

## AKUHATA, 30TH, 1876.

HE whakamaramatanga tenei i nga tikanga i roto i nga tekiona katoa o taua Ture e kiia nei "HE TURE whakahaere i te Hoko i te Reti i te Tuku hoki i nga whenua Maori," kia ata mohio ai nga Maori ki nga tikanga o roto.

Tekiona 1. He whakaingoa kau tenei i te Ture.

Tekiona 2. He whakaatu tenei i te ra me te marama me te tau e whai mana ai tana Ture.

Tekiona 3. He whakamarama kau tenei i te tikanga o etahi ingoa, kupu hoki, e whakahuatia ana i roto i taua Ture. Kaore he tino tikanga o aua mea—he mea noa ia. E marama ana hoki tona tikanga i roto i te whakamaoritanga o taua Ture kua oti nei te mahi.

## KUPU TUATAHI.

### ***(1.) Nga wahi e mana ai taua Ture me nga whakaritenga kua oti ake i mua ai.***

Tekiona 4. Ko tenei tekiona e mea ana; (1.) Ka whai mana taua Ture ki runga ki nga whenua Maori o tenei motu ki raro nei anake—ara ko Aotearoa nei. (2.) E kore e mana ki runga ki nga whenua kua whakahuatia i roto i nga Kupu Apiti i te mutunga o taua. Ture: ko te hokonga o aua whenua, te whakahaeretanga korero ranei mo te hoko, ka tika ano kia mahia noatia atu, kaore i runga i nga tikanga o taua Ture. (3.) E kore taua Ture e pa ki runga ki nga tukunga whenua, nga take whenua ranei, kua oti ake te mahi i mua atu o te timatanga o taua Ture, ara i te takiwa kaore ano kia mahia taua Ture, kaore ano kia whakatuturutia hei Ture.

Tekiona 5. E ki ana tenei tekiona ki te mea ka hoatu e te. Kawanatanga etahi moni hei taunaha ki runga ki tetahi whenua Maori, ki runga ranei ki te take a tetahi tangata ki taua whenua, mehemea ia he whenua e taka ana ki raro ki te mana o taua Ture, na ko aua moni ka kiia ano he moni taunaha ki runga ki taua wheaau. mo te wa e hokona ai i raro i nga tikanga o taua Ture. Ka waiho nga tikanga o te tekiona *tuawhitu*, o taua Ture hei tikanga tau ki runga ki nga whenua katoa e paangia ana e tenei tekiona tuarima nei, ki nga taunahatanga hoki o aua whenua.

Tekiona 6. Ki te mea ka kitea e te Kawana kaore ano i ata oti noa te hokonga, te mahinga pewheatanga ranei, o tetahi whenua Maori i te wa e maatua mana ai taua Ture, penei, e ahei ano ia te tuku i taua whenua ki te Kooti Whenua Maori mana e titiro te otinga, te pewheatanga ranei. Ka whai mana tonu te Kooti ki te kimi ki te ui i nga tikanga o taua mea katoa e tika ai e oti ai te whakaputa i tenei whakaritenga; ka pera tonu tona mana me tona mana whakawa i runga i nga tikanga o "Te Ture Whenua Maori, 1873"—ara i runga i nga ritenga e tau ana mo taua kimihanga. Ki te mea ka kitea e te Kooti i runga i taua kimihanga kaore ano i ata oti te tukunga o taua whenua, ara kaore ano i ata tutuki te mahinga, penei e pai ana kia whakahaua e te Kooti kia whakaotia mariretia taua mea i runga i etahi tikanga e whakatakototia ai e te Kooti mo taua mea; tetahi, ma te Kooti e whakahau ranei kia whakahokia nga moni katoa atu ki te tangata nana i homai aua moni hoko, taunaha ranei, mo taua whenua, ki te ai ano he moni homai pera; me whakahoki katoa aua moni, hui ki etahi moni tupu (ki te pai te Kooti kia pera), i roto i tetahi takiwa e kore e roa atu i nga tau e toru, timata i te ra e puta ai te kupu a te Kooti; tetahi me whakahoki wawe ranei aua moni i taua takiwa tonu ano, me waiho ranei hei moni taunaha ki runga ki taua' whenua mo te takiwa e hokona ai i runga i nga tikanga o taua Ture—kei te Kooti te tikanga.

Tekiona 7. Mo te moni homai ki runga ki tetahi whenua hei hoko i taua whenua, na, kei te wa e ki ai te Kooti kia waiho aua moni hei taunaha takoto tonu ki runga ki taua whenua, na ko aua moni e tangohia tuatahitia i roto i nga moni utu o taua whenua ina hokona, hui ki te moni tupu e rite ana ki te rima pauna mo te rau kotahi i roto i te tau kotahi; a ka riro atu na taua moni taunaha me te moni tupu ka kiia mo runga i nga tikanga o taua Ture ko te toenga o aua moni te utu tinana kua utua mo taua whenua. Ki te mea he whenua riihi kau ia taua whenua penei ko aua moni taunaha ka whakataua ki runga ki nga moni reti e puta mai ana i taua whenua, ki runga ki te wahi ranei o aua moui reti e pai ai te Kooti. E ahei ano te Kooti ki te whakarere-ke, ki te whakaahua-ke, i tana kupu whakatau i puta i runga i nga tikanga o runga ake nei, ina tonoa kia pera e etahi o nga tangata e whai tikanga ana ki taua mea, engari me puta ta ratou tono i roto i nga marama te kau ma rua i muri iho o te ra i puta ai te kupu whakatau.

## **(2.) *Te Here mo nga Hoko Whenua Maori.***

Tekiona 8. Ko tenei tekiona e pa ana ki nga tangata e mea ana ki te hoko whenua Maori ma ratou. I muri iho o te wa e tu ai taua Ture e kore rawa tetahi tangata e ahei ki te hoko whenua Maori; e ia ake ano, e ona kai-whakahaere ranei, e tetahi atu tengata ranei e mahi ana mona, mo ana kai-whakahaere ranei, e kore hoki ia e hoko mo tetahi atu tangata, e kore katoa e hoko, e whakariterite tikanga ranei mo te hoko, i tetahi whenua Maori, tetahi take, tikanga pewhea ranei, ki tetahi whenua Maori, e kore katoa e hokona i te tangata Maori, i tetahi tangata whakahaere tikanga ranei mo te tangata Maori—haunga ano ia nga mea e mahia ana i runga i nga whakaritenga o taua Ture.

Tekiona 9. Ko tenei tekiona e ki ana ki te mea ka takahia e te tangata aua tikanga kua takoto nei i roto i te tekiona 8 ka tika kia whiua ki te ture kia utu ia i etahi moni e kore e nuku ake i te rua rau pauna—me riro mai aua moni i runga i te whakawa. Ka riro mai aua moni ko tetahi wahanga e riro ki te tangata, nga tangata ranei, na ratou i whaaki mai te korero i tita ai te he ki runga ki te tangata hara, ma te Kai-whakawa e whakarite te rahi o te moni e tika ana kia riro ki ia tangata ki ia tangata o nga kai-whaaki.

Tekiona 10 Ko te tikanga o tenei tekiona e mea ana, I muri iho o tuunga o taua Ture e kore tetahi tangata Maori e ahei ki te hoko noa atu, ki te whakarite tikanga ranei kia hoko ia i tetahi whenua a ana ake ano i tetahi whenua e whai take ana ranei ia ki runga, e ia ake ratou, ko etahi hoa ranei ona haunga ano nga whenua e mahia ana nga tikanga o te hoko i raro i te mana o taua Ture. Ko tenei takanga ka tau ki runga ki nga whenua Maori katoa atu, ahakoa he whenua e noho ana i runga i te mana Maori ake ano he whenua ranei i whakamaramatia tona take i raro i te mana o te "Ture Whenua Maori, 1873," i raro ranei i te mana o tetahi atu Ture i whakakorea e taua "Ture Whenua Maori 1873" Engari e kore nga tikanga o tenei tekiona e tau ki runga ki nga whenua kua Karauna karaatitia ki tetahi Maori kotahi, ki etahi Maori toko-maha ranei, i mua atu o te tuunga o taua Ture; ki nga whenua ranei kua kiia i mua atu o te tuunga o taua Ture kia tukua he Karauna karaati mo aua whenua, e mahia ana ranei he Karauna karaati mo aua whenua.

