

New Zealand.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Alteration of districts. 3. Temporary provision as to operation of Act. 4. Alienation to be only under this Act. | <ol style="list-style-type: none"> 5. Proceedings on alienation. 6. Council may hold land in trust. 7. Private dealings. 8. Amendments of principal Act. |
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1901, No. 42.

Title. AN ACT to amend "The Maori Lands Administration Act, 1900."
[8th November, 1901.]

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 Amendment Act, 1901"; and it shall form part of and be read together with "The Maori Lands Administration Act, 1900" (hereinafter referred to as "the principal Act").

Alteration of districts.

2. The Governor in Council may from time to time alter or amend the boundaries of any district proclaimed under section five of the principal Act.

Temporary provision as to operation of Act.

3. Nothing in section five of the principal Act shall be deemed to impede or bar, or to have impeded or barred, the operation of the principal Act in any district proclaimed since the passing of that Act, notwithstanding that in the meantime less than six districts may have been so proclaimed.

Alienation to be only under this Act.

4. Section twenty-two of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

"Immediately upon the coming into operation of this Act in any district as provided in section five hereof, Maori land in such district owned by more than two owners shall not be alienated by way of lease, either to the Crown or to any other person, except with the consent of the Council first obtained, and in accordance with the provisions of this Act. 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; in the case of alienation by way of sale, lease, or mortgage where the

land belongs to not more than two owners, the passing of this Act shall in no way affect the same unless the land is transferred to the Council."

5. Subsection five of section twenty-five of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

Proceedings on alienation.

"(5.) In case no papakainga certificate has been issued, but only notice of allocation or a certificate by a Judge of the Native Land Court, then in such case the notice or certificate 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."

6. Section twenty-eight of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

Council may hold land in trust.

"Any Maori or Maoris, whether incorporated or otherwise, owning Maori land or purchased 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:

"Provided that, in the case of unincorporated owners, at least ten such owners, if they shall have been previously authorised in writing by the majority of owners in number and interest in the block, or all the owners if less than ten, must execute the necessary instrument of transfer, and the whole block so owned, or a definite part thereof, must pass thereby."

7. Subsections one and two of section thirty-five of the principal Act are hereby repealed, and the following substituted in lieu thereof:—

Private dealings.

"(1.) At any time not later than two months after the first meeting of the Council 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.

"(2.) Any dealing as to which the aforesaid notice is duly given may at any time within twelve months from the date of the first meeting of the Council be completed with the Maori owner, anything hereinbefore contained to the contrary notwithstanding: Provided that the consent of the Council to the completion of such dealing be first had and obtained."

8. The principal Act is hereby further amended as follows:—

Amendments of principal Act.

(1.) As to section three thereof: By repealing the interpretation of "Maori" and "Maori land," and substituting the following:—

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

"'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.) Purchased land ;

“(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

“‘The Kapiti Island Public Reserve Act, 1897’; nor

“(c.) Land owned by Maoris in the Middle Island or Stewart Island, or any other lands controlled by any other special Act” : .

And by adding the following new interpretation :—

“‘Purchased land’ means land which, though owned by a Maori, has been acquired in fee-simple by purchase from the Crown or from any person other than a Maori, but shall not include land acquired by grant from the Crown otherwise than for a monetary consideration.”

- (2.) As to section five thereof: By repealing the words “be in full force,” and substituting in lieu thereof the words “thereupon come into operation.”
- (3.) As to subsection six of section seven thereof: By repealing the word “Maori,” and substituting in lieu thereof the word “person.”
- (4.) As to subsection nine of the same section: By inserting, after the words “shall be held on,” the words “some convenient day to be fixed by the Governor, being not later than.”
- (5.) As to subsection eleven of the same section: By repealing all the words after the word “Governor.”
- (6.) As to section nineteen thereof: By adding at the end of the section the words “subject always to the right of appeal as provided by section ten hereof.”
- (7.) As to section twenty-three thereof: By inserting at the end of that section the words “or a certificate of a Judge of the Native Land Court that he is satisfied, after due inquiry, that the Maori alienating has sufficient other lands for his maintenance and support, or for the purposes of a papakainga.”
- (8.) As to subsection one of section twenty-six thereof: By repealing the word “European,” and substituting in lieu thereof the word “person.”
- (9.) As to subsection two of the same section: By repealing the subsection.
- (10.) As to subsection three of the same section: By repealing the word “void,” and substituting in lieu thereof the words “the land, in the case of purchase, may by Order in

Council be vested in the Crown or Council for the benefit of landless Maoris, or for such other purposes as may be prescribed in such Order."

- (11.) As to section twenty-nine thereof: By adding the following words at the end of subsection one: "The Council shall have full power and authority, at the like request of a majority of owners, to set apart any portion of such land as a site for a Native township, and may do or cause to be done all things necessary for surveying such site, laying it off into a township, leasing, and otherwise dealing with the same, in like manner, *mutatis mutandis*, as Native land is set apart, surveyed, laid off, leased, and otherwise dealt with under 'The Native Townships Act, 1895'; and by adding the following subsection:—
- "(8.) At the expiration of any lease granted by the Council under subsection two of this section, the Council may, on the request in writing of the owners, transfer back to the owners the land comprised within such lease or any part thereof; but if the land or any part thereof is subject to any right of renewal, charge, lien, or encumbrance the Council may decline to entertain any such request."
- (12.) As to section thirty-three thereof: By adding at the end of the section the words "unless commenced before the passing of this Act, or effected without the intervention of the Council."