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*Mr. Henare Kaihara.*

## MAORI COUNCIL CONSTITUTION.

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### A BILL INTITULED

AN ACT to constitute a Maori Council and confer Local Government Title.  
on the Maori Race.

WHEREAS, under and by virtue of the Treaty of Waitangi, Preamble.  
5 entered into between the leading Maori chiefs and Her Majesty the Queen, in the month of February, one thousand eight hundred and forty, the leading chiefs of the Maori race, on behalf of their race, agreed to cede to Her Majesty the sovereign rights of the colony, in order that Her Majesty might protect the rights,  
10 goods, and property of the Maori race, and to enable them to live in peace under the authority of the law: And whereas, under the provisions of the second clause of the said Treaty of Waitangi, Her Majesty the Queen, with a desire to protect the chiefs and the tribes of the Maori race, covenanted and agreed to confirm and pre-

serve the sole right to the Maori race to manage, deal with, and administer their lands, homes, and property: And whereas, by virtue of Article Three of the said Treaty of Waitangi, it was further agreed by five hundred and twelve of the leading Maori chiefs with Her Majesty the Queen, and the Queen thereby consented, to protect the rights and privileges of the whole Maori race; and to accord to them all the rights and privileges of British subjects: And whereas, by virtue of "The New Zealand Constitution Act, 1852," 15 and 16 Victoria, chapter 72, section 71, of the thirtieth June, one thousand eight hundred and fifty-two, Her Majesty the Queen was empowered to make and to protect the laws of the Maori race: And whereas it is right and just to confirm and give effect to the premises and to give effect to the provisions of the said Treaty of Waitangi and the said Constitution Act, and for such purposes to accord to the Maori race a suitable form of local self-government, and for such purpose to constitute a Maori Council with full and sufficient power and authority to manage and administer the lands, property, estate, and business of the Maori race, and all matters relating thereto: 5  
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BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 20

Short Title.

1. The Short Title of this Act is "The Maori Council Constitution Act, 1897."

Interpretation.

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

"Alienation" means any sale, lease, contract, mortgage or other disposition, absolute or limited charge, lien, or encumbrance: 25

"Appeal" means any appeal to the Council from the decision of any commissioner or committee under this Act:

"Certified plan" means a plan certified by the President of the Council under this Act: 30

"Claimant" means any person claiming to have a right or interest in any land or parcel of land, or any estate therein, either by ancestry, occupation, conquest, gift, or purchase: 35

"Council" means the Maori Council constituted under this Act:

"Crown grant" includes certificate of title under "The Land Transfer Act, 1870," or "The Land Transfer Act, 1885":

"Commissioner" means any commissioner appointed under the provisions of this Act: 40

"Committee" means any committee appointed under the provisions of this Act:

"Papatupu land" means land owned or held by Maoris prior to the passing of this Act, the title to which has not been investigated, or the ownership determined by the Native Land Court or any competent authority: 45

"Maori land" means any land in New Zealand other than papatupu land, held or which may hereafter be held by any Maori under any class of title, and includes any estate, right, or title therein: 50

- 5 "Order" means any order issued under the seal of the Council by virtue of the powers conferred upon it by this Act:
- "Deed" includes a memorandum or document executed before or after the coming into operation of this Act, in manner prescribed by the law in force at the time of its execution, and purporting or intended to effect the alienation whether registration is necessary to give effect to such alienation or not:
- 10 "District Land Registrar" means the District Land Registrar for the district in which the land is situate:
- "Registrar" means the Registrar of the Council, and includes the Deputy-Registrar:
- "Half-caste" includes the descendants of half-castes:
- 15 "Maori" means any aboriginal native of New Zealand, and includes half-castes and their descendants:
- "Papakainga" means all that piece of land reserved by the Council, and absolutely restricted against alienation as a home for the occupation and support of each man, woman, and child of the Maori race who owns such land; and includes any land set apart by the Council for the occupation and support of any Maori, and such land shall be absolutely inalienable:
- 20 "Maori real estate" means all Maori land, and includes papatupu and papakainga lands:
- 25 "President" means the President of the Council appointed under the provisions of this Act:
- "Mana" means the power to confirm or veto any action of the Council under this Act:
- 30 "Papakainga certificate" means the certificate issued by the Council under the provisions of this Act:
- "Reserve" means any land reserved or granted by the Governor by Order in Council, and includes any land within any confiscated territory given back to any Maoris, or granted to them for their benefit, and all awards of Compensation Courts to Maoris, and all land purchased by the Crown which has been granted or awarded to a Maori in accordance with the conditions of such sale to the Crown:
- 35 "School" means any school carried on for the education of Maoris:
- 40 "Native birds" mean birds indigenous to the Colony of New Zealand.

