

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
12th October, 1900.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Rt. Hon. R. J. Seddon.

MAORI LANDS ADMINISTRATION.

ANALYSIS.

- Title.
 - 1. Short Title.
 - 2. Act divided into Parts.
- PART I.
PRELIMINARY.
- 3. Interpretation.
 - 4. References.
- PART II.
DISTRICTS AND COUNCILS.
- As to Districts.*
- 5. Districts.
- As to Councils.*
- 6. Maori Councils.
 - 7. Council to be a body corporate. Term of office. Resignation. Removal. Vacancies. Elections.
 - 8. Proceedings at meetings of Council.
- PART III.
POWERS OF COUNCIL AND ADMINISTRATION OF MAORI LANDS WITHIN EACH DISTRICT.
- 9. Powers of Council.
 - 10. Appeals to Native Appellate Court.
 - 11. Council may refer any claim to any Block Committee for further report.
 - 12. Report to be gazetted and given effect to unless caveat lodged.
 - 13. How orders to be sealed.
 - 14. When orders to have effect.
 - 15. Orders may be registered.
- As to Papatupu Block Committees.*
- 16. Block Committees.
 - 17. Committee may investigate titles.
 - 18. Committee to prepare report.
 - 19. Report and sketch-plan to be forwarded to Council for consideration.
 - 20. Council may make order thereon.
- As to Papakaingas.*
- 21. Papakaingas. Lost papakainga certificates.
- As to Alienation.*
- 22. Alienation to be only under this Act.
 - 23. When Maori may alienate land.
- 24. Governor may remove restrictions.
 - 25. Alienation, how effected.
 - 26. Purchaser or lessee to make declaration.
 - 27. Maoris may convey land in trust to Council.
 - 28. Powers of Council in respect thereof.
 - 29. Council may constitute Maori owners, when more than twenty, a body corporate.
 - 30. Council may administer lands held under grant or certificate by more than twenty Maoris, on application from owners.
- Miscellaneous Provisions.*
- 31. Lands not to be subject to higher rate or tax than that to which they were previously liable.
 - 32. Alienations liable to stamp but not Native duty.
- As to Completion of Dealings pending.*
- 33. Purchases for the Queen may be completed.
 - 34. Completion of lawful private dealings.
- As to the Council's Register.*
- 35. Council to keep register of lands.
 - 36. Inspection of register and alterations therein.
 - 37. Accuracy of entries in register to be certified at intervals by Native Land Court.
 - 38. Register to be conclusive evidence.
- As to the Application of Proceeds of Alienations by the Council.*
- 39. Application of moneys derived from alienations.
 - 40. Payments to be made at intervals.
 - 41. Native owner not to dispose of interest except by will.
 - 42. Land of Maori not to be seizable nor to be assets.
- As to Accounts.*
- 43. Where Maori Council Account to be kept.
 - 44. Operation on such account.
 - 45. Full accounts to be kept and copies furnished to Audit.
- PART IV.
GENERAL.
- 46. Regulations. Schedule.

A BILL INTITULED

Title. AN ACT to provide for the Administration of Maori Lands.

New Preamble.

Preamble.

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 possession of the Maori owners should be reserved for their use and benefit in such wise 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 also to make provision for the prevention, by the better administration of Maori lands, of useless and expensive dissensions and litigation, in manner hereinafter set forth:

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Maori Lands Administration Act, 1900."

Act divided into Parts.

2. This Act is divided into four Parts, as follows:—

PART I.—Preliminary. (Sections 3 and 4.)

PART II.—Districts and Councils. (Sections 5 to 9.)

PART III.—Powers of Council and Administration of Maori Lands within each District. (Sections 10 to 50.)

PART IV.—General. (Section 51.)

PART I.

PRELIMINARY.

Interpretation.

3. In this Act, if not inconsistent with the context,—

"Alienation," and all reference thereto, include sale, lease, mortgage, charge, lien, encumbrance, contract, exchange, and every other disposition, whether absolute or limited:

"Council" means a Maori *Land* Council constituted under this Act:

"District" means a Maori land district under this Act:

"Maori" means an aboriginal native of New Zealand, and includes half-castes and their descendants by Maoris:

"Maori land" means any land or estate or interest in land in New Zealand held, or which may hereafter be held, by any Maori under any class of title, and includes papatupu land, but does not include,—

(a.) Land which, although owned by a Native, has been acquired in fee-simple by purchase from the Crown or a European; nor

(b.) Land which is subject to or administered under the provisions of any of the following Acts, that is to say,—

"The Tairaroa Land Act, 1883."

