

NATIVE LANDS ADMINISTRATION.

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## A BILL INTITULED

Title.	AN ACT to enable Committees to be appointed for the Management of Maori Lands.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—	5
Short Title.	1. The Short Title of this Act is "The Native Lands Administration Act, 1894."	
Commencement of Act.	2. This Act shall come into force three months after the passing of this Act :	10

## INTERPRETATION.

Interpretation.	2A. In this Act, if not otherwise expressed,—	
	"Block Committee" shall mean a Committee appointed under this Act :	
	"Board" shall mean the Board appointed by the Governor under this Act :	15
	"District Committee" shall mean the Committee appointed under "The Native Committees Act, 1883" :	
	"Commissioner's Court" shall mean a Commissioner's Court appointed under this Act or any other Act :	20
	"Stipendiary Magistrate" shall mean the Stipendiary Magistrate for the district :	
	"Maori" shall mean an aboriginal native of New Zealand, and shall include all half-castes and their issue by Maoris :	
	"Land" shall mean all Maori land held by Maoris under any title whatsoever issued to them under any Act of the General Assembly of New Zealand :	25
	"Registration" shall mean a registration under and by virtue of any Act enabling a dealing to be registered :	
	"Sealing" shall mean an affixing to any document of the seal of the Block Committee, or of the seal of the District Committee.	30

## PART I.

## REGULATIONS FOR THE APPOINTMENT OF BLOCK COMMITTEES.

Committee to consist of seven members.	3. The Committee shall consist of seven members.	35
Mode of election.	4. The said seven members to be elected by the owners of the block and to be chosen from amongst the said owners.	
All those "seized in fee simple" of any land to come under provisions of this Act.	5. Maori or Maoris, whether one, or two, or three in number, who are seized in fee-simple of any parcel of land, either in severalty or together, shall come under the provisions of this Act.	40
Persons electing to bring land under provisions of Act can appoint agents.	(1.) But if such person or persons elect to bring his, her, or their land under the operation of this Act, such person or persons are hereby empowered to appoint some person or persons other than himself, herself, or themselves to act as a Block Committee to administer his, her, or their land or lands under the provisions of this Act :	45
	(2.) And also such person or persons are hereby empowered to appoint any person or persons other than himself, herself, or themselves, who, together with himself, herself, or themselves shall make a total in number of seven per-	50

sons, to act as a Block Committee to administer his, her, or their land or lands under the provisions of this Act.

6. If any one person, or two persons, or three persons desire to sell, lease, or mortgage his, her, or their land, then, on that condition only, shall his, her, or their Block Committee be empowered to alienate the said land, and then only in accordance with the conditions agreed to by the said person or persons.

Circumstances under which land may be alienated.

And such consent to sell, lease, or mortgage shall be forwarded by him, her, or them to the Stipendiary Magistrate for the district, and to the Chairman of the District Committee; and it will be the duty of the said Stipendiary Magistrate and the said Chairman of the District Committee to publish a notice in the *New Zealand Gazette*, and the said Stipendiary Magistrate and the said Chairman of the District Committee shall thereupon forward a notification to the Chairman of the Block Committee of the said block of land as to the disposal thereof by sale, lease, or mortgage.

7. The number of members of the Board shall be five. Three of the said members shall be of the Maori race, and two of the European race.

Constitution of Board.

8. The assembly of the Kotahitanga (or Maori Parliament) shall nominate all candidates seeking election to the said Board, both as regards the three Maori members and the two European members, and forward the said names to be formally appointed by the Governor.

Members of Board to be nominated by Kotahitanga.

9. The owner or owners in a block of land shall nominate from amongst themselves seven persons, and shall write the names on a nomination-paper of the form set forth in the *First Schedule* hereof, and forward the said nomination-paper to the Stipendiary Magistrate for the district, and the Chairman of the District Committee.

Owners to nominate seven persons.

10. It shall be the duty of the Stipendiary Magistrate and the Chairman of the District Committee to publish in the *New Zealand Gazette* the list of the names of the persons nominated by an owner or the owners in a block of land to be affected.

Names of persons nominated to be gazetted.