Tekiona 11. Ko tenei tekiona e mea ana ka poka ke atu i nga tikanga o taua Ture tetahi whakaritenga, whakaaetanga ranei, kia hokona tetahi wahi o aua tu whenua, tetahi take, whai-tikangatanga ranei, ki aua tu whenua, na e kore rawa e mana te pukapuka o taua whakaritenga, whakaaetanga ranei; ko nga moni i utua i runga i taua whakaritenga, whakaaetanga ranei, ka kore noa iho, ka ngaro noa iho, ara e kore e ahei te whakawa i aua moni kia whakahokia; e kore rawa ano hoki e whai-tikangatanga tangata ki te whenua i runga i aua whakaritenga, whakaaetanga ranei. Ko nga tikanga o tenei tekiona, me te tekau o nga tekiona, ehara i te mea mo nga whenua tino hoko anake ano, engari e tau ana ki nga tukunga whenua katoa, nga mokete, nga riihi, nga whakaaetanga, nga taunahatanga, me nga whakaritenga katoatanga atu e riro ai tetahi whenua Maori i te hoko, i te reti, i te aha, e taunahatia ai ranei i te mokete, i te aha noa.

# **MO TE HOKONGA ME TE TUKUNGA O NGA WHENUA MAORI.**

## **(1.) *Nga Whakaritenga Noatanga atu.***

Tekiona 12. Ko nga whenua Maori katoa e hiahia ana kia hokona, kia retia ranei, me nga take katoa a te tangata ki te whenua Maori, me hoko me reti me tuku i runga anake i nga tikanga kua oti te whakatakoto i roto i taua Ture, kaore i runga i etahi atu tikanga.

Tekiona 13. Ki te mea ka hiahia etahi tangata Maori ki te hoko ki te reti ranei i tetahi whenua kaore ano i ruritia, e pai ana kia tono ratou ki te Kooti kia kiia e te Kooti kia ruritia taua whenua, a e ahei ano te Kooti ki te whakahau i taua whenua kia ruritia ki te mea ka kitea e ia, ara e te Kooti, e ahua marama ana te take o aua tangata ki taua whenua. Ko taua ruritanga ka mahia i runga i nga tikanga e takoto i etahi takiwa i te Hekeretari mo nga Whenua o te Kuini te whakarite; a kei nga whenua katoa e ruritia peratia ana ka whakaritea he tikanga e tika ai te whakatakoto raina rori ki nga wahi e hiahia ana. Ko nga ruritanga katoa e mahia ana i raro i te mana o taua Ture, me nga mapi whakaatu i te ahua o aua ruritanga, ka kiia he ruritanga he mapi hoki i mahia i runga i nga tikanga o "Te Ture Whenua Maori, 1873," a ka whakaaetia e te Kooti aua ruritanga me aua mapi hei mea tuturu hei mea tika mo nga mahinga katoa e pa ana ki te whenua i roto i aua mapi.

Tekiona 14. E kore e kiia tetahi tikanga i roto katoa atu i taua Ture hei tikanga tono, whakahau ranei, i nga tangata Maori ki te hoko i tetahi whenua Maori, i tetahi wahi whenua ranei, rahi ake i ta ratou e pai ai ki te hoko; e kore e kiia hei tono ki te hoko ki te riihi, ki te tuku pewhea ranei, i tetahi take tangata ki runga ki taua

whenua. E kore hoki e kiia tetahi tikanga i roto i taua Ture hei tikanga tono i nga Maori kia hoko, kia reti ranei, i tetahi whenua Maori ki tetahi utu iti iho i ta ratou e pai ai; a, e ahei ana te Kooti ki te whakaputa kupu whakahau kia tika ai te whakahaere o te hoko, o te reti ranei, ki ta nga Maori hiahia kua tuhia ki roto ki te kupu whakatau a te Kooti.

Tekiona 15. Na, ko nga tikanga enei mo te hokonga, te retinga, te tukunga pewheatanga ranei, o nga whenua Maori, ara:—

- Kei te wa e hiahia ai nga Maori ki te hoko, ki te reti ranei, ki te tuku pewhea ranei, i tetahi wahi whenua Maori, na me maatua pa ratou ki te Kooti i runga i nga tikanga e tohutohuria ai e te Kooti.
- A te wa e puta ai he tono pera ki te Kooti, hei reira tahuri ai te Kooti ki te kimi i te take ki te whenua i taua wa, me nga taimahatanga kei runga kei taua whenua, me, te ahua me te nuinga o te whai-taketanga o nga kai-tono ki runga ki taua whenua; a ki te mea ka kitea e te Kooti e marama ana ki ta te Ture tikanga kia tukua taua whenua ki ta nga Maori nona te whenua i hiahia ai, hei reira ka tika kia puta he kupu whakatau i runga i te ara o nga tikanga ka whakahuatia ki raro iho nei.
- Ki te hiahia nga Maori ki te hoko i te whenua me whakahua marire ano e ratou, i roto i ta ratou puka-puka tono ki te Kooti, te itinga rawatanga o te utu e paingia ana e ratou mo to ratou whai-taketanga ki taua whenua i runga i nga tikanga o taua Ture; me whakaatu hoki e ratou te ahua me te rahi o te wahi e hiahiatia ana e ratou kia hokona, me whakaatu hoki mehemea ranei e ai ana he tikanga here, wahi ranei e whakatapua ana kia mau i runga i taua hoko, me ata whakaatu ano hoki i te tikanga o aua herenga, o aua wahi hoki e whakatapua ana.

Te tikanga o te kupu "itinga rawatanga o te utu" kua whakahuatia i runga ake nei, he kupu ia mo te utu o te whenua e riro atu i nga Maori i runga i nga tikanga o te tekiona *te kau ma iwa* o taua Ture.

