



Maori Land Laws Amendment Act 1908

Citation: 8 Edw. VII, No 253
Date of Assent: 10 October, 1908
Commencement: Date of Assent

Repeal: Repealed 25 October, 1956 by 1956, No 43
Amendments: 1910, No 82: repeals ss38, 41.
 1911, No 35: s8 amends s40.
 1921, No 55: repeals ss21 and 22.
 1931, No 31: See separate record.
 repeals all except ss1, 18, 34 & 37.

Type of Legislation: Public

Subject: Maori Land Court: Structures & Jurisdiction
 Rating
 Alienation of Maori Land
 Leased Land
 Public/Native/Maori Trustee
 Survey Issues
 Maori Land Boards
 Forestry

Relevant Sections:

s2: The powers exercised by the Commissioner under the Native Townships Act 1895 shall be vested in the Maori Land Board of the district.

s3: No Maori Land Board shall be liable for any rates on Native township land in excess of the funds in hand available in respect of that land. Repeals section 12 Native Townships Local Government Act 1905.

s4: Power of Maori Land Board to accept surrender of lease.

s5: Maori Land Board may invest surplus funds.

s6: Balance-sheet and audit, repeals s49 Maori Lands Administration Act 1900.

s7: (1) After this Act is passed, the NLCt shall cease to confirm alienations and grant certificates under s55 Native Land Court Act 1894,
 (2) this section is only to apply to alienations of land in the North Island,
 (3) alienations executed before the passing of this Act may be confirmed as if this section had not been passed, or by a Maori Land Board,

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(4) in future, jurisdiction to confirm alienations is to be exercised by the Maori Land Boards,

(5) right of appeal to continue.

s8: Daily payment for Board members, repeals s7(12) Maori Lands Administration Act 1900.

s9: Board to have powers of a Commission of Inquiry when hearing and determining any question.

s10: Amends s8(g) Maori Land Settlement Act 1905, land may be offered to other Maori specified by the owners without public competition.

s11: (1) Leases made before the vesting of land in the Maori Land Board under s6 Maori Lands Administration Amendment Act 1901 may be replaced by new leases issued by the Board,

(2) term not to be longer than that for which the Board may lease the land,

(3) rent to be at least 5% of valuation.

s12: (1) When land vested in a Maori Land Board is owned by 10 or more Maori owners, the Board may occupy and run the land as a farm rather than leasing the land,

(2) Board may appoint a farm manager,

(3) manager to be servant of the Board,

(4) manager to conform to directions of the Board,

(5) Native owners may elect a Committee of Management,

(6) manager to be chairman of Committee of Management,

(7) manager to act in accordance with recommendations of the Committee subject to the control of the Board,

(8) revenue from farming operations to be expended by the Board in the same manner as rent,

(9) expenses to be a charge on revenue received from the land or any other land owned by the same owners,

(10) revenue may be used for farming operations,

(11) Board may borrow money on security of stock, crops, or chattels of the farm,

(12) Board to keep accounts,

(13) Governor may make regulations,

(14) this section not to apply to land vested in the Board under Part I Maori Land Settlement Act 1907.

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s13: Amends *s25(1)* Maori Land Claims Adjustment and Laws Amendment Act 1907, lease may be for a term, which when renewed does not exceed 50 years.

s14: Amends *s7* Thermal Springs Districts Act 1908, new subsection (i) land may be administered as a farm for the benefit of the Natives.

s15: (a) Powers of the Governor under Thermal Springs Districts Act 1908 may be delegated to the Maori Land Board,
(b) land proclaimed under that Act may be leased to Native owners if the Board agrees and the leasing terms of the Maori Lands Administration Act 1900 are complied with.

s16: Amends *s10* Native Land Settlement Act 1907, order prohibiting private alienation may be varied or revoked.

s17: Adds new subsections to *s11* Native Land Settlement Act 1907,
(3) if an equal division of a Block is impracticable the Governor, on recommendation of the Board, may authorise the whole block to be sold or leased or unequally divided,
(4) Board to adjust the proportion of land for sale or lease in other Blocks so that the total land disposed in one year shall be equally divided between sale and lease.

s18: Public Trustee may advance money to Maori lessee under West Coast Settlement Reserves Act Amendment Act 1893.

s19: (1) Amends *s3* Maori Real Estate Management Act 1888, trustee may be appointed for personal property,
(2) amends *s5*, President of the Maori Land Board may approve of alienation.

s20: Provisions of *s39* Native Land Court Act 1894 (amendment after title ascertained) to apply to orders made under *ss8 - 10* Urewera District Native Reserve Act 1896.

s21: Validating appointment of Local Committees under Urewera District Native Reserve Act 1896 and providing for Governor to appoint 20 Local Committee members to be the General Committee.

s22: Amends Urewera District Native Reserve Amendment Act 1900 by substituting General Committee for Commissioners.

s23: *s8* Maori Land Settlement Act 1905 may apply to land in Urewera District on recommendation of the General Committee.

