside shall from time to time be invested, together with any interest arising from such investment, in such manner as may be prescribed, and shall at the expiration of the lease be applied in payment of the amount of the valuation of the improvements made as aforesaid. 50

(4.) If on the expiration of the lease the amount so set aside, together with the accumulations of interest thereon, exceeds the amount of the valuation, the amount of such excess shall be paid by the Board to the persons entitled to the revenues of the land. 60

Struck out.

5 31. (1.) The Governor may make regulations prescribing a form of lease or alternative forms of lease to be used for the purposes of this Act, and containing such terms, covenants, and conditions as he thinks fit and as are consistent with this Act.

Forms of lease to be prescribed by regulations.

(2.) 31. Every lease granted under this *Part of this Act* shall be in the form so prescribed, or in such one of the forms so prescribed as the Board thinks fit.

10 32. (1.) When the owner of any lease of land subject to this *Part of this Act* makes or proposes to make any improvements on such land, he shall be entitled on application to the Board to have particulars of the nature of such improvements, and the state and condition of the land before the making of such improvements, recorded by the Board in such manner as is prescribed by regulations.

Record of improvements.

15 (2.) Every such record shall be permanently preserved by the Board and shall at all times be receivable as sufficient evidence of the facts therein recorded in all matters and proceedings touching the value of improvements made on the said land.

Struck out.

20 (3.) The Governor may by Order in Council make regulations for carrying into effect the provisions of this section and providing for the payment by lessees of the costs and expenses incurred by the Board in ascertaining the particulars so to be recorded.

New clause.

25 32A. At any time after the expiration of fifty years from the passing of this Act the Governor shall by Order in Council re-vest any area of land which is then subject to this Part of this Act in the Maoris who are beneficially entitled thereto, if he is satisfied that the following conditions have been fulfilled:—

Revesting of land in Maori owners.

- 30 (a.) That the Maoris so beneficially entitled, or a majority of their number, desire the said land to be so re-vested in them ;
- (b.) That the said land is not subject to any lease or contract of purchase ; and
- 35 (c.) That no moneys are charged on the revenues of the said land under the authority of this Part of this Act.

Transfers and Subleases.

33. (1.) A purchaser or lessee of land under this *Part of this Act* shall not be capable of assigning his interest in the said land (otherwise than by way of mortgage), or of subletting the land, unless in either case he has resided continuously thereon for a period not less than two years, and then only with the permission of the Board :

Purchaser or lessee not to assign within two years, and only with consent of Board.

45 Provided that where by reason of special circumstances an assignment or sublease becomes in the opinion of the Board and the Native Minister desirable, an assignment or sublease may be permitted although no such residence has taken place.

(2.) Before such consent is given the assignee or sublessee must make a declaration in the form prescribed that he is qualified in accordance with this *Part of this Act* to become the assignee or sublessee of the said land.

50 (3.) Every assignment of any such lease or contract of purchase shall be in writing executed by both the assignor and the assignee.

(4.) Every assignment of any such lease or contract of purchase shall transfer from the assignor to the assignee all liability in respect of any moneys accruing due under the said lease or contract after the date of the execution of such assignment, and in respect of the observance and performance of the terms, covenants, and conditions of such lease or contract after the said date, and the assignor shall be freed and discharged accordingly from all such liability. Nothing in this subsection shall apply to any assignment by way of mortgage. 5

Executors or administrators of deceased lessee or purchaser may assign.

34. (1.) On the death of the lessee or purchaser of any land subject to this *Part of this Act*, his executors or administrators shall have power to assign the lease or contract of purchase to any qualified person, but the consent of the Board shall not be necessary for any such assignment if made to a beneficiary under the will or intestacy of the deceased. 10

(2.) The executors, administrators, or trustees of the deceased lessee or purchaser may continue to hold the land in trust for the persons beneficially entitled thereto under the will or intestacy of the deceased, and the conditions as to residence may be fulfilled by the persons so beneficially entitled, or by any of them, or by any suitable person or persons appointed by such executors, administrators, or trustees during the minority of any beneficiary as if they were the lessees or purchasers of the said land. 15 20

(3.) If no probate is granted or letters of administration issued within six months after the death of the lessee or purchaser, and the Board is of opinion that the lease or contract is of so small a value that it is expedient to exercise the powers hereby conferred, the Board may either sell the lease or contract and execute a transfer of the same to any qualified person and receive the purchase-money on account of the persons entitled thereto under the will or intestacy of the deceased, or may execute a transfer of the lease or contract to the persons entitled thereto under the said will or intestacy or to any one or more of them in trust for all. 25 30

Registration of Titles.