11. The date for taking the poll to elect the members of the said Committee shall be published by the Stipendiary Magistrate and the Chairman of the District Committee in the *New Zealand Gazette*, and the date for taking the said poll shall not be distant more than thirty days from the day on which the nomination-papers were received by the said Stipendiary Magistrate or Chairman of the District Committee.

Date of poll to be published in *New Zealand Gazette*.

12. The Stipendiary Magistrate and the Chairman of the District Committee shall conduct the taking of the poll for the election of the members of Block Committees.

Stipendiary Magistrate and Chairman of District Committee to conduct poll.

13. When the voting for the election of the said members of the said Block Committee is over, the Stipendiary Magistrate for the district and the Chairman of the District Committee shall publish in the *New Zealand Gazette* the names of the persons elected as members of such Block Committees.

Names of persons elected to be published in *New Zealand Gazette*.

14. At the first meeting of the said Block Committee they shall elect from amongst themselves a Chairman, and after having elected him shall forward his name to the Stipendiary Magistrate for the district, and also to the Chairman of the District Committee, in order to have such name enrolled on the register-book of the Committee.

Election of Chairman of Block Committee.

Governor may appoint deputies to take poll.

15. The Governor shall have power to nominate a deputy or deputies to take the place or places of the Stipendiary Magistrate of the district or of the Chairman of the District Committee, should either of them or both of them at any time be absent from their districts, or be indisposed by illness, and thus be unable to conduct the elections of Block Committees under the provisions of this Act. 5

Seals for Block Committees.

16. The Native Minister shall provide seals for the said Block Committees, and all documents issued by the said Committees shall be sealed with one of the said seals.

Member of Block Committee can resign.

17. Any member of a Block Committee is hereby empowered to resign his membership at any time, on his signing a resignation-paper and forwarding the same to the Stipendiary Magistrate for the district, and to the Chairman of the District Committee. 10

Mode of filling vacancies.

18. If at any time a vacancy shall occur, by resignation or death, in the membership of any of the said Block Committees, it shall be the duty of the Stipendiary Magistrate for the district, and of the Chairman of the District Committee, to give notice thereof to the owners of the block of land affected, and thereupon a person or persons from amongst the owners of the block of land so affected shall be nominated in accordance with the provisions of section *nine* of this Act, and shall be elected in accordance with the provisions of this Act. 15

Vacancy not to impair powers of Block Committee.

But the powers of the said Block Committee shall not cease or be impaired because of the resignation or death of any one of its members. 25

Quorum of Block Committee.

19. At any sitting of any such Block Committees three shall form a quorum.

## PART II.

Block Committee may be dissolved.

20. The Stipendiary Magistrate and the Chairman of the District Committee are hereby empowered to dissolve any Block Committee on petition, signed by two-thirds of the owners of the land affected, showing the grounds why such Committee should be dissolved; and, on dissolution of such Committee, the reason thereof shall be published by the Stipendiary Magistrate and by the Chairman of the District Committee in the *New Zealand Gazette*. 30 35

Power to punish persons embezzling funds of Block Committee.

21. If any member or members of a Block Committee, or any person employed by said Committee, shall embezzle or steal any of the moneys belonging to the said Committee, the owners of the block affected are hereby empowered to demand the said moneys from the person or persons who so embezzled; and, if the said money is not refunded, the said owners of the land are hereby empowered to summons the said embezzler or embezzlers before a Court of sufficient jurisdiction in the district. 40

Same powers as in section 21.

22. The owners of the land shall have the same powers as are provided for in section *twenty-one* of this Act to demand from, and also to sue, the members of the Board appointed by the Governor, and all servants in the employ of the said Board, if it shall be found that any member or members of the said Board, or any persons in its employ, has or have stolen or embezzled the moneys of the owners of the block of land affected. 45 50

## PART III.

23. The Block Committee shall have power to sell all the land or any part thereof, or to lease the whole or any part thereof, or to mortgage the whole or any part thereof (comprised in any single block).

Block Committee can sell or mortgage whole or part of their block.

But all such dealings shall be handed over to the Government to administer under the laws provided in that behalf enabling it to sell or lease to the public at large.

10 And the Governor shall hand the same over to the persons whom he may have appointed as a Board to administer the lands under the provisions of this Act :

Provided always that the other body to co-operate with the said Board in administering the said land or lands shall be the Block Committee for the particular block of land affected.

