

Hon. Mr. Carroll.

MAORI LAND SETTLEMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Law relating to Maori Lands.

Title.

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

- 5 follows:—
1. The Short Title of this Act is "The Maori Land Settlement Act, 1905"; and it shall form part of and be read together with "The Maori Land Administration Act, 1900" (hereinafter referred to as "the principal Act").
- 10 2. ~~The Council~~ *There shall be for each district a Maori Land Board (hereinafter referred to as "the Board"), which shall consist of three members, to wit,—*
- A President, to be appointed by the Governor, who shall hereinafter be called "the President"; and two members to be appointed by the Governor, of whom one at least shall be a Maori:
- 15 *New proviso.*
- Provided that no member of the General Assembly shall be appointed President or a member of the Board.
- 20 3. Any ~~Council~~ *Maori Land Board* constituted under the provisions of this Act shall be the successor in office of the Council constituted for the same district under the provisions of the principal Act.
- New.*
- 25 The principal Act shall be read as if the word "Board" were substituted for the word "Council" wherever such last-mentioned word occurs.
4. All orders and other instruments made by the ~~Council~~ *Board* shall be sealed with its seal and signed by the President and one member of the ~~Council~~ *Board*.

Short Title.

Constitution of Councils.

Existing Councils.

Orders, &c., of Council, how made.

*As to Papakaingas.*

Facilitating issue of  
papakainga  
certificates.

5. For the purpose of enabling the ~~Councils to proceed with the~~ issue of papakainga certificates the Native Minister shall cause to be compiled from the records of the Native Land Court or otherwise a list showing the lands or interests in lands held or owned by each Maori. ~~and shall cause a copy of such list, or of such part of it as may be necessary, to be furnished to the President of each Council.~~ 5

*As to Land for Settlement.*

Maori land for  
settlement.

6. Any surplus Maori land in such of the districts constituted under the provisions of the principal Act as are described in the Schedule of this Act which in the opinion of the Native Minister is not required or not suitable for occupation by the Maori owners may be dealt with in the manner and subject to the conditions following, that is to say:— 10

(a.) The Governor may by Order in Council declare that the land is vested in the Council Board for an estate in fee-simple in possession, subject nevertheless to all valid encumbrances, liens, and interests affecting the same, to be held and administered by the Council Board for the benefit of the Maori owners in accordance with the provisions of this Act. 15 20

(b.) For the purposes of this section the Registrar, whenever requested by the Native Minister so to do, is empowered and directed to do all things necessary in order to call in outstanding instruments of title, issue new instruments of title, and duly record the title of the Council Board in such manner as is prescribed. 25

(c.) The Council Board may reserve and render inalienable any portion of the land for the use and occupation of the Maori owners, or for papakaingas, burial-grounds, eel-pas, fishing-grounds, bird-reserves, timber or fuel reserves, or for such other purposes as it may consider expedient. 30

(d.) The Council Board shall cause the balance of the land to be classified into first-, second-, third-, or fourth-class land as follows:— 35

First-class land, comprising agricultural land ;

Second-class land, comprising mixed agricultural and pastoral land ;

Third-class land, comprising pastoral land of a character that can be profitably worked in areas of five thousand acres or less ; and 40

Fourth-class land, comprising pastoral land of a character that cannot be profitably worked in areas of five thousand acres or less.

(e.) The Council Board shall, under the direction of the Native Minister, cause the land to be surveyed and subdivided into allotments in areas not exceeding— 45

In the case of first-class land, six hundred and forty acres ;

In the case of second-class land, two thousand acres ; 50

In the case of third-class land, five thousand acres ; or

In the case of fourth-class land, fifteen thousand acres :

*New proviso.*

Provided that if in the opinion of the Board the land is of such poor quality that it cannot be profitably worked in areas of fifteen thousand acres or less, the land may be 55

surveyed and subdivided into allotments in such areas exceeding fifteen thousand acres as will insure the taking-up of such lands.

(f.) Such allotments may be disposed of by the *Council Board* by way of lease for any term or terms not exceeding in the whole fifty years :

Provided that a definite number of such allotments may be set aside for application in the first instance by the Maori owners of the land :

*New proviso.*

Provided further that all lands proposed to be dealt with under this section shall be included in a schedule showing the area, locality, and quality of each block, to be laid before both Houses of the General Assembly within fourteen days of the commencement of the session in each year.

7. With respect to every such lease the following provisions shall apply :— Provisions as to leases.

(a.) Leases may be offered by public auction or public tender, or in such other manner as may be prescribed.

(b.) The upset rental in every case shall be at the rate of not less than *five* per centum per annum on the capital value of the land.

