

Hon. Mr. Carroll.

NATIVE LANDS CONTROL AND ADMINISTRATION.

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A BILL INTITULED

Title.

AN ACT to provide for the Control and Administration of Native Lands.

Preamble.

WHEREAS the Chiefs and other leading Natives of New Zealand, by petition to Her Majesty and to the Parliament of New Zealand, urged that the residue (about five million acres) of the Native land now remaining in possession of the Native owners should be reserved for their use and benefit in such wise as to protect them from the risk of being left landless: And whereas it is expedient in the interests both of the Natives and Europeans of the colony that provision should be made for the better settlement and utilisation of large areas of Native land at present lying unoccupied and unproductive, and for the encouragement and protection of the Natives in efforts of industry and self-help: And whereas it is necessary also to make provision for the prevention, by the better administration of Native lands, of useless and expensive dissensions and litigation, in manner hereinafter set forth:

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

Short Title.

1. The Short Title of this Act is "The Native Lands Control and Administration Act, 1900," and it shall be administered under the control of the Minister of Native Affairs.

PART I.

PRELIMINARY.

Interpretation and Scope of Act.

Interpretation.

2. In this Act, if not inconsistent with the context,—
- "Board" means a Native Land Board under this Act:
 - "Committee" or "Block Committee" means a committee of the owners of any block under the provisions of this Act:
 - "District" means a Native land district under this Act:
 - "European" means any person other than a Native:
 - "Minister" means the Minister of Native Affairs:
 - "Native" means an aboriginal native of New Zealand, and includes half-castes and their descendants:
 - "Native Appellate Court" and "Native Land Court" mean the Courts defined by "The Native Land Court Act, 1894":
 - "Native lands" means land owned by Natives under their customs and usages, whether the title thereto has or has not been ascertained by the Native Land Court or any other duly constituted authority, and includes land owned in fee-simple by Natives under any instrument of title; but does not include—
 - (a.) Land which, although owned by a Native, has been acquired in fee-simple by purchase from the Crown or a European; nor
 - (b.) Land which is subject to or administered under the provisions of any of the following Acts, that is to say,—

"The Thermal-Springs Districts Act, 1881,"

"The Westland and Nelson Native Reserves Act, 1887,"

"The West Coast Settlement Reserves Act, 1892,"

"The Native Townships Act, 1895,"

"The Urewera District Native Reserve Act, 1896,"
and

"The Kapiti Island Public Reserves Act, 1897":

"Owner" or "Native owner" means the owner of Native land at the time of the coming into operation of this Act, and includes Natives who subsequently by succession become beneficially entitled to the income derived therefrom under this Act:

"Prescribed" means prescribed by regulations under this Act.

3. If not inconsistent with the context, all references in this Act to Native owners shall be construed as applying to all the owners of Native land situate in the district to which the reference relates.

References to Native owners.

Districts and Boards.

4. The Governor may from time to time, by Order in Council gazetted, establish Native land districts, with such names, limits, and boundaries as he thinks fit, and may from time to time make such alterations in the same as may be deemed necessary or expedient.

Native Land Districts may be established.

5. For each such district there shall be a Board, which shall be called "The Native Land Board of the [*Name of Native land district*]," and shall consist of four members, to wit,—

Native Land Boards.

(1.) Two Europeans, one of whom shall be President of the Board (hereinafter called "the President"), to be appointed by the Governor as soon as conveniently may be after the passing of this Act; and

Members thereof.

(2.) Two other members, being Natives, to be elected by the Native owners out of their number as soon as conveniently may be after the passing of this Act:

Provided that at no time shall any Native be a member of more than one Board.

6. The members of the Board shall receive such salaries and travelling-allowances as the Governor in Council prescribes.

Salaries and travelling-allowances.

7. Every Board shall be a body corporate, with perpetual succession and a common seal; and with respect to the Board and its members the following provisions shall apply:—

Board to be body corporate.

Provisions as to members.

(1.) The ordinary term of office shall be three years, but a retiring member shall be eligible for reappointment or re-election.

Term of office.

(2.) A member may at any time resign his seat by notice in writing under his hand delivered to the Governor in the case of the President, and to the President in the case of any other member.