3. All lands owned by Maoris shall be managed by a Council, which shall have full power and authority to deal with the same in manner hereinafter provided, and to settle all matters in dispute between any Maoris relating to such lands.

Management of Maori and customary lands.

4. There shall be within the Colony of New Zealand a Council, which shall, in addition to the jurisdiction and powers specially conferred on it by this Act, have all the powers inherent in a Court of record at common law. Such Council shall consist of fifty-six Maori members, of which the Governor of New Zealand shall nominate fourteen members: Mahuta Tawhiao te Wherowhero shall nominate fourteen members and the president thereof from time to time;

Constitution of Maori Council.

and twenty-eight members shall be elected in similar manner to the election of Maori members of the House of Representatives; such members shall be elected every three years, and for the purposes of the first election the four districts as defined under the electoral laws in force for the time being—namely, the Northern Maori Electoral District, the Eastern Maori Electoral District, the Western Maori Electoral District, and the Southern Maori Electoral District—shall be the districts under this Act, and each of such districts shall be entitled to return seven members. 5

Mana of Council.

5. The mana of the Council under this Act is hereby vested in Mahuta Tawhiao te Wherowhero for life, and shall descend to his lawful successor; and the said Mahuta Tawhiao te Wherowhero shall nominate and appoint from time to time the President of the Council. 10

Powers of Maori Council.

6. The Council shall have full power to sue and to be sued, or take any proceeding at law or in equity in any Court in the colony in as full and effectual a manner as any British subject might do. The said Council may acquire or hold or dispose of any land or manage the same in as full and effectual a manner as any body corporate could do, and for such purposes the said Council is hereby duly incorporated, and shall execute all deeds, orders, matters, or things by sealing them with the seal of the said Council and the signature of the President, and at least two members thereof. 15 20

Further powers vested in Council.

7. There shall be further vested in such Council the following powers and authorities, that is to say,— 25

- (1.) The Council may establish one or more offices and meeting-houses in any district or districts that it may deem expedient.
- (2.) The Council shall have vested in it all the powers and authorities in respect of Maori land which a Crown Lands Board has or would have in respect of Crown lands, and such Council shall administer all Maori lands placed in its hands for such purpose in manner similar to that of a Crown Lands Board as nearly as may be. 30
- (3.) The Council may from time to time make, alter, amend, or revoke rules and regulations for the proper administration of all affairs placed in their hands, and for the proper and more effectually carrying out of all or any of the provisions of this Act; and also for the nomination and appointment of Committees under this Act, and for the conduct and management of the business of Committees or any Committee; and also may make and prescribe and alter and revoke rules of practice and procedure and forms of proceedings in the various matters in which jurisdiction is or may be conferred upon the Council, and also regulations for the government of all persons acting under this Act, and for regulating the sittings of the Council, Committees, or Commissioners, and for fixing the fees to be paid under this Act, and time and mode of payment, and for enforcing payment thereof. 35 40 45
- (4.) All such rules and regulations, and every alteration and revocation thereof, shall be published in the *Kahiti* at 50

least one month before they are to come into force, and a copy shall be laid on the table of the House of Representatives and Legislative Council within ten days after the commencement of the session next ensuing the publication thereof.