(c.) Such capital value shall be fixed by the *Council Board*; and, in addition to the capital value of the land as assessed under "The Government Valuation of Land Act, 1896," may cover the cost or any portion of the cost of survey, roading, subdivision, and other works and operations done on the land, and the estimated cost of administration.

(d.) The lease shall contain such powers, conditions, and covenants as, subject to regulations, the *Council Board* thinks fit.

8. The *Council Board* may, with the consent of the Native Minister, raise moneys by way of mortgage on the security of any land so vested in it as aforesaid, and may apply the moneys so borrowed in or towards discharging valid incumbrances or liens affecting the land, and in cutting up, surveying, roading, opening up, preparing, and advertising such land for lease, or generally improving such land. Council may borrow money.

9. For the purpose of laying off or forming roads, or for making surveys, or for opening up for settlement any land so vested in the *Council Board* as aforesaid, or for the purpose of discharging any valid incumbrance by way of mortgage, lien, or charge to which such land is subject, the Colonial Treasurer (with the consent of the Native Minister) may in his discretion authorise advances to be made to the *Council Board* out of moneys to be appropriated by Parliament out of the Public Works Fund : Moneys for roads, &c.

Provided that the total amount which under this section may be advanced to any one *Council Board* in any one year shall not exceed *ten* thousand pounds.

10. With respect to all such advances the following provisions shall apply :— Repayment of advances for roads, &c.

(a.) The amount of such advance, together with interest thereon at the rate of *five* pounds per centum per annum, shall by force of this Act be a charge upon the income derived from the lands so vested in the *Council Board* as aforesaid, such charge being so adjusted as to be proportionate to the benefit.

(b.) The amount of such advances shall be repayable in the manner following, that is to say:—

(i.) The amount of the advance, together with the interest thereon at the rate of *five* pounds per centum per annum, shall, out of the income upon which the same is charged as aforesaid, be repayable by the *Council Board* to the Colonial Treasurer on behalf of His Majesty by half-yearly instalments extending over such term of years not exceeding *forty-two* as is agreed on between the *Council Board* and the Colonial Treasurer, and the first instalment shall be payable six months after the commencement of such term. 5 10

(ii.) Such term shall commence on such date as is agreed on, being in no case later than *four* years after the date of the advance: 15

Provided that, for the period elapsing between the date of the advance and the commencement of such term, the *Council Board* shall at such intervals as the Native Minister directs (in no case exceeding half-yearly intervals) pay interest at the rate aforesaid on the amount of the advance. 20

(iii.) Every such instalment shall consist partly of principal and partly of interest, and shall be calculated and paid according to a table to be prescribed by regulations under this Act. 25

(iv.) Such prescribed table shall be computed and framed in the same mode and on the same principle as the table set out in the Second Schedule to "The Government Advances to Settlers Act, 1894."

On expiry of lease land to revert to Maori owners.

11. Upon the expiry of the period of fifty years hereinbefore prescribed, and upon discharge of all incumbrances affecting the land or the income thereof, the *Council Board* shall, if requested *in writing* so to do by the Maori owners ~~in writing~~, *possessing a majority of the interests in the said land*, recommend the Governor to annul by Order in Council the title of the *Council Board*; and upon the issue of such Order in Council the land shall be revested in the Maori owners. 30 35

Application of income.

12. All sums derived by way of income in respect of lands vested in the *Council Board* as aforesaid shall from time to time be applied by the *Council Board*— 40

(a.) In defraying the costs of administration;

(b.) In repaying advances as hereinbefore provided;

(c.) So much thereof as the *Council Board* determines in or towards discharging any valid mortgage, lien, charge, or liability affecting the land; 45

(d.) In paying the remainder to the owners of the land in proportion to their individual interests therein.

Administration of land on request of Maori owners

13. Any Maoris may apply to the *Council Board* to dispose by way of lease of any land owned by them upon such terms and conditions as may be stated in the application, and in respect of any such application the following provisions shall apply:— 50

(a.) The application shall be in the prescribed form and shall be attested in the prescribed manner.

