



## Maori Lands Administration Act 1900

1900

**Citation:** 64 V. No 55  
**Date of Assent:** 20 October, 1900  
**Commencement:** Date of Assent

**Repeal:** Repealed 24 December, 1909 by 1909, No 15  
**Amendments:** 1901, No 42: See separate record.

s4 repeals and replaces s22  
s5 repeals and replaces s25(5)  
s6 repeals and replaces s28  
s7 repeals and replaces s35(1), (2)  
s8(1) amends s3  
s8(2) amends s5  
s8(3) amends s7(6)  
s8(4) amends s7(9)  
s8(5) amends s7(11)  
s8(6) amends s19  
s8(7) amends s23  
s8(8) amends s26(1)  
s8(9) repeals s26(2)  
s9(10) amends s26(3)  
s8(11) amends s29  
s8(12) amends s33.  
1902, No 56: See separate record.  
s5 amends s6(1)  
s6 amends s8(1)  
ss8 - 10 are additions to the Act.  
1903, No 92: See separate record.  
s3 repeals and replaces s5  
s4 repeals and replaces s8(1)  
s7(2) repeals s16(3)  
s11 amends s19  
s13 amends s21(1)  
s14 repeals and replaces s24  
s15 amends s26(1)  
s17 amends s29(1)  
s18 amends s45  
s19 amends s47.

*Amendments to Relevant Sections continued over page*



## Maori Lands Administration Act 1900 *continued*

1905, No 44: See separate record.

s27 repeals and modifies provisions of this Act if repugnant to 1905, No 44.

1907, No 76: See separate record.

s21 repeals s26.

1908, No 253: See separate record.

s6(3) repeals s49

s8(2) repeals s7(12).

**Type of Legislation:** Public

**Subject:** Maori Land Boards

Incorporations

Alienation of Maori Land

Reserved Land

Maori Land Development Schemes

Maori Land Court: Structures & Jurisdiction

Leased Land

Survey Issues

**Relevant Sections:** s3: "Maori" includes half-castes and their descendants by Maori. "Maori land" defined as any land held by Maori under any class of title including papatupu land but does not include,

- (a) land now owned by a Maori but which was purchased from the Crown or a European,
- (b) land subject to West Coast Settlement Reserves Act 1892, Taiaroa Land Act 1883, Native Townships Act 1895, Urewera District Native Reserve Act 1892, Kapiti Island Public Reserves Act 1897, and the Westland and Nelson Native Reserves Act 1887,
- (c) Native land in the Middle (South) Island or Stewart Island or other lands controlled by a special Act.

"Papatupu land" defined as Maori land which has not yet been investigated by the Native Land Court.

"Papakainga" land defined as inalienable reserves set aside for the occupation and support of any Maori.

### Part II Districts and Councils

s5: At least 6 Maori land districts to be set up in the North Island. Districts to be published in the Kahiti at which time this Act shall be in force in the District.

*Relevant Sections continued next page*



**s6:** For each Maori land district there will be a Maori Land Council with 5 to 7 members, including up to 3 Maori elected by Maori voters and 1 Maori appointed by the Governor.

**s7:** Council to be a corporate body. Resignations, removal, vacancies, elections,

(12) Council members to receive 10 shillings a day and travel expenses. Costs to be apportioned as incurred for each block.

**s8:** (1) Quorum to be a majority, must include one Maori member.

**Part III Powers of Council and Administration of Maori Lands Within Each District**

**s9:** Maori Land Council to exercise all powers now possessed by NLCT relating to ascertainment of ownership, partition, succession, relative interests, trustees etc. However, Council not to exercise these powers until directed by Chief Judge.

**s10:** Appeals against the Council's decision to be determined by Chief Judge or referred by him to the Appellate Court.

**s11:** Council may refer any claim to a Block Committee for further report.

**s12:** Block Committee report to be given effect to by the Council as it thinks fit, after notification in the *Kahiti* and *Gazette*.

**s13:** Orders of the Council to be signed and sealed by President and two others, including one Maori member.

**s14:** Orders to have effect if no appeal is lodged within two months.

**s15:** Orders may be registered.

***Papatupu Block Committees***

**s16:** Maori claiming to be owners of any specified block of papatupu land may elect a Papatupu Block Committee.

**s17:** Committee to investigate ownership of the block having due regard to Maori customs and usages. Sketch plan to be prepared adopting hapu boundaries as far as possible.