"The Westland and Nelson Native Reserves Act, 1887,"

“The West Coast Settlement Reserves Act, 1892,”
 “The Native Townships Act, 1895,”
 “The Urewera District Native Reserve Act, 1896,”
 and

5 “The Kapiti Island Public Reserves Act, 1897,” nor
 (c.) Native land in the Middle Island or Stewart
 Island or any other lands controlled by any other
 special Act:

10 “Order” means any award, decision, or other order made by
 the Council by virtue of the powers conferred upon it by
 this Act:

“Owner” shall include those holding land in trust or other-
 wise:

15 “Papakainga” means an inalienable reserve set aside for the
 occupation and support of any person of the Maori race
 as in this Act provided:

“Papakainga certificate” means the certificate issued by the
 Council on making any such inalienable reserve:

20 “Papatupu land” means any land claimed or owned by
 Maoris the title to which has not yet been investigated
 and determined:

“Prescribed” means prescribed by regulations under this
 Act:

25 “Registrar” means the District Land Registrar of the land
 registration district in which the land is situate.

4. All references in this Act to Maori owners shall be construed References.
 as applying to the Maori owners of Maori lands situate in the Maori
 land district to which the reference relates.

PART II.

30 DISTRICTS AND COUNCILS.

As to Districts.

5. For the purposes of this Act there shall be within the North Districts.
 Island of New Zealand not less than six Maori land districts.

35 The boundaries and names of such districts are to be defined
 by the Governor in Council, the same to be gazetted and published
 in the *Kahiti*, and on such publication this Act shall be in full force
 in such district so proclaimed.

As to Councils.

40 6. For each Maori land district there shall be a Maori Maori Councils.
 Council, which shall be called the “District Maori
Land Council,” and shall consist of not more than *seven* and not less
 than *five* members, to wit,—

(1.) A President to be appointed by the Governor, who shall
 hereinafter be called “the President.”

45 (2.) Not less than two nor more than three other persons to be
 appointed by the Governor, one of whom shall be a
 Maori.

(3.) Not less than two nor more than three Maoris to be
 elected by the Maoris of the district out of their number.

50 (4.) No elected Maori shall be a member of more than one
 Council.

7. Every Council shall be a body corporate, with perpetual Council to be a body
 succession and a common seal; and with respect to the Council and corporate.
 its members the following provisions shall apply:—

- of office. (1.) The ordinary term of office of each member of the Council shall be three years, but a retiring member shall be eligible for reappointment or re-election.
- Resignation. (2.) A member may at any time resign his seat by notice in writing under his hand delivered to the Governor in the case of the President, and to the President in the case of any other member. 5
- Removal. (3.) A member may be removed from office at any time by the Governor if the Governor is of opinion that from any cause he is incapacitated to act, or that he has been guilty of any misconduct which renders him unfit for office. 10
- Vacancies. (4.) The seat of a member shall become vacant if he resigns, or is removed from office, or dies, or becomes bankrupt, or is convicted of any crime punishable by imprisonment for twelve months or upwards, or is absent from three successive ordinary meetings of the Council without leave of the Council; and every such vacancy shall be deemed to be a casual vacancy. 15
- (5.) Every vacancy consequent on the expiry of the ordinary term of office shall be deemed to be an ordinary vacancy. 20
- (6.) In the event of a vacancy in a Council, the Governor may appoint another Maori in the place of the vacating member: Provided that any member so appointed shall hold office only for the unexpired period of the term of the Council. 25
- (7.) Every casual vacancy shall be filled within twenty-eight days after the occurring thereof, and the member filling it shall hold office only for the unexpired residue of the term of the vacating member. 30
- (8.) Every appointed member shall take office on the date of his appointment.
- Elections. (9.) The election to fill an ordinary vacancy shall be held on the twenty-eighth day next before the vacancy occurs consequent on the expiry of the term, and the elected member shall take office on the day of such expiry. 35
- (10.) Every election shall be held in the same manner, as nearly as may be, as in the case of an election of a member of the House of Representatives for a Maori electoral district.
- (11.) Subject to the provisions of this Act and the regulations thereunder, the elections shall be held at such time and place and in such manner as are directed by the Governor in the case of the first election, and by the Council in the case of every subsequent election. 40
- (12.) Each member, except the President, who shall be paid by the Government, shall be entitled to receive out of funds under the control of the Council the sum of ten shillings for each day whilst he is actually engaged on the business of the Council, together with all sums actually paid by him for train-fares, steamer-fares, coach-fares, or horse-hire whilst travelling on such business: 50
- Provided that such cost shall be apportioned fairly according to the expenses properly incurred in respect of each block.
8. With respect to all meetings of the Council the following provisions shall apply:— 55

- (1.) The quorum shall in every case be a majority of the total number of members constituting the Council: Provided that in every case at least one Maori member shall be necessary in order to constitute the quorum.
- 5 (2.) The President shall be Chairman, and shall have a deliberative vote and a casting-vote.
- (3.) In the absence of the President from any meeting he may appoint a European member to act as Deputy Chairman at such meeting, and the Deputy Chairman, whilst so acting, shall have the same powers as the Chairman.
- 10 (4.) Subject to the provisions of this Act and the regulations thereunder, the Council may regulate its own procedure.

