

## New Zealand.



### ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> </ol> <p style="text-align: center;">THE COURT.</p> <ol style="list-style-type: none"> <li>3. Sub-commissioners may be appointed.</li> <li>4. Powers of Sub-commissioners.</li> <li>5. Powers may be extended by Order in Council.</li> <li>6. Assessor not necessary in succession cases.</li> <li>7. Confirmation of lease may be refused on ground that rent inadequate.</li> <li>8. Time for giving security for costs of appeal may be extended.</li> <li>9. Moneys due to minor may be paid to Public Trustee.</li> <li>10. Court may vest portion of block in trustees for sale for payment of costs. Existing orders may be cancelled.</li> <li>11. Court may award land as compensation for costs incurred.</li> <li>12. Court may review its decision.</li> <li>13. Chief Judge may adjourn sittings of Court.</li> <li>14. Fees of Appellate Court, how recoverable.</li> </ol> <p style="text-align: center;">THE VALIDATION COURT.</p> <ol style="list-style-type: none"> <li>15. Chief Judge of Native Land Court to be Chief Judge of Validation Court.</li> <li>16. No application under Native Land (Validation of Titles) Act to be received after 31st December, 1896. Governor may grant extension of time.</li> <li>17. Native Land Court fees to be paid before title issued on decree of Validation Court.</li> <li>18. Assessors, Clerks, and Interpreters of Native Land Court qualified to act as such in Validation Court.</li> </ol> <p style="text-align: center;">"THE NATIVE LAND COURT ACT, 1894."</p> <ol style="list-style-type: none"> <li>19. Section 65 of Act to apply to surveys commenced after passing of Act.</li> <li>20. Effect of order vesting land under section 65.</li> <li>21. Alienation by nominal owner of land held in trust not to defeat trust as to portions unalienated.</li> <li>22. Section 68 of Act amended.</li> <li>23. Section 121 of Act amended.</li> <li>24. Section 2 of Act amended.</li> <li>25. Section 38 extended to include Appellate Court.</li> <li>26. Lands specified in Schedule to be subject to Act.</li> </ol> | <p style="text-align: center;">"THE NATIVE LAND LAWS AMENDMENT ACT, 1895."</p> <ol style="list-style-type: none"> <li>27. Section 3 of Act amended.</li> <li>28. Section 32 of Act amended.</li> <li>29. Section 36 of Act amended.</li> <li>30. Extension of time within which notice of appeal may be given by Native interested in Koparakore A Block.</li> <li>31. Extension of time as to certain applications for probate.</li> <li>32. Land Board to classify lands for purposes of Act.</li> <li>33. Titles to land held under order of Court to be issued under Land Transfer Act. Registered interests to be protected.</li> <li>34. Land Transfer certificate may be antevested.</li> </ol> <p style="text-align: center;">MISCELLANEOUS.</p> <ol style="list-style-type: none"> <li>35. "Native Land Purchases Act, 1892": section 20 amended.</li> <li>36. Section 22 of same Act repealed.</li> <li>37. Minister may pay survey charges. On payment, all rights of recovery to vest in the Crown.</li> <li>38. "Poututu Jurisdiction Act, 1889": hearing of all matters remaining.</li> <li>39. Transfers to Wellington and Manawatu Railway Company validated.</li> <li>40. Pukerua and Waimapihi Blocks: boundary to be adjusted and titles corrected.</li> <li>41. Takaka Reserve: provision for issue of title for portions of section 9.</li> <li>42. Section 10 of Native Land Claims Adjustment Act amended.</li> <li>43. Section 10 of "The Native Land Claims Adjustment Act, 1895," amended.</li> <li>44. Title to sections 65 and 69, Waipa, may be reheard and rectified.</li> <li>45. Tautehihi Block, rectification of title to.</li> <li>46. Power to Native Appellate Court to determine appeals respecting Mangaheia and Mangapoihi Blocks, notwithstanding decrees of Validation Court.</li> <li>47. Order of Native Land Court as to Tamaki Block to take effect as an order of the Appellate Court as from the 10th August, 1896.</li> </ol> <p style="text-align: center;">Schedule.</p> |
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1896, No. 53.