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- (5.) Fees payable under this Act shall be paid into the Council's general account, and shall form part of its revenue, and the Council shall have full power and authority to enforce payment of all such fees in manner to be prescribed by such regulations.
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- (6.) All reserves and Maori lands at present administered by the Public Trustee for the benefit of the Maori race are hereby vested in the Council, which shall have the sole and full power and authority to administer the same in as full and effectual a manner as the Public Trustee could have done but for this Act, subject nevertheless to all valid leases granted by the Public Trustee, and to all covenants for renewals thereof, and the said Council shall hold such reserves and Maori reserves in trust for the Native owners thereof, subject to the conditions and restrictions under which they were held by the Public Trustee prior to the passing of this Act, and all Acts relating to such reserves or Native reserves heretofore passed are hereby amended by this Act by striking out the words "Public Trustee" from any such Act, and substituting therefor the words "the Council."
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- (7.) All proceedings of the Council shall be open to the public, and all documents of the Council shall be matters of record, and open to inspection or search by persons of either race.
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- (8.) The Council may state a case for the opinion of the Supreme Court on a matter or point of law that may arise, and the decision of the Supreme Court on such point of law shall be binding on the Council.
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- (9.) The Council shall have power to issue papakainga certificates, as hereinafter provided :
- (10.) To investigate the title to, and ascertain and determine the owners, according to Native custom, of any papatupu or Maori lands :
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- (11.) To determine the relative interests in any land belonging to the Maoris, and to partition any such lands among the persons entitled thereto :
- (12.) To effect an exchange between Maoris of any land owned by them, or between any Maori and European, and also, on the application of the Governor, to effect an exchange of land between Maoris and the Crown :
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- (13.) To determine any successor :
- (14.) To grant probate of the will and letters of administration of any deceased Maori or any Maori who may hereafter die :
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- (15.) To render any land inalienable, or to impose such limited restrictions on the alienation of any land as it may think fit, or to remove or vary any such restrictions.
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- (16.) To determine what proportion of any land owned by a Maori is required by him as a papakainga for his occupation and support, and to issue papakainga certificates for such lands :
- (17.) To determine all claims to land based on any alienation heretofore or hereafter to be made by a Maori, and all questions arising between conflicting claimants : 5
- (18.) To confirm any alienation of land made by a Maori.
- (19.) To restrain any person from injuring, or damaging, or dealing with any property the subject matter of any application to the Council : 10
- (20.) To determine whether or not any land heretofore dealt with by the Native Land Court, of which there has been no alienation, other than a lease, mortgage, or contract for sale, upon which the purchase-money has not yet been paid, was on the investigation of the title thereto, or partition thereof, intended by the Native Land Court, or by the nominal owner or owners of such land, to be held by such nominal owner or owners in trust for Maoris not named in the title to such land, and to determine who are the Maoris, if any, beneficially entitled to any such land so held in trust, and to order the inclusion of such Maoris in the title, either together with or in lieu of the nominal owners, and for the purpose aforesaid to cancel or amend any existing instrument of title, and to order the issue of such new Crown grant or other instruments of title as may be necessary : 15 20 25
- (21.) To apportion among the owners, or some of them, the rents payable under any lease of any land, and for the purpose of any partition to negative, modify, or apportion any of the express or implied provisions of any such lease as aforesaid as to any parcel, or as to the whole of such land : 30
- (22.) To award such sum as may seem just for costs, including costs of professional assistance to or against any person appearing or represented before it in any proceeding, and to order any party to a proceeding at any stage thereof to deposit any sum of money as security for costs, and to dispose of any sum so deposited as to the Council may seem just : 35
- (23.) To order any person heretofore or hereafter to be appointed a trustee of any land belonging to a Maori to furnish an account of his trusteeship, and on examination and investigation thereof by the Council, with or without the assistance of an accountant, to order the payment by such trustee of such sum or sums of money to such person or persons, and on such terms as may seem just : 40 45
- (24.) By order to vest land in any person whom, in the exercise of any of the powers conferred upon it by this Act, the Council determines to be entitled thereto, and generally to do all acts, matters, and things necessary to the effectual exercise of the jurisdiction conferred upon the Council by this Act. 50

5 (25.) The Council shall have full power and authority to annul and cancel any order of the Native Land Court heretofore made incorporating the owners of any block of land, provided that such cancellation or annulment shall not affect the validity of any alienation effected prior to such cancellation. All such orders cancelling orders of incorporation shall be registered with the District Land Registrar, who is hereby empowered and authorised to issue a certificate of title under the Land Transfer Act, in lieu of such order of incorporation, to the Maori owners of any such lands.

10 (26.) The salaries of the President and members of the Council and its officers, and other disbursements necessary for the carrying on the business of the Council, shall be paid out of moneys to be voted by the Council for such purpose.

15 (27.) The treasurer of the colony is hereby empowered to pay to the Council all moneys to which the Maoris may be entitled under or by virtue of an agreement made the day of , one thousand eight hundred and fifty, and any other agreement or agreements made since between the British Government and the Government of the colony, and also any money or moneys which may be granted from time to time for such purposes by the General Assembly of New Zealand. All such moneys shall be paid into the general account of the Council, and shall be at the absolute disposal of such Council.

20 (28.) The Council shall have full power and authority to enforce any order made by it under or by virtue of this Act, and any order for the payment of money may be made a rule of the Supreme Court by filing such order in the nearest office of such Supreme Court.

25 (29.) The Council shall have full power and authority to make, alter, amend, revoke, and make fresh regulations for the protection of all native birds, and also to prescribe the methods by and the seasons during which such birds may be captured, taken, or shot upon Maori lands, and to make reserves for the protection and conservation of native birds.

30 8. 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 occupation, and to support and to determine how much thereof and what portion is necessary for such purpose, and shall declare an area of such land of not less than fifty acres first-class land or one hundred acres of second-class land, to be a papakainga for each such Maori, and shall issue a papakainga certificate declaring that the Council holds such land in trust as a papakainga for such Maori, and thereupon such land shall vest in the Council in trust to permit such Maori to occupy such land for his maintenance, support, and to grow food upon. Such land shall be absolutely inalienable. 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 beneficiaries or beneficiary. One copy

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Papakaingas.

of such certificate shall be filed by the Council, one copy shall be filed with the District Land Registrar, and the third copy shall be issued to the Maori entitled thereto. Such certificates shall be signed by the President of the Council and sealed with its official seal, and the production thereof shall be conclusive evidence that any Maori alienating any other land owned by him has sufficient land left for his occupation and support. 5

Lost papakainga certificates.