PART III.

POWERS OF COUNCIL AND ADMINISTRATION OF MAORI LANDS WITHIN EACH DISTRICT.

- 15 9. The Council shall, in respect of all Maori lands within its district, have and exercise all the powers now possessed by the Native Land Court as to ascertainment of ownership, partition, succession, the definition of relative interests, and the appointment of trustees for Native owners under disability: Powers of Council.
- 20 Provided that the Council shall not proceed to exercise its powers in any matter under this section unless and until directed so to do by the Chief Judge of the Native Land Court.
- 25 10. Every person who is dissatisfied with any order made by the Council in exercise of the powers conferred upon it by or under the *last preceding* section of this Act may, within two months after the date of such order, appeal thereupon to the Chief Judge of the Native Land Court, who shall, as he thinks fit, either himself inquire into and determine the appeal, or refer the appeal to the Native Appellate Court constituted under Part X. of "The Native Land Court Act, 1894," and in the latter case the Native Appellate Court shall have power to hear and determine the appeal. Appeals to Native Appellate Court.
- 30 11. The Council may for all or any of the purposes for which jurisdiction has been conferred upon it by this Act refer any claim or question brought before the Council to any Block Committee for further investigation and report. Council may refer any claim to any Block Committee for further report.
- 35 12. On receipt of any such report from any Block Committee, and after having given due notice by publication in the *Kahiti* and *Gazette* of its intention so to do, the Council may proceed to give effect to such report, and make such order thereon as the Council thinks fit: Report to be gazetted and given effect to unless caveat lodged.
- 40 13. All orders or other instruments made by the Council shall be sealed with its seal and signed by the President and at least two members, one of whom shall be a Maori. How orders to be sealed.
- 45 14. Every such order made as aforesaid shall be forthwith forwarded in duplicate by the Council to the Chief Judge of the Native Land Court, who shall briefly notify the purport thereof in the *Kahiti*, and if no appeal is lodged with the Chief Judge within two months after such notification he shall countersign and issue the same, whereupon the order shall have effect as though it were an order of the Native Land Court, and shall be recorded by the Registrar of the said Court as though it were an order of such Court. When orders to have effect.
- 50 15. Every such order affecting Maori land or title thereto may be registered in the prescribed manner. Orders may be registered.

As to Papatupu Block Committees.

Block Committees.

16. Maoris claiming to be the owners of any specified block of papatupu land within a district may, in the prescribed manner, elect a committee, to be called "the Papatupu Committee of the Block"; and with respect to such committee the following provisions shall apply:—

- (1.) The committee shall consist of such number of persons, being not less than *five* nor more than *nine*, as is prescribed.
- (2.) In no case shall a member of the Council be a member of the committee.
- (3.) The term of office of each member of the committee shall be *three* years, but retiring members shall be eligible for re-election; and every election shall be held at such time and place as the Council appoints.
- (4.) Subject to regulations under this Act, the committee may direct its own procedure.

Committee may investigate titles.

17. The committee, having due regard to Maori customs and usages, shall make full investigation into the ownership of the block, and, as the result of such investigation, shall cause a sketch-plan of the block to be prepared by an authorised surveyor setting forth the situation and boundaries of the block, adopting hapu boundaries as far as practicable.

Committee to prepare report.

18. The committee shall also prepare a report setting forth—
- (1.) The names of the owners of the block, grouping families together, but specifying the name of each member of each family;
 - (2.) The relative share of the block to which each family is entitled;
 - (3.) The relative share to which each member of the family is entitled in such family's share of the block;
 - (4.) Such other particulars as are prescribed.

Report and sketch-plan to be forwarded to Council for consideration.

19. Such sketch-plan and report shall be forwarded by the committee to the Council, and the Council, after considering the same, and giving all parties concerned full opportunity of being heard, may in the prescribed manner by order confirm the same with such modification or alterations as it finds to be necessary.

Council may make order thereon.

20. The committee's sketch-plan and report and the Council's confirming order may be made although the block has not been surveyed, or a survey-plan authorised by the Surveyor-General has not been prepared, and, except at the request of the committee, the actual survey of the block, or of any part thereof, shall not be necessary until after the Council's confirming order has taken effect, anything in "The Native Land Court Act, 1894," or any other Act to the contrary notwithstanding.

As to Papakaingas.

Papakaingas.