AN ACT to amend the Native Land Laws.

Title.

[17th October, 1896.]

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 Laws Amendment Act, 1896." Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

"Court" means and includes the Native Land Court and the Native Appellate Court:

"Validation Court" means the Court established by "The Native Land (Validation of Titles) Act, 1893":

"Agent" includes barrister or solicitor of the Supreme Court, and agent licensed under regulations of Native Land Court.

Unless inconsistent with the context, words used in this Act shall, subject as aforesaid, have the same meaning as is assigned to them in section two of "The Native Land Court Act, 1894."

#### THE COURT.

3. The Governor may appoint any Registrar of the Court or other fit person holding a permanent appointment in the Civil Service of the colony to be a Sub-commissioner of the Court. Sub-commissioners may be appointed.

4. Every Sub-commissioner appointed as aforesaid shall by virtue of such office have jurisdiction to exercise all the powers of the Native Land Court or of a Judge thereof under subsections three and four of section fourteen of "The Native Land Court Act, 1894"; also all the powers of the Court or a Judge under section three of "The Maori Real Estate Management Act, 1888." Powers of Sub-commissioners.

5. The Governor may by Order in Council from time to time further empower any Sub-commissioner to exercise all or any other of the powers of the Native Land Court or of a Judge thereof in relation to any matters in such order specified. Powers may be extended by Order in Council.

6. No Assessor shall be necessary for the determination of any claim under subsection four aforesaid. Assessor not necessary in succession cases.

7. In dealing with any application for confirmation of a lease the Court shall have and be deemed to have had power to refuse such confirmation on the ground that the rent reserved is inadequate. After the passing of this Act no payment purporting to be more than payment of six months' rent in advance before confirmation of a lease shall be deemed a legal payment. Confirmation of lease may be refused on ground that rent inadequate.

8. The amount required to be deposited with the Registrar as security for the costs of an appeal may, by leave of the Court or of the Chief Judge, be received at any time until such appeal has been dismissed for non-payment thereof. Time for giving security for costs of appeal may be extended.

9. The Court or a Judge may order any moneys to which a minor is found entitled in any proceeding in the Court to be paid to the Public Trustee, who shall hold such moneys as if the same were moneys paid to him on the sale of the interest of such minor in real estate under "The Maori Real Estate Management Act, 1888," and the amendments thereof. Moneys due to minor may be paid to Public Trustee.

Court may vest portion of block in trustees for sale for payment of costs.

10. The Court may, on the investigation of the title to any block of Native land, by order vest a defined portion of such block in such persons as the Court shall think fit, in trust for sale for the payment of the costs of survey and of all or any other costs incurred in or about the investigation of the title to such block: Provided that the Chief Surveyor shall in such case be one of the trustees, and that the balance of the proceeds of such sale, after payment of the costs intended to be provided for, shall be paid to the Public Trustee, to be held by him for such persons as the Court shall direct:

Existing orders may be cancelled.

The Court may, on the application of any person interested, or of its own motion, cancel any order heretofore made vesting land in any person for the purpose aforesaid, and may substitute for the same an order under the provisions of this section.

Court may award land as compensation for costs incurred.

11. The Court may in any proceeding under subsection two of section fourteen of "The Native Land Court Act, 1894," take into account any reasonable costs incurred, or which have heretofore been incurred, or moneys expended, by any of the parties for the benefit of the owners generally or of any of them, in or about any proceeding in the Court or for the purpose thereof, and may make such additional award in consideration thereof to the person paying the same as to the Court shall seem just.

Court may review its decision.

12. The Court may, for the purpose of rectifying any apparent mistake or injustice, at any time within fourteen days after giving any decision, rehear or order to be reheard either wholly or in part any matter being the subject of such decision, and may on such rehearing affirm, vary, or annul its former decision. The date of such amended decision shall for all purposes of appeal be the date of the decision.