9. 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. 10

Native Land Court abolished.

10. The Native Land Court is hereby abolished, and its jurisdiction is hereby cancelled. All incompleated transactions of the Native Land Court or the Native Appellate Court shall be completed by the Council, or by the Commissioner of Committees to be appointed by it under the provisions of this Act, in as full and effectual a manner as they might have been completed by the Native Land Court or Native Appellate Court, but for its abolition by this Act. 15

Acts repealed.

11. The Acts relating to Maori lands set forth in the Schedule hereto are hereby repealed; but it is hereby specially provided that no such repeal shall invalidate or affect the title or interest of any person, either European or Maori, to any land, or right, title, or interest lawfully acquired under Acts so repealed, nor shall anything expressed or implied in this Act be deemed to validate any claim or title which would otherwise be invalid. 20 25

Records of Council.

12. The Council shall cause all its records, plans, and documents relating to the business of the Council or its Commissioners or Committees to be deposited, and the official administrative work of the same to be carried on, at such place or places as the Council shall from time to time or at any time appoint. Registers shall be kept by the Council in which shall be recorded minutes of all applications made to the Council and orders and proceedings made thereon. 30

Seal of Council.

13. The Council shall have in the custody of its President a seal, which shall be the seal of the Council, and shall be used for sealing all documents which require to be sealed. 35

Registrar of Council.

14. The President of the Council shall appoint a Registrar, who shall have charge of and be responsible for all records, plans, and documents relating to the business of the Council, and who shall also record all applications to the Council, and also all orders and proceedings made or had thereon. 40

Commissioners.

15. The President of the Council may from time to time appoint one or more Commissioners or Committees of Maoris to investigate and decide any application or applications which may be made to it, and thereupon such Commissioners or Committee or Committees shall have all the powers, authority, and jurisdiction as is conferred upon the Council by this Act, provided that a right of appeal as hereinafter provided to the Council from the decision of such Commissioners or Committee shall be lawful, if made within two months of any such decision: Provided also, that any such Commissioner or Committee may be removed, or their appointment cancelled upon the vote of the members of the Council, and any new Commissioner or Committee may be thereon appointed in lieu thereof. 45 50



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16. No Committee or Commissioner shall have any power or authority to seal any order, but the same shall be prepared by the Commissioner or Committee making same and forwarded to the Council for its sanction. And the Registrar shall thereupon by notice  
 5 published in the *Kahiti* notify the intention of the Council to seal any such order at the expiration of two months from the publication of such notice unless caveat be lodged forbidding the same. If at the expiration of two months no such caveat be lodged the Council shall proceed to seal such order, which shall then be irrevocable. If a  
 10 caveat shall be lodged within the two months from the date of publication of such notice the Registrar shall forthwith notify the same by a notice published in the *Kahiti*, fixing the day on which the Council will proceed to hear such caveat, and the Council shall proceed to hear and determine such caveat or applica-  
 15 tion for rehearing; or to rehear the original application and may either dismiss the same or alter, vary, amend, or cancel the order of the Commissioner or committee and make a fresh order in lieu thereof as the circumstances of the case may require, and such order so made shall be final and conclusive.

Appeals.

17. The President of the Council may from time to time  
 20 appoint one or more registrars, deputy registrars, clerks, interpreters and other officers necessary to properly carry out the business of the Council. Such officers shall hold office during the pleasure of the Council, and the Council shall have power to dispense with their  
 25 services for misconduct. The members and officers of the Council shall be paid such salaries out of the funds of the Council as shall from time to time be fixed by it, and also such travelling-expenses as may be fixed by Order in Council from time to time.

Officers of Council.

18. The Council shall be trustee for the estate, both real and  
 30 personal, of any Maori under the age of twenty-one years, or for any lunatic, and shall have and exercise all the powers and authorities vested in trustees under "The Maori Real Estate Management Act, 1888," provided that if it shall appear to the Council advisable to delegate all or any of such powers to any person of the Maori race,  
 35 and to appoint any Maori as trustee, it shall be lawful for the Council to do so, and such appointment may be made by order of the Council and sealed with its seal.

Estates of minors.

19. The Council, or its Commissioners, or any Committee  
 40 appointed by the Council, shall, in investigating and determining the title to papatupu land, or partitioning the same or any Maori land, be guided by Maori custom and usage, and shall adopt as far as possible hapu boundaries in such manner as in their opinion will enable them to arrive at a just and equitable decision in each case.

Council or Commissioners to ascertain titles.

20. The ownership of any particular block of papatupu land  
 45 may be investigated and determined on a sketch plan prepared and approved by the President of the Council as approximately correct.