(3.) A member may be removed from office at any time by the Governor in Council if the Governor is of opinion that from any cause he is incapacitated to act, or that he has been guilty of any misconduct which renders him unfit for office.

Vacancies.

- (4.) The seat of a member shall become vacant if he resigns, or is removed from office, or dies, or becomes bankrupt, or is convicted of any crime punishable by imprisonment for twelve months or upwards, or is absent from three successive ordinary meetings of the Board without leave of the Board; and every such vacancy shall be deemed to be a casual vacancy. 5
- (5.) Every vacancy consequent on the expiry of the ordinary term of office shall be deemed to be an ordinary vacancy.
- (6.) Every vacancy shall be filled by the same appointing or electing authority as in the case of the vacating member: Provided that in the case of a casual vacancy, where the vacating member is a Native, the Governor in Council may fill the vacancy by the appointment of a Native. 10
- (7.) Every casual vacancy shall be filled within twenty-eight days after the occurring thereof, and the member filling it shall hold office only for the unexpired residue of the term of the vacating member. 15
- (8.) Every appointed member shall take office on the date of his appointment. 20

Elections.

- (9.) The election to fill an ordinary vacancy shall be held on the twenty-eighth day next before the vacancy occurs consequent on the expiry of the term, and the elected member shall take office on the day of such expiry.
- (10.) Every election shall be held in the same manner, as nearly as may be, as in the case of an election of a member of the House of Representatives for a Maori electoral district. 25
- (11.) In the case of Native members "The Disqualification Act, 1878," shall not apply.
- (12.) Subject to the provisions of this Act and the regulations thereunder, the elections shall be held at such time and place and in such manner as are directed by the Governor. 30

Procedure at meetings of Board.

8. With respect to all meetings of the Board the following provisions shall apply:—
- (1.) Three members (including at least one Native) shall constitute a quorum. 35
- (2.) The President shall have a deliberative vote and also, in case of equality of voting, a casting-vote.
- (3.) In the absence of the President from any meeting, he may appoint a member to act as Deputy Chairman at such meeting. 40
- (4.) Subject to the provisions of this Act and the regulations thereunder the Board may regulate its own procedure.

COMMITTEES.

Committees may be elected.

9. (1.) In the case of any block of Native land where the Native owners are more than ten in number, a Committee, consisting of seven members, to be called the ——— Block Committee, may be elected from among such owners (hereinafter called "the block-owners"). 45

Election by nomination.

- (2.) Such election shall be by nomination in writing, signed by a majority of the block-owners. Each such owner may nominate seven, or any less number of block-owners, of whom he may be 50

one. Nomination papers may be in the form or to the effect in the Schedule to this Act, and shall be signed in the presence of a Justice of the Peace, Licensed Interpreter, Postmaster, or other of any class of persons that may be prescribed.

5 (3.) Nomination papers shall be transmitted to the President.

Nomination papers.
Mode of election
where owners more
than ten.

(4.) Any of the owners of Native land owned by more than ten owners, being desirous of having a Committee elected under this Act; may apply in writing to the President, who shall give public notification in the *Gazette* and *Kahiti* that an election of a Committee of the Native owners will be held, and that nomination papers for such election will be received by him at any time not later than sixty days after the date of such notification.

15 (5.) The President, on receipt of the nominations, shall first satisfy himself that a majority of the block-owners are nominators, and shall then inscribe the names of the seven owners who have received the largest number of nominations in the register, as hereinafter provided.

Inscription of names
of majority
nominated.

20 (6.) The persons whose names are so inscribed shall upon such inscription be the Block Committee under this Act.

On inscription Com-
mittee elected.

(7.) In the case of any block of Native land where the owners are ten or less than ten in number, the whole of the names of the Native owners of such block shall, upon application in writing by all or a majority of their number to the President, be inscribed in the register as aforesaid, and shall thereon be the Block Committee in respect of such land.

Appointment of
Committee where
owners ten or less.

25 (8.) Any owner or owners of Native land owned by not more than ten owners, desiring that his or their land shall not be dealt with under this Act may give notice of such desire in writing to the President. The Board shall thereupon inquire whether there are reasonable grounds for such desire, and whether it would be for the benefit of the Native owners themselves to administer the land, and shall make a report and recommendation to the Governor, who may order that such land shall be excepted from the operation of this Act, and thereupon such land shall revert to and be held and dealt with by the owner or owners in all respects as if this Act had not been passed.

