



Maori Lands Administration Amendment Act 1901

- Citation:** 1 Edw. VII, No 42
- Date of Assent:** 8 November, 1901
- Commencement:** Date of Assent
- Repeal:** Repealed 24 December, 1909 by 1909, No 15
- Amendments:** 1902, No 56: See separate record.
 s7 amends s2.
 1903, No 92: See separate record.
 s3 repeals and replaces ss2 and 3
 s9 amends s4
 s11 repeals and replaces s8(6)
 s17 amends s8(11)
 s20 amends s6
 s31 amends s8(11).
 1906, No 62: See separate record.
 s10 amends s8(7).
- Type of Legislation:** Public
- Subject:** Maori Land Boards
 Alienation of Maori Land
- Relevant Sections:** s2: Governor in Council may alter district boundaries.
 s3: Section 5 Maori Lands Administration Act 1900 shall not bar operation of Act in any district proclaimed even though less than six districts have been proclaimed.
 s4: Repeals and replaces s22 Maori Lands Administration Act 1900, alienation by lease may only be done in accordance with this Act, alienation by sale must have the previous consent of the Governor in Council. Sale, lease or mortgage of land with two or less owners shall not be affected by this Act.
 s5: Repeals and replaces s25(5) Maori Lands Administration Act 1900, notice of allocation or a certificate by a NLCt Judge shall be sufficient proof for the Registrar that each Maori has sufficient land left for his support if papakainga certificate has not been issued.
 s6: Repeals and replaces s28 Maori Lands Administration Act 1900, Maori owners may transfer land to the Council on trust, provided that if the owners are unincorporated ten of the owners, as authorised by the majority, must execute the transfer of the whole block.

Relevant Sections continued next page



s7: Repeals and replaces s35(1), (2) Maori Lands Administration Act 1900, two months from date of first meeting of the Council for private transactions to be notified, one year for the transaction to be completed with the consent of the Council.

s8: Amendments to Maori Lands Administration Act 1900,

- (1) repeals and replaces the interpretation of "Maori", includes half castes and their descendants,
"Maori land" excludes purchased land,
"purchased land" means land purchased by a Maori from the Crown or a European and does not include land granted by the Crown to Maori without payment,
- (2) amends s5, Act to come into operation (rather than be in full force) when district boundaries are published,
- (3) amends s7(6), Governor may appoint person in case of vacating member,
- (4) amends s7(9), date of election to fill vacancy to be fixed by Governor,
- (5) amends s7(11) first and subsequent elections to be held as directed by the Governor,
- (6) amends s19, sketch plan subject to the right of appeal,
- (7) amends s23, certificate by NLCT Judge that alienating Maori has sufficient other land may be used instead of a Papakainga certificate,
- (8) amends s26(1) (purchaser or lessee to make declaration) by changing "European" to "person",
- (9) repeals s26(2) (license permitting person to acquire land),
- (10) amends s26(3), land purchased in excess of allowed limit may be vested in Council for landless Maori rather than the purchase being void,
- (11) amends s29(1), powers of the Council include setting apart land as a Native township on the request of a majority of owners, adds new s29(8), at the expiry of a lease the Council may transfer the land back to the owners except if there is any charge or encumbrance of the land,
- (12) amends s33, alienations commenced before the passing of the Act, shall be liable to Native stamp duty.



Commentary: At the time of the passing of this amendment the original Act was not yet fully operational, although some districts had been declared and elections held. The amendment to s22 allows land with two or less owners to be sold, mortgaged or leased as if the Maori Lands Administration Act 1900 had not been passed, rather than sold, but not leased, as it appeared to be incorrectly worded in the original section. Under the Maori Lands Administration Act 1900 each owner had to present a papakainga certificate before land could be alienated, however according to Carroll, individualisation of papakainga would take too long for blocks with large numbers of owners and so s25 is amended to allow alienation to take place with a certificate from the Native Land Court before the papakainga are issued. The amendment to s28 means that the Council can accept a transfer of land with the signature of ten of the owners as long as it is the wish of the majority of owners. This was aimed to meet the problem of obtaining all the signatures, however Kaihau objected to ten having the power to alienate the whole block. The 1900 Act provided that uncompleted transactions should be completed through the Council, but this is amended in s7 and the time is changed from 12 months after that Act came into force to 12 months after the first meeting of the Council, presumably in recognition that the Councils had not yet met and the purchasers would soon be out of time.

Cross Reference: NZPD vol 119 (1901) 750 - 751, 913 - 914, 954 - 1003, 1060 - 1072, 1152 - 1158

Reported Court Cases:

Nicholsen v. Toko Reihana (1904) (ss.4, 6): 23 N.Z.L.R. 614, 6 G.L.R. 470

Elder v. Batham (1905) (s.4): 24 N.Z.L.R. 841, 7 G.L.R. 360, 518

Jury v. United Farmers Co-operative Association Ltd. (1909) (s.4): 29 N.Z.L.R. 126, 12 G.L.R. 385

Washer v. Waiariki District Maori Land Board (1910) (s.4): 30 N.Z.L.R. 75, 13 G.L.R. 287

Miles v. Aotea District Maori Land Board (1926) (s.6): [1926] G.L.R. 363

In re Bevan (1909) (ss.8, 25): 29 N.Z.L.R. 714, 12 G.L.R. 398

Marino v. Aotea District Maori Land Board (1911) (s.8): 31 N.Z.L.R. 439, 14 G.L.R. 229

Riddiford v. Sim (1907) (s.8(8)): 27 N.Z.L.R. 19, 10 G.L.R. 154.