

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE.]

House of Representatives, 6th September, 1910.

Hon. Mr. Carroll.

NATIVE TOWNSHIPS.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title and commencement. 2. Interpretation. 3. Repeals. 4. Native land in Native townships vested in Maori Land Boards. 5. Such land to be held in trust for beneficial owners thereof. 6. Existing contracts and incumbrances not affected. 7. Certificates of title to be issued to Maori Land Board in respect of such land. 8. Land vested in Maori Land Board prior to this Act to be administered under this Act. 9. Memorial on certificate of title that land comprised therein subject to this Act. 10. Public roads vested in Crown or borough. 11. Existing reserves in Native townships to be public reserves vested in the Crown. 12. Existing leases preserved. 13. Board to be a leasing authority under Public Bodies' Leases Act. | <ol style="list-style-type: none"> 14. Lands held for two or more owners may be comprised in one lease. 15. Restriction on lease of Native allotment. 16. Land subject to this Act not to be subject to provisions of Native Land Act or of Land Act as to limitation of area. 17. Subdivision into allotments for leasing, &c. 18. Proclamation of public roads. Compensation to owners of land so set apart. 19. Land in Native township may be sold to Crown. 20. Crown may purchase such land. 21. Section 375 of Native Land Act not to apply. 22. Certain Parts of Native Land Act not to apply. 23. Construction of references to Native townships. 24. Special provisions as to land of which the title has not yet been investigated by the Native Land Court. 25. Partition of land situated in Native townships. <p>Schedule.</p> |
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A BILL INTITULED

AN ACT to make Better Provision with respect to the Ownership and Disposition of Land in Native Townships. Title.

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

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| <p>1. This Act may be cited as the Native Townships Act, 1910, and shall come into operation on the first day of January, nineteen hundred and <i>eleven</i>.</p> <p>10 2. In this Act, unless a contrary intention appears, " Native township " means a Native township as constituted under the Native Townships Act, 1895, or under section eight of the Native and Maori Land Laws Amendment Act, 1902, and existing at the commencement of this Act, and all other terms have the same meaning as in the</p> <p>15 Native Land Act, 1909.</p> <p>3. The Acts mentioned in the Schedule to this Act are hereby repealed to the extent indicated in that Schedule.</p> <p>4. Subject to the provisions of this Act, all Native land situated in a Native township under the Native Townships Act, 1895, and</p> <p>20 vested in the Crown in trust for the owners shall on the commencement of this Act become vested for a legal estate in fee-simple,</p> | <p>Short Title and commencement.</p> <p>Interpretation.</p> <p>Repeals.</p> <p>Native land in Native townships vested in Maori Land Boards.</p> |
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	without grant or other assurance, in the Maori Land Board of the district in which that township is situated.	
Such land to be held in trust for beneficial owners thereof.	5. The land so vested in the Board shall be held by it in trust for the owners beneficially entitled thereto in accordance with their respective interests, and shall be administered by the Board in accordance with the provisions of this Act.	5
Existing contracts and incumbrances not affected.	6. The vesting of any such land in the Board shall not affect any valid lease, mortgage, charge, or incumbrance to which the land is subject at the commencement of this Act, or the right of any person to enforce any valid contract made with respect to the land before that date.	10
Certificates of title to be issued to Maori Land Board in respect of such land.	7. (1.) At the request of the Maori Land Board in which any such land has become vested by this Act, the District Land Registrar shall issue to the Board one or more certificates of title in respect of that land.	15
	(2.) A certificate under the hand of the Native Minister that any land was at the commencement of this Act Native land vested in the Crown under the Native Townships Act, 1895, in trust for the owners thereof may be accepted by the District Land Registrar as sufficient evidence of the fact so certified.	20
	(3.) On the issue of any such certificate of title the District Land Registrar shall transfer to that certificate all entries or memorials of any lease or other incumbrance affecting the title of the Board.	20
Land vested in Maori Land Board prior to this Act to be administered under this Act.	8. Subject to the provisions of this Act, all Native land situated in a Native township under section eight of the Native and Maori Land Laws Amendment Act, 1902, and vested in a Maori Land Board at the commencement of this Act shall continue to be so vested in trust for the owners thereof, and shall be administered by the Board in accordance with this Act.	25 30
Memorial on certificate of title that land comprised therein subject to this Act.	9. Every certificate of title issued to a Maori Land Board in respect of land situated in a Native township shall have written thereon a memorial that the land is subject to the provisions of this Act.	30
Public roads vested in Crown or borough.	10. All public roads which at the commencement of this Act are situated within any Native township shall be vested in the Crown or (in the case of any township which is comprised within the boundaries of a borough) in the body corporate of that borough.	35
Existing reserves in Native townships to be public reserves vested in the Crown.	11. (1.) All reserves (other than Native allotments) which before the commencement of this Act have been made in any Native township either under the Native Townships Act, 1895, or under the Native and Maori Land Laws Amendment Act, 1902, are hereby vested in the Crown as public reserves under the Public Reserves and Domains Act, 1908, and shall be held, dealt with, and administered accordingly under the provisions of that Act.	40 45
	(2.) The Governor may from time to time by Order in Council change the purpose of any such reserve.	
	<i>New proviso.</i>	
	Provided that this subsection shall not apply to any reserve which has been set apart for any of the purposes specified in Class III of the Second Schedule to the Public Reserves and Domains Act, 1908, and no change shall be made in the purpose of any such reserve except in accordance with the provisions of section eight of that Act.	50