Chief Judge may adjourn sittings of Court.

13. The Chief Judge may at any time, and from time to time, before the commencement of any sitting of the Court adjourn such sitting. Any person authorised by the Chief Judge or by the presiding Judge may open and adjourn any sitting or adjourned sitting of the Court.

Fees of Appellate Court, how recoverable.

14. Fees incurred in relation to any proceedings in the Appellate Court shall be deemed fees due to the Native Land Court, and be recoverable accordingly.

#### THE VALIDATION COURT.

Chief Judge of Native Land Court to be Chief Judge of Validation Court.

15. The Chief Judge of the Native Land Court shall by virtue of such office be the Chief Judge of the Validation Court, and shall appoint the sittings thereof and the business to be taken at any sitting. The Chief Judge shall have the same power of adjournment of any such sitting as is hereinbefore given to him with regard to sittings of the Native Land Court, and may sign any decree or order which ought to have been signed by a deceased or retired Judge of the Validation Court.

No application under Native Land (Validation of Titles) Act to be received after 31st December, 1896.

16. No application under the provisions of "The Native Land (Validation of Titles) Act, 1893," shall be received after the thirty-first day of December, one thousand eight hundred and ninety-six: Provided that the Governor in Council may, on sufficient cause to his satisfaction being shown for omission to lodge any application within the time hereinbefore specified, extend the time for the

Governor may grant extension of time.

reception of such application to any date not later than the thirty-first day of March, one thousand eight hundred and ninety-seven.

17. No title shall be issued or registered under the provisions of the Land Transfer Act by virtue of any decree under "The Native Land (Validation of Titles) Act, 1893," until all fees due to the Native Land Court in respect of the land the subject of such decree, or so much thereof as shall be certified by a Judge of the Validation Court to be justly payable by the person or persons taking under such decree, shall have been paid and satisfied.

Native Land Court fees to be paid before title issued on decree of Validation Court.

18. Any duly-appointed Assessor of the Native Land Court shall be qualified without further appointment to act as an Assessor of the Validation Court, and any person acting as Clerk or Interpreter to the Native Land Court for the time being shall be qualified to act in the like capacity in the Validation Court.

Assessors, Clerks, and Interpreters of Native Land Court qualified to act as such in Validation Court.

"THE NATIVE LAND COURT ACT, 1894."

19. Section sixty-five of "The Native Land Court Act, 1894" (in this and the following sections under the above heading called "the said Act"), shall apply to surveys commenced after the passing of the said Act in the same manner as to surveys completed or in progress at the date of the passing thereof.

Section 65 of Act to apply to surveys commenced after passing of Act.

20. Every order vesting land in any person under section sixty-five of the said Act shall entitle such person to a Land Transfer certificate for the same free from encumbrances, except such as are mentioned in such order.

Effect of order vesting land under section 65.

21. No alienation by any nominal owner of land held by him in trust within the meaning of subsection ten of section fourteen of the said Act or of any share or interest therein shall bar the provisions of the said subsection as to any portion of the land so held in trust, or any share or interest therein which has not been alienated as aforesaid; but confirmation or registration of any dealing heretofore completed shall not be prejudiced hereby.

Alienation by nominal owner of land held in trust not to defeat trust as to portions unalienated.

22. Section sixty-eight of the said Act is amended by the addition at the end of the first paragraph thereof of the words "or, if such payment is made by the Minister under the provisions of section sixty-five, a transfer thereof to Her Majesty and the receipt of the Public Trustee shall be sufficient authority for the registration of any such transfer."

Section 68 of Act amended.

23. Section one hundred and twenty-one of the said Act is amended by the insertion of the words "subject to the provisions of section sixty-five of this Act" after the words "the same shall," and by the insertion of the word "mortgage" after the word "lease."

Section 121 of Act amended.

"Completion" of existing contract in said section one hundred and twenty-one shall be construed to mean and intend "fulfilment" thereof.