15 24. But the said Block Committee shall not have the power to sell, lease, or mortgage the said land if the consent of the majority of the owners of the said land be not first obtained, and all dealings and administration by the Block Committees shall be null and void unless carried out with the consent of the owners of the land.

Consent of majority of owners to be obtained to any sales or leases.

20 But all dealings by the Block Committee shall be first consented to by a majority of the owners of the land in meeting assembled, and such consent shall be certified to by a paper duly signed by those consenting to such dealings by the said Block Committee.

25 25. The dealings by the said Block Committee and the said Board appointed by the Governor must be strictly in accordance with the directions given by the owners of the land, as laid down by them and passed in meeting assembled.

All dealings to be strictly in accordance with directions of owners of lands.

30 26. All matters resolved upon by the owners of the land from time to time, whenever they shall hold meetings to inquire into the best policy to be adopted by their Committee or by the Board appointed by the Governor, shall be recorded in a book to be specially provided by the Block Committee for that purpose.

Records to be kept of all resolutions adopted by owners of lands.

## PART IV.

## FARMING OPERATIONS.

35 27. The Block Committee shall have power to mortgage the whole or any part of the said land to the Government with the consent of the majority of the owners of the said land, such consent to be inscribed in a deed of agreement.

Block Committee may mortgage lands to Government.

40 28. The Block Committee shall have full power to withhold the whole or any part of the said land from sale, for the purpose of using the same for a farm for the owners of the said land, under conditions to be imposed by the majority of the owners of the said land.

Lands may be withheld from sale for purpose of farming by owners.

45 The said Block Committee, or said Board, shall manage the said farm, and all the profits or revenue from said farm shall be paid to the Board appointed by the Governor to enable the Board to pay the cost of carrying on the said farm, and of paying interest on moneys borrowed and expended on said farm.

Management of farm.

50 29. When all moneys borrowed and expended on said land shall have been paid off and discharged the Government and its Board shall cease to administer or manage the said land.

When all liabilities on lands are paid off, management by Government and Board to cease.

But the management of the said land shall remain with the Block Committee.

Power to take proceedings against members of Block Committee dealing with land in illegal manner.

30. If any member, or members, or all the members of the Block Committee shall sell, lease, or mortgage any block of land, or any part thereof, at a time when the management thereof has not been formally put into their hands by the owners thereof, then any owner, owners, or all the owners of the said land shall have full power to take legal proceedings against such member or members of the Block Committee in the manner set forth in clause *twenty-two* of this Act, and shall have power forthwith to dissolve the said Block Committee in the same manner as provided by clause *twenty-one* of this Act. 5 10

## PART V.

### DEFINING RELATIVE INTERESTS.

Relative proportions of respective interests to be decided by the Block and District Committees for purpose of deciding division of profits, &c.

31. The relative proportions of the respective interests of the owners in the land shall be investigated and decided by the Block Committee and the District Committee, and the division of any money or profits arising from the said land shall be divided amongst the owners of the said land *pro rata*, according to their respective interests, ascertained in manner aforesaid. 15 20

First investigation of shares to be held by owners and Block Committee.

32. The first investigation as to the relative proportions of the respective shares of the owners in the said land shall be held by the said owners and their Block Committee, who, together, will decide their relative interests.

And if they are unable to come to a decision amongst themselves what their respective shares are to be, then it shall be the duty of the District Committee to investigate and decide what their respective interests are to be. 25

When persons desire any block of *papatupu* land surveyed, application must be made to Chairman of Block Committee.

33. If any person or persons, hapu or hapus, shall desire to have a block of *papatupu* land surveyed, such person or persons, hapu or hapus, shall forward a letter stating their wish for a survey to any Chairman of a Block Committee within his, her, or their district, and it shall be for such Block Committee to consent to the survey being made or not according as they shall think what is right to be done. 30

Local rates not to be payable until borrowed moneys paid off.

34. At such time as when all moneys borrowed and interest thereon shall have been paid off and discharged, the said Block Committee shall then be liable to pay ordinary rates (to local bodies), but not before. 35

Rates for which Block Committees liable to be assessed at half the rates chargeable on European lands.