Exemption from Act
where owners ten or
less.

30 10. (1.) At the first meeting of any Block Committee such Committee shall elect a Chairman, whose name shall be forwarded to the President, and shall be inscribed by him in the register as aforesaid.

Chairman.

(2.) A member of a Committee may resign by a writing signed by him and transmitted to the President.

Resignation.

35 (3.) In the event of a vacancy in a Committee by reason of death or resignation of a member, another Native owner may be elected, and his name inscribed in the manner hereinbefore provided in the place of such vacating member.

Vacancy.

40 (4.) Until any vacancy be filled up, the Committee shall continue to be a Committee under this Act, notwithstanding that its members be reduced in number.

Committee reduced
in number con-
tinues.

50 11. The Governor may upon receiving an application, certified by the President to be signed by not less than two-thirds of the

Governor may dis-
solve Committee.

Native owners, dissolve any Committee. A notice of such dissolution shall be published in the *Gazette* and *Kahiti*. The Committee shall thereupon cease to be a Committee, and another Committee may be elected as aforesaid in its place.

Functions of
Committee.

12. The Committee, through its Chairman, shall have at all times full right of conferring with and advising the Board, and shall be consulted by the Board with respect to proposals for leasing or other disposition of the land, setting apart of reserves, and all matters relating to the block; but the Board, while giving full weight to the wishes of the Committee, shall not be bound to carry out all or any of the recommendations of the Committee.

PART II.

ADMINISTRATION OF NATIVE LANDS.

Vesting.

All Native lands
vested in Board.

13. Forthwith upon the constitution of any district under this Act all Native lands within such district shall by force of this Act become vested in the Board of the district for an estate in fee-simple in possession, subject nevertheless to all valid encumbrances, liens, and interests then lawfully affecting the same, subject also to all existing restrictions, conditions, and limitations except as hereinafter mentioned; and the Board shall hold and administer the said lands for the benefit of the Native owners in accordance with the provisions of this Act: Provided always that appeals now pending against decisions of the Native Land Court shall be decided by the Native Appellate Court, and the lands affected shall not in the meantime, and until the Native Appellate Court has delivered judgment, vest in the Board.

District Land
Registrar to record
title of Board.

14. For the purposes of the *last preceding* section hereof the District Land Registrar, whenever requested by the Minister so to do, is hereby 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 Board, in such manner as is prescribed.

No contribution to
Assurance Fund.

15. No contribution to the Assurance Fund under "The Land Transfer Act, 1885," shall be payable on the registration of the Board's title to any land under this Act.

Disposition.

Board to lease
Native lands vested
in it.

16. Native lands vested in the Board may be disposed of by the Board by way of lease, for such terms, at such rentals, and on such conditions as to renewal, residence, improvements, valuation for improvements, and otherwise as are prescribed:

Native lands not to
be sold.

17. Except as hereinafter provided, no Native land vested in the Board shall be disposed of by way of sale, or of occupation with the right of purchase.

Special powers of
Board as to adminis-
tration of Native
lands.

18. In the administration of the Native lands vested in it the Board may exercise the following special powers, subject, nevertheless, to prescribed regulations, that is to say:—

- (1.) The Board may set aside any portion of any block for the personal use and occupation of the block-owners, or any of them, on such terms and conditions as the Board thinks fit.

(2.) The Board may, out of any Native land, set apart reserves for burial-places, schools, churches, recreation-grounds, and other specified purposes of public convenience or utility.

(3.) The Board may set apart Native land and lease the same for the purpose of creameries, dairy or bacon factories, or any other similar purpose, for such term, at such rent, and subject to such covenants and conditions as, with the approval of the Minister, the Board thinks fit.

(4.) When disposing of Native land the Board shall give due consideration to applications from Natives.

(5.) The Board may cede Native land to Her Majesty for mining purposes under the provisions of the laws in force for the time being relating to mining.