21. With respect to all Maori lands within the district of the Council the following special provisions shall apply:—

- (1.) The Council shall with all convenient speed proceed to ascertain and determine what land each Maori, man, woman, or child, has suitable for his, her, or its occupa-

tion and support, and to determine how much thereof and what portion is necessary to be a papakainga for each such Maori for his or her maintenance and support and to grow food upon, and shall issue a papakainga certificate declaring that such land is a papakainga for such Maori, *and notice of such allocation shall be given by the Council to such Maori preparatory to the issue of a certificate therefor.*

(2.) Such land shall be absolutely inalienable.

(3.) Papakainga certificates shall be prepared on parchment, in triplicate, and shall set forth a plan and description of the land, and the name of the holder thereof.

(4.) One copy of such certificate shall be filed by the Council, one copy shall be filed with the Registrar, and the third copy shall be issued to the Maori named therein as the holder thereof.

(5.) Such certificates shall be signed by the President of the Council and sealed with its seal, and the production thereof shall be conclusive evidence that the holder thereof alienating any other land owned by him has sufficient land left for his occupation and support.

(6.) In the event of loss or destruction of a papakainga certificate, the owner thereof may apply to the Council for a duplicate copy thereof. Such application shall be supported by a declaration setting forth the facts or circumstances under which such certificate was lost, and the Council may issue a duplicate thereof.

Lost papakainga certificates.

(7.) In cases where the whole of the land of any Maori is unsuitable for his occupation and support, he may, with the consent of the Council, either exchange the land for other suitable land, or he may sell the land and purchase other suitable land. In all such cases of sale and purchase of land the Council shall receive the purchase-money derived from the sale of the said land, and expend the same in paying for the land purchased. The suitability or unsuitability of any land to be so exchanged, sold, or purchased shall be determined by the Council.

As to Alienation.

22. Immediately upon the coming into operation of this Act, Maori land, ~~except such as is held under title issued under the provisions of the Land Transfer Act,~~ shall not be alienated by way of lease, either to the Crown or to any other person *by way of lease* except with the consent of the Council first obtained, and in accordance with the provisions of this Act: Provided that, in the case of alienation by way of sale ~~where the land belongs to more than two owners,~~ the consent of the Governor in Council to such sale shall be first had and obtained.

Alienation to be only under this Act.

23. No Maori shall alienate any Maori land, either to the Crown or to any other person, unless and until he has had issued to him a papakainga certificate as hereinbefore provided, *or he is able to produce the notice of the Council that lands have been allocated to him preparatory to the issue of a papakainga certificate therefor, as provided in section twenty-one hereof.*

When Maori may alienate land.

Governor may
remove restrictions.

24. For the purposes of this Act the Governor may, on the recommendation of the Council, remove and revoke any and all restrictions existing against the alienation of Maori land, whether contained in any Crown grant certificate or other instrument of title, or in any Act heretofore passed; and thereafter, but subject in every case to the provisions of this Act, the Maori owners of the land against the alienation whereof the restrictions have been so removed and revoked shall have the same rights and privileges to alienate the land as a European possesses in respect of his land: 5

Provided that nothing in this Act contained shall be construed to authorise the alienation of papakaingas. 10

Alienation, how
effected.

25. No alienation of Maori land by a Maori shall be valid unless the alienation is effected by instrument signed by the alienating Maori, nor unless the following conditions are complied with in respect of such instrument:— 15

- (1.) Previous to the execution of the instrument there shall be indorsed thereon a translation in the Maori language of the contents thereof, certified as correct by a duly licensed interpreter; also a plan of the land dealt with: and
- (2.) The instrument shall be signed in the presence of a member of the Council, or a Stipendiary Magistrate, or a Justice of the Peace, or a Postmaster, and a licensed interpreter, as the attesting witnesses thereof, who shall satisfy themselves that each alienating Maori understood the meaning and purport thereof: 20 25
- (3.) In the case of an alienation by way of sale or mortgage the money shall be paid in the presence of the attesting witnesses, who shall certify on the instrument that they saw the money paid:
- (4.) There shall, *if a papakainga certificate has been issued*, be indorsed on the instrument the number of ~~the papakainga~~ *such* certificate of each alienating Maori, and such further references to the papakainga as will enable the Registrar to satisfy himself that each such Maori has sufficient land left for his occupation and support: 30 35

New subclause.

- (4A.) In case no papakainga certificate has been issued, but only notice of allocation, then in such case the notice and date thereof shall be produced, so as to enable the Registrar to satisfy himself that each such Maori has sufficient land left for his occupation and support: 40
- (5.) On being satisfied that the provisions of this Act have been complied with, the District Land Registrar may register the instrument. 45

Purchaser or lessee
to make declaration.

