

## SUPPLEMENTARY ORDER PAPER.

## HOUSE OF REPRESENTATIVES.

Monday, the 13th day of August, 1883.

## NOTICES RELATING TO ORDERS OF THE DAY.

## NATIVE LAND LAWS AMENDMENT BILL.

1. Mr. KELLY, in Committee, to move the following amendments:—

Clause 6, to omit all the words of the clause after “or interest therein.”

Clause 7, to omit the words “and before the day to be so fixed as aforesaid.”

Clause 8, to omit the words “and before the day fixed by Proclamation as aforesaid.”

Clause 13, to omit “shall not pay any money out of such account without the written authority,” and to substitute “shall pay moneys out of such account only on the written authority.”

Clause 14, to omit the words “and ‘The Native Land Act Amendment Act, 1878 (No. 2)’ ”; and to add the following paragraph to the clause:—

All the words of section eight of “The Native Land Act Amendment Act, 1878 (No. 2),” after the words “The Maori Real Estate Management Act, 1867,” are hereby repealed.

To add the following new clauses to the Bill:—

15. Notwithstanding anything hereinbefore contained, all proceedings commenced before the passing of this Act, and in progress before the Native Land Court, as to negotiations for the acquisition of any Native land may be continued and perfected as if this Act had not passed.

16. The right of pre-emption in and over all Native lands in the colony in respect of which no certificate of title has been issued is hereby vested in Her Majesty; and the Governor, on behalf of Her Majesty, may exercise such right from time to time in manner as he shall think fit, subject as follows:—

- (1.) The investigation of the title to land under negotiation for sale to the Crown shall be conducted in the Native Land Court as before the passing of this Act, and certificates of title be issued to the Native owners in the ordinary manner:
- (2.) The Governor shall be satisfied that the Native sellers of land to the Crown retain sufficient lands for their support and maintenance and that of their descendants:
- (3.) After issue of a certificate of title, on application made on behalf of the Governor, the Court may, by its order, declare any land described in such certificate to be vested in Her Majesty.

The effect of any such last-mentioned order shall be to vest in Her Majesty, from the date of such order, the land described therein free from all Native title or claim thereto.

**17.** All lands acquired by the Governor as aforesaid shall be subject to the operation of the several Acts relating to the disposal of Crown lands from a day to be specified in a Proclamation to be issued in that behalf; but no such Proclamation shall issue until such lands have been surveyed and all necessary reservations for roads, public works, public health, and recreation have been duly made.

**18.** All Natives shall be entitled, as and when they please, to apply to the Native Land Court for ascertaining their titles to land, or for partition thereof; and certificates of title may be issued to them by the said Court from time to time.

**19.** The Native owners of any Native land held under certificate of title—

(1.) If subject to restrictions on alienation—

(a.) May apply to the Native Land Court for the purpose of transferring all their estate and interest in such land to the Public Trustee, upon such particular trusts and purposes as they shall declare to the Court; and upon any such application the Court may make an order vesting such land in the Public Trustee, subject to such trusts as the Court shall declare in that behalf.

From the date of any such order the land described therein shall be deemed to be placed in the Public Trust Office, and to be subject to all Acts for the time being in force relating to such office; or

(b.) May apply to the Governor to cause the land to be offered for lease, on the terms hereinafter mentioned, by the Land Board of the land district wherein the lands are respectively situate.

(2.) If not subject to such restrictions as aforesaid—

(a.) May apply as aforesaid to have the land placed in the Public Trust Office, or to be leased by the Land Board as aforesaid; or

(b.) May apply to the Governor to cause the land to be offered at public sale by the Land Board aforesaid; or

(c.) May enter into negotiations for the sale thereof, or any portion thereof, to Her Majesty.

**20.** The Colonial Treasurer, from time to time, out of any moneys appropriated by Parliament for the purpose of opening up Crown lands for settlement, may make advances, on the requisition of the Minister of Lands, for the purpose of opening up Native lands for sale or lease under this Act; and all such advances shall be repaid out of the proceeds of such lands as hereinafter mentioned.

The term "opening up of Native lands" shall be deemed to comprise the cost of all subdivision surveys of such land, the parcelling out thereof into allotments suitable for sale or lease, and the laying off of necessary roads, and shall also include all costs of advertising such sales or leases, and the expenses incident to any auction or other disposition thereof.

**21.** The Governor, by Order in Council publicly notified, may, from time to time, make, alter, or rescind regulations for giving full effect to the provisions of this Act; and when requested to have any Native land sold or leased by the Land Board, he shall—

(1.) Cause the same to be subdivided as he shall think most advantageous, and shall cause all roads to be laid off required for access to the lands, and thereafter shall proclaim the said lands to be open for sale or lease at such time as the Land Board may appoint;

(2.) Fix the upset price at which any such lands may be sold, but so that no such lands shall be sold at less than ten shillings per acre. And such price may vary in each land district,

and shall be regulated according to the position and quality of the land, and the marketable value of adjoining lands of similar quality.

**22.** All Native lands to be sold or leased under this Act shall be subject, in the first instance, to the repayment of all costs of opening up the same for settlement, which shall be paid as follows:—

- (1.) In cases of sale, such costs shall be paid on the day of sale in one sum, over and above the amount the land may have been sold for:
- (2.) In cases of lease, the said costs shall be paid by the lessee, over and above the rent, by half-yearly instalments of equal amounts, to be distributed over a period of *ten* years and paid in advance, the first of such instalments to be paid before entering into possession.

But the Governor may, if he think fit, agree with the Native owners of any land offered for absolute sale to take a portion of such land in payment of the costs aforesaid; and, in any such case, the Native Land Court shall, on application on behalf of the Governor, and on being satisfied with the terms of the arrangement, make an order declaring the portion of land so selected to vest in Her Majesty, and such land shall so vest from the date of the order aforesaid.