- Ki te mea he hiahia riihi to nga Maori i te whenua, me whakaatu, i roto i ta ratou pukapuka ki te Kooti, nga tikanga katoa mo te riihitanga, te nui o te moni reti ka whakaritea, me nga whakaritenga, me nga tikanga here, me nga wahi pupuri, e hiahiatia ana e ratou kia tuhia ki roto ki te riihi.
- Te tikanga o te kupu "moni reti ka whakaritea," kua tuhia ki runga ake nei, he kupu ia mo te moni reti e riro atu i nga Maori i runga i nga tikanga o te tekiona *te kau ma iwa* o taua Ture.
- Ki te mea ko etahi anake o nga Maori e hiahia ana ki te hoko ki te riihi ranei i te whenua, hei reira, kia mutu te kimihanga a te Kooti kua kiia i runga ake nei, katahi te Kooti ka tika ki te whakaputa kupu kia wehewehea taua whenua ki nga tangata Maori no ratou te whenua; engari kaore he tikanga e whai ai kia whakaae ki taua wehewehenga katoa nga Maori na ratou taua whenua, engari ko te whakaae a nga tangata e hiahia ana ki te tuku i a ratou wahi ka waiho hei mana e ahei ai te wehewehe i taua whenua.
- Ko te kupu mo te wehewehenga e pai ana kia whakaurua ki roto ki te kupu whakaae a te Kooti kia hokoa taua whenua; engari e kore rawa e taea te whakaae kia hokona nga wahi o era atu Maori e kore ana e whakaae kia hokona a ratou wahi o taua whenua.
- Ki te mea he tamariki etahi o nga Maori no ratou te whenua, ara ki te mea kaore ano i tae o ratou tau ki te rua te kau ma tahi; ki te ai ranei he tikanga ke atu, porangi, pewhea ranei, e kore ai e tika kia tau he mana whenua ki a ratou, na e pai ana kia whakaaturia e te Kooti taua mea ki te Kawana, a ka tika te Kawana ki te whakarite i tetahi, i etahi ranei, kai-tiaki i runga i nga tikaanga o "Te Ture Whakahaere i nga Whenua Tuturu ki nga Maori, 1867", hei tangata tiaki i nga take o aua tu tangata tamariki, tangata pewhea ranei; a ka whai mana aua Kai-tiaki ki te whakaae ki etahi tikanga, ki te whakahaere hoki i etahi mahi katoa e taea ai te whakaoti i nga hoko me nga riihi e meatia ana e nga tangata no ratou te whenua kia whakaotia, ara i runga i te ara e ki ai te Kooti i roto i tana tiwhikete he ara tika.
- Ki te mea ka marama te whakaaro a te Kooti i runga i tana kimihanga i nga tikanga, katahi ka tika ia, a te Kooti, ki te whakaputa he kupu whakatau kia hokona kia riihitia ranei taua whenua i runga i nga tikanga o taua Ture, tetahi wahi ranei o taua whenua, ki ta nga Maori e pai ai. Engari ki te mea he hoko, me riro mai he utu mo taua whenua e kore ai e iti iho te moni e riro i nga Maori i ta ratou i whakarite ai mo te eka; ki te mea he riihi, me riro mai he moni reti mo taua whenua e kore ai e iti iho te moni e riro i nga Maori i ta ratou i whakarite ai; a ko taua kupu whakatau a te Kooti ka waiho hei kupu tuturu tonu ki nga tangata katoa e uru ana ki taua mahi.
- I roto i te kimihanga a te Kooti e tika ana kia uia e te Kooti nga moni a nga Maori i pau i runga i te rurianga o te whenua e meatia ana kia hokona, mehemea he whenua ia mo te hoko; me nga moni hoki a nga Maori i pau i runga i te whakawakanga take o taua whenua, me etahi atu mahinga pera katoa; engari ka waiho taua kimihanga i nga whenua anake kua oti ake te ruri, te whakawa ranei i te take, i mua atu o te mananga o taua Ture i roto i te takiwa i takoto ai aua whenua.
- E kore e tika kia puta he kupu whakatau a te Kooti mo tetahi whenua i runga i nga tikanga o taua Ture ki te mea kaore ano kia marama te take o nga Maori ki taua whenua i runga i nga tikanga o "Te Ture Whenua Maori, 1873."

Tekiona 16. Kia oti taua kupu whakatau a te Kooti te tuhituhi, hiiri rawa ki ta te Kooti tana tikanga, katahi

ka tukua e te Kooti te pukapuka i tuhia ai tana kupu whakatau, te tauira ranei, ki te Huinga Tangata Whakahaere i nga Whenua Takoto Noa a te Kawanatanga e whai mana ana i te takiwa i takoto ai aua whenua Maori; hei reira ka waiho aua whenua i tuhia ki roto ki te pukapuka o te kupu whakatau a te Kooti hei whenua takoto noa ma te Kuini, a katahi ka tika kia hokona kia riihitia ranei i runga i nga tikanga kua takoto i roto i taua kupu whakatau a te Kooti i raro hoki i te mana o taua Ture. Me hoko atu me riihi atu ranei aua whenua i runga i nga ritenga o te Ture mo nga Whenua Maori Takoto Noa e mana ana i reira ai i te takiwa o te koroni i takoto ai aua Whenua Takoto Noa.

A te wa e oti ai tetahi hoko, riihi ranei, tuku pewhea ranei i runga te mana o taua Ture, hei reira ma taua Huinga Tangata Whakahaere i nga whenua takoto noa e whakaatu taua hokonga, riihitanga ranei, ki te Kooti, a ma te Kooti e tuhituhi iho te tikanga o taua hokonga whenua.

Ki te mea kaore e riro tetahi whenua e meatia ana kia hokona, kia riihitia ranei, heoi me noho tonu me mahi tonu nga Maori i runga i taua whenua; e pai ana ano hoki kia tukua ano taua whenua mo te hoko mo te riihi ranei i tetahi takiwa i muri iho, ki ta nga Maori e pai ai.

Tekiona 17. Ko tenei tekiona e ki ana, mo te Huinga Tangata Whakahaere i nga whenua takoto noa, he tika kia pa tonu ratou ki te Kooti tonu ai kia akona mai he tikanga whakahaere ma ratou i te kupu whakatau a te Kooti; a i runga i te kupu whakaae a nga Maori no ratou te whenua he tika hoki kia tonu ratou kia whakaputaina ketia e te Kooti nga tikanga o tana pukapuka whakatau; a, i runga i te whakaae a nga Maori no ratou te whenua, ka whai mana ano te Kooti ki te whakarere-ke i nga tikanga o tana kupu whakatau, ara ki tana i kitea ai i runga i nga tikanga o te ture he ara pai hei whakarite i te hiahia o nga Maori no ratou te whenua.

Tekiona 18. He tekiona tenei e ki ana ko te mana o te Kooti ki runga ki nga mahi katoa atu e mahia ana i raro i te mana o taua Ture, me rite tonu ki tona mana ki runga ki nga mahi whakawa take, me nga mahi noa atu e mahia ana i raro i te mana o "Te Ture Whenua Maori, 1873;" a ko nga tikanga o taua ture o 1873, ki te mea e rite ana e tau ana ki runga ki nga mahinga o te Ture hou nei, ka waiho ano kia mana ana mo nga mahinga o taua Ture.

## ***(2.) Tikanga mo nga Moni puta mai i nga Whenua e tukua ana.***

Tekiona 19. Ko tetahi wahanga, ara hawhe tinana tonu, o nga moni e puta mai ana i runga i nga hokonga whenua katoa ka hoatu ki te Kooti ma nga Maori e hoko ana i te whenua; ki te mea he whenua reti, me homai nga moni reti i nga wa katoa e tango ai ki te Tangata i a ia e takoto ana nga moni Utu Whenua, a ma taua tangata e hoatu ki te Kooti te hawhe tinana ma nga Maori. Engari kei nga whenua kua kiia e te Kooti i pau etahi moni a nga Maori i te ruritanga me te whakawakanga o te whenua, hei aua whenua ka tangohia i te tuatahi, i roto i nga moni katoa e riro mai ana i runga i te hoko o te whenua, etahi moni hei whakarite mo nga moni a nga Maori i pau i te ruritanga me te whakawakanga o te whenua, a ka huia atu aua moni ki nga moni hei riro i nga Maori.

Tekiona 20. Ko tera atu hawhe o nga moni e riro mai ana i runga i te hoko o tetahi whenua ka hoatu ki roto ki nga moni Kawanatanga i te Peeke e te Tangata i a ia e tiaki ana nga moni Utu Whenua; a ko aua moni ka waiho hei whakarite i nga moni e utua ana e te Kawana i te taha Kuini mo enei mahinga me enei tikanga kei raro iho nei, ara:—

- Mo nga moni pau i runga i te tukunga o aua whenua, me te ruritanga; mo te panuitanga hoki i aua whenua mo te hoko, mo te riihi ranei.
- Mo te whakahaeretanga i te hokonga, i te riihitanga ranei, o aua whenua mo nga Maori.
- Mo te take tuturu a te Kuini e homai ana ki runga ki taua whenua.
- Hei whakarite i nga moni takoha e tika ana kia utua i runga i nga tikanga o "Te Ture Takoha Whenua Maori, 1873;" tetahi,
- Mo te whakahaeretanga i te kupu whakatau a te Kooti i runga i ta nga Maori i hiahia ai.

Ko nga moni katoa e pau ana i runga i te whakawakanga o tetahi whenua, te hokonga, te riihitanga ranei, ki te kore e riro taua whenua i te hoko, i te riihi ranei, ka meatia aua moni i pau ra i te tuatahi hei moni uru ki roto ki nga moni e pau i te hokonga, i te retinga ranei, o taua whenua i muri iho.