(3.) The District Land Registrar shall, on the request of the Native Minister, issue a certificate of title in the name of His Majesty the King in respect of any such reserve, and a certificate under the hand of the Native Minister that any land is a Native township reserve may be accepted by the District Land Registrar as sufficient evidence of the fact so certified.

12. All leases heretofore granted by the Commissioner of Crown Lands in the name or on behalf of His Majesty of any land situated in a Native township and vested by this Act in a Maori Land Board shall be deemed to have been granted by that Board, and shall remain in full force and effect accordingly.

Existing leases preserved.

13. In respect of any land situated within a Native township and vested in a Maori Land Board by virtue of this Act, the Board shall be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908, and may exercise, subject to the provisions of this Act, all the powers conferred upon a leasing authority by that Act.

Board to be a leasing authority under Public Bodies' Leases Act.

14. In the exercise of its powers of leasing under this Act a Maori Land Board may comprise in the same lease two or more parcels of land held by it in trust for different owners, and in any such case the rent and other moneys receivable by the Board in respect of that lease shall be from time to time apportioned by the Board between those owners in such manner as it deems just and equitable.

Lands held for two or more owners may be comprised in one lease.

15. No lease of a Native allotment under the Native Townships Act, 1895, shall be granted by a Board under this Act, except in pursuance of the precedent consent in writing of the beneficial owners (or their trustees in the case of owners under disability) or in pursuance of a resolution of the assembled owners under Part XVIII of the Native Land Act, 1909, and in no case shall a lease be granted of any such allotment on which there is a church or meeting-house.

Restriction on lease of Native allotment.

16. No land situated in a Native township shall in respect of the acquisition of any estate or interest therein be or become subject to the provisions of Part XII of the Native Land Act, 1909, or Part XIII of the Land Act, 1908 (relating to limitation of area).

Land subject to this Act not to be subject to provisions of Native Land Act or of Land Act as to limitation of area.

17. For the purpose of exercising the powers of leasing, sale, or other disposition conferred upon a Maori Land Board by this Act, the Board may from time to time subdivide any land vested in it and situated in a Native township into such allotments as it thinks fit.

Subdivision into allotments for leasing, &c.

18. (1.) A Maori Land Board may from time to time lay off such road-lines as it thinks fit upon any land situated in a Native township, and vested in the Board under this Act, and not subject to any lease or other incumbrance.

Proclamation of public roads. Compensation to owners of land so set apart.