(6.) The Board may expend money in laying off, forming, and maintaining roads, making surveys, and opening up Native land for settlement, and for any other purpose authorised by this Act or as may be prescribed:

Provided that all surveys shall be made and all roads shall be laid off and formed subject to the control and regulations of the Survey Department of the colony.

(7.) The Board may exercise such other powers as are prescribed.

19. (1.) Any Native land vested in the Board may be taken for a public work or for any of the purposes specified in section two hundred and thirty-five of "The Land Act, 1892," and compensation paid therefor, in the same manner as land is taken for a public work and compensation paid under the authority of "The Public Works Act, 1894,"; and for the purpose of giving full effect to this section the following provisions shall apply:—

Power to take Native land for public work or public purposes.

(a.) All Native land vested in the Board shall be deemed to be land within the meaning of "The Public Works Act, 1894," and the Board shall be deemed to be the absolute owner thereof in fee-simple.

(b.) In all claims for compensation the Board shall be the claimant, and all moneys payable as compensation shall be payable to the Board.

(c.) All compensation moneys paid to the Board shall be invested or otherwise applied for the benefit of the block-owners in such manner as is prescribed, and the income arising therefrom shall be applied in the same manner as the income of the land taken would have been applied if the land had not been taken.

The provisions of sections *twenty-eight* and *twenty-nine* hereof shall apply to all such compensation moneys,

(d.) For the purposes of this section "public work" has the same meaning as in "The Public Works Act, 1894."

(2.) Nothing in this section or elsewhere in this Act contained shall in any way limit or affect the provisions of sections ninety-one to ninety-five of "The Public Works Act, 1894," or sections seventy to seventy-two of "The Native Land Court Act, 1894," relating to roads, or of any Act hereafter passed in amendment or substitution thereof.

Restrictions removed for purposes of the Act.

20. For the purpose of carrying into effect the provisions of this Act relating to the disposition and administration of land vested in the Board, but for no other purpose, all restrictions, conditions, and limitations created in respect of such land by any Act, or by any Crown grant, partition order, subdivision order, or other instrument of title, shall be deemed to be removed. 5

Board to have powers of Native Land Court.

21. In respect of all lands vested in it the Board shall have and may exercise all the powers now possessed by the Native Land Court as to ascertainment of ownership, partition, succession, the definition of relative interests, and the appointment of trustees for Native owners under disability: 10

Provided that the Board shall not proceed to exercise its powers in any matter under this section unless and until directed so to do by the Chief Judge of the Native Land Court.

Register.

Register of Native lands vested in the Board.

22. There shall be for each district a Registrar, who shall be appointed by the Governor, and whose duty it shall be to compile and keep a register, setting forth in respect of each separate block of land vested in it— 15

- (1.) The area and description of the block; 20
- (2.) The mode in which the block is disposed of;
- (3.) The names of the Native owners of the block, and their respective interests therein;
- (4.) The names of any Block Committees elected under the provisions of this Act; 25
- (5.) Such other particulars as may be deemed necessary or are prescribed.

Inspection of register.

23. (1.) The register, or a copy thereof, shall be kept open for public inspection, without fee, in such convenient place in the district and during such hours as the Board prescribes. 30

Changes of ownership to be recorded.

(2.) The Board shall from time to time make all such alterations in the register as are necessary for the purpose of duly recording all changes of ownership, and generally of keeping the register accurate in every respect.

Accuracy of entries in register to be certified half-yearly.

24. (1.) At prescribed half-yearly intervals the register shall be submitted to a competent authority, who shall inquire into and definitely settle and certify to the accuracy of all entries therein relating to the Native owners and their respective interests, and for that purpose shall make all such additions and amendments as are necessary in order that the register may contain an accurate record of the Native owners and their respective interests as on and during the last preceding half-year. 40

Native Land Court to be certifying authority.

(2.) Such authority shall be the Native Land Court, or such fit person or persons as the Governor from time to time appoints.

Register to be conclusive evidence.

25. The register, when certified to as aforesaid, shall be conclusive evidence of the names of the Native owners and their respective interests during the half-year to which the certificate relates. 45

Application of Income.

Application of rentals and other income.