24. The interpretation of "Surveyor" in section two of the said Act is amended by the addition of the words "or a certificate granted by the Board under 'The Land Act, 1892.'"

Section 2 of Act amended.

25. The provisions of section thirty-eight of the said Act shall extend to and include any proceeding in the Appellate Court: Provided that the word "Judge" in the said section shall for the purposes of this section mean only a Judge of the Appellate Court.

Section 38 extended to include Appellate Court.

Lands specified in Schedule to be subject to Act.

26. The provisions of subsection ten of section fourteen and the provisions of section fifteen of the said Act shall apply to the lands specified in the Schedule hereto as if the same were "land" within the meaning of the said Act.

"THE NATIVE LAND LAWS AMENDMENT ACT, 1895."

Section 3 of Act amended.

27. Section three of "The Native Land Laws Amendment Act, 1895" (in this and the following sections under the above heading called "the said Act"), shall be read and construed as if the words "separate area" had been used instead of the words "separate holding" in the said section. Section three of the said Act is amended by striking out the words "not exceeding five hundred acres," and substituting therefor the words "not exceeding six hundred and forty acres of first-class land and two thousand acres of second-class land, in terms of 'The Land Act, 1892.'"

Section 32 of Act amended.

28. Section thirty-two of the said Act is hereby amended by the addition of the words "and six months" after the words "two years" in the said section.

Section 36 of Act amended.

29. Section thirty-six of the said Act is hereby amended by the addition of the words "and six months" next after the words "two years."

Extension of time within which notice of appeal may be given by Native interested in Koparakore A Block.

30. Any Native interested in the Koparakore A Block may, within one month after the coming into operation of this Act, give notice of appeal to the Appellate Court from the order of the Court made on partition of the said block; and if such notice be given, the Appellate Court shall have jurisdiction to hear and determine such appeal as if such notice had been given within the time limited by section eighty-four of "The Native Land Court Act, 1894."

No dealing in respect of the said block shall be of any validity or be registered unless and until the Chief Judge of the Native Land Court shall certify to the District Land Registrar either that notice of appeal under this section has not been duly given or that the Appellate Court has determined the matter of the appeal:

Provided that in the event of any alteration of boundaries or locality all improvements at the date of the passing of this Act shall be considered and adjusted by an increase or decrease of area, or by a monetary consideration as between the parties, as the said Appellate Court may direct: And provided further that before the Appellate Court shall proceed to hear and determine the case as between the parties, the appellants shall lodge with the Court a sum of money which, in the opinion of the Chief Judge, shall be sufficient to cover the costs of the respondent in case the decision by the Appellate Court shall be in his favour.

Extension of time as to certain applications for probate.

31. The limit of two years from the death of the testator, prescribed by section eighty-one of the said Act as the time within which application for probate or administration with will annexed may be received, shall not apply in the case of any testator who died prior to the passing of the said Act: Provided that no such application shall in such case be received after the expiration of one year from the date of the passing of this Act.

Land Board to classify lands for purposes of Act.

32. The Land Board for any district, on the application of any person requiring the same, and on payment of such fee as the Governor shall by Order in Council prescribe, shall classify or cause to

be classified, in the same manner as Crown land under "The Land Act, 1892," any land in such district for the purposes of the said Act.

33. All land which at the date of the passing of this Act is held under any order of the Court dated subsequent to the thirty-first day of March, one thousand eight hundred and seventy-one, entitling the person named in such order to a Crown grant thereof, and all land which shall hereafter become so held, shall be deemed land subject to the provisions of "The Land Transfer Act, 1885," and of section twenty-one of "The Native Land Laws Amendment Act, 1895": Provided that the District Land Registrar shall in respect of such land make all such entries on the Land Transfer Register as shall be necessary to preserve any interests registered under "The Deeds Registration Act, 1868," and to give effect to such interests so far as the same are valid and effectual.

Titles to land held under order of Court to be issued under Land Transfer Act.

Registered interests to be protected.

