

Mr. Wilford.

NATIVE LAND AMENDMENT.

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A BILL INTITULED

AN ACT to amend the Native Land Act, 1909.

Title.

WHEREAS an area of Native land situate in the North Island of New Zealand, and comprised in that part of the said North Island defined in the *First* Schedule hereto, has remained up to the present undeveloped and, for the most part, uncultivated and unused: And whereas the greater part of the said Native land is customary land: And whereas the lands described in the *Second* Schedule hereto, being part of the said Native land, are Native freehold lands: And whereas it is important in the interests of New Zealand and of the Native owners of the said lands that facilities should be given to enable the said Native owners to develop the said land and to make more efficient use thereof:

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

1. This Act may be cited as the Native Land Amendment Act, 1920. Short Title.

2. In this Act, and in every regulation and by-law made thereunder, if not inconsistent with the context,— Interpretation.

“The corporate body” means the corporate body as herein-after defined:

“Council” means the Council as hereinafter defined:

“Member” means a member of the corporate body.

Council to be a
body corporate.

3. (1.) The owners of, and the Native inhabitants residing upon, the Native land aforesaid shall, under the name of The Waikato Natives' Association, be a body corporate with perpetual succession and a common seal, with power by resolution of the Council to alter and change such seal, and shall, subject to the provisions hereof, be capable of doing and suffering all such acts and things as bodies corporate may by law do and suffer. 5

(2.) Every owner and every inhabitant of the said Native land for the time being shall be deemed to be a member of the corporate body. 10

Constitution of
Council.

4. Within *two* months from the passing of this Act the members shall elect a Head Chief and a Council consisting of *fourteen* Councillors.

Public notices of
meetings.

5. A meeting of such members who are over twenty-one years of age and the trustees of any member under disability shall be held at *Kiwitahi*, and public notices in the Maori language, stating the time place and object of such meeting shall, at least one month before such meeting, and at the sole expense of the corporate body and the members, be exhibited throughout the said Native lands at all the principal Native settlements therein. 15 20

Meeting to receive
nominations for the
offices of Head Chief
and Council.

6. At such meeting, provided that not less than *five hundred* of the members or representatives as aforesaid are present, a Chairman shall be appointed by the meeting, and he shall take oral nominations for the position of Head Chief and for the offices of Councillors. If one nomination only is received for Head Chief, the person nominated shall be declared elected. If not more than *fourteen* persons are nominated as Councillors, the persons so nominated shall be declared elected. If more than one is nominated for Head Chief or more are nominated for Councillors than the number to be elected, the said Chairman shall, by votes, or divisions, or otherwise as he shall think fit, take the votes of those present entitled to vote, and declare those receiving the largest number of votes to be duly elected. 25 30

Adjournment of
meetings.

7. If for any reason such meeting shall not be held, or the said election shall not take place or be completed, a meeting, or a subsequent meeting for the same purpose, shall be held at the same time and place on the same day of the week, four weeks after the date fixed for the original meeting, and so on afterwards if there shall still be no completed election. 35

Publication of
result of elections.

8. The result of each such election shall be forthwith published in the *Gazette* and *Kahiti*, and such publication shall be conclusive proof of the election so published. 40

Irregularity of
elections.

9. No such election shall be questioned or invalidated on the ground of any error or irregularity in the mode of election, and no act of the Head Chief or Councillors shall be questioned or invalidated on the ground of any such error or irregularity, or of any vacancy in the Council. 45

Term of office of
Head Chief.

10. The Head Chief so elected shall hold office during his life, unless he shall previously resign or shall be removed by a vote of a meeting of the members called by the Council or by any twenty of the members, and of which due notice shall have been given in the *Gazette* and *Kahiti*, and by public notice, as in the case of the first meeting as aforesaid. 50

