

[AS REPORTED FROM THE LAND TITLES PROTECTION BILL COMMITTEE,
HOUSE OF REPRESENTATIVES, 10TH SEPTEMBER, 1902.]

Hon. Mr. Carroll.

LAND TITLES PROTECTION.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.</p> | <p>2. Consent of Governor in Council necessary to proceedings to question title issued. Consent, when to take effect.
3. Actions prior to 30th June, 1902.</p> |
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A BILL INTITULED

AN ACT to protect the Land Titles of the Colony from Frivolous Attacks in certain Cases. Title.

WHEREAS several actions by Natives calling in question, after
 5 a lapse of at least thirty years, certain orders of the Native Land Court made under the provisions of "The Native Lands Act, 1865," and the Crown grants and other instruments of title issued in pursuance thereof, have lately been taken in the Supreme Court of the colony: And whereas the said actions have been dis-
 10 missed by the Court of Appeal, and the Native plaintiffs have been cast in costs and expenses amounting in the aggregate to at least two thousand pounds: And whereas, through the death or retirement of Judges of the Native Land Court and other responsible officers of the public service who could give official evidence, the
 15 defence of such actions is *may be* a matter of very great difficulty if not an impossibility: And whereas considerable alarm has been caused amongst the European landholders of the colony at such attacks upon their titles, and it is expedient that *reasonable* protection should be ~~given against wanton and frivolous actions~~ *afforded to*
 20 *the holders of such titles:* Preamble.

BE IT THEREFORE 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 Land Titles Protection Act, 1902." Short Title.

2. (1.) In the case of Native land or land acquired from Natives, the validity of any order of the Native Land Court, Crown grant, or other instrument of title purporting to have been issued under the authority of law which has subsisted for not less than *ten* years prior
 30 to the passing of this Act shall not be called in question in any Court, or be the subject of any order of the Chief Judge of the Native Land Court under section thirty-nine of "The Native Land Court Act, 1894," unless with the consent of the Governor in Council first had and obtained; and in the absence of such consent this Act shall be an abso-
 35 lute bar to the initiation of any proceedings in any Court calling in

question the validity of any such order, Crown grant, or instrument of title, or the jurisdiction of the Native Land Court to make any such order, or the power of the Governor to make and issue any such Crown grant.

(2.) The Governor in Council may, after due inquiry in such manner as he thinks fit, give such consent as aforesaid, with or without conditions as to security for costs, if he is satisfied that a *prima facie* case has been established, and that it would be inexpedient to dispose of it by remedial legislation or any other procedure which would obviate litigation. 5 10

New Subsection.

(2A.) No such consent shall take effect until after the expiration of fourteen days from the date of publication thereof in the *New Zealand Gazette* and *Kahiti*.

Actions prior to 30th
June, 1902.

3. (2.) Nothing herein shall be deemed to apply to any action 15
commenced prior to the ~~passing of this Act~~ *thirtieth day of June, one thousand nine hundred and two.*