26. (1.) It shall not be lawful for any European to acquire for himself, or on behalf of any other person, either by purchase, lease, or gift, any Maori land, unless previous to the execution of the instrument of acquisition he has deposited with the Council a declaration in form required by "The Land Act, 1892," declaring that he is acquiring the land for his own use, and that, including the land to be acquired, he does not hold or own more than six hundred and forty acres of first-class or two thousand acres of second-class land. 50

(2.) On receipt of such declaration the Council, if satisfied thereon, ~~may, if it think fit so to do,~~ shall issue to the declarant a license permitting him to acquire such Maori land.

5 (3.) If such declaration contains any wilfully false statement, and the declarant is convicted of perjury in respect thereof, then all his rights in respect of the land acquired shall be deemed to be forfeited, and void: Provided this shall, as to area, not apply to persons at the present time holding leases of Maori land.

New proviso.

10 Provided further that in cases where the land is of poor quality or broken, or suitable for pastoral purposes only, the Governor in Council may, on the recommendation of the Commissioner of Lands for the district in which such land is situate, increase the area of
15 land that may be acquired to such an extent as shall be advisable and insure the taking up of such lands.

New clause.

20 26A. Section five of "The Native Land Laws Amendment Act, 1895," is hereby amended by striking out the words "holding in fee-simple in the Colony of New Zealand either in severalty or jointly with any other person or persons," and substituting therefor the words "who is the owner of land in New Zealand." "Owner" means, for the purposes of this section, any person who in severalty or jointly is in law or in equity beneficially entitled to land in fee-simple or for a term of years exceeding twenty-one years. The
25 declaration in the First Schedule to the said Act is amended by striking out all the words after the word "I," in the second line, down to the words "fee-simple," in the fourth line, and substituting the following words: "I am not the owner within the meaning of section five of 'The Native Land Laws Amendment Act, 1895,'
30 of "

Section 5 of "Native Land Laws Amendment Act, 1895," amended.

When any person shall make such declaration as is mentioned in section five of "The Native Land Laws Amendment Act, 1895," the Judge presiding at the Court, of his own motion or at the
35 request of any person opposing confirmation of an alienation or interested in such alienation either adversely or otherwise, may summon the person making the declaration, or any other person, to attend before the Court to be examined on oath *viva voce* as to the truth of such declaration, and may summon such person to appear and produce before the Court all such deeds, documents, and writings
40 as are in his possession or under his control, and which are in any way relevant to the truth or untruth of the matters stated in the declaration. The person so summoned shall be subject to be examined, cross-examined, and re-examined as in ordinary cases. No such person so summoned as aforesaid shall be excused from
45 answering any question relating to the matter then at issue on the ground that the answer thereto may criminate or tend to criminate himself. All the provisions of "The Native Land Court Act, 1894," relating to evidence and otherwise shall apply to proceedings under this section, except that the penalty under section twenty-three
50 may be any sum not exceeding *one hundred* pounds and the term of imprisonment not exceeding *three* months:

Provided that no statement made by any person in answer to any question put by or before the Judge presiding at the hearing of the matter shall, except in cases of prosecution for making a false
55 declaration, be admissible as evidence in any proceeding, civil or criminal.

... may convey
... in trust to
Council.

27. Any Maori or Maoris, whether incorporated or otherwise, owning Maori land may transfer the same, or any definite part thereof, by way of trust to the Council upon such terms as to leasing, cutting up, managing, improving, and raising money upon the same as may be set forth in writing between the owners and the Council ; and the Council is hereby authorised and empowered to accept such trust :

5

Provided that, in the case of unincorporated owners, all the owners must execute the necessary instrument of transfer, and the whole block so owned, or a definite part thereof, must pass thereby.

10

Powers of Council
in respect thereof.

28. With respect to any Maori land which is duly transferred as aforesaid to the Council, the following provisions shall apply :--

- (1.) The Council shall have full power and authority, at the request in writing of a majority of owners, to reserve and render inalienable such portion of such land as may be required for their occupation and support, and also to reserve any land as burial-grounds, eel-pas or eel-weirs, fishing-grounds, or as reserves for the protection of native birds, or the conservation of timber and fuel for the future use of the Maori owners.
- (2.) As regards the balance of such land, but subject to the provisions of the instrument creating such trust, the Council shall have full power and authority to lease the same by public tender upon such terms and conditions as may to it seem fit.
- (3.) The Council, if so authorised in that behalf by the instrument creating the trust, may borrow money upon the security of the land, or a definite part thereof, to such extent and on such terms in all respects as it thinks fit, and may apply the net proceeds so borrowed in or towards discharging valid mortgages or survey-charging liens and other *bonâ fide* valid expenses or debts of the Maori owners incurred within the six years preceding the passing of this Act in perfecting the title to the said land, or to any other lands owned by the same Maoris, and may apply the balance in cutting up, surveying, roading, opening up, preparing, and advertising such land for lease, or generally improving such land or any other land of the same owners.
- (4.) The Council shall be entitled to call for vouchers and investigate any such of the aforesaid debts or expenses as are not secured on the land, and may reject or reduce any claim against the owners which the Council is of opinion was not properly incurred in respect to perfecting the title to any such land.
- (5.) The Council may execute valid and effectual instruments of mortgage or charge of the land as security for the money so borrowed, and such instruments may contain all such powers and provisions as the Council thinks fit, or as may be prescribed by regulations under this Act.
- (6.) For the purposes of this section, the Council may borrow money from the Public Trust Office, the Government