Tekiona 21. Ko tenei tekiona e ki ana e kore e tika kia riro i te Kawana he moni nui ake i te pauna kotahi i runga i te eka kotahi o nga whenua e hokona ana i raro i te mana o taua Ture hou nei; engari e kore taua whakaritenga e waiho hei whakahe i tetahi whai-ti-kangatanga ki te whenua i puta ake i raro i te mana o taua Ture, e kore hoki e pa ki nga whenua taone e hokona ana i raro i te mana o taua Ture.

Tekiona 22. Me riro i nga Maori tetahi hawhe tinana tonu o nga moni katoa e riro mai ana i runga i te hoko i te riihi ranei o tetahi whenua, ahakoa he moni nui atu ia taua hawhe i ta ratou i ta nga Maori i whakarite ai i karanga ai hei ritenga mo te hoko mo te riihi ranei o taua whenua.

Tekiona 23. Ko nga moni o te hokonga, o te retinga ranei, o te tukunga pewheatanga atu ranei, ka hoatu e te Kooti ki nga tangata e tika ana ki te tango i aua moni, ara i runga i te ritenga o te paanga o ia tangata o ia

tangata o ratou ki taua whenua kua tukuna ra.

Tekiona 24. E kore tetahi Whenua Maori e hokona atu e riihitia ranei mo te moni iti iho i te toputanga o te moni e karangatia ana e nga Maori e pai ai ratou hei utu hei reti ranei mo taua whenua; e kore hoki e hokona atu e riihitia ranei mo te moni iti iho i te utu e rite ana mo etahi whenua a te Kawanatanga pera ano te ahua i te takiwa o te koroni i takoto ai taua whenua Maori; e kore hoki tetahi whenua e riihitia, e tukua ranei he mana noho mo te tangata ki runga, mo te moni e iti iho ana i te rua pene mo te eka kotahi i te tau kotahi.

Na, he kupu whakamarama enei mo nga tekiona i runga ake nei, ara te rua te kau ma tahi tae ki te rua te kau ma wha. Ko te kupu e kiia nei e kore e tika kia rahi ake i te pauna kotahi te moni hei riro i te Kawana i runga i te eka kotahi me ka hokona atu, e penei ana tona tikanga; ara, ko te moni e kiia ana e te Kawanatanga kia homai e te Pakeha e hoko ana i te whenua, ara ia ko te moni e tapiritia ana e te Kawanatanga ki runga ki te utu a nga Maori e karanga ai ratou hei utu mo te eka me ka hokona atu to ratou whenua, na ko taua moni tapiri me mutu i te pauna kotahi—inahoki, mehemea he rima herengi te utu i ki ai nga Maori mo te eka kotahi, ka kiia e te Kawanatanga kia homai e te Pakeha hoko tetahi rima herengi hei apiti ki taua rima herengi a nga Maori i karanga ai, a ka te kau ai nga herengi mo te eka, ko tetahi hawhe, ara e rima herengi, e riro i nga Maori no ratou te whenua, e rima hoki e riro i te Kawanatanga hei utu mo te ruritanga me nga mahinga katoatanga atu, kia kore ai hoki e pakaru te rima herengi i kiia ai e nga Maori ko te utu ia e pai ai ratou mo te eka; kei penei me nga hoko whenua o enei ra kua mahue ake, i pau nei nga moni a nga Maori i te mahi ruri i te whenua; ko tenei ka riro tonu ma te Pakeha e hoko ana i te whenua e utu te ruritanga me nga mahinga katoatanga atu, ara i nga moni tapiri e homai ana ki runga ki te utu o te eka. Mehemea he pauna ta nga Maori utu e ki ai mo te eka kotahi, ka pauna ano ta te Kawanatanga moni tapiri hei homaitanga ma te Pakeha e hoko ana i te whenua. Me he mea ka rahi ake i te pauna kotahi ta nga Maori utu e ki ai mo te eka, kei a ratou tena; engari ko ta te Kawanatanga ka mutu tonu i te pauna kotahi, e kore e neke haere; koia nei te tikanga o te kupu e kiia nei i roto i taua tekiona rua te kau ma tahi, "E kore e tika kia riro i te Kawana he moni nui ake i te pauna kotahi i runga i te eka kotahi." Ki te mea ka kitea he nui ake te utu, te moni reti ranei, o nga whenua takoto noa a te Kawanatanga i te takiwa i takoto ai aua whenua Maori e meatia ana kia hokona, ki te mea ka kitea he nui ake te ritenga o te utu o aua whenua i te toputanga o ta nga Maori moni i karanga ai mo a ratou whenua, na ka whakanekehia ake te utu mo aua whenua Maori kia rite ki te utu o aua whenua Kawanatanga—ma reira hoki ka nui atu ai he moni e riro i nga Maori i ta ratou i karanga ai mo te eka. Koia te tikanga o te kupu i te tekiona rua te rau ma wha, e mea nei, "E kore hoki e hokona atu, e riihitia ranei, mo te moni iti iho i te utu e rite ana mo etahi whenua a te Kawanatanga pera ano te ahua i te takiwa o te koroni i takoto ai taua whenua Maori."

### ***(3.) Whakatuturutanga Take ki nga Whenua kua tukua.***

Tekiona 25. Ko tenei tekiona e mea ana kia oti tetahi whenua te hoko, kia riro rawa mai hoki nga moni, katahi ka tika te Kawana ki te tukua Karauna karaati mo taua whenua. Ki te mea he riihi, kia oti nga tikanga me nga whakaritenga katoa i te tangata i a ia te whenua e riihi ana, katahi ka tukua he pukapuka riihi ki a ia mo taua whenua.

Tekioana 26. Ko nga Karauna karaati e mahia ana i raro i te mana o taua Ture me rite tonu tona mana, ki runga ki nga tikanga me nga ritenga noatanga atu, ki etahi karaati e tukua ana e te Kawana mo nga whenua takoto noa a te Kuini, a ka mahia peratia ano me aua tu karaati. Ma te Huinga Tangata Whakahaere i nga whenua takoto noa e hanga i nga pukapuka riihi; a, e tika ana kia whakaotia aua riihi e te Komihana o nga Whenua Kawanatanga mo te takiwa i takoto ai aua whenua Maori—ara, he tika kia waiho ko ia hei kai-riihi i te whenua.

Tekiona 27. Ki te mea ka hokona taua whenua i te wa e mutu ai te riihi, hei reira ka whakahaeretia taua hokonga i runga i nga tikanga me nga ritenga kua oti te whakatakoto i roro i taua Ture.

### ***(4.) Whenua Taone.***

Tekiona 28. Ki te mea ka hiahia nga Maori no ratou te whenua kia whakaturia he taone i runga i taua whenua Maori, ki te mea hoki ka paingia e te Kawana taua wahi hei taone, hei reira ka hokona atu aua whenua, ka tukua hoki, e te Huinga Whakahaere i nga whenua takoto noa pera ano me etahi whenua taone e whakahaere ana e taua Huinga Whakahaere. Otira taihoa te Kawana e whakapai ki taua wahi hei taone, engari me maatua whakarite me maatua whiriwhiri, e te Kawana ratou ko nga Maori no ratou te whenua, i etahi wahi hei wahi rahui mo nga tikanga o te taone ano, me etahi atu tikanga e hiahiatia ai aua wahi.

Tekiona 29. Ma te Huinga Whakahaere i nga whenua takoto noa e hokohoko atu i nga whenua taone; kei a ratou hoki te whakaaro mo te rahinga o nga wahi e hokona e ratou, me te wa e hoko ai; a ko nga moni riro mai i aua whenua ka whakahaerea peratia ano me te mea kua kiia i roto i taua Ture mo nga moni o etahi atu whenua Maori.