26. All rentals, royalties, fees, and other income derived in respect of lands vested in the Board under the provisions of this Act shall be paid to the Board, and shall, in the prescribed manner, be applied by the Board,— 50

- (1.) First, in defraying the cost of the administration within its district of this Act and of the lands vested in the Board ;
- (2.) Secondly, in defraying the charges due and payable in respect of any valid mortgage, lien, or charge affecting the land or the income derived therefrom ;
- (3.) Thirdly, in paying the surplus to the block-owners in shares proportionate to their respective interests, as shown by the register when certified as aforesaid.
27. Such application and payment shall be computed and made at prescribed half-yearly intervals. Payments to be made half-yearly.
28. Except as provided by this Act, no Native owner shall alienate, charge, or otherwise dispose of his interest in any land vested in the Board, or in the income thereof. Native owner no power to alienate.
29. In no case shall any Native owner's interest in land vested in the Board, or in the income thereof, be liable to be seized, sold, attached, or levied upon by any process whatever, nor shall it become assets in bankruptcy. Native owner's interest not to be seized or sold.
30. Any Native owner over sixteen years of age, whether under coverture or not,— Native owners may give discharges for income.
- (1.) May give good and valid discharges for any income to which he is entitled in respect of his interest in land vested in the Board, and which is paid to him when such discharge is given ; and also
- (2.) May, by writing under his hand, attested by a Justice of the Peace, solicitor of the Supreme Court, or Postmaster, authorise any adult Native owner to receive and give valid discharges for any such income accrued due and payable when such authority is given ; but every such authority shall be absolutely void if it relates to income which is not actually due and payable when the authority is given :
- Provided that no payment made by the Board under this section shall be questioned or affected by reason merely that the Native owner is not over the age of sixteen years, unless the Board has received express notice in writing of the fact.

Advances.

31. In any case where expenses are proposed to be incurred by the Board in laying off, forming, or maintaining roads or in making surveys, or in opening up lands for settlement, the following provisions shall apply :— Minister may make advances to Board for constructing roads or making surveys.
- (1.) The Board may submit to the Minister a schedule of the proposed works, and of the expenses thereof, and make application for an advance of the amount of such expenses.
- (2.) The Minister, if satisfied that the proposed works and expenses are reasonable and proper, may, in his discretion, authorise the sums applied for or any less sum to be advanced to the Board out of moneys to be appropriated by Parliament out of the Public Works Fund :
- Provided that the total amount which under this section may be advanced to any one Board in any one year shall not exceed *five* thousand pounds.

- (3.) 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 land benefited by the works, such charge being so adjusted as to be proportionate to the benefit. 5
- (4.) The amount of such advance, with interest thereon as aforesaid, shall be repayable in manner hereinafter provided.

Advances may be made to discharge encumbrances on Native land.

32. In any case where, at the date of the passing of this Act, any Native land which is thereby vested in the Board is subject to any valid encumbrance by way of mortgage, lien, or charge, the following special provisions shall apply :— 10

- (1.) For the purpose of discharging such encumbrance the Committee, on behalf of the owners of the land, may apply in writing to the Board for an advance under this Act, on the security of the income derived or to be derived from such land. 15
- (2.) The Board shall thereupon refer the application to the Minister, with a report as to the sum required, the nature of the encumbrance, and the reason of their having been incurred, the income derived or to be derived from the land, and the sufficiency or otherwise of such income as a security for the proposed advance. 20
- (3.) The Minister shall refer such application and report to the Government Advances to Settlers Office Superintendent, who shall lay the same before the Government Advances to Settlers Board, and that Board shall inquire into and consider the same, and make such recommendation thereon to the Minister as it thinks fit. 25
- (4.) After considering such report and recommendation, the Minister, if satisfied with the security, may in his discretion authorise the sum applied for or any less sum to be advanced out of moneys to be appropriated by Parliament out of the Public Works Fund: 30

Provided that no advance shall be made except in accordance with such recommendation, and also that the total amount which under this section may be advanced to any one Board in any one year shall not exceed *five* thousand pounds. 35

- (5.) The advance so authorised shall be paid to the Board, and the Board shall apply the same in or towards discharging the encumbrance. 40
- (6.) The amount of the 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 forming the security, and shall be repayable in manner hereinafter provided. 45

Repayment of Advances with Interest thereon.