Ownership may be investigated on sketch-map.

21. The Council shall, on making an order upon original investi-  
 50 gation of title, declare with respect of such block—

Mode of procedure by Council on investigation of title.

(a.) The names of the owners of such block, grouping families  
 50 together, but specifying the names of each member of each family;

- (b.) The relative share of the block to which each family is entitled ;
- (c.) The relative share to which each member of the family is entitled in such family's share of the block ;
- (d.) Such other particulars as may by any rules and regulations made under this act be prescribed. 5

Orders to be published.

22. Every such order so made shall be published in the *Kahiti* in the Maori language, and such publication shall be paid for at the scale rate of charges prescribed in any regulation to be made by the Council out of monies deposited in the general account of the Council by the applicant for such purpose. 10

Orders to be sealed and registered.

23. Upon an order being sealed and issued by the Council, a duplicate thereof shall be prepared and sent to the Chief Surveyor to have a plan or map endorsed thereon, and shall then be forwarded to the District Land Registrar, who shall register the same against the said land, and issue a land-transfer certificate in accordance therewith. 15

Restrictions.

24. All restrictions existing against the alienation of Maori lands, whether contained in any Crown grant certificate or other instrument of title, or in any Act heretofore passed, are hereby removed or revoked, and Maoris shall have the same rights and privileges to deal with or alienate their lands as a European could do, and to alienate and manage their lands, or any share or interest therein, as they may desire, subject to the provisions of this Act, and for such purposes all words restricting alienation in any Crown grant or other instrument of title are hereby declared null and void. 20

Alienation of Maori land, how effected.

25. No deed witnessing the alienation of Maori land signed by a Maori shall have any effect unless—

- (a.) Previous to the signature by each such Maori he shall have had issued to him a papakainga certificate, as provided for in section *eight* of this Act, and the registered number of such certificate be endorsed on such deed previous to its execution : 30
- (b.) Such deed shall have endorsed thereon previous to execution a translation in the Maori language of the contents and effects of such deed, certified as correct by a duly licensed interpreter ; also a plan of the land to be dealt with : and 35
- (c.) Unless such deed is signed in the presence of a member of the Council and a licensed interpreter, who shall satisfy themselves that each party signing understood the meaning and purport thereof ; and in the case of sale or mortgage the money is paid in the presence of the witnesses, who shall certify on such deed that they saw the money paid, and such certificate of attestation shall be conclusive evidence of the validity of such deed : 40 45
- (d.) There shall be indorsed on every such deed, the number and name of the lot, of the papakainga of each Maori alienating or executing such deed, and such further particulars as will enable the District Land Registrar to satisfy himself that each such Maori alienating has sufficient land left for his occupation and support. And 50

on being satisfied that such deed is executed in accordance with the provisions of this Act the District Land Registrar may register such deed.

26. 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 he has first deposited with the District Land Registrar, previous to the execution of any deed by a Maori by which he is to acquire any estate or interest in Maori land, 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. On receipt of such declaration the District Land Registrar shall issue to the intending purchaser a license permitting him to acquire such Maori land. Provided that, if any European shall wilfully make a false declaration, it shall be the duty of the District Land Registrar to prosecute him for perjury, and, upon conviction, the maker of such false declaration shall forfeit all interest in such Maori land so acquired; and the District Land Registrar shall sell the land by public auction, and one half of the proceeds thereof shall be paid to the account of the Council and the other half to the Receiver of Crown Revenue of the colony.

Purchaser to make declaration under Land Act.

27. It shall not be lawful for any person to acquire (except as hereinafter provided), either on his own behalf, or agent or trustee for any other person, any estate, title, or interest in any land the number of Maori owners of which exceed ten, unless such Maori land shall hereafter become and shall have been owned by not more than ten owners for at least forty days. Forthwith upon any land becoming owned by not more than ten owners as aforesaid, it shall be the duty of the Registrar to notify the same in the *Kahiti*, and also the name and description of the land, and the time when the forty days will expire.

Prohibited dealings with Maori land.

28. The Maori owners of any land held under Crown grant or certificate of title by more than ten Maoris may alienate the same in manner and subject to the conditions following, that is to say,—

How land owned by more than ten Maoris may be alienated.