Tekiona 30. He tekiona tenei mo nga tikanga o "Te Ture Whakatikatika i te Ture mo nga Whenua Maori, 1868," me etahi atu Ture pera. Ki te mea ka rite i a te Kawana ratou ko etahi Maori kia nohoia etahi whenua Maori hei keringa koura, na ko tetahi hawhe tinana o nga moni katoa e puta mai ana i runga i aua whenua mo nga "maina raiti," me nga "raihana," ka hoatu ki nga Maori; ko tetahi hawhe o aua moni ka whakaurua ki roto ki nga moni Kawanatanga e waiho ana hei moni whakahaere tikanga i taua takiwa keringa koura. Engari e kore nga tikanga o tenei tekiona e waiho hei whakararuraru i nga whakaritenga kua oti i mua ake nei i a te Kawana ratou ko etahi Maori mo te mahinga koura i runga i tetahi whenua Maori.

Tekiona 31. Ki te mea ka hokona, ka riihitia, ka tukuna pewheatia ranei, i raro i te mana o taua Ture etahi whenua Maori e takoto ana i roto i nga rohe o tetahi whenua keringa koura, hei reira ka tau ki runga ki taua whenua nga tikanga me nga ritenga katoa kua oti ake te whakatakoto i roto i taua Ture mo nga hokonga whenua, me nga riihitanga whenua, me nga tukunga pewheatanga atu. E ahei ana ano te whakatu taone ki runga ki etahi whenua Maori e takoto ana i roto i nga rohe o nga whenua mahinga koura; a, ki te mea ka pera, ka tau ki runga ki aua whenua nga tikanga katoa atu o taua Ture mo nga whenua taone.

Tekiona 32. E kore e kiia tetahi tikanga katoa atu i roto i taua Ture hei tikanga tono, whakahau ranei, i nga Maori ki te hoko ki te tuku pewhea ranei i tetahi whenua Maori hei whenua keringa koura, hei whenua taone ranei ki runga ki aua whenua mahinga koura; engari ko nga tukunga me nga whakaritenga kua oti rawa ano, ko ena me tuturu tonu ki runga ki nga tangata na ratou i mahi aua tikanga, ka whakamanaia ano hoki i runga i te kaha o te Ture.

Tekiona 33. Ahakoa nga tikanga katoa atu i roto i taua Ture, e ahei ana ano nga Maori ki te hoko ki te tuku pewhea ranei i tetahi whenua mahinga koura, tetahi wahi ranei, ki a te Kawana; a ki te rite te korero kia peratia, katahi ka tukua peratia taua whenua me te tukunga o etahi whenua e tukua ana i runga i nga tikanga o taua Ture; a ko nga ritenga me nga tikanga katoa o taua Ture mo te ruritanga, te paanga ki te Kooti, me te tikanga mo nga moni puta mai i runga i nga whenua, ka tau katoa ano ki runga ki taua whenua mahinga koura e tukua ana ki a te Kawana.

## ***(5.) Nga Whenua riro mo te hara o te Iwi me nga Whenua kua tukua ki a te Kuini.***

Tekiona 34. Kaore he tikanga i roto i taua Ture e tau ki runga ki nga whenua i tangohia mo te hara o te iwi, ki nga whenua ranei kua tukua ki a te Kuini; e kore hoki e waiho hei whakararuraru i etahi tikanga e whakaaro ai te Kawana e pai ana kia whakaritea e ia mo aua whenua riro mo te hara o te iwi, aua whenua ranei i tukua mariretia e nga Maori ki a te Kuini.

## ***(6.) Nga Whenua Maori i Riihitia ki a te Kuini.***

Tekiona 35. Ko nga whenua Maori katoa kua riihitia ketia atu ki a te Kuini, ki a te Kawana ranei mo te Kuini, me mana tonu aua riihi me nga tikanga katoa atu o roto, ara ki te mea e kore e pai kia whakarereketia aua tikanga e nga kai-tuku ratou tahi ko te kai-tango i te riihi—haunga ano ia nga whenua kua tuhia ki roto ki te Kupu Apiti i te wharangi mutunga o taua Ture. Engari i te mutunga o taua riihi ka tika kia mahia aua whenua i runga i nga tikanga o taua Ture hou ra.

Tekiona 36. I te mea kaore ano kia tae ki te mutunga o te takiwa o aua tu riihi e pai ana ano kia tono nga Maori ki te Kooti kia hokona o ratou take ki runga ki aua whenua. Me haere taua hoko i runga i nga tikanga kua tuhia ki roto ki aua riihi; engari, me he mea e whai take ana te Kuini ki roto ki aua riihi e kore te Kooti e ahei te whakarongo ki taua tu tono, a e ahei ano te Kuini ki te hoko i taua whenua i runga i nga tikanga kua tuhia ki roto ki te riihi.

## ***(7.) Tikanga mo nga Moni riro mai ki a te Kawana.***

Tekiona 37. Ko te wahi e riro ma te Kuini o nga moni katoa e puta mai ana i raro i te mana o taua Ture, ka kiia he moni whenua e huri mai ana i runga i te mahi tuku whenua i roto i te takiwa i takoto ai nga whenua e tukua ana—haunga ia nga moni e whakahokia mai ana ki a te Kawana mo ana moni i hoatu ai hei hoko whenua Maori; haunga hoki nga moni riro mai mo nga "maina raiti" me nga "raihana" i runga i nga whenua keringa koura, he moni wehe ke katoa ena. Ka tangohia i roto i aua moni whenua a te Kawanatanga nga moni katoa e tika ana kia tangohia i roto i aua moni whenua i raro i te mana o nga Ture o te Paremete, me nga moni mo te ruritanga, te hokonga, te riihitanga, me nga mahinga noatanga atu, ka tangohia ano i aua moni whenua a te Kawanatanga.

## ***(8.) He whakaritenga noatanga atu.***

Tekiona 38. E ahei ano te Kawana te hanga i etahi whakaritenga, i etahi takiwa, hei ata whakaputa i nga tikanga o taua Ture, ko aua whakaritenga ka panuitia i roto i te *Kahiti o Niu Tirani*, a hei reira ka whai mana aua whakaritenga pera tonu me te tino ture. Ki te mea ka puta tetahi tikanga whakararuraru i runga i te whakahaeretanga o nga ritenga o nga Ture mo nga Whenua Takoto Noa ki runga ki nga tikanga o taua Ture hou, hei reira e ahei ano te Kawana te whakarite i etahi tikanga e marama ai aua raruraru, e kore hoki taua mana ka hoatu na ki a te Kawana e pa ki nga tino mana kua oti ake te whakarite i roto i taua Ture.

Tekiona 39. Ko te tekiona whakamutunga tenei. E mea ana hoki ko nga tikanga me nga ritenga katoa atu o etahi atu Ture e kore ana e rite ki runga ki taua Ture hou ka whakakorea katoatia e te mana o taua Ture hou, engari ko nga mahinga kua oti ke ake i mua atu o te tuunga o taua Ture hou, e kore ena e paangia e taua Ture hou, ara e kore e whakakorea. Heoi ano.

(Hon. Sir D. McLean.) Native Land Sales and Leases.

## Analysis.

Title.

Preamble.

- Short Titles.
- When Act to come into operation.
- Interpretation.

## Preliminary

### **(1.) Application of Act and prior Contracts**

- Operation of Act limited.
- Moneys advanced by Crown in respect of Native lands affected by this Act to be a lien thereon.
- Incompleted agreements may be referred to Native Land Court.
- Purchase money, &c., made by Court a lien upon land to be a first charge on same when sold.

### **(2.) Restriction of Native Land Purchases**

- Purchase of lands, &c., prohibited in districts brought under this Act.
- Penalty for breach of last provision.
- Natives prohibited from dealing with their lands otherwise than as prescribed by this Act.
- Contracts in contravention of this Act to be void.

## As to the Sale and Disposal of Native Lands.

### **(1.) General Provisions.**

- Native land to be sold and disposed of as by this Act prescribed.
- Surveys
- Act not to be deemed to compel Natives to dispose of their land.
- Provisions affecting the sale letting and disposal of Native lands.
- Order of Court to be transmitted to Waste Lands Board, and land to be sold or disposed of by the Board in accordance with Waste Lands Act.
- Waste Lands Board may apply to Court for instructions.
- Court to have same powers as under "The Native Lands Act, 1873."