(2.) All road-lines so laid off may be proclaimed as roads by the Governor by a Proclamation gazetted, and shall thereupon become public highways accordingly.

(3.) When any land is so proclaimed as a road the Board shall, out of the revenues of any other land situated in the township and vested in the Board and benefited or likely to be benefited by the proclamation of that road, pay to the owners of the land so proclaimed as a road such compensation (if any) therefor as the Board thinks just and equitable, and the decision of the Board shall be final and conclusive as between all persons interested in the payment or receipt of such compensation.

Land in Native township may be sold to Crown.

19. A Maori Land Board may with the precedent consent in writing of the beneficial owners, or of their trustees in the case of owners under disability, sell to His Majesty, but to no other person, any land situated in a Native township and vested in the Board, or any undivided share or interest in any such land, and all the provisions of Part XIX of the Native Land Act, 1909 (relating to the purchases of Native land by the Crown), shall apply accordingly. 5

Crown may purchase such land.

20. The Crown may, in pursuance of a resolution of the assembled owners under section three hundred and sixty-eight of the Native Land Act, 1909, acquire by way of purchase, ~~but not by way of~~ or exchange, any land situated in a Native township and vested in a Maori Land Board, and all the provisions of Part XIX of the Native Land Act, 1909, shall apply accordingly. 10

Section 375 of Native Land Act not to apply.

21. Notwithstanding anything in the last *two* preceding sections, section three hundred and seventy-five of the Native Land Act, 1909 (relating to the determination of leases and licenses on the purchase of Native land by the Crown), shall have no application to any land situated in a Native township. 15

Certain Parts of Native Land Act not to apply.

22. Save so far as in this Act expressly provided, nothing in Part XIV, Part XV, Part XVI, Part XVII, or Part XVIII of the Native Land Act, 1909, shall apply to a Native township. 20

Construction of references to Native townships.

23. Every reference in any other Act to a Native township shall be read and construed as a reference to a Native township under this Act.

Special provisions as to land of which the title has not yet been investigated by the Native Land Court.

24. (1.) All of the provisions of this Act with respect to Native land shall extend and apply to any land which is included in a Native township, and which, if it had not been so included, would have been customary land within the meaning of the Native Land Act, 1909, and all such land shall be deemed accordingly to be Native land within the meaning of this Act. 25

(2.) The Native Land Court and Native Appellate Court may exercise in respect of any such land the same powers and jurisdiction as if that land was customary land, and may make freehold orders in respect thereof accordingly. 30

(3.) Every such freehold order shall have the same effect as a freehold order made in respect of customary land, save that the estate thereby vested in the owners of the land shall be an equitable estate only, and the legal estate shall remain vested in the Maori Land Board subject to the provisions of this Act. 35

(4.) No such freehold order shall be capable of registration except in accordance with the provisions of section four hundred and twenty-one of the Native Land Act, 1909 (relating to the registration of equitable titles). 40

Partition of land situated in Native townships.

25. The Native Land Court shall not partition any land situated in a Native township without the precedent consent of the Maori Land Board in which that land is vested. 45

SCHEDULE.

Schedule.

ENACTMENTS REPEALED.

Enactment.	Extent of Repeal.
1895, No. 12.—The Native Townships Act, 1895.	The whole Act.
1899, No. 9.—The Native Townships Act Amendment Act, 1899.	The whole Act.
1901, No. 65.—The Native Land Claims Adjustment and Laws Amendment Act, 1901.	Section 43.
1902, No. 56.—The Native and Maori Land Laws Amendment Act, 1902.	Sections 8 to 12.
1903, No. 33.—The Native Townships Amendment Act, 1903.	The whole Act.
1908, No. 253.—The Maori Land Laws Amendment Act, 1908.	Sections 2 and 3.
1909, No. 15.—The Native Land Act, 1909.	Section 438, paragraph (e), and section 439, paragraphs (e) and (h).

By Authority : JOHN MACKAY, Government Printer, Wellington.—1910.