(a.) The owners of any such land, or a majority of them, may apply in writing to the Council to dispose of such lands in manner similar to the disposal of lands by a Crown Lands Board under any laws for the time being regulating the disposal of Crown lands:

(b.) For the purpose of the disposal of Maori lands there shall be vested in the Council all the powers of a Crown Lands Board, and the Council shall have full power and authority to alienate such lands, subject to all rules and regulations for the time being in force affecting Crown Lands Boards:

(c.) Before proceeding to deal with any application under this section for the disposal or alienation of any Maori land, the Council shall satisfy itself that each of the owners of the land to be alienated has had issued to him or her a papakainga certificate, and that no part of such papakainga is included in the land to be disposed of; and in

- the event of any Maori not having a papakainga the Council shall proceed to set aside a suitable portion of land owned by such Maori as a papakainga, and then may proceed to alienate the balance of such land :
- (d.) The Council, in cases where only a majority of the owners apply, shall proceed to partition off the interests of the non-sellers, and may thereupon proceed to alienate the portion belonging to the owners who have applied to have their land alienated : 5
- (e.) The Council shall, before proceeding to alienate such land, publish a notice in the *Gazette* describing the land and the proposed alienation, and if no objection (in writing) be received by it within one month from the publication of such notice, the Council shall have full power and authority to dispose of the same. If the Council shall receive any objection within the time, the Council shall inquire into the same, and may, if required by any such objector who may be a *bonâ fide* owner of a share in such land subdivide or partition off such share, and may then proceed to alienate the balance : 10 15 20
- (f.) The Council, upon alienating such land, shall seal the deed, and the same shall be signed by the President and at least two members, and on the receipt by the Council of the purchase-money mentioned in such deed, the same shall be handed to the person acquiring such interest in the said land, who shall be entitled to have the same registered by the District Land Registrar on payment of ordinary stamp duty and registration fee : 25
- (g.) Before executing any such deed of alienation the Council shall obtain possession of the instrument of title under which such land is held, and shall forward the same to the District Land Registrar to enable the transaction to be registered : 30
- (h.) All monies to be received by the Council as the proceeds of any such alienation, or any rents to be so received thereunder, shall be applied in repayment of any expenses incurred by the Council for surveys, costs and fees of ascertaining and completing the title to such land, and the issue of the certificate of title, or for laying off or constructing roads to give access to any such land, or for any works executed for the purpose of rendering such land available for settlement, and also the cost of advertising or conducting any sale or other disposition thereof, or for any other purpose incidental to the disposal or alienation of any such land : 35 40 45
- (i.) The Council shall pay the balance of all such purchase-money to the adult owners of such land, and retain the share of any minor, in trust, until he or she attain the age of twenty-one years, such shares of such monies shall be paid according to the respective interests of such owners. The share of any such minor shall be forthwith deposited to his or her credit in an account to be opened in the name of such minor at the nearest Post Office Savings Bank. 50

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29. The President, by and with the advice and consent of the Council, may, from time to time, at the request of a majority of the owners of a block of land, by proclamation published in the *Kahiti*, declare such land, or a portion thereof, set aside as a Native township, and shall by such proclamation assign a name to such township.

Maori towns.

30. The Council shall cause each site to be surveyed and laid off as a township, with such streets, allotments, and reserves as it shall think fit. In every such township there shall be laid off reserves not exceeding twenty per cent. of the total area of such township, for the purpose of recreation-grounds, school library, meeting-houses, and church-sites, and a special reserve shall be made for a burying-ground to include any old burying-ground (if any).

Maori township-sites to be surveyed and laid off.

31. As soon as the plan of any such township is completed, it shall be exhibited for a period of one month in such manner and at such place as the Registrar of the Council shall direct, and during such period any Native owner who objects to the sufficiency, size, or situation of the reserves or his allotment, as shown on the plan, may, in the prescribed manner, lodge such objection with the Registrar and the Council; or a Commissioner or committee appointed by it shall hear and determine the same, and may direct such alterations to be made in number, size, or situation of such reserve or Maori allotment, as it thinks proper and just.

Plan to be open to inspection.

32. Upon the expiration of the aforesaid period of one month, and upon all such alterations as aforesaid having been duly made, the President of the Council shall sign and seal such map or plan of such township; and such signature and seal shall be conclusive evidence that the plan and township whereto it purports to refer have been respectively made and constituted under this Act.

Plan to be sealed.

33. The original of such plan shall be retained by the Council as its record and a duplicate thereof certified as correct by the President of the Council shall be deposited at the office of the District Land Registrar, and the land shall thereupon be subject to the provisions of "The Land Transfer Act, 1885."

Copy of plan to be deposited.

34. With respect to every Maori township, the following provisions shall apply:—

Provisions to apply to all Maori towns.

(a.) All streets and roads shown on the deposited plan shall be at least one chain wide and shall vest in Her Majesty as public roads.

(b.) All reserves for recreation grounds, school, library, meeting-house, church sites, and burying-grounds shall vest in the Council in trust for the purposes for which they were reserved.

(c.) The District Land Registrar shall, upon the production and registration of the sealed order of the Council awarding any allotment to any Maori owner, issue a certificate of title to such Maori owner, and such allotment shall be thereafter alienable with the consent of the Council.

35. All Maoris shall have the free use of all baths or thermal springs existing on any reserve in such township.

Maoris to have free use of baths.