### **(2.) Application of Proceeds of Lands disposed of.**

- Half gross proceeds of sale to be paid into Court for use of Natives selling.
- The other half to be paid into Public Account, and to be liable to certain charges in respect of the sale thereof.
- Such last-mentioned sum not to exceed one pound per acre.
- Natives entitled to full half-share, notwithstanding it be in excess of the price prescribed by them.
- Proceeds to be paid over by Court to persons entitled.
- Land not to be sold below a certain price.

### **(3.) Completion of Titles to Land disposed of.**

- Crown grant to issue for lands so sold.
- Such Crown grants to be valid and effectual for all purposes.
- Sale of lands of which a lease has been given to be subject to this Act.

### **(4.) Town Lands.**

- Town lands may be sold by Waste Lands Board.
- How town lands to be sold, &c.
- Moneys arising from gold fields on Native lands how disposed of.
- Provisions of Act to apply to sale of Native lands within gold fields.
- Act not to be deemed to compel Natives to sold land for gold mining purposes.
- Agreements with Natives for the acquisition of lands comprised within a gold field.

### **(5.) Confiscated and Ceded Lands.**

- 34. Act not to affect confiscated lands.

### **(6.) Native Lands held on Lease by Crown.**

- Existing leases in favour of the Queen not to be prejudiced.
- Provision for the sale of land comprised in such leases.

### **(7.) Disposition of Revenue.**

- 37. Revenue collected under this Act to be deemed land revenue.

### **(8.) Miscellaneous.**

- Governor may make regulations.
- Repeal of existing enactments, &c., inconsistent with this Act.  
Schedule.

## **A Bill Intituled AN ACT to regulate the Sale, Letting, and Disposal of Native Lands. Title.**

WHEREAS it is expedient to alter the present system of disposing Preamble. of and dealing with Native lands, and to enable the aboriginal natives of the colony to obtain a larger value for their interests in such lands, and to discourage speculation, and restrain dealings therein otherwise than in accordance with the provisions of this Act:

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. The Short Title of this Act shall be "The Native Lands Sales and Leases Act, 1876." 5
- When Act to come into operation. This Act shall come into operation on the day of one thousand eight hundred and seventy-six, and such day is hereinafter referred to as the commencement of this Act.
- Interpretation. In the construction of this Act the following words and expressions have the meanings hereby assigned, unless it is evident 10 by the context that some different meaning is intended:—
  - "The said Act" means "The Native Lands Act, 1873," and includes any Act amending the same.
  - "Court" means the Native Land Court of New Zealand.
  - "Native" means a person of the aboriginal native race of New 15 Zealand, and includes the various castes of such race.
  - "Native land" means land held upon Native custom or under memorial of ownership, but shall not include lands which, at the time of the commencement of this Act, have passed the Native Land Court, and for which persons have 20 received or, at the time of the commencement of this Act, are entitled to receive Crown grants.
  - "District" means a district constituted under the said Act.
  - "Waste Lands Act" means the Act regulating the sale, letting, and disposal of waste land in that part of the colony in 25 which such Act is in force, and includes any regulations in force for like purposes.



"Waste Lands Board" means the Board, Commissioners, or other persons or authority administering any such Waste Lands Act. 30

"Confiscated lands" mean lands taken under the authority of "The New Zealand Settlements Act, 1863," and any Act amending the same, or under "The Confiscated Lands Act, 1867," or which, under "The East Coast Act, 1868," are or may be declared to be Crown lands. 35

# Preliminary.

## [1.] *Application of Act and prior Contracts.*

- Operation of Act limited. This Act shall only have the following operation:—
  - It only affects Native lands in the North Island.
  - It shall not apply to the blocks of land mentioned in the 40 Schedule hereto, the purchase of which, or any negotiation for such purchase, may be completed without reference to this Act.
  - It shall not alter or affect any disposition of any land or any interest therein *bonâ fide* actually made and completed 45 before the commencement of this Act.
- Moneys advanced by Crown in respect of Native lands affected by this Act to be a lien thereon. Where moneys have been paid by or on behalf of Her Majesty for the purchase or acquisition of any Native lands affected by this Act, or of any estate or interest therein, such moneys shall be deemed and held to be liens on such land, whenever the same is sold under the 50 provisions of this Act.

The provisions hereinafter contained in the *seventh* section hereof, shall apply to any land affected by this section, and to any lien arising in respect thereof.
- If it is made to appear to the Governor that any disposition of Incompleted arrangements may be referred to Native Land Court. 5 Native land at the time of the commencement of this Act is not actually completed, he may refer the question as to the actual completion thereof or otherwise to the Native Land Court.

The Court shall have full power and jurisdiction to make any inquiry necessary for giving effect to this provision, and shall have 10 all the powers and authorities it would have in a matter before the Court under the provisions of the said Act, so far as the same may be applicable for the purposes of such inquiry.

If on any such inquiry it shall appear to the Court that the disposition of such land has not actually been completed, the Court 15 may, after considering all the circumstances of the case, order that such disposition shall be completed on such terms and conditions as it may direct, or may make an order that the purchase money premium or other consideration paid thereon, if any, together (at the discretion of the Court) with interest, shall be returned to the person paying the 20 same within any period not exceeding three years from the date of the order, or at once, or that the same may be made a lien on the land when disposed of under this Act.
- When the Court by any order makes the repayment of any Purchase money, &c., made by Court a lien upon land to be first charge on same when sold. purchase money or premium a lien upon the land, the amount thereof, 25 with interest not exceeding five per centum per annum, shall be a first charge on the land when sold, and the balance received, after deducting such amount and interest, shall, for the purposes of this Act, be deemed to be the total purchase money paid.

If such land shall only be leased, then the amount of such lien 30 shall be charged on the rents to be received, or on such part thereof as the Court may order.

Any order made under the foregoing provisions may be altered or varied as the Court thinks fit, on the application of any of the parties interested within twelve months after the making of such order.

## [2.] *Restriction of Native Land Purchases.*

- After the commencement of this Act no person shall, either Purchase of lands, &c., prohibited in districts brought under this Act. by himself or his agents, or by or through any person on his or their behalf, or as agent for any such person, directly or indirectly purchase or acquire, or contract or agree to purchase or acquire, any Native 40 lands, or any estate right easement or interest therein, from any Native, or from any person on behalf of any such Native, except under the provisions of this Act.
- Any person committing a breach of the foregoing provision shall Penalty for breach of last provision. be liable to a penalty not exceeding two hundred pounds, to be 45 recovered in a summary way.

One-half of any fine recovered under this section shall be paid to the person or persons who shall be instrumental in procuring any conviction hereunder, in such proportion as the convicting Resident Magistrate or Justices shall direct.

- 50 No Native shall, after the commencement of this Act, be prohibited from dealing with their lands otherwise than as prescribed by this Act. dispose of or agree to dispose of any Native lands in or to which he may be seised possessed or entitled, whether solely or jointly, except under the provisions of this Act.

This provision shall extend to all Native lands of any tenure 55 whatsoever, whether held under Native custom or under a title ascertained by the Court under the said Act, or under any Act repealed thereby, but shall not include any lands for which Crown grants have been issued to any Native or number of Natives, or for which Crown grants have been directed to be issued or are in course of preparation 60 before the commencement of this Act.