Registrar to issue certificate of title to Maori Land Board.

35. (1.) Whenever any land becomes subject to this *Part of this Act* by virtue of any Order in Council, the District Land Registrar of the district in which such land is situated shall, on the deposit of a copy of the said Order in Council certified under the hand of the Native Minister, register the ~~Maori Land~~ Board in which the said land is vested as the registered proprietor thereof under the Land Transfer Act, 1885, and shall issue a certificate of title to the said Board accordingly. 35 40

(2.) There shall be written on such certificate of title a statement that it is issued under the authority of this *Part of this Act*, and is subject to the provisions thereof.

(3.) The said District Land Registrar shall at the same time cancel any other certificate of title already issued in respect of the said land, and shall transfer to the certificate so issued to the Board all entries which are contained in any certificate so cancelled and which affect the title of the Board. 45

(4.) No contribution to the Assurance Fund shall be made by any Board when land vested in it by virtue of this *Part of this Act* is so brought under the provisions of the Land Transfer Act, 1885. 50

(5.) No person who is deprived of any right, title, or interest in any such land by reason of any sale or lease made by the Board in pursuance of this *Part of this Act* shall have any claim against the said Assurance Fund.

5 36. All dealings with any land vested in a Maori Land Board by virtue of this *Part of this Act*, and all rights, titles, and interests acquired in any such land, shall be subject to the provisions of the Land Transfer Act, 1885, so far as those provisions are consistent with the provisions of this *Part of this Act*. Land Transfer Act to apply.

10 37. (1.) Notwithstanding anything in the Land Transfer Act, 1885, to the contrary, a contract of sale of land executed under the authority of this *Part of this Act* may be registered against the title of the Board in the same manner as a lease is so registered. Contract of sale may be registered against title of Board.

15 (2.) All transfers, transmissions, and other dispositions of any contract of sale so registered may be registered in the same manner as a similar disposition of a registered lease.

20 (3.) The registration of any such contract of sale, or of any assignment or other disposition thereof, shall have the same effect in conferring priority of title as against any unregistered right, title, or interest as if it were the registration of a transfer or other disposition of the legal estate in the land.

Miscellaneous.

25 38. (1.) For the purpose of making surveys, laying off or forming roads, constructing bridges, and otherwise opening up and preparing for settlement any land subject to this *Part of this Act*, or for the purpose of discharging any mortgage, lien, or charge to which such land is subject, the Colonial Treasurer (with the consent of the Native Minister) may, in his discretion, make to the Maori Land Board in which such land is vested advances out of moneys *from time to time* to be appropriated by Parliament out of the Public Works Fund: Advances out of Public Works Fund for purpose of surveys, &c.

30 Provided that the total amount which under this section may be advanced to any one Board in any one year shall not exceed twenty thousand pounds.

35 *New subclause.*

(1A.) The amount expended in making surveys, laying off and forming roads, and constructing bridges shall be subsidised out of moneys from time to time to be appropriated by Parliament out of the Public Works Fund to the extent of ten shillings to one pound.

40 (2.) All such advances, together with interest thereon at the rate of four per centum per annum, shall be charged on and repayable by the Board by instalments out of the revenues of the land for the benefit of which they have been expended, and the liability therefor shall be apportioned by the Board, with the approval of the Native Minister, between the various areas of such lands in proportion to the benefit derived from the expenditure of such advances. Repayment of such advances.

45 (3.) Every such instalment shall consist partly of principal and partly of interest, and shall be calculated and payable in accordance with regulations made from time to time by the Governor by Order in Council; but the full amount of every such advance, together

50

with interest thereon at the rate aforesaid, shall be repaid within a period not exceeding forty-two years after the making of such advance.

(4.) The amount of every instalment so paid shall be paid into the Public Account to the credit of the Public Works Fund.

No land to be offered for sale or lease until satisfactorily roaded and bridged.

39. No area of land subject to this *Part of this Act* shall be offered by a Maori Land Board for sale or lease until there have been formed and constructed thereon, to the satisfaction of the Minister in charge of the Department of Roads, such roads and bridges as are in the opinion of that Minister necessary for the opening up and settlement of that land such roads as are, in the opinion of the Native Minister, necessary for the opening up and settlement of that land have been laid off and, if so required by the said Minister, have been formed.

Application of revenues derived from land.

40. All revenues received by a Maori Land Board from any land subject to this *Part of this Act* shall from time to time be applied by the Board—

- (a.) In defraying the cost of the administration of such land, *not exceeding five pounds per centum of such revenue* :
- (b.) In paying all rates, taxes, and other assessments payable by the Board in respect of the said land :
- (c.) In repaying advances in manner hereinbefore provided :

New paragraph.