15

20

25

30

35

40

45

50

Insurance Office, the Commissioner of Public Debts Sinking Funds, the Government Advances to Settlers Department, or such other lending departments as the Governor in Council from time to time names in this behalf; but the Council shall have no power or authority to borrow money from any bank, private institution, or person without the consent of the Governor.

(7.) For the purpose of this section the Minister of Lands may, out of moneys appropriated for the purchase of Native lands or specially for the purposes of this Act by Parliament, lend money to the Council on mortgage of the land, for such term of years, at such rate of interest, and with the same margin of security as is provided in the case of advances on land under the Advances to Settlers Act:

Provided that the total sum to be lent by the Minister to any one Council in any one year shall not exceed *ten thousand pounds*.

29. (1.) The Maori owners of any Maori land held under any class of ascertained title by more than ten owners may form themselves into a body corporate, as provided by Part II. of "The Native Land Court Act, 1894," and the Council shall have all the powers and authority conferred on the Native Land Court by such Act to constitute any such Maori landowners a body corporate.

Council may constitute Maori owners, when more than ten, a body corporate.

(2.) Upon the constitution of any such body corporate the duly elected Committee may, with the consent of a majority of the owners, transfer the land, or any part thereof, to the Council upon such trusts as may be agreed upon between the parties: Provided that the consent of the Commissioner of Crown Lands shall not be required.

30. Any Maori land held under Crown grant or certificate of title by more than ten Maoris may be administered by the Council in the manner and subject to the conditions following, that is to say,—

Council may administer lands held under grant or certificate by more than ten Maoris on application from owners.

(1.) The owners, or a majority of them, may apply in writing to the Council to administer the land in manner as nearly as may be similar to the administration of Crown lands by a Land Board under "The Land Act, 1892."

(2.) The application shall be in the prescribed form, and shall be signed and attested in the prescribed manner:

(3.) For the purpose of the administration of such land the Council shall have all the powers of a Land Board in respect of Crown lands, with full power and authority to alienate by way of lease or mortgage, but not by sale save as hereinbefore provided by subsection (7) of clause 21, such land, subject to the rules and regulations for the time being in force affecting Land Boards:

(4.) Before dealing with any application under this section the Council shall satisfy itself that each of the owners of the land is the holder of a papakainga certificate, and that no part of such papakainga is included in the land to be administered: Provided that, in the event of any Maori

not holding such certificate, the Council may set aside a suitable portion of land owned by such Maori as a papakainga, and may then deal with the application :

- (5.) In cases where only a majority of the owners apply to the Council to administer their land, the Council shall partition off the interests of the objectors, if any, and administer the residue : 5
- (6.) A notice by the Council in the *Gazette* and *Kahiti* that any specified block of Maori land is administered by the Council shall be conclusive evidence of the fact : 10
- (7.) The Registrar shall register a copy of such notice, and thereupon the Council shall for all purposes of administration be deemed to be the owner of the land :
- (8.) For the purposes of such administration the Council shall in its own name execute all instruments of alienation, and generally have and be entitled to exercise all the rights of an owner in fee-simple. 15

Miscellaneous Provisions.

Lands not to be subject to higher rate or tax than that to which they were previously liable.

31. Nothing in this Act contained shall operate to render Maori lands that are vested in the Council or in incorporated Maori owners, or the income or other moneys arising therefrom, or the Maori owners who are entitled thereto, liable to any other or higher rate or tax than that to which the same were liable prior to the lands being vested as aforesaid : 20

Provided that, where the Maori lands herein referred to are leased to Europeans, the said lands shall be liable to ordinary and special rates that may be levied by the local authorities. 25

Alienations liable to stamp but not Native duty.

32. Alienations effected under the provisions of this Act shall be liable to the same stamp duty as in the case of alienations of other than Native lands, but shall not be liable to Native land stamp duty. 30

As to Completion of Dealings pending.

Purchases for the Queen may be completed.