34. All Land Transfer certificates of title issued under the provisions of the said Act or of this Act may be antevested to such date as the Chief Judge shall direct.

Land Transfer certificate may be antevested.

#### MISCELLANEOUS.

35. The word "thirty" is hereby substituted for the word "twenty" in section twenty of "The Native Land Purchases Act, 1892."

"Native Land Purchases Act, 1892": section 20 amended.

36. Section twenty-two of "The Native Land Purchases Act, 1892," is hereby repealed.

Section 22 of same Act repealed.

37. The Minister may, out of any moneys available for purchase of Native lands, elect to pay any moneys due or hereafter to become due to any person for the survey of land or Native land, whether secured by charging-order or otherwise; and, upon payment or tender thereof by any person authorised by the Minister in that behalf to the person entitled to receive the same, the said debt and all securities for the same, and all rights and remedies for the recovery thereof, shall pass to and become vested in Her Majesty as if the same had been duly assigned to her by the person entitled thereto.

Minister may pay survey charges.

On payment, all rights of recovery to vest in the Crown.

The Registrar of Deeds or District Land Registrar for the district within which such land is situate shall, on receipt of a notice signed by the Minister to the effect that any mortgage charge, lien, or other security has been acquired by the Crown under the provisions of this section, register Her Majesty as the proprietor thereof, and no further or other evidence than such notice shall be required for the purpose of such registration.

38. All matters remaining to be determined under the provisions of "The Poututu Jurisdiction Act, 1889," shall be heard and finally determined by the Supreme Court.

"Poututu Jurisdiction Act, 1889": hearing of all matters remaining.

39. No restriction on alienation existing at the date of the passing of this Act, or which has at any time heretofore existed, shall preclude or be deemed to have precluded any transfer or other assurance heretofore taken or made, or hereafter to be taken or made, for the purpose of completing the title of the Wellington and Manawatu Railway Company (Limited) to land taken by the said company for railway-construction under "The Railways Construction and Land Act, 1881"; but every such transfer or other assurance

Transfers to Wellington and Manawatu Railway Company validated.

shall take effect and be deemed to have taken effect as if such restriction had not existed.

The Court is hereby empowered on production of any such transfer to make an order vesting the land the subject thereof in the company in fee-simple, and such order shall entitle the company to be registered as proprietor, under the Land Transfer Act, of the land the subject thereof.

Pukerua and Waimapihi Blocks: boundary to be adjusted and titles corrected.

40. The Court is hereby empowered and directed to adjust and determine the boundary between the Pukerua and Waimapihi Blocks, and the Chief Judge and District Land Registrar respectively are hereby empowered and directed to do all things necessary to give effect to such determination, and for that purpose to call in and cancel or amend any existing Crown grant or other instrument of title.

Takaka Reserve: provision for issue of title for portions of section 9.

41. The District Land Registrar for the Nelson Land Registration District is hereby empowered and directed, on the request in writing of the Public Trustee, to issue Land Transfer certificates of title for Subsections Numbers One to Twelve inclusive of Section Nine, Takaka Reserve, to the person or persons found by the Court to be entitled thereto.

Section 10 of Native Land Claims Adjustment Act amended.

42. Section ten of "The Native Land Claims Adjustment Act, 1895," is hereby amended by the substitution of "3A" for "3D" in the said section.

Section 10 of "The Native Land Claims Adjustment Act, 1895," amended.

43. The Court is hereby directed in making the investigation under section ten of "The Native Land Claims Adjustment Act, 1895," to ascertain what owners in the said list of owners have sold or alienated their shares, and, with the consent of all parties interested, to order that such sale or alienation shall apply to the subdivision in which the Court shall find such selling-owner to be entitled under Maori custom or usage.

Title to Sections 65 and 69, Waipa, may be reheard and rectified.

