

## New Zealand.



### ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Amendments of "Native Land Court Act, 1880."</p> <p>3. Amendment of "Native Lands Frauds Prevention Act, 1881."</p> | <p>4. Amendment of "Native Succession Act, 1881."</p> <p>5. Local Land Court registries to be established.</p> <p>6. Surveyors' liens may be discharged.</p> <p>7. Remedy for mistake or error in proceedings.</p> <p>8. Jurisdiction of Court in respect of joint tenancy.</p> |
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1882, No. 27.

AN ACT to amend "The Native Land Court Act, 1880," and other Acts relating to Native Land. Title.  
[13th September, 1882.]

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

1. The Short Title of this Act is "The Native Land Acts Amendment Act, 1882." Short Title.

2. In "The Native Land Court Act, 1880," the following amendments are hereby made:— Amendments of  
"Native Land Court  
Act, 1880."

Section fourteen of the said Act is hereby repealed.

In section twenty-six, erase the concluding words "be issued forthwith," and substitute, in lieu thereof, "issue as directed in section thirty-three."

In section thirty-five, erase the words "and of the Assessor sitting with such Judge."

In section forty-six, at the end of the clause, add the words "in respect of the land comprised therein, or so much thereof as may be unsold or undisposed of."

3. In "The Native Lands Frauds Prevention Act, 1881,"—

At the end of section two, erase the words "except their customs or usages."

4. In "The Native Succession Act, 1881,"—

In clause three, towards the end thereof, erase the words "shall assume that marriages according to the customs and usages of the Natives are valid, and shall then be guided by the law of New Zealand," and substitute, in lieu thereof, "shall decide according to the law of New Zealand as nearly as it can be reconciled with Native custom."

5. And whereas the business of the Court would be facilitated by the establishment of local registries and offices, be it further enacted as follows:—

It shall be lawful for the Governor in Council, for the purposes of the said Native Land Court Act, from time to time to divide the colony into Registrars' districts, and to annul, alter, or vary such divisions.

Local Land Court  
registries to be  
established.

Amendment of  
"Native Lands  
Frauds Prevention  
Act, 1881."

Amendment of  
"Native Succession  
Act, 1881."

For each district the Governor may appoint a Registrar, and such other officers as may be necessary.

The records, maps, and documents relating to land within each district shall be deposited, and the official or administrative work thereof carried on, at such place in each district as the Governor shall from time to time appoint.

If a block of land extends into more than one district, the application may be recorded, and the papers deposited, and the work about the same conducted in either of the districts, as may be decided by the Chief Judge, if any question arises thereon.

Surveyors' liens may be discharged.

6. And whereas much inconvenience has been experienced from the existence of surveyors' and other liens, which it is expedient should be removed :

Be it enacted that, in any such case, the payment by any person into the office of the Public Trustee of the sum of money at the time protected by such lien to the account of the Native Land Court in the matter of the block of land named, and *ex parte* the person who originally obtained the lien, shall be an absolute discharge of such lien, and shall be recorded by the Court accordingly. The money so paid to the Public Trustee shall be held in trust for the person entitled to the lien, and may, on application and sufficient proof, be paid accordingly.

Remedy for mistake or error in proceedings.

7. And whereas claims to land have been heard and decided, or partly decided, and proceedings have been taken by the Native Land Court under the "Native Land Act, 1873," and its amendments, in which sundry provisions of the said Acts have not been technically complied with :

Be it enacted that, on the application of any person interested either originally or derivatively in any such land, it shall be lawful for the Court to inquire into the matter, and make such order respecting the same as shall appear to the Court justly to remedy any mistake or any error in the proceedings :

An indorsement made by the Court, in pursuance of any such order, on any instrument of disposition shall be valid and effectual for effecting the objects specified in such order, and an entry shall be made in the Registry of the Land Transfers and Registry of Deeds Offices to the effect that such order has been made.

Jurisdiction of Court in respect of joint tenancy.

8. And whereas doubts have arisen as to the jurisdiction of the Native Lands Court in the division of lands held by Natives as joint tenants under Crown grant :

Be it declared and enacted that orders and decrees for division and award, made without opposition at the time of hearing by the Native Land Court, under the provisions of "The Native Land Act, 1873," and amendments thereto, of lands so held as aforesaid, shall be and be deemed to have been from the date of such orders as valid and effectual as if the Native Land Court had, at the time of the making of such orders, full jurisdiction to divide or award land so held as aforesaid :

Provided that, in any case where opposition was made at the time of hearing, the Court may, within six months after the passing of this Act, rehear the same on the application of any of the parties, in like manner as is provided in the seventh section of this Act, and make a new order therein in accordance with the justice of the case.