35. The amount of rates for which Block Committees are liable shall be at the rate of one-half less than the amount assessed on European lands in the same district—namely, supposing one penny per acre is the rate struck to be paid by the Europeans, then the Maori shall only pay half that rate per acre. 40

Block Committee to have option of borrowing or not.

36. The Block Committee shall have the option of borrowing money on mortgage or not, as they shall think fit, in accordance with the provisions of this Act. 45

Individual interests when decided to be sent to Government Board.

37. When the relative interests of the persons have been finally decided, they shall forward a list of the relative interests to the Government Board, and such list shall be the basis upon which all rents or proceeds of sale, or proceeds of farming operations shall be divided amongst the owners of the said block. 50

38. The Block Committee shall authorise their Chairman and two other members of the said Committee to divide and pay out the said moneys to each owner in the block *pro rata* according to their respective interests in the said land.
- 5 39. The moneys lent by the Government on mortgage to the Block Committee for improving farms are to be in the charge of and be paid into the hands of the Board, and of the Chairman of the Block Committee.
- 10 40. The authority and management of the improvements upon the land shall be vested in the Block Committee and the persons who own the land.
- 15 41. If the Block Committee shall desire to fell the timber on the land, the owners of the land, together with the Block Committee, shall settle the price per acre for such felling in accordance with what they shall think right.
- 20 42. When the said land is felled, or cleared, the said Block Committee shall settle the price per acre to be paid for such felling and clearing for grass-seed for sheep (to stock land with), and for fencing wire and other operations to be carried out on the said land.
- 25 43. The said Block Committee shall keep and make out all accounts, and render the same to the Government Board, and to the Chairman of the Block Committee, so as to enable the Board and the Chairman of the Block Committee to pay all moneys for work done in improving the land ("farm" is the word used), and amounts expended in grass-seed, or sheep, or other matters agreed to by the owners of the land, and such books of account shall be open at all times to the inspection of the owners of the said land.
- 30 44. At such time as the money advanced by the Government and expended in improving the land or in the purchase of grass-seed or sheep, or other operations carried on by the owners of the said land, has been paid off, then the powers vested in the Government Board, and in the Chairman of the Block Committee, in respect of the said land shall cease, and the management thereof shall then devolve upon the Block Committee.

Chairman and two members of Block Committee to be authorised to divide moneys.

Government moneys lent on mortgage to be in charge of Board and Chairman of Block Committee.

Improvements to be under management of Block Committee and owners of land.

Price of felling timber to be decided by Block Committee and owners.

Block Committee shall settle price to be paid for improvements, &c.

Block Committee shall keep accounts and render same to Government Board, &c.

When moneys advanced by Government are repaid, management of Block shall devolve upon Block Committee.

## PART VI.

### PERMANENT LAWS.

- 35 45. The General Assembly of New Zealand shall not have authority to amend or alter this Act, but if it is desired to amend this Act, the Maori Parliament (Kotahitanga) shall submit the form of the amendment required to the General Assembly of New Zealand, when the said amendment shall be given effect to.
- 40 46. Should any land become involved in financial difficulties by reason of the operation of this Act, the Block Committee shall inquire into such difficulty, and report thereon, and the Chairman of the said Committee shall forward the same to the Speaker of the
- 45 Maori Parliament.
47. Any Maori owner is hereby empowered to sell, lease, or mortgage his or her share in a block of land to any one or more co-owner in the same block of land, and the consideration (paid in such

General Assembly shall not amend this Act without authority of Kotahitanga.

Block Committee shall inquire into all financial difficulties in connection with lands.

Maori owner to have power, with consent of Committee, to sell to any co-owner.

dealing) shall be submitted to the Chairman of the Block Committee of the said land, and only on their (the Committee) consenting shall the dealing be deemed valid.

Maori owner can exchange or transfer share.

48. Any Maori owner shall have full power to exchange or transfer his or her share in one block to an owner or owners in another block, provided such exchange or transfer is carried out in accordance with the provisions of section *forty-three* of this Act. 5

Owners may not sell to Europeans.

49. It shall not be lawful for two or three owners in a block to sell his, her, or their share, or shares, to an European.

Sales by Maori owners to be made before Stipendiary Magistrate.