**s18:** Committee to report,

- (1) the names of the owners, grouped by families,
- (2) the relative share to which each family is entitled,
- (3) the relative share of the family block each member is entitled to.

**s19:** Report and sketch-plan to be forwarded to the Council for consideration and confirmation or alteration.

*Relevant Sections continued over page*



## Maori Lands Administration Act 1900 *continued*

*s20:* Council may make confirming order prior to a survey and a survey of the block will not be necessary until the order takes effect (regardless of anything to the contrary in the Native Land Court Act 1894).

### *Papakainga*

- s21:* (1) Council to ascertain with all convenient speed the amount of land needed to be allowed to each Maori man, woman and child for their support and maintenance. Notice of allocation to be given to each Maori and a papakainga certificate to issue,
- (2) papakainga land to be absolutely inalienable,
  - (5) production of a papakainga certificate to be proof that the holder has sufficient land left for his support when alienating other land,
  - (7) if all the land owned by a Maori is not suitable for his support the Council may consent for the land to be exchanged, or sold and the Council may use the purchase money to buy other land for his support.

### *Alienation*

*s22:* From the passing of this Act, the Council must consent to an alienation of Maori land by lease either to the Crown or anyone else. Alienation by sale requires Governor's consent if land belongs to more than two Maori owners. Alienation of land owned by 2 or less owners shall not be affected by this Act unless a transfer is made to the Council.

*s23:* No Maori may alienate any Maori land until issued with a papakainga certificate.

*s24:* Governor may remove any existing restrictions on alienation and then, subject to the provisions of this Act, the Maori owners shall have all the rights and privileges to alienate as a European possesses. However, nothing in this Act to authorise the alienation of papakainga land.

*s25:* Conditions which must be complied with for a valid alienation of Maori land,

- (1) document has a Maori translation and plan attached,
- (2) signatures to be witnessed by an official who is satisfied that the Maori understands the transaction,
- (3) sale or mortgage money to be paid in front of witnesses,
- (4) document to include reference to the papakainga certificate of alienating Maori,

*Relevant Sections continued next page*



- (5) notice of allocation of papakainga shall be sufficient if the certificate has not been issued,
- (6) if the provisions of this Act have been satisfied the alienation may be registered.

**s26:** Not lawful for European to acquire any Maori land until declaration made that land is acquired for purchaser's own use and does not result in total land holdings of more than 640 acres first class lands or 2000 acres second class lands. This shall not apply to current lessees of Maori land.

**s27:** Amends s5 Native Land Laws Amendment Act 1895 and declaration in First Schedule, gives a new definition of "owner" for the purposes of declaring the amount of land owned by a purchaser. When a declaration under s5 Native Land Laws Amendment Act 1895 is made the Judge may examine under the oath the person making the declaration.

**s28:** Maori landowners may transfer land by way of trust to the Council. If land is not incorporated, all the owners must have signed the transfer.

**s29:** Powers of the Council on land being conveyed in trust,

- (1) power to render portion of land inalienable or reserve land for burial grounds, eel-weirs, fishing grounds, protection of native birds or conservation of timber for future use,
- (2) power to lease the remaining land,
- (3) power to borrow money on security of the land, if authorised by the terms of the trust, money may be used to pay mortgages, survey liens, charges on the land with any balance used for improving the land,
- (4) power to investigate unsecured debts on the land and reduce them if it thinks fit,
- (5) power to execute mortgage deeds,
- (6) power to borrow from Government lending offices but no power to borrow privately without the consent of the Governor,
- (7) Minister of Lands may lend money to the Council.

**s30:** (1) Council may incorporate any group of more than 10 Maori owners as provided by Part III Native Land Court Act 1894.

- (2) Elected Committee, with the consent of the majority of owners may transfer the land to the Council.

*Relevant Sections continued over page*



## Maori Lands Administration Act 1900 *continued*

*s31:* Any Maori land held by more than 10 Maori owners may be administered by the Council subject to,

- (1) the majority of owners applying to the Council,
- (2) application to be signed and witnessed,
- (3) Council to have the power of the Land Board to lease or mortgage the land, but not sell it except under *s21(7)*,
- (4) each of the owners must have a papakainga certificate or land may be provided for papakainga out of the land to be conveyed,
- (5) if some of the owners object to the land being administered by the Council their interest may be partitioned out,
- (6) notice of Council administration published in *Gazette* or *Kahiti* conclusive evidence of fact,
- (7) Council shall be registered owner of the land for administration,
- (8) Council may exercise all rights of an owner and execute deeds.