**23.** All roads laid off over Native lands under this Act shall vest in Her Majesty free from all Native title or claims without any transfer or conveyance.

The Governor shall have the right to lay off roads over any such lands in the same manner as he has the right of laying off roads over Crown lands.

**24.** The Governor shall have the right, before declaring any Native land open for sale or lease, of making reserves of any such lands as he may deem necessary for public works, public health or recreation, or for other public purposes, on payment for the same of such price as the Native Land Court shall think fair.

**25.** All Native land sold or leased under this Act shall be disposed of subject to the provisions of Part III. of "The Stamp Act, 1882," and of "The Crown and Native Lands Rating Act, 1882," respectively.

**26.** Leases of Native land under this Act shall be executed in the same manner as leases of Crown lands, but for the following terms only, and subject to such conditions as shall appear fair and reasonable:—

- (1.) For agricultural or pastoral purposes, for any term not exceeding *thirty* years in possession; and
- (2.) For building purposes, for any period not exceeding *sixty-three* years, by renewable terms not exceeding *twenty-one* years each, subject to a new assessment of ground-rent at every such renewal.

**27.** All Native land to be sold or leased under this Act shall be disposed of by public auction or public tender after due notification thereof has been given by advertisement in a newspaper having general circulation in the district wherein the land is situate, as the Land Board shall think the most fitting in each case.

**28.** All transfers of land to be sold under this Act shall be executed by the Chief Judge of the Native Land Court in his own name, and so executed shall be valid for the transfer in fee-simple of the lands described therein to the purchasers thereof respectively.

**29.** The proceeds of all Native lands disposed of under the provisions of this Act as they arise shall be paid by the persons receiving the same respectively to the Public Trustee, to the credit of the account to be opened by him in manner provided by section *thirteen*

of this Act; and out of such moneys the Public Trustee shall, without further authority than this Act, pay into the Consolidated Fund all moneys made repayable under the provisions of section *twenty-two*, and the balance of such moneys shall be paid out by the Public Trustee only as in the said section mentioned.

30. Nothing herein contained shall preclude any Native, who holds any land under Crown grant without restriction as to alienation, from disposing of such land in any manner he may think fit.

2. Mr. MITCHELSON to move:—

Clause 14. To omit the words, “and ‘The Native Land Act Amendment Act, 1878 (No. 2)’”; and to add the following paragraph to the clause:

All the words of section eight of “The Native Land Act Amendment Act, 1878 (No. 2)” after the words “The Maori Real Estate Management Act, 1867,” are hereby repealed.

The addition of the following new clauses:—

After clause 11,—

11A. Every sale and lease of Native land in respect of which a certificate of title has been issued, where made otherwise than to Her Majesty, after the passing of this Act shall be made only on the order of the Native Land Court on the application of the Native owners of the land, and shall be effected only by public auction, under the direction of the Court, after not less than *one* month’s due public notice thereof is given.

Transfers of land so sold shall be executed by the Chief Judge of the said Court in his own name, and so executed shall be valid for the transfer of the land free from Native title.

Leases shall be executed by the lessors under the direction of the Court.

11B. All expenses incident to any such sale or lease shall be paid by the purchaser or lessee respectively, as also all costs of preliminary survey of the lands.

All lands sold or leased as aforesaid shall be subject to Part III. of “The Stamp Act, 1882,” and “The Crown and Native Lands Rating Act, 1882.”

After clause 14,—

14A. After the passing of this Act—

(1.) All moneys to be paid to Natives in respect of the purchase of lands, whether on behalf of Her Majesty or any other person or persons, shall be paid by the persons receiving the same respectively to the Public Trustee, to the credit of the account to be opened by him in manner provided by section *thirteen* of this Act;

Out of such moneys the Public Trustee shall, under the authority of this Act, pay into the Consolidated Fund all advances repayable under section *twenty-two* hereof; and as to the balance, one-third only of such balance shall be paid out by the Public Trustee to the Natives entitled thereto, on the written authority of a Judge of the Native Land Court;

The remainder shall be invested by the Public Trustee, for the benefit of the aforesaid Natives, in such securities as the Governor may from time to time approve, and the proceeds of such investments as they arise shall be paid to the said Natives:

(2.) All proceeds arising from the lease of lands shall be paid to the Public Trustee as aforesaid, and such moneys shall be paid out by the Public Trustee only on the written authority of a Judge as aforesaid.

3. Mr. Moss to move the following new clause :—

Whereas it is desirable to substitute, as far as may be among the Native owners, a system of joint instead of individual action in dealing with their lands : Be it also hereby enacted that, whenever the Native owners of any land which has passed through the Court may form themselves into a company under "The Joint Stock Companies Act, 1860," and may transfer to the said Company any land so held, the Native land duty thereon shall be assessed at the time of conveyance of the said land to the company, and shall be payable on the first alienation by the company.

LAW PRACTITIONERS ACT 1882 AMENDMENT BILL.

4. Mr. TOLE, in Committee, to move the following amendments :—

In clause 2, line 3, after the word "articles," to insert the following : "or who was a Registrar or Deputy Registrar of the said Court."

Also the following new clause :—

Every person who shall have taken the degrees of Bachelor of Laws and Doctor of Laws, or either of such degrees, from an University in any part of Her Majesty's dominions having power to grant such degrees, shall, after passing satisfactorily an examination only in the practice of law as may be prescribed from time to time by the Judges of the said Court, be entitled to be admitted and enrolled as a barrister and solicitor of the said Court.