36. The local government of Maori towns shall be such as the Council may, by regulations from time to time be made, prescribe,

Local government of Maori towns.

and for such purpose the President may, by proclamation to be published in the *Kahiti*, constitute any such Maori town a borough.

Registration of  
births, deaths, and  
marriages.

37. The President of the Council may appoint a Registrar of Births, Deaths, and Marriages who shall establish one or more offices for the registration of births, deaths, and marriages, and such registration shall be deemed to be registration in accordance with the Acts for the time being in force in the colony. The Council shall have full power and authority to fine any Maori for non-registration of any birth, marriage, or death, and a certificate of any such birth, death, or marriage, issued by any Registrar appointed by the Council under this Act, shall be conclusive evidence of such fact, and all Maori births, deaths, and marriages shall be registered in such Maori registry office and not in a European registry office. 5 10

Dog-tax.

38. In all Maori districts the Council may levy a dog-tax, not exceeding the amount per dog payable by Europeans, and shall have full power and authority to enforce payment of such tax. Any Maori paying dog-tax to the collector appointed by the Council shall not be liable to pay any dog-tax to any other local body or County Council. Any Maori owner of a dog residing in a European town or settled district shall pay the tax on such dog to the Maori Council. 15 20

Local rates and  
taxes.

39. The Council is hereby empowered to fix and levy rates and taxes on all Maori lands similar to any rate or tax fixed or levied by a Borough Council, County Council, or Road Board, and for such purposes such Maori Council shall have all the powers and authority of a Borough Council, County Council, Road Board, or River Board to fix, levy, and collect such rates and taxes, or to enforce payment thereof, and shall have full power and authority to build, construct, make, repair, or renew all roads, bridges, drains, and other works in similar manner to any such local body. 25

Land and other  
taxes.

40. All Maori lands not included in any Maori town shall be liable to pay all rates, taxes, and assessments payable by Europeans, and the same shall be payable to the Maori Council, who shall be entitled to collect the same. 30

Licensing-laws.

41. The President of the Council shall, with the consent and advice of the Council, have power to proclaim any Maori district or Maori town a licensing district in accordance with the provisions of any licensing laws in force in the colony for the time being, and to issue or grant licenses, or to revoke or cancel the same and to charge and receive a license-fee therefor, and to impose a fine on any person for any breach of such licensing laws, and also to modify any provision of any licensing laws or regulations, or to prohibit the sale of intoxicating or alcoholic liquors in any Maori town or district, or to impose a fine not exceeding *one hundred* pounds on any Maori found selling or having alcoholic liquors in his possession contrary to any such act or regulations. 35 40 45

Civil and Criminal  
jurisdiction.

42. The President, by Order in Council, may from time to time appoint one or more Maori Magistrates who shall be Stipendiary Magistrates within the meaning of the term, and have the powers and authority conferred on such magistrates by "The Magistrates Court Act, 1893," and rules thereunder, but such jurisdiction shall be limited to hearing and deciding or dealing with crimes or civil actions between Maoris and Maoris, and they shall have no power to hear or 50

decide a claim or to commit to prison or for trial in any case or offence between a Maori and a European.

43. All fisheries, fishing-grounds, oyster-beds, and other shell-fish collecting-grounds used by Maoris and to which they are entitled, are hereby vested in the Council, to hold the same in trust for any hapu or Maoris entitled thereto, and to permit the owners thereof to use and enjoy the same, and also to lease or let any such fishing-ground, oyster-bed, or shellfish beds as may not be required by any such hapu or Maori owners thereof upon such terms and conditions as the Council may think fit, and also to issue licenses or permits to any person or persons to collect and sell such oysters and shellfish.

Maori fisheries and fishing-grounds.

44. All eel-weirs, fishing-streams, or lakes used by Maoris or to which they are entitled are hereby vested in the Council to hold the same in trust for any Maoris or hapus entitled thereto, to allow them to use and enjoy the same: Provided that no eel-weir shall obstruct the navigation of a navigable river, but such eel-weir shall have an opening of not less than eight feet.

Eel-weirs.

45. All provisions of any law relating to mining or regulations thereunder in force for the time being in the colony, shall apply to Maori lands, subject to the following modifications:—

Mining on Maori lands.

(a.) All such laws and regulations shall be administered by a Warden to be appointed by the President of the Maori Council, by and with the consent and advice of such Council, and the said President is hereby authorised and empowered to make such appointment.

(b.) All leases for mining purposes, licenses, and miners' rights recommended by such Warden shall be sealed and issued by the Council in lieu of by the Minister of Mines of the Crown.

(c.) The fees and charges fixed by the said regulations shall be the fees and charges under this Act, and shall be paid to the Registrar of the Maori Council.