Mode of repayment of advances and interest thereon.

33. With respect to the repayment of the aforesaid advances, with interest thereon, the following provisions shall apply :—

- (1.) The amount of the advance, together with interest thereon at the rate of *five* pounds per centum per annum, shall, out 50

of the income upon which the same is charged as aforesaid, be repayable by the Board to the Colonial Treasurer on behalf of Her Majesty by half-yearly instalments, extending over such term of years not exceeding *forty-two* as is agreed on between the Board and the Minister, and the first instalment shall be payable six months after the commencement of such term.

- (2.) 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 :

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

- (3.) 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.

- (4.) 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."

- (5.) All instalments and interest moneys paid by the Board shall, as and when received by the Colonial Treasurer, be paid over by him to the Public Trustee, to an account called "The Native Advances Account."

- (6.) All moneys in the Native Advances Account shall be invested by the Public Trustee in such authorised investments as will yield the highest rate of interest, and shall be held at the disposal of the Colonial Treasurer as and when required by him for the purpose of providing the principal and interest moneys payable in respect of the debentures issued under the provisions in that behalf hereinafter contained, and the costs and expenses connected with the issue or conversion of such debentures.

Debentures.

34. (1.) For the purpose of providing funds out of which all advances under this Act may be made, the Colonial Treasurer, as often as occasion requires, may raise money from the balances in any of the accounts mentioned in Part VIII. of "The Public Revenues Act, 1891," or in any other account containing public moneys which may lawfully be invested in such securities as the Governor in Council authorises, or from the Public Works Fund, or from any bank, monetary institution, or person, or from any one or more of such sources.

Colonial Treasurer may raise money.

(2.) This Act shall be a sufficient authority to the persons having the control of the moneys referred to in this section to lend the same under this Act.

Authority to lend money.

35. As security for any money raised by the Colonial Treasurer under this Act, he may create and issue debentures for such amount as is required, and with respect to such debentures the following provisions shall apply :—

Debentures may be issued.

visions as to
debentures.

- (1.) They shall be in such form and for such amounts as the Colonial Treasurer prescribes, and shall be signed by him and countersigned by the Controller and Auditor-General.
- (2.) They shall be payable to bearer, and shall bear interest at a rate not exceeding *four* pounds per centum per annum. 5
- (3.) They may from time to time be renewed for such period as the Colonial Treasurer thinks fit.
- (4.) They shall be payable, both as to principal and interest, at the place named in that behalf in the debentures. 10
- (5.) They shall be numbered consecutively, so that no two debentures bear the same number.
- (6.) The principal and interest moneys payable in respect of the debentures are hereby declared to be a charge upon and shall be payable out of the Consolidated Fund; but for the purpose of providing such moneys as they become due the Colonial Treasurer shall apply the moneys in the Native Advances Account, and the Public Trustee shall, without further appropriation than this Act, from time to time pay to him out of the moneys in that account whatever sum he requests for such purpose, or for the purpose of defraying the costs and charges connected with the issue or conversion of the debentures. 20
- (7.) Every debenture which on its face purports to have been issued under this Act shall, in so far as concerns the holder and his security, be deemed to have been lawfully issued under this Act; and no holder shall be concerned to see or inquire whether or to what extent the power of issue given by this Act has been duly exercised. 25
- (8.) The Governor in Council may from time to time declare all or any of the debentures to be convertible into stock created or issued under "The New Zealand Consolidated Stock Act, 1877," or "The Consolidated Stock Act, 1884." 30
- (9.) All costs and expenses incurred in raising money by the debentures or in converting the same into stock shall be payable out of the Public Works Fund without further appropriation than this Act, but shall, as soon as practicable, be recouped to that fund out of the moneys in the Native Advances Account. 35
- (10.) The moneys raised by means of the debentures shall be paid into the Public Works Fund, but shall be available only for the purposes of advances under this Act as hereinbefore provided. 40

Completion of Dealings pending.

45

Purchases for Crown
may be completed.