- (cc.) In payment of sums set apart for sinking funds as provided by section *thirty* hereof.
- (d.) In the discharge to such extent as the Board from time to time thinks fit, or as the Native Minister from time to time directs, of any mortgage, charge, or lien to which such land is subject :
- (e.) In paying the remainder of such revenues to the Maori owners or other persons having any estate or interest in the said land in accordance with their respective rights, titles, estates, and interests.

New clause.

Power to invest proceeds of sale in certain cases.

40A. Notwithstanding anything in section *forty* hereof, the Board, in lieu of paying the proceeds of sale of any land to the owners thereof, may cause the same or any part thereof to be invested in such manner as may be prescribed by regulations for the benefit of any such owner.

Moneys payable into Maori Land Board accounts.

41. All moneys received by a Maori Land Board under the provisions of this *Part of this Act* shall be paid into the account provided for by section forty-seven of the Maori Lands Administration Act, 1900, and the provisions of sections forty-seven to forty-nine of that Act shall apply to all moneys received in pursuance of this *Part of this Act*.

Appointment and remuneration of officers.

42. Every Maori Land Board may, for the purposes of this *Part of this Act*, employ, with the approval of the Native Minister, such surveyors, rangers, and other officers and servants as it deems necessary, and may pay them, out of all revenues and other moneys in the hands of the Board, such salaries or other remuneration as it thinks fit.

43. Every lease, transfer, or contract of sale executed under the authority of this *Part of this Act* shall be executed under the seal of the Maori Land Board, and shall be signed by the President and one member of the Board.

Contracts to be under seal of Board.

44. In their application to any land which is vested in a Maori Land Board by virtue of this *Part of this Act*, the provisions of all other enactments relating to Native lands shall be read subject to the provisions of this *Part of this Act*.

Other Acts as to Native land to be subject to this Act.

45. No President or member of any Maori Land Board shall be personally responsible for any act done or authorised by him in good faith in intended pursuance of the provisions of this Act.

No personal liability on member of Board.

Struck out.

46. If in the opinion of the Governor any Maori Land Board fails to show due diligence in the exercise and performance of the powers and duties conferred and imposed on it by this Act, then, notwithstanding anything to the contrary in any other Act, the Governor may at any time remove the President and other members of such Board, or such of them as the Governor thinks fit, and may appoint some other person in place of any person so removed.

Removal by Governor of members of Board.

47. Notwithstanding anything hereinbefore contained, all powers vested by any Act in the Native Land Court, or in a Maori Land Board, or in any other authority or person with respect to the partition, exchange, succession, or ascertainment of title of any Native land may be exercised with respect to the equitable interests of Maori owners in land subject to this *Part of this Act* in the same manner, *mutatis mutandis*, as if such land had not become subject to this *Part of this Act*, save that no such partition shall be made without the consent of the Board in which the land is vested.

Certain powers of Native Land Court, &c., with respect to land subject to this Act not affected.

Struck out.

48. The Governor may by Order in Council make regulations for the issue to the Maori owners of land subject to this Act of documents of title with respect to their equitable interests in such land.

Regulations for issue of documents of title as to equitable interests.

49. All provisions in this *Part of this Act* relating to a purchaser or lessee shall be deemed to relate also to the executors, administrators, or assigns of such purchaser or lessee.

Provisions to apply to executors, &c., of purchaser or lessee.

50. Where any negotiations for the sale, lease, or other disposition of Native land have been lawfully commenced before the said land became subject to this *Part of this Act*,

Provisions as to completion of negotiations already commenced.

Struck out.

the Governor may at any time thereafter make an Order in Council authorising the Maori Land Board in which the said land is vested to continue the said negotiations and to complete the same in such manner as the Board thinks fit, notwithstanding anything to the contrary in this Act, but subject to any restrictions and conditions imposed by the said Order in Council, and the said Board may thereupon, if it thinks fit, dispose of the said land accordingly. *the following provisions shall apply:—*

New paragraphs.

(a.) The Board in which the said land is vested may fix a period, being not more than twelve months after the land became subject to this *Part of this Act*, within which the said negotiations may be continued.

(b.) At the end of such period, or on the sooner completion of the negotiations, the Board, if satisfied that the sale, lease, or other disposition is in compliance with the law, shall give effect to the same, and, if necessary, apply to the Native Land Court to define by partition the interests acquired. 5

Board may set apart reserve.