44. The Court is hereby empowered and directed to ascertain and determine who are the persons beneficially entitled by virtue of the trust declared in a certain Crown grant dated the fourth day of February, eighteen hundred and eighty, to Wiremu Patene, and Pita Wharemana, aboriginal natives of New Zealand, in trust for the loyal Natives of the Ngatitamainu and Ngatikotara Hapus, for Lots Sixty-five and Sixty-nine, Parish of Waipa; and the Governor is hereby empowered to cancel the said Crown grant, and by warrant under his hand to authorise the issue under "The Land Transfer Act, 1885," of certificates of title for the said lands in the names of the persons whom the Court shall decide to be beneficially entitled as aforesaid:

Provided that nothing herein contained shall prejudice the rights of any lessee of the said lands, but the rents shall be payable to such persons and in such proportions as the Court shall direct.

Tauteihiihi Block, rectification of title to.

45. To enable the Court to rectify the orders made on the investigation of the title to the Tauteihiihi Block, the District Land Registrar for the Auckland Land Registration District is hereby empowered and directed to call in and cancel the certificate of title issued under the Land Transfer Act for Tauteihiihi No. 2A.

Power to Native Appellate Court to determine appeals

46. And whereas decrees have been made by the Validation Court affecting the Mangaheia Number Two and Mangapoiki Number

Two Blocks, in the Gisborne Native Land Court District, in respect of which appeals from the decisions of the Native Land Court were, at the time of making the said decrees, and still are, pending in the Native Appellate Court: And whereas such decrees have been laid before Parliament as prescribed by sections fifteen and sixteen of "The Native Land (Validation of Titles) Act, 1893," and it is desirable that the same should not be allowed to take effect except subject to the provisions hereinafter contained:

respecting  
Mangaheia and  
Mangapoiki Blocks,  
notwithstanding  
decrees of  
Validation Court.

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- (1.) These decrees shall be of full force and effect provided always the Native Appellate Court shall, notwithstanding the said decrees, have power and jurisdiction to hear and determine the said appeals, and to make such orders thereon as it deems just and necessary, as fully and effectually as if such decrees had not been made; and the persons claiming by virtue of such decrees shall hold the said lands subject to the orders of the Appellate Court and in trust to give effect to the same.
- (2.) The Validation Court is hereby empowered and directed, either by calling in and amending such decrees or otherwise as may be necessary, to do all things that may be required to be done by the said Court to give effect to the provisions of this section.

47. In order to give effect to an order of the Native Land Court, which order was intended to embody the several decisions of the Native Appellate Court in the matter of the block of land known as Tamaki, which order has been, in accordance with law, laid before both Houses of the General Assembly during the present session of Parliament, and which order has since been found to be incorrectly dated the twenty-third day of August, one thousand eight hundred and ninety-five, whereas it should have been dated the tenth day of August, one thousand eight hundred and ninety-six, that being the date upon which the Appellate Court orders were filed with the Registrar of the Native Land Court, and which order is otherwise defective in matter of form, but not in matter of substance: Be it therefore enacted that the said Native Land Court order shall take effect as an order of the Appellate Court as from the said tenth day of August, one thousand eight hundred and ninety-six, and shall be deemed to be the final order of the Appellate Court made in respect of the several decisions aforesaid:

Order of Native  
Land Court as to  
Tamaki Block to  
take effect as an  
order of the Appel-  
late Court as from  
the 10th August,  
1896.

Provided that nothing in this section shall affect any proceeding now pending in the Supreme Court.



Schedule.

## SCHEDULE.

ALL that parcel of land, containing by admeasurement 1,050 acres, more or less, and known as Section 1676 of Blocks VIII., IX., and XII., situated in the Kanieri and Turiwhati Survey Districts, in the Provincial District of Westland.

All that parcel of land, containing by admeasurement 492 acres 2 roods, more or less, and known as Section 1152, situate in the Arahura Survey District, in the Provincial District of Westland.

All that parcel of land, containing by admeasurement 300 acres, more or less, situated at the eastern end of the Arahura Native Reserve, being a portion of that reserve undealt-with in 1879 under the Royal Commission issued to Mr. Thomas Young.

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