36. In any case where, at the date of the constitution of a district under this Act, negotiations for the purchase on behalf of Her Majesty of any specified block of Native land within such district are in progress, the following provisions shall apply:—

- (1.) A certificate by the Minister that such negotiations were then in progress shall be deemed sufficient evidence of the fact; 50

(2.) The interest acquired by Her Majesty shall, except as hereinafter provided, be determined, on application by the Minister, in the Native Land Court by partition between the Crown and non-sellers, and the residue of the land, awarded on such partition by the Native Land Court to the non-sellers, shall, on the date of the maturing of the residue order, become vested in the Board under the provisions of this Act;

(3.) In any case where the Minister considers it expedient on public grounds, such purchase may be completed with the Board as vendor of the unsold interests, anything hereinbefore to the contrary notwithstanding.

(4.) In any case where the Board and the Minister agree, the interests acquired by Her Majesty may, with the concurrence of the Minister of Lands, be transferred to the Board by the Minister by writing under his hand, notified in the *Gazette* and *Kahiti*, upon repayment to the Crown of such sums as may have been paid for the purchase of such interests. The land affected shall, as and from the date of such notification, become vested in the Board under the provisions of this Act.

37. In any case where, at the date of the constitution of a district under this Act, any lawful private dealing in Native land thereby vested in the Board is *bona fide* in progress, and has been *bona fide* completed in part, the following provisions shall apply:—

Completion of lawful private dealings.

(1.) At any time within two months after the date of the constitution of such district any party to such dealing (other than the Native owner) may give to the Board written notice specifying the nature of the dealing, the land to which it relates, the extent to which the dealing is complete, and his desire to wholly complete the same.

(2.) Any dealing as to which the aforesaid notice is duly given may at any time within six months after the constitution of the district be completed with the Board if it sees fit on behalf of the Native owner, anything hereinbefore contained to the contrary notwithstanding.

(3.) As soon as possible after the expiration of the time hereinbefore limited for the completion of any dealing, the Native Land Court, or, in the event of its abolition, any other competent authority appointed by the Governor in Council, may ascertain and determine by partition of the land or otherwise the respective interests of the parties to the dealing.

(4.) Nothing in this section contained shall be construed to authorise the completion of any dealing which could not have lawfully been completed if this Act had not been passed, nor of any partition not applied for within one month from the expiration of the time hereinbefore limited for the completion of any dealing.

38. (1.) All moneys received by the Board in respect of any sale or other dealing under either of the two *last preceding* sections hereof shall be invested or otherwise applied for the

Investment of proceeds hereunder.

benefit of the owners of the land sold or otherwise dealt with as aforesaid in such manner as is prescribed, and the income arising therefrom shall be applied in the same manner as the income of the land would have been applied if no such sale or other dealing had taken place.

(2.) The provisions of sections *twenty-eight* and *twenty-nine* hereof shall apply to all moneys received as aforesaid by the Board.

Accounts and Audit.

Native Land Fund Account.

39. All moneys payable under this Act to the Board shall, as and when received, be paid into the bank at which the Public Account of the colony is kept, to the credit of an account to be called "The Native Land Fund Account of the Native Land District of [*Name of the district*]"; and all moneys payable under this Act by the Board shall be paid out of such account.

Where account to be kept.

40. Such account shall in the case of each Board be kept at such branch or office of the bank as, subject to prescribed regulations, the Board thinks fit, and shall be operated on only by cheque signed by the Chairman, or in such other manner as is prescribed.

Moneys therein deemed public moneys.

41. All moneys in such account, or payable into such account, shall be deemed to be public moneys within the meaning of "The Public Revenues Act, 1891," and all the provisions of that Act relating to public moneys and to persons dealing therewith shall apply accordingly :

Provided that, except where otherwise specially directed by this Act, all moneys payable out of such account may be so paid without further appropriation than this Act.

Full accounts to be kept, and copies to be furnished to Minister.

42. The Board shall cause full and accurate accounts to be kept of all moneys received and paid by it under this Act, and shall at such intervals as are prescribed, and also whenever the Minister so directs, furnish to him copies or abstracts of such accounts in such form as he directs.

Native lands not to be subject to higher rate or tax than that to which they were previously liable.

43. Nothing in this Act contained shall operate to render Native lands that are vested in the Board, or the income or other moneys arising therefrom, or the Native owners who are entitled thereto, liable to any other or higher rate or tax than that to which the same were liable prior to the lands being vested in the Board.