33. In any case where, at the time of the adoption of this Act in a district, negotiations for the purchase on behalf of Her Majesty of any specified block of Maori land are in progress, such purchase may be completed, anything hereinbefore contained to the contrary notwithstanding ; and a certificate by the Minister for Native Affairs that negotiations for such purchase were then in progress shall be sufficient evidence of the fact. 35

Completion of lawful private dealings.

34. In any case where, at the time of the adoption of this Act in a district, any lawful private dealings in Maori land, being a dealing which was *bonâ fide* commenced subsequent to the passing of "The Native Land Court Act, 1894," is in *bonâ fide* progress, and has been *bonâ fide* completed in part, the following provisions shall apply :— 40

- (1.) At any time within two months after such adoption, any party to such dealing may give to the Council written notice specifying the nature of the dealing, the land to which it relates, the extent to which the dealing is complete, and his desire to wholly complete the same. 45

(2.) Any dealing as to which the aforesaid notice is duly given may at any time within twelve months after such adoption be completed with the Council on behalf of the Maori owner, anything hereinbefore contained to the contrary notwithstanding.

(3.) After the expiration of the time hereinbefore limited for the completion of the dealing, the Council may ascertain and determine by partition of the land or otherwise the respective interests of the parties to the dealing.

(4.) Nothing in this section contained shall be construed to authorise the completion of any dealing which could not have been lawfully completed if this Act had not been passed.

New clauses.

34A. If at the time of the coming into operation of this Act any application for removal or modification of the restrictions on any Maori land, or for vesting the same in trust, shall have been made or lodged, then the Governor in Council may deal with such application and may remove or modify such restrictions, and any dealing with any such land pursuant to such removal or modification shall be valid and effectual, anything in this Act to the contrary notwithstanding.

34B. Where by Order in Council already gazetted any land shall have been excepted (or may be excepted by Order in Council published in the *Gazette* within thirty days after the passing of this Act) from the operation of section one hundred and seventeen of "The Native Land Court Act, 1894," for any purpose, then the Maori owners of such land shall themselves be at liberty to complete any transaction contemplated by such Order in Council, and in all ways subject to the provisions of the said "Native Land Court Act, 1894," as fully and effectually as they could have done if this Act had not been passed.

34c. Nothing in this Act contained shall render nugatory any power of sale in any existing mortgage, or under any existing decree, judgment, or charging order, or prevent the completion of any existing contract for the sale, lease, or purchase of land, but the same shall have effect as if this Act had not been passed.

As to the Council's Register.

35. The Council shall compile and keep a register, setting forth in respect of each separate block of Maori land vested in it or administered by it—

Council to keep register of lands.

(1.) The area and description of the block, and the mode in which the block is disposed of;

(2.) The names of the Maori owners of the block, their respective interests therein, and the date on which each Maori owner became entitled to his interest therein, and the names of any Block Committee elected under the provisions of this Act;

(3.) Such other particulars as are prescribed.

36. (1.) The register, or a copy thereof, shall be kept open for public inspection, without fee, in such convenient place in the district and during such hours as the Council prescribes.

Inspection of register and alterations therein.

(2.) The Council shall from time to time make all such alterations in the register as are necessary for the purpose of duly recording all changes of ownership, and generally of keeping the register accurate in every respect.

Accuracy of entries in register to be certified at intervals by Native Land Court.

37. (1.) At prescribed intervals the register shall be submitted to a competent authority, who shall inquire into and definitely settle and certify to the accuracy of all entries therein relating to the Maori owners and their respective interests, and for that purpose shall make all such additions and amendments as are necessary in order that the register may contain an accurate record of the Maori owners and their respective interests as on and during the last-preceding half-year. 5 10

(2.) Such authority shall be the Native Land Court or a Judge thereof, or, in the event of the abolition of the Native Land Court, such other fit person or persons as, after considering any recommendation of the Council, the Governor from time to time appoints. 15

Register to be conclusive evidence.

38. The register, when certified to as aforesaid, shall be conclusive evidence of the names of the Maori owners and their respective interests during the period to which the certificate relates. 20

As to the Application of Proceeds of Alienations by the Council.

Application of moneys derived from alienations.

39. All sums derived in respect of the alienation by the Council of Maori lands vested in or administered by the Council under the provisions of this Act shall be paid to the Council, and shall, in the prescribed manner, be applied by the Council— 25

(1.) First, in defraying the cost of administration :

Provided that such cost shall be apportioned fairly according to the expenses properly incurred in respect of each block.

(2.) Secondly, in defraying all moneys due and payable in respect of any valid mortgage, lien, charge, or liability affecting the land. 30

(3.) Thirdly, in paying the surplus to the Maori owners in shares proportionate to their respective interests, as shown by the register when certified as aforesaid. 35

Payments to be made at intervals.