11. A vacancy in the position of Head Chief shall be filled by election conducted in the same way as at the original election at a time and place to be determined by the Council. Vacancy of office of Head Chief.
- 5 12. The Councillors shall hold office for a period of three years from their original appointment respectively, and at the end of that period there shall be a fresh election, in the same manner as the first election, the Head Chief appointing the time and place of such meeting. Term of office of Councillors.
- 10 13. Any vacancies in the Council shall be filled by the Head Chief in concurrence with the Council. Vacancies in the Council.
- 15 14. The Native freehold land specified in the *Second* Schedule hereto shall vest for a legal estate in fee-simple in the body corporate, subject, however, to all leases, mortgages, charges, or other interests to which the title of the owners of the land, or any of them, was subject at the date of the passing of this Act, and subject to the right of any person to procure the confirmation of any alienation under an instrument of alienation executed before the passing of this Act. Vesting of certain lands.
- 20 15. All Native lands comprised in the said lands defined in the *First* Schedule hereto, and not now being Native freehold land, shall immediately, upon becoming Native freehold land, become forthwith vested in the corporate body for an estate in fee-simple, subject, however, to all encumbrances, liens, easements, or interests to which the title of the owners is subject at the time of such vesting. Native freehold lands.
- 25 16. The body corporate shall, subject to the provisions hereof, hold the land so vested in it as aforesaid upon trust for the persons entitled thereto at the time of vesting, and upon trust for their successors in title in accordance with their several interests in the land. Lands held in trust.
- 30 17. All the powers and functions of the body corporate shall be exercised on its behalf by the said Head Chief and Council. The said Head Chief shall be a necessary party to every exercise of such powers and functions, and the same shall be concurred in by the Council acting by an actual majority of its members, not being Powers and functions of body corporate are to be exercised.
- 35 less than three in number, or by a majority of the members present at a meeting of the Council duly convened by the said Head Chief under any regulations made by the Head Chief and Council.
- 40 18. (1.) The body corporate shall have a seal which shall be in such form as shall be determined by the Head Chief and Council, who shall also determine as to the custody of same. Seal of Council.
- (2.) The seal shall not be affixed to any instrument, except in the presence of the Head Chief and at least three Councillors, who shall all sign the instrument.
- 45 19. The body corporate shall have the following powers :— Powers of body corporate.
- (a.) It may raise money by mortgage of any of the lands vested in it with a power of sale to the mortgagee, and such other powers and provisions as the Head Chief and Council shall think fit :
- 50 (b.) It may lend money to any of the members upon the security of the borrower's interests in any of the said Native lands, or upon any other real or personal security, upon such terms as it shall think fit, and it may take any mortgages or other securities in the name of the corporate body :

- (c.) It may occupy and manage any of the Native lands within the area defined in the *First Schedule* hereto as a farm or farms, and may carry on any agricultural or pastoral business thereon :
- (d.) It may apply any moneys received by it (whether raised by mortgage as aforesaid or coming from any other source) in clearing, stocking, and improving the said Native lands last mentioned, and generally in carrying on the said farm and in the exercise of any of its powers : 5
- (e.) It may appoint a manager or managers of any such farm at an agreed salary or at a remuneration wholly or partly determined by the results of his management : 10
- (f.) It may appoint inspectors and other officers and servants on such terms and at such salaries as it may think fit, and may provide any accommodation for the same : 15
- (g.) It may borrow money on the security of any crops, stock, or other personal property :
- (h.) It may lease any of the lands vested in it to any member or to any other person, for a term not exceeding *fifteen* years, upon such terms and conditions in all respects as it shall think fit, and with or without provisions for renewal of any such leases, and with or without provisions providing for a compensation for improvements made by the lessee to be paid by the lessor : 20
- (i.) It may exchange any lands and receive or pay sums as equality of exchange : 25
- (j.) It may purchase lands deemed necessary for the efficient working of any lands it is entitled to farm.
- (k.) It may erect farm and other buildings, including residences for employees and their families, and for members of the body corporate : 30
- (l.) It may provide for the feeding and clothing of employees and their families, and of members :
- (m.) It may make regulations and by-laws as to the cultivation and working of any lands held by Native lessees and for generally regulating the conduct of all or any persons residing upon any of the said lands, and may impose fines and other punishments for disobedience which shall be enforceable by any Magistrate or other officer prescribed by the regulations in such manner as the regulations shall provide : 35
- (n.) It may, by by-laws or resolutions of the Council, regulate the proceedings of the Council :
- (o.) It may set aside, out of any of the said lands, reserves for school-sites or recreation or for preservation of bush and the birds therein : 45
- (p.) It may make, construct, maintain, and repair roads, bridges, and other public conveniences on any of the said Native lands or for communication with other lands :
- (q.) It may erect schools, public meeting-houses, places of entertainment, and other buildings required for public purposes : 50

