



Native Land Amendment Act 1913

1913

Citation: 4 Geo. V, No 58
Date of Assent: 15 December, 1913
Commencement: Date of Assent. Sections 3 - 42 to come into operation 31 March, 1914.

Repeal: Repealed 1953, No 94
Amendments: 1914, No 63: See separate record.

s4 amends s8

s5 amends s11

s7 amends s96(3)

s9 amends s113

s11 amends s83

s13 amends s11.

1915, No 63: See separate record.

s4 amend s100.

1916, No 12: See separate record.

s3 amends s35

s8 amends s111.

1917, No 25: s3 amends s23(4).

1918, No 13: s3 amends s45

s4 amends s109(9).

1919, No 43: See separate record.

s15 amend s96(4).

1920, No 63: s2 amends ss45, 50, 59, 64, 67 by striking out the words "Gazette and".

1921, No 29: s13 restores provisions of s92(2).

1921, No 55: Repeals the words "Urewera District Native Reserve Act 1896" in s117.

1921, No 62: s2 amends s92.

1922, No 48: See separate record.

s3 amends ss9(1), 11, 65, 92(3), and repeals ss50(3)(4), 131.

1923, No 32: See separate record.

s7 repeals s63.

1924, No 45: See separate record.

s3 repeals s35(5).

1927, No 67: See separate record.

s18 amends s92

s19 repeals s96

s20 amends s97

s21 amends s110

s30 repeals s127.

Amendments to Relevant Sections continued over page



Native Land Amendment Act 1913 *continued*

1929, No 19: See separate record.

s13 amends *s39*

s14 repeals *s55*

s15 amends *s110*

s16 repeals *s129*.

1930, No 29: See separate record.

s5 amends *ss23(1), 93(2), 110*.

1931, No 31: See separate record.

repeals all except *ss1, 97*.

Type of Legislation: Public

Subject: Maori Land Court: Structures & Jurisdiction

Maori Land Boards

Alienation of Maori Land

Consolidation/Exchange Schemes

Survey Issues

Leased Land

Equitable Owners

Compulsory Acquis & Transfer of Control

Relevant Sections: *s3:* To be between three and nine NLCt Districts.

s13: Register of all Native Freehold land to be compiled.

ss15 - 42: Maori Land Districts and Boards.

s16: Every NLCt district constituted under *s3* of this amendment shall be a Maori Land District under this Act.

s17: For every Maori Land District there shall be a Maori Land Board.

ss44 - 62: Partition.

s45: The Minister may apply to the NLCt to determine the interests in any Native Freehold land and partition the same among the owners.

s46: Following partition the land shall be subdivided into areas according to quality and utility as will enable each allotment to be disposed of by the Native owner.

s48: Upon any partition the NLCt may lay out road lines.

ss49 - 50: Road access.

s52: NLCt may, with the consent of the owner of any freehold land, lay off any road through the land of such owner. Compensation to be agreed upon. Otherwise written consent to act as a disclaimer.

s53: Cost of survey of roads to be a charge on the lands benefited.

s62: No CT to be issued until all survey liens and other charges on the land have been paid and discharged.

Relevant Sections and Commentary continued next page



ss64 - 68: Succession.

s69: Fees and expenses of partition, exchange, consolidation or succession shall be charged in the land and no dealing with the interest shall be registered until the money payable is paid.

ss70 - 81: Limitation of area.

s72: Not lawful for any person to acquire any Native freehold land if the land so acquired, together with all other land held or occupied by him would exceed a total area of 5,000 acres (as calculated in *s194 - 198* principal Act).

ss82 - 84: Alienation.

s83: Restriction on alienation of equitable interests.

ss85 - 93: Confirmation of alienation.

s88: Terms of alienation may be modified if the NLCt feel that such modification ought in justice to be made to benefit the Native owner.

s89: Confirmation of lands in the Chatham Islands.

ss94 - 95: Delegation of powers by the Maori Land Board.

s96: Revesting of land in Native owners.

s97: Compensation for improvements.

ss100 - 106: Powers of assembled Native owners.

ss107 - 113: Purchases and leases of Native land by the Crown.

s109: Right of the Crown to acquire any interest in Native Land including Native freehold land, Native reserves, and land held in trust. Method of acquisition.

s114: Where it is in the interests of the Crown to obtain practicable boundaries, any land acquired by the Crown may be exchanged for European or Native land.

ss115 - 119: Leases of Native lands to the Crown.

s127: Taking of roads without compensation.

Commentary: This Act amalgamated the Native Land Court and the Maori Land Boards. Each district is to have a Judge and a Registrar, with the Judge comprising the Native Land Court, and the Judge and Registrar comprising the Maori Land Board. The overall purpose of the Act is to facilitate Crown purchasing (rather than private purchase) so that the Crown can then use the land for settlement. Sections 44 - 45 allow the Native Minister to direct the Court to partition land, which makes it easier for the Crown to acquire individual interests and subdivide the land for settlement.

Commentary and Cross Reference continued over page

**Native Land Amendment Act 1913** *continued*

If the Maori Land Board has not utilised a block of land, the majority of assembled owners can decide to have the land revested in the owners. The most controversial provision in the Bill at the time was *s109* which gives the Crown the power to acquire (through purchase or lease) individual interests in land, rather than having to get the consent of all the owners to purchase the entire block. This provision also applies to Native Reserve Land and land administered by the Public Trustee. In reply to accusations that this would take land that was reserved for Maori support and benefit the Prime Minister said that restrictions to prevent Maori from becoming landless would be retained. Once the Crown has acquired title the land can be sold to the current tenants. This led to accusations in the General Assembly that, although the Act was supposed to be for opening up surplus lands for settlement, the Reform Government was actually being politically expedient as the Act would affect lands that had already been settled by tenants, who would now be able to get the freehold tenure they desired. The Maori members protested strongly, with Ngata saying that the Act was purely for getting Maori land, and Parata saying that it will take away the Greymouth Reserve, while Te Rangihiroa warned the same for the West Coast Settlement Reserves.

Cross Reference: NZPD vol 167 (1913) 384 - 436, 809 - 858, 865 - 872.