(d.) All mines upon Maori land shall be subject to the same regulations for inspection as mines on Crown lands, and to all provisions for the proper working and protection of workmen from accident, and it shall be the duty of the Council, to periodically inspect such mines and enforce the regulations for the proper protection of life or from accident. Such Inspector shall charge and collect such fee for inspection from the owner or worker of such mine as the Council may from time to time prescribe: Provided that no Maori owner of such land shall be liable for any inspection-fee.

(e.) All gold duty to be derived from gold won on Maori land shall be collected by and paid to the Council.

46. Any officer to be appointed by the Council by virtue of this Act shall hold office during the pleasure of the Council, and may be removed or dismissed at any time for misconduct, or upon a resolution passed by a majority of the Council.

Appointment of officers by Council.

47. Reserves for churches, Maori schools, and burying-grounds which have heretofore been set apart or granted to trustees or to

Reserves for churches and schools.

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any religious body or denomination in trust for the maintenance of any Maori church, school, or burying-ground are hereby vested in the Council, subject to any lease thereof, in trust for the purposes of the trust for which they were originally set aside or granted: Provided that the Council shall have no power to alienate any such reserves except by lease for a period not exceeding twenty-one years: Provided also that the Council may inquire into the original trust or purpose for which such reserve was made or granted, and if it shall find that such reserve was set aside or made for a religious body which has ceased to exist, or to do active work amongst the Maoris, or that the Maoris have ceased to follow, the Council may alter or vary such trust and declare such land to be held by it in trust for such other religious body as may be determined on by the Council.

Conciliation Board.

48. Any dispute which may heretofore have arisen, or which may hereafter arise between members or hapus of the Maori race and the Government of the colony shall be referred for settlement to a Committee as hereinafter provided, that is to say:—

(a.) The President, by and with the advice and consent of the Council, shall appoint six members of such Committee, and the Governor, by Order in Council, shall appoint an equal number.

(b.) Members of such Committee may be of either race: Provided that no European shall be appointed by either side unless he be a licensed Interpreter, Judge, Registrar, or Clerk of the Native Land Court, who has been thus employed for at least three years, or who is a solicitor of the Supreme Court of not less than seven years' standing.

(c.) Any reference to such Committee shall be made by application in writing by the party aggrieved, who shall state clearly in writing all the matters or acts of which he or they complain. Such notice shall be in duplicate, one copy of which shall be served on the Registrar of the Council, and the other copy on the Colonial Secretary. The Council shall thereupon proceed to nominate its members of the Committee and shall forward a list of names of its members so nominated, to the Colonial Secretary, and such list of names shall be published by the Colonial Secretary together with those nominated by the Governor. Such notice shall be published in the *Gazette* and *Kahiti*, and shall set forth the whole of the matters in dispute referred to such Committee, and the time and place at which such Committee will sit to hear such dispute.

(d.) Every such Committee shall in such manner as it shall think fit, carefully and expeditiously inquire into and investigate all matters in such dispute or incidental thereto, and all matters affecting the merits of such dispute and for the purpose of any such inquiry shall have all the power of summoning witnesses and hearing and receiving evidence and preserving order at any inquiry as the Supreme Court would have.



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(e.) In course of such inquiry and investigation the Committee shall make all suggestions, and do all such things as shall appear to them right and proper to be made or done for securing a fair and amicable settlement of the dispute between the parties, and may adjourn for any period the Committee thinks reasonable to allow the parties to agree upon some terms of settlement, and if no such settlement shall be arrived at, shall decide the question according to the merits and substantial justice of the case, and make their report in writing, and on both parties appearing and signifying their assent to such decision such decision shall be a final settlement of all such matters in dispute.

Either party dissatisfied with any such decision may appeal against the same to Her Majesty the Queen, and thereon Her Majesty may refer such matter in dispute to a Royal Commission to be composed of one or more officers of Her Majesty's Imperial Government resident in Great Britain.

49. This Act shall not be repealed except by the express direction and with the consent of Her Majesty the Queen or her lawful successor, by and with the advice of Her Majesty's Ministers of the Imperial Government.

Act only to be repealed by consent of the Queen.

50. The following Acts are hereby repealed:—"The Native Land (Validation of Titles) Act, 1893"; "The Native Land Court Act, 1894"; "The Native Land Laws Amendment Act, 1893"; sections one hundred and thirty-eight to one hundred and forty-three inclusive of "The Stamp Act, 1882," number sixteen; sections sixteen and seventeen of "The Stamp Act, 1885," number forty; section five of "The Stamp Act, 1886," number forty; sections two and three of "The Stamp Act, 1893," number twenty-six; section four of "The Stamp Duties Act, 1894," number forty; and "The Deceased Persons Duties Act, 1881," and amendments thereof, so far as they refer or apply to Native or Maori Lands and estates.

Acts repealed.