### *Miscellaneous*

*s32:* Lands not to be liable to higher tax than previously liable, except when leased to Europeans.

*s33:* Alienations liable to normal stamp duty not Native-land stamp duty.

### *Completion of Dealings Pending*

*s34:* Any purchases pending by the Crown may be completed.

*s35:* For completion of private purchases commenced before this Act comes into force,

- (1) two months to notify Council of details,
- (2) twelve months to complete the purchase through the Council on behalf of the Maori owner,
- (3) after that time, Council may partition interests purchased,
- (4) this section shall only apply to purchases which would have been lawful if this Act had not been passed.

*s36:* Applications made before this Act comes into force for the removal of restrictions may be granted.

*s37:* Land already exempted from *s117* Native Land Court Act 1894 may continue to be dealt with by the Maori owners as if this Act had not been passed.

*s38:* Saving of existing rights of sale, lease, etc.

### *Council's Register*

*s39:* Council to keep register of lands.

*s40:* Register to be open for inspection and may be amended to record changes of ownership.

*Relevant Sections continued next page*



*s41:* Accuracy of entries to be certified at intervals by the Native Land Court.

*s42:* Register to be conclusive evidence of Maori ownership.

***Application of Proceeds of Alienation***

*s43:* All sums derived from alienation of lands vested in the Council shall be applied,

- (1) first for administration costs,
- (2) second in defraying money due under any mortgage, lien etc,
- (3) third in paying surplus money to the Maori owners.

*s44:* Payments to be made at prescribed intervals.

*s45:* Maori owner may not dispose of his interest in land or income except by will.

*s46:* Maori owner's land or income may not become assets in bankruptcy.

***Accounts***

*s47:* Money paid to Council to be kept in Public Account.

*s48:* Operation on account.

*s49:* Accounts to be kept and audited.

**Part IV General**

*s50:* Governor may make regulations for

- (1) elections of Maori members,
- (2) powers, functions and duties of Council,
- (3) powers, functions and duties of Block Committees,
- (4) returning officers,
- (5) the taking of Maori land for roads or Public Works,
- (6) laying out townships,
- (7) maximum lease area,
- (8) classifying and surveying Maori lands,
- (9) mode of leasing,
- (10) conditions of leases,
- (11) duties of Registrar,
- (12) calculating value of improvements,
- (13) applying the Mining Act 1898, the Land Act 1892, the Public Works Act 1894,
- (14) fees to be charged by Council,
- (15) any other purpose.

*Commentary continued over page*



## Maori Lands Administration Act 1900 *continued*

**Commentary:** The preamble reads: *"Whereas the chiefs and other leading Maoris of New Zealand by petition to Her Majesty and to the Parliament of New Zealand, urged that the residue (about five million acres) of the Maori land now remaining in the possession of the Maori owners should be reserves for their use and benefit in such wise [ways] as to protect them from the risk of being left landless : And whereas it is expedient, in the interests both of the Maoris and Europeans of the Colony, that provision should be made for the better settlement and utilisation of large areas of Maori land at present lying unoccupied and unproductive, and for the encouragement and protection of the Maoris in efforts of industry and self help: And whereas it is necessary to make provision also for the prevention, by the better administration of Maori lands, of useless and expensive dissensions and litigation, in manner hereafter set forth "* This Act serves a dual purpose in providing for Maori to retain the freehold of their land while at the same time providing for settlement of the land through leasing. According to Carroll: *"By leasing on liberal terms we can promote settlement of this colony, and bring into profitable use large areas of Native land, at the same time preserving the freehold for the owners, and for the benefit of those who come after them"*. The Act was in response to Maori calls for greater control over their land and meets those demands to some degree by providing for the formation of Maori Block Committees to investigate the ownership of customary land. Maori Land Councils are to be established which shall decide on an amount of land sufficient for the support of every individual owner (papakāinga). These inalienable reserves are set aside for individuals to encourage productive use of the land.