- Contracts in contravention of this Act to be void. If any contract or agreement shall be made for the disposition of any such lands or any estate or interest therein, or if any disposition thereof shall be made contrary to the provisions of this Act, every instrument of disposition, by which such disposition shall be effected or sought to be effected, shall be void, and all or any 5 moneys paid thereunder shall be forfeited, and all of any moneys payable thereunder shall not be recoverable at law or in equity; and no person shall have any right claim or demand under or in respect of any such instrument of disposition or any covenant or agreement therein contained or implied. 10

For the purposes of this and the last preceding section, the following terms and expressions shall have the meanings hereby assigned to them:—

"Disposition," "dispose of," respectively mean and include any conveyance, transfer, mortgage, lease, agreement, charge, 15 lien, or contract of any kind, whereby any Native land, or any estate easement right or interest therein, has been or may be sold, conveyed, leased, surrendered, charged, encumbered, or otherwise parted with or disposed of; and

"Instrument of disposition" includes any conveyance, transfer, 20 mortgage, charge, lien, lease, agreement, or contract of any kind whatsoever, in respect of or relating to Native land.

## As to the Sale and Disposal of Native Lands.

### (1.) *General Provision.*

- Native land to be sold and disposed of as by this Act prescribed. Subject to this Act, all Native land, and every estate right or 25 interest therein, shall be sold leased and disposed of manner provided by this Act, and not in any other way.
- Surveys. Whenever any Natives desire to sell or lease land which has not been surveyed, they may apply to the Court to order a survey of the land, and the Court, if it thinks that the persons making such 30 application have disclosed *a prima facie* title to the land, may direct such survey to be made.  
Such survey shall be made in the manner that the Secretary of Crown Lands may from time to time direct; and in all lands so surveyed provision shall be made for laying off road lines in such 35 directions as may be deemed necessary,  
Any survey made under the authority of this Act, and any map showing the results of such survey, shall respectively be deemed to be a survey and map made in accordance with the said Act, and shall be accepted by the Court, and may be acted upon accordingly. 40
- Act not to be deemed to compel Natives to dispose of their land. Nothing in this Act contained shall be held to compel the Native owners to dispose of any Native land, or to dispose of more land than they wish to dispose of, or to sell lease or dispose of any interest therein, or at a less price for any such land or interest than they may fix or require; and the Court may make orders as to the sale 45 letting or disposal of parts of lands or interests therein so as to carry out the wishes of the Natives as expressed in the order of Court.
- Provisions affecting the sale letting and disposal of Native lands. With respect to the sale letting and disposal of Native lands following provisions shall have effect:—  
When the Native owners desire to sell lease or dispose of 50 any Native land, they shall make application to the Court in such manner and form as the Court may from time to time prescribe.  
Upon any such application being made, the Court shall proceed to inquire as to the present title to the land, and any 55 charges thereon, and the nature and extent of the interests of the applicants, and, if it

shall appear that the land may be lawfully disposed of as desired by the Native owners, the Court shall make an order as hereinafter provided.

- If the Native owners desire to sell, they shall in their application<sup>5</sup> state the lowest price they are willing, in accordance with this Act, to take for their estate or interest in such land, and describe the area they desire to sell, and whether the land is to be sold subject to any, and what, restrictions and reservations.

10 The expression "lowest price" in this clause means the price which will be actually receivable by the Natives under the *nineteenth* section of this Act.

- If the Natives desire to let the land, they shall, in their application to the Court, prescribe the terms and conditions<sup>15</sup> on which the same may be leased, the rent to be reserved, and the covenants restrictions and reservations they wish to be inserted in any lease.

The expression "rent to be reserved" in this clause means the rent which will be actually receivable by the Natives<sup>20</sup> under the *nineteenth* section of this Act.

If only a portion of the Native owners jointly interested in such land desire to sell or lease the same, the Court may, after due inquiry as before provided, make an order of partition between the Native owners; and it shall not be necessary<sup>25</sup> to obtain the assent of all the Native owners to any such partition, but the assent of those who desire to dispose thereof shall be sufficient authority to make the partition.

Such order of partition may be part of the order authorizing<sup>30</sup> the disposal of the land, but shall in no case authorize a disposal of the interests of such Natives as are unwilling to dispose of such interests.

If any of the Native owners shall be infants or under disability, the Court may certify the fact to the Governor, and<sup>35</sup> the Governor may, in the manner provided by "The Maori Real Estate Management Act, 1867," appoint a trustee or trustees to protect the interests of such infants or persons under disability, and such Trustees shall have power to give any consent or do any Act necessary to give effect to<sup>40</sup> any proposed sale or lease, in such manner as the Court may in the certificate state to be desirable.

If the Court shall be satisfied with the inquiry made, it may make an order declaring that the land mentioned in the application or so much of it as the Natives desire shall<sup>45</sup> be sold leased or otherwise disposed of under this Act, at such a price as will not return less to the Natives than they require in the case of sales, and in the case of leases at such rent as the Natives have reserved, and every such order shall be final and conclusive on all parties.

<sup>50</sup> As part of the inquiry, the Court may, in the case of a sale, ascertain what moneys have been expended by the Natives in the survey of the land intended to be sold, and of investigating the title to such land, and all other expenses incidental thereto; but such inquiry shall only be<sup>55</sup> made in respect of lands surveyed, or the title to which has been investigated before this Act has been brought into operation in the district where such lands are situated.

No order shall be made by the Court in respect of any Native land subject to this Act, unless and until the title<sup>60</sup> of the Native owners has been ascertained by the Court under the said Act.

- Order of Court to be transmitted to Waste Lands Board, and land to be sold or disposed of by the Board in accordance with Waste Lands Act. The order so made, or a duplicate thereof, shall, when sealed and completed as orders of Court usually are, be transmitted by the Court to the Waste Lands Board having jurisdiction where such Native lands are situate, and the lands mentioned in such order shall become and be deemed to be waste lands of the Crown, and in accordance with<sup>5</sup> the terms of such order, may, subject to this Act, be sold leased or disposed of in accordance with any Waste Land Act then in force in the part of the colony where such lands are situated.

When any sale lease or other disposition has been effected under the power herein contained, notice thereof shall be given by the<sup>10</sup> Waste Lands Board to the Court, and the Court shall cause the fact of such sale lease or other disposition to be recorded in such manner as it thinks fit.

If land offered for sale or lease is not sold or leased, the Native owners shall have the use and occupation of such land, and the same<sup>15</sup> may again be offered for sale or lease, as the Native owners think fit.

Waste Lands Board may apply to Court for instructions. The Waste Lands Board may from time to time apply to the Native land Court for instructions as to the mode of carrying out any order made by the Court; and with the consent of the Native owners, may apply for any modification or alteration of such order:<sup>20</sup>

*The Court shall have full power and authority, with such consent as aforesaid, to modify or alter any order made by it in such manner and to such extent that it may conceive best calculated lawfully to carry out the wishes of the Native owners.*<sup>25</sup>

Court to have same powers as under "The Native Lands Act, 1873." In respect of any investigation or inquiry under this Act, or any order act or thing made or done thereunder, the Court shall have all the

powers and authorities it would have under the said Act with respect to any investigation of title, or as to sales or leases of land held under title derived through the Court, or upon partition 30 or otherwise in relation thereto; and the provisions of the said Act shall '*mutatis mutandis*'.<sup>[unclear: Things requiring hanger having been changed -]</sup> extend and apply to every such investigation inquiry order act or thing so far as applicable.