51. (1.) Any ~~Maori Land~~ Board in which any Native land is vested by virtue of this *Part of this Act* may at any time ~~with the consent of the Governor in Council~~ set apart any part of such land (whether already set apart for sale or leasing in pursuance of this *Part of this Act* or not) as a reserve for any purpose which in the opinion of the Board is required in the interests of the Maori owners of the said land. 10

(2.) The Board may administer any such reserve in such manner as it thinks fit for the benefit of the said Maori owners. 15

Board may sell site for dairy factory, &c.

52. (1.) Any ~~Maori Land~~ Board may with the consent of the Native Minister dispose of any land vested in it by virtue of this *Part of this Act* (whether the same has been set apart for sale or for leasing) by way of sale in fee-simple, as a site for a dairy factory, cheese-factory, fruit-preserving factory, or creamery, or as a site for the erection of any building required for any religious, charitable, educational, or public purpose. 20

(2.) No allotment of land so disposed of shall exceed five acres in extent.

(3.) Any such sale may be by private contract, and shall be exempt from the conditions and restrictions imposed by this Act upon the sale and purchase of Native land. 25

Struck out.

Regulations.

53. (1.) The Governor may, by Order in Council gazetted, make all such regulations as he deems necessary for the efficient administration of this Act. 30

(2.) All regulations made by the Governor in Council under the authority of this Act shall be laid before Parliament within fourteen days after the making thereof if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session. 35

Termination of powers of Commission.

54. The powers and functions vested in the Commission by the instrument of its appointment or by this Act shall, unless sooner determined by the Governor, cease and determine on the ~~expiry of one year from the passing of this Act~~ *first day of January, nineteen hundred and nine.* 40

New clause.

Purchases of Native land by the Crown.

54A. (1.) Notwithstanding anything hereinbefore contained, it shall be lawful for the Board to sell and convey to the Crown, at a price to be agreed upon between the said Board and the Governor in Council, any land vested in the Board by virtue of this Act and set apart for sale in accordance therewith. 45

(2.) The price of any land so purchased shall be payable out of moneys from time to time appropriated by Parliament for the purpose. 50

(3.) All land so purchased by the Crown shall be administered and disposed of as Crown land under the provisions of the Land Act, 1892, and its amendments.

*Struck out.**Leases to Maoris.*

5 55. (1.) When and as often as the Commission has reported to the Governor, whether before or within one year after the passing of this Act, that any Native land is available for leasing to Maoris, it shall be lawful for the Governor by Order in Council to declare that such land shall be subject to this Act as from the date of such Order, and the same shall thereupon become and at all times thereafter remain subject to this Act accordingly.

Land may be set apart for leasing to Maoris.

10 (2.) All the foregoing provisions of this Act with respect to Orders in Council issued under the authority thereof, and with respect to land which is subject to this Act, shall apply to any Order in Council made under the authority of this section, and to land which becomes subject to this Act by virtue of this section, with the
15 modifications following:—

(a.) No land so becoming subject to this Act shall be set apart for sale under the provisions of sections *sixteen* to *twenty-seven* of this Act, but the whole of such land shall be set apart for leasing.

20 (b.) No land so made subject to this Act shall be leased to any person other than a Maori.

(c.) No lease granted to a Maori of any such land shall be capable of being assigned to any person other than a Maori, nor shall any sublease of such land be granted to
25 any person other than a Maori.

56. (1.) In the case of any Native land which has not become subject to this Act the Governor may by Order in Council authorise the Maori Land Board of the district in which such land is situated to act as the agent of the Maori owners of the said land for the
30 purpose of leasing the same.

Maori Land Board may act as agent of Maori owners.

(2.) On the making of any such Order in Council, and so long as it remains in force, the said Board and the President thereof shall have in respect of the said land the same powers and duties as are conferred or imposed by section *seventeen* of the Maori Land Settlement Act, 1905, in the case of an application made by the Maori
35 owners of land, and the provisions of that section shall be applicable accordingly.

New clauses.

PART II.

Land for Occupation by Maoris.

40 55. (1.) When and as often as the Commission has reported to the Governor, before the passing of this Act, that any Native land should be reserved for the use and occupation of Maoris, it shall be lawful for the Governor by Order in Council to declare that such
45 land shall be subject to this Part of this Act as from the date of such Order, and the same shall thereupon become and at all times thereafter remain subject to this Part of this Act accordingly.

Land may be set apart for occupation of Maoris.

(2.) After the date of any such Order in Council it shall not be lawful for any person, without the consent of the Governor in Council

first obtained, to acquire, or contract to acquire, whether by purchase, lease, license, mortgage, or charge, any estate or interest in any Native land to which such Order applies, except as provided in this Part of this Act.

