



## Native and Maori Land Laws Amendment Act 1902

1902

- Citation:** 2 Edw. VII, No 56  
**Date of Assent:** 3 October, 1902  
**Commencement:** Date of Assent
- Repeal:** Repealed 1 January, 1932 by 1931, No 32  
**Amendments:** 1903, No 92: See separate record.  
s3 repeals and replaces s7  
s4 repeals and replaces s6.  
1908, No 253: See separate record.  
s33(2) repeals s4.
- Type of Legislation:** Public  
**Subject:** Maori Land Court: Structures & Jurisdiction  
Survey Issues  
Public/Native/Maori Trustee  
Reserved Land  
Maori Land Boards
- Relevant Sections:**
- s2: NLCT mortgage orders to secure payment of survey charges no longer to confer a power of sale. Instead orders to operate as a caveat against the registration of dealings without the consent of the mortgagee, although mortgagee may apply to Court to have mortgage payments made a charge on the rental of leased land.
  - s3: Charging-orders for survey charges may be granted subject to s2.
  - s4: No exchange under s14(3) Native Land Court Act 1894 shall be granted if the areas are unequal, unless the person receiving the larger area makes a declaration under s5 Native Land Laws Amendment Act 1895 of the amount of land already held. Money paid for equality of exchange shall not exceed £100.
  - s5: Amends s6(1) Maori Lands Administration Act 1900, President of Maori Land Council authorised to exercise all the powers of a NLCT Judge.
  - s6: Amends s8(1) Maori Lands Administration Act 1900, when quorum not necessary for formal business of Land Council.
  - s7: Amends s2 Maori Lands Administration Amendment Act 1901, names of districts may be changed.
  - s8: Governor may declare that any parcel of Maori land shall be vested in a Maori Land Council as site for a Native township.
  - s9: Certificate of Title to township lands may be issued to the Land Council.

*Relevant Sections, Commentary and Cross Reference continued over page*



Native and Maori Land Laws Amendment Act 1902 *continued*

*s10*: Powers of Maori Land Councils to administer Native townships,

- (a) to survey the township and lay off streets, allotments, and reserves,
- (b) to decide disputes relating to the situation of streets etc, NLCt definition of the relative interests may be adopted,
- (c) to deal with allotments by way of sale, lease, exchange or otherwise,
- (d) to provide for the occupation by any Maori owner of any allotment upon such terms and conditions as deemed just,
- (e) after survey costs etc, and payment of charges on the land are deducted the proceeds are to be paid to the Maori owners according to their proportionate interest,
- (f) power to do all things necessary to administer the township.

*s11*: Governor may make regulations for the administration of the township.

*s12*: Proclamation may be varied or revoked without prejudice to any transactions which have taken place.

*s13*: Sections 8 - 12 to form part of the Maori Lands Administration Act 1900.

*s19*: Succession to an intestate Native in whose name money from the sale of land is held in trust by the Public Trustee shall be in favour of those who would have been entitled according to Native custom to succeed to the land if it had not been sold.

**Commentary:** Section 2 prevents the forced sale of land to pay survey costs. Section 4 is designed to control exchanges so that a purchaser of land cannot amass more than the 640 acre limit by engaging in uneven exchanges instead of direct purchase. Section 5 authorises Presidents of Maori Land Councils to act as NLCt Judges because the current Judges were having difficulty getting through the backlog of cases before them. Section 7 means that the names of Maori Land Districts can be altered to suit the wishes of Maori of the area. The provisions on Native Townships relate to the situation in Te Kuiti and Otorohanga, where a Maori Land Council had already established townships, but lessees did not have their tenure formally recognised.

**Cross Reference:** NZPD vol 122 (1902) 415, 835 - 837, 898

Reported Court Cases:

*Te Aka Pairama v. Hardy* (1917) (s.2): [1918] N.Z.L.R. 65, 492, [1918] G.L.R. 117, 430

*Rikirangi v. East Coast Commissioner* (1908) (s.12): 10 G.L.R. 469.