(b.) Where the number of owners exceeds *ten* the application may be signed on behalf of the whole of the owners by such of the owners as may be selected in manner provided by section twenty of "The Maori Land Laws Amendment Act, 1903." 55

- (c.) If the *Council Board* consents to the application, the President shall publish in the *Gazette* and *Kahiti* a notice of such application and of the intention of the *Council Board* to deal with the said land in terms of the said application.
- 5 (d.) If no objection be received within *one* month from the date of the publication of such notice, the *Council Board* may in its discretion proceed to advertise such land for lease by public tender, and thereupon no lease of the said land shall be valid except by the *Council Board* acting for and on behalf of the Maori owners :
- 10        Provided that if the *Council Board*, at any time prior to the granting of a lease, shall by notice in the *Gazette* and *Kahiti* renounce and disclaim any right to act on behalf of the Maori owners, the provisions of this section shall cease to have any force or effect.
- 15 (e.) Anything in any Act or instrument of title to the contrary notwithstanding, such land may be disposed of by the *Council Board* by way of lease for any term or terms not exceeding in the whole fifty years.
- 20 (f.) For the purposes of this section all instruments of alienation shall be executed by the *Council Board* on behalf of the Maori owners.
- (g.) The lease shall contain such powers, conditions, and covenants, as, subject as hereinbefore provided, the *Council Board* thinks fit.
- 25 (h.) All rents payable in respect of leases granted under the provisions of this section shall be paid by the lessees to the *Council Board*; and, after deduction of the costs of administration as hereinafter provided, shall from time to time be paid by the *Council Board* to the Maori owners according to their proportionate shares or interest in the land.
- 30 (i.) The costs of administration shall be such sum as may be agreed upon between the *Council Board* and the Maori owners, but shall in no case exceed *five* per centum of the amount of the rents received by the *Council Board* in respect of such leases.
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*Struck out.*

- 40 14. On the alienation of any Maori land by way of lease, the consent of the Governor to the removal of any restrictions, conditions, or limitations, whether contained in any Act or any instrument of title, shall not be required, and the consent of the Native Minister shall, for the purposes of such alienation, effectually annul and render void any such restrictions, conditions, and limitations, anything in any Act or any instrument of title to the contrary notwithstanding :
- 45        Provided that the Council shall first report,—
- (a.) That the rent proposed is adequate, being not less than at the rate of *five* per centum per annum on the capital value of the land as assessed under “ The Government Valuation of Land Act, 1896 ” ;
- 50 (b.) That, apart from the land affected by such proposed alienation, each Maori alienating has a papakainga or other land sufficient for his support ;
- 55 (c.) That the proposed alienation is for the benefit of the Maori owners of the land.

Minister may consent to removal of restrictions on alienation.

*New clause.*

14A. Immediately upon the coming into operation of this Act the Native Minister shall cause to be removed from the title to all Maori lands any existing restrictions, conditions, or limitations against the alienation by lease of such lands, whether such restrictions, conditions, or limitations are contained in any Act or any instrument of title: 5

Provided that no alienation by lease of any Maori land shall be valid unless there is indorsed thereon the approval of the Board of the terms thereof: 10

Provided further that no such approval shall be granted unless and until the Board is satisfied,—

(a.) That the rent proposed is adequate, being not less than at the rate of *five* per centum per annum on the capital value of the land as assessed under "The Government Valuation of Land Act, 1896"; 15

(b.) That, apart from the land affected by such proposed alienation, each Maori alienating has a papakainga or other land sufficient for his support;

(c.) That the proposed alienation is for the benefit of the Maori owners of the land. 20

When restrictions may be removed.

15. For the purpose of carrying into effect the provisions of this Act relating to the disposition and administration of land vested in the *Council Board*, but for no other purpose, all restrictions, conditions, and limitations created in respect of such land by any Act or by any instrument of title shall be deemed to be removed. 25

Advances out of the Land for Settlements Account.

16. The Minister of Lands may, out of any moneys available for the purposes of "The Land for Settlements Consolidation Act, 1900," advance by way of mortgage to the owners, or registered proprietors in the case of a body corporate, of any land owned by Maoris any sum not exceeding *one-third* of its unimproved value for the purpose of stocking, improving, or farming the same: 30

*New proviso.*

Provided that for the purposes of a mortgage under this section any restrictions hereinbefore imposed or hereinafter to be imposed may be removed by the Native Minister. 35

*New clauses.*

16A. The Native Minister may apply to the Native Land Court to investigate the title to and ascertain and determine the owners, according to Native custom, of any papatupu land, and thereupon the said Court shall proceed in all respects as if the application had been made by some person claiming an interest in such land. 40

16B. In respect of any moneys advanced under section *sixteen* of this Act, the Minister may make such conditions as he may deem necessary to secure the proper expenditure thereof for the purposes named therein. 45

Modification of other Acts.

17. The provisions of the principal Act and of every other Act that are in any way in conflict with the provisions of this Act are hereby modified or repealed in so far as such conflict exists, but not further or otherwise. 50

*New schedule.*

## SCHEDULE.

The Tokerau Maori Land District.  
The Tairāwhiti Maori Land District.