50. If a Maori sell to a Maori, they must go before the Stipendiary Magistrate for the district and disclose the nature of such sale to him, and, if in the opinion of the said Magistrate it is a proper sale, the said Magistrate shall issue an order vesting the share or shares in the person buying such share, in the same manner as is done by the Native Land Court in making an order for succession to a deceased person. 10 15

Maori purchasers of shares may not sell to Europeans.

51. It shall not be lawful for the said Maori or Maoris, to whom was sold the share of the Maori or Maoris as aforesaid, to sell his, her, or their share (so bought as aforesaid) to an European, but all dealings with such share or shares shall be carried out only under the provisions of this Act. 20

Lands under Act to be free from seizure for debt.

52. Under this Act no share or shares of any Maori or Maoris shall be seized for debt owing to an European, and no law for the seizure of property for debt now in force, or hereafter to be in force, shall have any power over lands subject to be dealt with under the provisions of this Act. 25

#### MISCELLANEOUS.

Lands subject to provisions of Act.

53. This Act shall apply to all lands which come under the control or management of the Public Trustee, and to all lands subject to "The Thermal Springs Act, 1881," and its amendments, and to all lands held under Maori custom. 30

*Papatupu* lands also to come under provisions of Act.

54. This Act shall also apply to all *papatupu* lands of the Maoris, so soon as they shall be investigated and decided upon by the District Committee under "The Native Committees Act, 1883."

Lands already sold to be cut out.

55. All lands belonging to the Maoris, in which one or more than one of the owners have sold his, her, or their share or shares to other person or persons, shall be submitted to the Commission Court, and such share shall be defined and cut out, and also all lands belonging to Maoris, in which one or more shares have been leased to other person or persons, shall be submitted to the Commission Court, and shall be defined and cut out, and all the shares of the persons who have not sold or leased shall come under the operations of this Act. 35 40

And all costs which may accrue and become payable, arising out of applications for definition of interests so dealt with as aforesaid, if it is in respect of a sale or lease, shall be paid for by the European or Europeans, or by the Government, so applying, as the case may be. 45

All Maori lands mortgaged to Europeans to come under provisions of Act.

56. All Maori lands mortgaged by a Maori or Maoris to an European, or company, or bank, shall all come under the provisions of this Act. 50



57. The Block Committee to send in claims for definition of relative interests in any block to the Commission Court, so as to separate the share or shares of any person or persons who may have sold his, her, or their share or shares in any block of land.

Block Committee shall send in claims for definitions of relative interests.

5 58. All lands not subject to lease shall all fall under the provisions of this Act.

Lands not subject to lease shall come under provisions of Act.

59. This Act shall apply to all lands held by Natives under Crown grant, certificate, memorial, and all or any other title issued by the Native Land Court under the provisions of "The Native Land Court Act, 1865," and all its amendments, and under all the Native Land Court Acts enacted by the General Assembly of New Zealand after and before the year one thousand eight hundred and sixty-five, down to the year one thousand eight hundred and ninety-three, and to all other lands vested in a Maori or Maoris by any law or laws enacted by the General Assembly of New Zealand.

Lands to which Act shall apply.

#### PART VII.

60. At the date on which this Act shall come into force, the following Acts shall be repealed:—

Repeals.

"The Native Land Court Act, 1886," and all its amendments.

20 "The Native Land Purchase and Acquisition Act, 1893."

"The Native Land Rating Act, 1893," and all other Acts that affect the Natives and their property.

#### SCHEDULES.

Schedules.

##### FIRST SCHEDULE.

FORM of NOMINATION-PAPER for Candidate for Block Committee under "The Native Lands Administration Act, 1894."

I [or We] nominate the undermentioned persons to be the Block Committee for the Block, situate in the District of \_\_\_\_\_, in the Provincial District of \_\_\_\_\_

[Here state names in full.]

The name or names of the nominators [Here state names in full.]

The name or names of the seconders [Here state names in full.]

##### SECOND SCHEDULE.

FORM of the NOMINATION-PAPER for a Candidate for the Government Board under "The Native Lands Administration Act, 1894."

WE, the Assembly of the Maori Parliament, nominate the undermentioned persons to be the members of the Government Board. [Here state names in full.]

The names of the nominators [Here state names in full.]

(For the members of the Maori Parliament).