40. Such application and payment shall be computed and made at prescribed intervals.

Native owner not to dispose of interest except by will.

41. Except as provided by this Act, no Maori owner shall alienate, charge, or otherwise dispose of his interest in any Maori land, or in the income thereof. 40

Land of Maori not to be seizable nor to be assets.

42. In no case shall any Maori owners' interest in Maori land or the income thereof be liable to be seized, sold, attached, or levied upon by any process of law (except under the power of sale contained in any lawful mortgage), nor shall it become assets in bankruptcy.

As to Accounts.

Where Maori Council Account to be kept.

43. All moneys payable under this Act to the Council shall, as and when received, be paid into the bank at which the Public Account of the colony is kept, to the credit of an account to be called "The Maori Council Account of the Maori Land District of [Name of the district]"; and all moneys payable under this Act by the Council shall be paid out of such account. 45 50

44. Such account shall be operated on only by cheque signed by the President and two members, or in such other manner as is prescribed.

Operation on such account.

45. The Council shall cause full and accurate accounts to be kept of all moneys received and paid by it under this Act, and shall at such intervals as are prescribed, and also whenever the Controller and Auditor-General so directs, furnish to him copies or abstracts of such accounts in such form as he directs.

Full accounts to be kept, and copies furnished to Audit.

PART IV.

GENERAL.

46. The Governor may from time to time, by Order in Council published in the *Gazette* and *Kahiti*, make regulations for any of the purposes following, that is to say,—

Regulations.

- (1.) Regulating the conduct of elections of Maori members of Council ;
- (2.) Defining the powers, functions, and duties of the President and the Council respectively ;
- (3.) Defining the powers, functions, and duties of Block Committees ;
- (4.) Making provision for the appointment of Returning Officers, Receivers, and other officers under this Act, fixing their salaries, and defining their functions and duties ;
- (5.) Making provision for the taking of Maori land for roads or streets, or for public works within the meaning of " The Public Works Act, 1894," or for any of the purposes referred to in this Act ;
- (6.) Laying off townships ;
- (7.) Fixing the maximum area that may be comprised in any one lease of Maori land, or that may be held by any one lessee ;
- (8.) Classifying and surveying Maori lands ;
- (9.) Fixing the mode in which Maori lands may be leased or otherwise disposed of under this Act ;
- (10.) Prescribing the forms, conditions, and covenants of leases and other instruments under this Act, and the mode of execution and registration thereof ;
- (11.) Defining the duties and powers of the Registrar in respect of the registration of leases and other instruments under this Act ;
- (12.) Prescribing the mode in which and the principle on which valuation for improvements shall be computed ;
- (13.) Applying to this Act such of the provisions of " The Mining Act, 1898," " The Land Act, 1892," and " The Public Works Act, 1894," as he thinks fit, with such modifications as he deems necessary for the purposes of this Act ;
- (14.) Fixing a scale of fees to be charged by the Council ;
- (15.) Any other purpose for which regulations are contemplated or required under this Act, or which he deems necessary in order to give full effect to the intention of this Act.

Schedule.

SCHEDULE.

FORM NO. 1.—PETITION.

Under "The Maori Lands Administration Act, 1900."

To His Excellency the Governor :

THE undersigned, being [*Set out number, not less than twenty*] adult Maori owners of Maori land situate within the _____ Maori District, hereby petition His Excellency the Governor to declare "The Maori Lands Administration Act, 1900," to be adopted in the aforesaid district.

Dated this _____ day of _____, 1 _____.

[*Here set out a Maori translation of the foregoing portion of the petition.*]

No.	Signature of Petitioner.	Age, in Years.	Block in which Petitioner has interest as Owner.	Signature of Witness, in testimony that the Petitioner fully understood the purport of the Petition before signing it.
1	A.B. ...			E.F.
2	C.D. ...			G.H.
&c.	&c. ...			&c.

[*The attesting witness must be a Justice of the Peace, a solicitor, a Postmaster, a Clerk of the Magistrate's Court, or a Registrar or other officer of the Native Land Court.*]

FORM 2.—NOTICE OF OBJECTION.

Under "The Maori Lands Administration Act, 1900."

To His Excellency the Governor :

THE undersigned, being [*Set out number, not less than twenty*] adult Maori owners of Maori land situate within the _____ Maori District, hereby give His Excellency notice that they object to the petition of [*Set out name of first petitioner*] and others respecting the adoption of "The Maori Lands Administration Act, 1900," within the aforesaid district, as set forth in His Excellency's notice in the *Kahiti* on the _____ day of _____, 1 _____. [*Set out date of the Governor's notice.*]

Dated this _____ day of _____, 1 _____.

[*To be translated, signed, attested, and completed in the same manner as in the case of the petition.*]