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s24: s39 Native Land Court Act 1894 (amendment after title ascertained) to apply to decisions made by the Native Appellate Court, order may not be altered until it has been referred to the Appellate Court for report, or to the Supreme Court if a question of law.

s25: Empowers the NLCt to re-vest titles in original owners after a block of land has been affected by a decree of the Validation Court.

s26: "Native lands" in s26 Maori Land Claims Adjustment and Laws Amendment Act 1907 (timber and flax contracts) deemed to have meant lands owned by Maori.

*s27: (1) Maori Land Board may grant licenses for removal of timber or flax from any land vested in the Board,
(2) license to be for no more than 30 years,
(3) not to apply to land vested in the Board under Part I Native Land Settlement Act 1907 without the permission of the Governor in Council.*

s28: Time for making applications under s26 Maori Land Claims Adjustment and Laws Amendment Act 1907 (approval of timber/flax alienations) extended to 6 months after the passing of this Act.

s29: Undivided land owned by a Maori or land owned in common by more than two Maori shall be deemed to be land owned by Maori under s16 Maori Land Settlement Act 1905. Deemed to have been in force since the passing of the Maori Land Settlement Act 1905 but without invalidating any lease already granted.

s30: Amends s38 Native Land Settlement Act 1907 (advances for surveys etc),

- (a) substituting money available under the Local Bodies' Loans Act 1908 for the Public Works Fund in subsection (1),*
- (b) amount advanced not to exceed £30 000 per year,*
- (c) repealing subsection (5) (Public Works Fund).*

s31: Amending s11 Maori Land Settlement Act 1905, advances may be made from money available under the Local Bodies' Loans Act 1908, total amount not to exceed £20 000 per year.

*s32: (1) Costs of survey of papatupu land may be defrayed out of money appropriated by Parliament for that purpose,
(2) costs to be a charge by way of mortgage on the land.*



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- s33: (1) Court may order exchange of lands between Natives if,
 (a) it is to the benefit of each party,
 (b) each party shall have sufficient land for his support,
 (c) payment of not more than 15% of value may be made to make an equality of exchange.
- (2) repeals s44 Native Land Court Act 1894, s25 Native Land Laws Amendment Act 1895, s4 Native and Maori Land Laws Amendment Act 1902.

s34: Native township will cease to exist when included within a borough or town district.

s35: Amends s19 Native Land Purchases Act 1892 (Crown lands may be sold to Natives),

- (a) sale to be upon terms and conditions directed by the Governor,
 (b) undivided interests in Native land acquired by the Crown deemed to be Crown land.

Commentary: This Act extends the powers of the Maori Land Boards; they are given the former NLCT power to confirm alienations and take over the administration of all Native Townships. The increase in power could be seen to follow on from the role of the Maori Land Boards to sell and lease land vested in them on the recommendation of the Native Land Commission. The Debates contain discussion of the effectiveness of the Native Land Commission in regard to providing land for settlement. The Native Land Settlement Act 1907 had provided that the Boards were to divide the land vested in them into 50% for leasing and 50% for sale. Because of the difficulties found in implementing this on every block this Act provides that the Board may vary the ratio for individual blocks as long as the 50:50 split is maintained over the entire area of land vested in the Board. The Board is also given the power to run farms on Maori lands and have control over the Thermal Springs District, both of which were recommended by the Stout – Ngata Commission. Section 25 relates to cases that had been settled by the Validation Court, but where the residue of the land had not been vested in the owners not party to the incomplete (but validated) alienation. Section 28 extends the time for application to be made for confirmation of contracts for timber and flax and the Board is also empowered to grant 30 year licenses for

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timber and flax. Section 32 is designed to hurry up title investigation by allowing the Crown to advance money for surveys of papatupu land.

Cross Reference: NZPD vol 145 (1908) 770 - 778, 1113 - 1147, 1158 - 1160

Reported Court Cases:

Re Wharekopae Block (1909) (s.13): 11 G.L.R. 444

Taitumu Marangataua v. Patena Kerehi (1911) (s.24): 31 N.Z.L.R. 513, 13 G.L.R. 457, 583

Aotea District Maori Land Board v. Commissioner of Taxes (1927) (s.37): [1927] N.Z.L.R. 817, [1927] G.L.R. 464.