## **(2.) Application of Proceeds of Lands disposed of.**

- Half gross proceeds of sale to be paid into Court for use of Natives selling. One-half the gross proceeds of every sale shall be paid over 35 to the Court for the use of the Natives selling; and, in the case of a lease, the rents payable shall be paid to the Receiver of Land Revenue as they respectively become due, and such Receiver shall pay one-half thereof over to the Court for the use of the Natives.  
But where the Court has certified that the Natives have been put 40 to expenses for surveying the land or investigating the title thereto, as hereinbefore provided, such expenses shall in the case of a sale be first deducted from the total amount of the purchase money, and shall be added to the amount payable on behalf of the Natives.
- The other half to be paid into Public Account, and to be liable to certain charges in respect of the sale thereof. The other half of such gross proceeds of the sale of any lands, 45 or of any rents received from time to time, shall be paid by the Receiver into the Public Account; and the moneys so paid shall be the consideration for the payment by the Governor, on behalf of Her Majesty, of the following services costs and charges:
  - Of all expenses connected with the disposal of such lands, 50 including surveying any such lands, and advertising the same for sale or lease;
  - Acting as agent on behalf of the Natives in such sale or letting;
  - Clothing the land sold or let with a title from the Crown; 55
  - In satisfaction of any duty payable under "The Native Duties Act, 1873;" and
  - In carrying out the order of the Court according to the wishes of the Natives.Any expenses attending the investigation of a title to land or the sale or letting thereof shall, in case the same be not sold or let, be 5 deemed to be part of the expenses attending any subsequent sale or letting thereof.
- Notwithstanding anything hereinbefore contained, the Such last-mentioned sum not to exceed £1 per acre. Governor shall not be entitled to receive more than one pound per acre for lands sold under this Act; but this provision shall not prejudice 10 any lien arising under this Act, nor shall it affect sales of town lands under the powers herein contained.
- The Natives shall be entitled to receive a full half-share of Natives entitled to full half-share notwithstanding it be in excess of the price prescribed by them. the total proceeds of the sale of any land, or of the rents to be received, although the same may be in excess of the price prescribed by the 15 Natives as the price at which the same may be sold or leased.
- The purchase moneys rents or other proceeds of any such Proceeds to be paid over by Court to persons entitled. sale leasing or disposition shall be paid over by the Court to the persons legally entitled to receive the same in proportion to their interests in the land disposed of.
- 20 Notwithstanding anything herein contained, no Native land Land not to be sold below a certain price. shall be sold or leased at a price less than double the price or rent named by the Natives, nor less than the price for which similar lands subject to the waste land laws in force in that part of the colony where such land is situated might be sold or leased, and no land shall be 25 leased or the right of occupation thereof disposed of at a less rate than twopence per acre per annum.

## **(3.) Completion of Titles to Land disposed of.**

- Upon any sale being made by the Waste Lands Board, in Crown grant to issue for lands so sold. accordance with the terms of the order of Court, and after payment 30 of the purchase money, it shall be lawful for the Governor at any time thereafter to issue a Crown grant of such land.  
If the land be leased, then, upon compliance by the purchaser with the terms upon which such lease has been sold, a lease of the land shall be granted in accordance with such terms and the order of Court.
- 35 Crown grants made under this Act shall be as valid and Such Crown grants to be valid and effectual for all purposes. effectual to all intents and purposes as grants made by the Governor of waste lands of the Crown, and, subject to this Act, shall be made executed and completed in like manner as such last-mentioned grants are made executed and completed.

- 40 Leases of land disposed of under this Act shall be prepared by the Waste Lands Board, and may be executed by the Commissioner of Crown Lands for the district in which the lands leased are situated.
- If after the expiration, or sooner determination, of any lease, Sale of lands of which a lease has been given to be subject to this Act. the lands therein mentioned shall be sold under the powers in this Act 45 contained, all the preceding provisions of this Act shall apply to any such sale, and the proceeds and completion thereof.

#### **(4.) Town Lands.**

- If the Native owners desire to establish a town on any Town lands may be sold by Waste Lands Board. Native lands, and the site is approved by the Governor, such land 50 shall be sold and disposed of by the Waste Lands Board in like manner as other town lands subject to the jurisdiction of the Board may be sold and disposed of.  
Before the Governor approves of any such site for a town, such necessary reserves for public and other purposes as shall be agreed upon 55 between the Governor and the Native owners, shall be made and set apart.
- How town lands to be sold, &c. The Waste Lands Board may sell such town lands in such lots and at such times as may be thought expedient, and the proceeds of such sales from time to time shall be applied and disposed of in like manner as the proceeds of sales of Native land are herein before directed to be applied and disposed of. 5
- Moneys arising from gold fields on Native lands how disposed of. If under the provisions of "The Gold Fields Act Amendment Act, 1868," or under any other Act, an agreement shall be made between the Governor and the Natives for the occupation of any Native lands for gold mining purposes, one-half of all receipts or revenue arising from the issue of miners' rights and business licenses 10 within such gold field shall be paid over to the Native owners, and the other half shall go to and form part of the gold fields revenue of the provincial district in which such lands are situated: Provided that nothing herein shall be deemed to affect or prejudice any agreement already made between the Natives and the Governor or any 15 person on his behalf under any Act relating to mining for gold on Native lands.
- Provisions of Act to apply to sale of Native lands within gold fields. When Native lands situate within a gold field shall be sold or disposed of under any power or authority under this Act, all the provisions hereinbefore contained respecting the sale lease or 20 disposition of Native lands shall be applicable.  
Towns may be established on lands belonging to Natives within any gold field, and the provisions of this Act hereinbefore contained with respect to the sale of town lands shall apply to lands on gold fields. 25
- Act not to be deemed to compel Natives to sell land for gold mining purposes. Nothing in this Act shall be construed to make it obligatory on the Natives to sell or dispose of any Native land for gold mining purposes, or for towns in such gold fields, or to sell let or otherwise dispose of any such lands; but any agreement, when made, shall be binding and conclusive on the persons making the same, and shall be 30 enforced accordingly.
- Agreements with Natives for the acquisition of land comprised within gold field. Notwithstanding anything in any Act contained, the Native owners may agree with the Governor for the sale or other disposal of the lands comprised within a gold field or any part thereof, and upon any such agreement being made such lands shall be disposed of in 35 like manner as other Native lands are by this Act authorized to be disposed of; and all the provisions hereinbefore contained as to the survey of such land, the application to the Court, and the disposal of the proceeds of any such disposition, shall extend and apply to the lands in such agreement mentioned. 40

#### **[5.] Confiscated and Ceded Lands.**

- Act not to affect confiscated lands. 34. Nothing in this Act shall apply to confiscated lands, or to lands ceded to the Queen by the Native owners, or shall be construed to affect or interfere with any arrangements the Governor deems necessary to make concerning such confiscated or ceded lands. 45

#### **[6.] Native Lands held on Lease by Crown.**

- Existing leases in favour of the Queen not to be prejudiced. With regard to any Native lands which have been already leased to the Queen (not being lands mentioned in the schedule hereto), or to the Governor on behalf of the Queen, the lease of such lands, and every clause and condition of such leases, shall remain in 50 force unless altered with the consent of the lessors and lessee.

On the expiration of such leases the land comprised therein shall be liable to be disposed of and dealt with only under the provisions of this Act.

- Provision for the sale of land comprised in such lease. Prior to the expiration of such leases the Natives may apply to the Court to sell their interest in such lands, subject to the terms of the leases, but if such leases contain a pre-emptive right on behalf of the Queen, then the Court shall have no jurisdiction to entertain such application, and the Queen may, out of moneys then available for that purpose, purchase such land in accordance with the lease.

## **[7.] *Disposition of Revenue.***

- 37. Excepting such amounts as the Governor may Receive by way Revenue collected under this Act to be deemed land revenue. of repayment of sums already paid upon any purchase or negotiation for purchase, of native lands, and excepting receipts derived from the issue of miners' rights and business licenses upon gold fields, the proportionate part of all other moneys received under this Act on behalf of Her Majesty shall be deemed to be land revenue arising within the land district in which the land is situated. Such land revenue shall be subject to pay the contributions Assembly, and including the special expenses of surveying, selling, letting, disposing, and otherwise dealing with such land under this Act.

## **[8.] *Miscellaneous***

- 15 The Governor may from time to time make regulations for Governor may make regulations. be published in the *New Zealand Gazette*, and when so published shall have the force of law. In addition to the general power hereby given, if, in the application of any Waste Land Act to the provisions of this Act, any obstacle of a technical or formal nature shall be presented, the Governor may make such regulations as will enable any such obstacle to overcome, and the special power hereby given shall not be deemed to control or affect the general power before set forth.
- 25 All enactments contained in any Act, or in any regulations Repeal of existing enactments, &c., inconsistent with this Act. made thereunder, which are inconsistent with this Act, are hereby repealed, but so that so such repeal shall affect anything lawfully done before the coming into operation of this Act. Schedule.