- (r.) It may appoint and provide remuneration and accommodation for schoolmasters, medical practitioners, and legal advisers :
- 5 (s.) It may reserve lakes, streams, and other waters, and the banks thereof for oyster-beds, the protection of eels for food, fisheries, aquatic sports, and other objects of use, recreation, and enjoyment :
- (t.) It may pay any local rates or other dues or taxes payable in respect of the said lands or the income therefrom :
- 10 (u.) It may create registers of dogs and collect fees therefor :
- (v.) It may apply part of the moneys realized from the operations of the body corporate, not exceeding in any year *ten* per centum of the net amount received in that year, for the expenses of the administration of the body corporate :
- 15 (w.) It may apply any of the said moneys for the maintenance, education, and benefit of the members and their families :
- (x.) It may enter into contracts and execute assurances of all kinds for or in connection with any of the matters aforesaid :
- 20 (y.) It may appoint officers to enforce or assist in enforcing the observance by members of the regulations and by-laws made by it :
- (z.) Generally, it may do all or any acts, matters, or things necessary or advisable for the exercise of any of the powers aforesaid.
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20. If the Governor-General in Council shall be satisfied at any time hereafter that the objects of this statute are not being carried out, he shall be empowered by Proclamation, published in the *Gazette* and *Kahiti*, to revoke the incorporation of the corporate body, and thereupon all lands vested in the corporate body shall revert in the Native owners for whom the same shall be held in trust for the estate therein held by the corporate body, but subject to all mortgages, leases, encumbrances, and other interests created or existing

30 therein.

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Governor-General may revoke body in corporation.

21. Any contract of the corporate body in cases where, if made by private persons, it does not require to be made by deed, may be made by any two members of the Council on behalf of and by direction of the Council, but no verbal contract shall be made

40 involving a sum or liability exceeding *twenty* pounds.

Contracts of body corporate.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that parcel of land, containing 4,000 acres, more or less, being parts of Blocks III, IV, VII, and VIII, Patetere N, known as Whaiti-Kuranui No. 2b, bounded as follows: On the north by other part of the said Block IV known as Whaiti-Kuranui 3B No. 1 and Whaiti-Kuranui No. 3A; on the south by other parts of the said Blocks VII and VIII known as No. 2A, No. 2B; on the east by other parts of the said Blocks III and IV known as west portion, Whaiti-Kuranui No. 2g, No. 2e, No. 1, No. 2E, and No. 2 respectively; and on the west by other parts of the said Blocks IV and VIII known as east portion, Whaiti-Kuranui No. 2c, No. 2E, No. 2 West, No. 4B, No. 2E, No. 2 West, and No. 4 respectively.

SECOND SCHEDULE.

ALL those parcels of land, containing together 4,268 acres, more or less, being parts of Blocks XII and XIV, Tapapa, and parts of Blocks II, III, IV, and V, Tapapa East, known as west portion, Whaiti-Kuranui No. 5c, west portion Whaiti-Kuranui No. 5d, Whaiti-Kuranui 5c No. 2, and eastern portion of Whaiti-Kuranui No. 5b respectively, bounded as follows: On the north by other parts of the said Blocks XII and XVI, Tapapa, and by other parts of the said Blocks II, III, and IV Tapapa East, known as No. 6c No. 1, Whaiti-Kuranui No. 6c No. 2, Ongaonga No. 2, and Kainiai No. 2 respectively; on the south by other parts of the said Blocks XII and XVI, Tapapa, and Blocks IV, III, and V Tapapa East known as Whaiti-Kuranui No. 5b and Whaiti-Kuranui No. 5c No. 1 respectively; on the east by other parts of the said Block XII, Tapapa, and by other part of the said Block III, Tapapa East, known as No. 6c No. 2 west portion, and Whaiti-Kuranui No. 6b respectively; and on the west by other parts of the said Blocks II and III, Tapapa East, known as Whaiti-Kuranui No. 5c No. 1 and Whaiti-Kuranui No. 5a respectively.