The Government's view was that it was communal ownership which prevented Maori cultivating land. While Maori are given power to determine ownership, they then lose control of their non-papakāinga lands because the only way to alienate that land is by vesting it in the Maori Land Councils which are to administer the land for settlement purposes, ie. laying out roads, surveying, and then leasing the "surplus" lands. Powers are granted for mortgaging to develop the land or discharge liens against the title. Land may only be alienated if the Maori owner has a papakāinga certificate proving that there is sufficient other land for his support. Although the Act establishes a voluntary system for placing lands under the control of the Council, it is somewhat compulsory because section 22 provides that land cannot be alienated in any other way. However, that section would

*Commentary and Cross Reference continued next page*





seem to allow land with not more than two owners to be alienated as if this Act had not been passed, that is under the Native Land Court Act 1894. There was much debate over this ambiguous section and it was replaced by s4 Maori Lands Administration Amendment Act 1901. Note that section 50 provides for extensive power for regulations to be made which would determine many factors that Maori might want to know before placing their lands under the Council.

The Act was supported by all Maori members as a better system of administration than that provided under the Native Land Court Act 1894, however, in operation it turned out to be largely unpopular with Maori who did not want to delegate control of their lands and it was substantially modified by the Maori Land Settlement Act 1905.

- Cross Reference:** NZPD vol 114 (1900) 501 - 513  
NZPD vol 115 (1900) 166 - 200, 306 - 310, 499 - 500  
NZPD vol 119 (1901) 954 - 1003  
AJHR (1899) I - 3a  
*(Native Affairs Committee)*  
AJHR (1905) I - 3b  
*(Native Affairs Committee)*  
AJHR (1907) G - 1c  
*(Native Lands Commission)*  
AJHR (1910) G - 10  
*(Native Lands Vested in Maori Land Boards)*  
AJHR (1911) G - 10  
*(Native Lands Vested in Maori Land Boards)*  
Williams J *Politics of the New Zealand Maori*  
(AUP, Auckland, 1977 reprint ) 108 - 111, 113, 117 - 119  
Butterworth G & Young H *Maori Affairs*  
(GP Books, Wellington, 1990) 58 - 62  
Martin R *Aspects of Maori Affairs in the Liberal Period*  
M.A. Thesis (Victoria, 1956)

*Cross Reference continued over page*



## Maori Lands Administration Act 1900 *continued*

McRae P *Participation: Native Committees (1883) and Papatupu Block Committees (1900) in Tai Tokerau*

M.A. Thesis (Auckland, 1981)

Brooking T *'Busting Up' The Greatest Estate of All: Liberal Maori Land Policy, 1891 - 1911* NZJH, 26 (April, 1992) 78 - 98

### Reported Court Cases:

*In re Petane No. 2 Block* (1905) (s.22): 25 N.Z.L.R. 426, 8 G.L.R. 181

*In re Bevan* (1909) (ss.23, 25, 45): 29 N.Z.L.R. 714, 12 G.L.R. 328

*Mata Te Rautahi v. Registrar General of Land* (1910): 30 N.Z.L.R. 118, 13 G.L.R. 230.

*Aotea District Maori Land Board v. Marino* (1911) (s.3): 31 N.Z.L.R. 439, 13 G.L.R. 620, 14 G.L.R. 229

*Niniwa Heremaia v. Minister of Lands* (1902) (ss.22, 23): 22 N.Z.L.R. 54

*Elder v. Batham* (1905) (s.22): 24 N.Z.L.R. 841, 7 G.L.R. 360, 518

*Higgins v. Ikaroa District Maori Land Board* (1907) (s.26): 26 N.Z.L.R. 705, 9 G.L.R. 383, 464

*Riddiford v. Sim* (1907) (s.26): 27 N.Z.L.R. 19, 10 G.L.R. 15

*Meinertzhagen v. Ikaroa District Maori Land Board* (1907) (s.26): 27 N.Z.L.R. 141, 10 G.L.R. 82

*Meinertzhagen v. Donnelly* (1908) (s.26): 10 G.L.R. 320

*Sanders v. District Land Registrar* (1902) (s.35): 22 N.Z.L.R. 275, 5 G.L.R. 29

*In re Te Hiwi Piahana* (1902) (s.45) 5 G.L.R. 206

*Nicholsen v. Toko Reihana* (1904) (ss.45, 46): 23 N.Z.L.R. 614, 6 G.L.R. 470.