(3.) Any contract or disposition made in breach of this section shall be void and of none effect. 5

(4.) Nothing in this section shall invalidate any contract validly made before the date of the said Order in Council, or render illegal the performance of such contract after the said date.

Board to act as
agents for Maori
owners.

56. (1.) Where the Commission recommends that any such land or any part thereof should be leased to Maoris, the Governor may by Order in Council authorise the Board of the district in which such land is situated to act as the agent of the Maori owners of the said land for the purpose of leasing the same to Maoris in accordance with the provisions of this Part of this Act. 10 15

(2.) The District Land Registrar of the district in which such land is situated shall, if the title to such land is a certificate of title under the Land Transfer Act, 1885, or is embodied as a folium of the Provisional Register, on the deposit of a copy of the said Order in Council certified under the hand of the Native Minister, register the Board as the agent of the Maori owners of the said land for the purpose of leasing the same to Maoris in accordance with the provisions of this Part of this Act, and shall issue to the Board a memorial to that effect. 20

(3.) There shall be written on such memorial a statement that it is issued under the authority of this Part of this Act, and is subject to the provisions thereof. 25

(4.) If the title to such land is an instrument under the seal of the Native Land Court, which has not been embodied in the Provisional Register as a folium thereof, the said Order in Council may be registered in the Native Land Court provisionally in such manner as may be prescribed by regulations. 30

Leases to Maoris
without
competition.

57. (1.) Where the Commission recommends that any such land should be leased to a Maori or Maoris specified in the report of the Commission, the Board may lease such land accordingly without public notification, public auction, or tender. 35

(2.) If it appears to the Board that it cannot give effect to any such recommendation of the Commission, the Board may deal with such land as if it were available for leasing to Maoris under the *next succeeding* section. 40

Provisions as to
leases.

58. Subject to the provisions of the *last preceding* section, the Board may deal with the land available for leasing to Maoris as if the land was vested in the Board for leasing under Part I of this Act, and all the provisions relating to leases under that Part shall apply to leases under this Part of this Act, with the modifications following:— 45

(a.) No such land shall be sold and no lease thereof shall be granted to any person other than a Maori.

(b.) The Board shall, in the first instance, offer the land for selection to the Maori owners thereof, and may, without public notification, public auction, or tender, lease to any of the said owners or to any Maori nominated by such owners. 50

5 (c.) Except with the consent of the Native Minister, on the recommendation of the Board, no lease granted to a Maori of any land under this Part of this Act shall be capable of being assigned to any person other than a Maori, nor, except with the like consent, shall any sub-lease of such land be granted to any person other than a Maori.

10 (d.) The Board may exempt the lessee of any land which, in the opinion of the Board, cannot be immediately remunerative from payment of rent, except the first half-yearly rent, for any period not exceeding four years from the commencement of the term.

15 59. The Board may, if necessary, cause land which is available for leasing to Maoris under this Part of this Act to be surveyed and subdivided into allotments as prescribed by section *twelve* of this Act, and shall classify such land as provided by section *thirteen* of this Act. Subdivision and classification of land.

20 60. The rent shall be paid by the lessee to the Board, and shall from time to time be applied by the Board in manner provided by section *forty* of this Act. Application of rents.

PART III.

Miscellaneous Provisions.

25 61. Subject to the provisions of section *forty* hereof, the cost of administration of this Act shall be defrayed out of moneys to be from time to time appropriated by Parliament for the purpose. Cost of administration.

62. (1.) The Governor may from time to time by Order in Council make regulations for any of the following matters:— Regulations.

30 (a.) Prescribing the form of contract of sale to be used for the purposes of this Act, and the terms, covenants, and conditions that may be contained in any such contract;

(b.) Prescribing the form of lease or alternative forms of lease to be used for the purposes of this Act, and the terms, covenants, and conditions that may be contained in any such contract;

35 (c.) Providing for the payment by lessees of the costs and expenses incurred by a Board in ascertaining the particulars to be recorded under section *thirty-two* hereof, and otherwise in giving effect to that section;

40 (d.) Providing for the issue to the Maori owners of land subject to this Act of documents of title with respect to their equitable interests in such land;

(e.) Prescribing the mode in which moneys shall be invested in accordance with section *forty(A)* hereof; and

45 (f.) Providing generally for such matters as are necessary for the efficient administration of this Act.

50 (2.) All regulations made by the Governor in Council under the authority of this Act shall be laid before Parliament within fourteen days after the making thereof if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session.

New clause.

63. All Orders in Council made under the authority of this Act shall be gazetted. Orders in Council shall be gazetted