Miscellaneous.

Returns to be laid before Parliament.

44. As soon as may be after the close of each financial year ending the thirty-first day of March, there shall be prepared and laid before Parliament if in session, or, if not in session, then within twenty days after the commencement of the next ensuing session thereof, the following statements, certified as correct by the Audit Office, that is to say,—

(1.) By the Colonial Treasurer, a statement showing for such year,—

(a.) The amount of each advance made to each Board during the year under the provisions in that behalf herebefore contained, and the purposes for which the advance was made ;

(b.) The value of the security for each such advance ;

(c.) The instalments by which the advance is repayable;

(d.) The total amount of all outstanding advances;

(e.) The total number and amount of instalments in arrear;

(f.) The amount of debentures issued under this Act;

(g.) Such other particulars as are prescribed.

(2.) By the Public Trustee, a statement showing for such year,—

(h.) All moneys paid into the Native Advances Account;

(i.) All interest received from the investment of such moneys;

(k.) All moneys paid out of that account to the Colonial Treasurer;

(l.) The balance in that account at the beginning and at the end of the year.

45. The Governor may from time to time, by Order in Council published in the *Gazette* and *Kahiti*, make regulations for any of the purposes following, that is to say:—

(1.) Regulating the conduct of elections of members of Block Committees, and the mode in which the votes of Native minors may be recorded;

(2.) Defining the powers, functions, and duties of the President and other members of the Board respectively;

(3.) Making provision for the taking of Native land for roads or streets or for public works within the meaning of "The Public Works Act, 1894," or for any of the purposes referred to in section *eighteen* hereof;

(5.) Laying off townships;

(6.) Fixing the maximum area that may be comprised in any one lease of Native land, or that may be held by any one lessee;

(7.) Classifying and surveying Native lands;

(8.) Fixing the mode in which Native lands may be leased or otherwise disposed of under this Act;

(9.) Prescribing the forms, conditions, and covenants of leases and other instruments under this Act, and the mode of execution and registration thereof;

(10.) Defining the duties and powers of the District Land Registrar in respect of the registration of leases and other instruments;

(11.) Prescribing the mode in which and the principle on which valuation for improvements shall be computed;

(12.) Prescribing tables of instalments by which advances and interest are payable;

(13.) Making provision for enforcing, in such manner as he thinks fit, the charge created by this Act in respect of advances;

(14.) Applying to this Act such of the provisions of "The Mining Act, 1891," "The Land Act, 1892," and "The Public Works Act, 1894," as he thinks fit, with such modifications as he deems necessary for the purposes of this Act;

Regulations.

(15.) Any other purpose for which regulations are contemplated or required under this Act, or which he deems necessary in order to give full effect to the intention of this Act.

Acts subjects to which this Act to be construed.

46. This Act shall be construed subject to the provisions of the following Acts, that is to say:—

- “The Railways Construction and Land Act, 1881”;
- “The Land and Income Assessment Act, 1891”;
- “The Public Works Act, 1894”;
- “The Land for Settlements Act, 1894”;
- “The Rating Act, 1894”;
- “The Rating on Unimproved Value Act, 1896”;

Provided that, with respect to all Native land vested in the Board, the Board shall be treated as the owner for all the purposes of those Acts; and also that in the case of “The Land for Settlements Acts, 1894,” such Native land shall be subject thereto in like manner as private land.

Exemption to Native owner to administer Native land.

47. The Governor in Council may, with the advice and consent of the Board, exempt any Native land from the operation of this Act in cases where he is satisfied that the Native owner is himself fully competent to administer such land.

Modification of other Acts.

48. Every public, private, or local Act which is in any way in conflict with this Act is hereby modified or repealed in so far as such conflict exists, but not further or otherwise.

Schedule.

SCHEDULE.

FORM OF NOMINATION PAPER.

“*The Native Lands Control and Administration Act, 1900.*”

As to all that block of Native land situate in the _____ District, and known by the name of _____ Block, we, the undersigned, being owners thereof, do hereby nominate in writing, as the members of the “Committee” in respect of such land, the persons following:—

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

As witness our signatures—

Signatures of Witnesses.

Signatures of Owners.