

New Parliament.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
16th December, 1887.

Hon. Sir F. Whitaker.

NATIVE LAND ADMINISTRATION ACT REPEAL.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. "Native Land Administration Act, 1886," repealed. 4. Notifications under repealed Act to have effect of applications for partition. 5. Partition may be had thereon.</p>	<p>6. Certificate granted under section 24 of repealed Act not to confer title. Transactions on the authority of Act validated. Exception. 7. Inchoate transactions how to be completed. 8. Certain leases may be renewed for a limited term. Previous renewals protected. 9. Deeds not under Act illegal. Exceptions. 10. Crown may purchase Native lands. 11. Duration of Act.</p>
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A BILL INTITULED

AN ACT to repeal "The Native Land Administration Act, 1886," and to provide for the Completion of certain Transactions commenced thereunder. Title.

5 WHEREAS under section twenty-four of "The Native Land Administration Act, 1886," a number of persons claiming to have theretofore purchased or leased the shares or interests of some of several owners of land duly notified the fact of such purchases or leases to the Commissioner and also to the Chief Judge of the Native Land Court, and in many of the said cases certificates were granted as in the said section provided: And whereas it has been decided by the Supreme Court that all the said cases so notified are not provided for by the said section twenty-four: And whereas the limited effect thereby given to the section is not in accordance with the intention of the Legislature, and it is necessary therefore to make further provision to effectuate the said intention: Preamble.

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

20 1. The Short Title of this Act is "The Native Land Administration Act Repeal Act, 1887." Short Title.

2. In this Act "Native" means an aboriginal native of New Zealand, and includes half-castes and their descendants by Natives. Interpretation.

52 3. "The Native Land Administration Act, 1886" (hereinafter called "the said Act"), is hereby repealed. "Native Land Administration Act, 1886," repealed.

4. Notifications given under the said Act shall be deemed to be and shall have the effect of applications for partition under "The Native Land Court Act, 1886." Notifications under repealed Act to have effect of applications for partition.

Partition may be had thereon.

5. Notwithstanding that any alleged purchase or lease in respect of which a notification as aforesaid was given under the said section twenty-four was incomplete or unauthorised by law or otherwise invalid, the Native Land Court, after being first satisfied that there had been an alleged purchase or lease, and that the transaction was *bonâ fide*, and a fair value or rent given or reserved, shall proceed to make partition as provided by the said Native Land Court Act, and all the provisions thereof relating to partition shall apply to such case accordingly. 5

This section shall not apply or give effect to any conveyance, transfer, gift, contract, or promise affecting or relating to any Native land made before a certificate of title or memorial of ownership had been issued by the Native Land Court, or which is void or illegal under any Act of the General Assembly. 10

If a restriction on alienation has in any case been imposed, or been ordered or recommended by the Native Land Court to be imposed, the Court shall, in addition to such inquiries as aforesaid, satisfy itself whether or not there is then sufficient reason why such restrictions should be maintained, and for that purpose shall make inquiries and take evidence as it shall think fit. 15 20

If the Court be satisfied that the restriction should be maintained, the case shall be dismissed, but otherwise the Court shall proceed to partition as aforesaid.

Certificate granted under section 24 of repealed Act not to confer title.

Transactions on the authority of Act validated.

6. A certificate granted under section twenty-four of the said Act shall not confer, and shall be deemed not to have conferred, any title to or ownership of any land, or to or of any share or interest therein; but nothing in the said Act shall invalidate or affect the validity of any deed or writing, or of any purchase, agreement, conveyance, or lease which has heretofore been signed, made, effected, or obtained on the authority of any certificate granted or professing to be granted under section twenty-five of the said Act. The foregoing provisions shall not apply to or affect any suit now pending in the Supreme Court. 25 30

Exception.

Inchoate transactions how to be completed.

7. Any person who, before the first day of July, one thousand eight hundred and eighty-six, obtained the signature of a Native owner of land, or of a share therein, to a deed or instrument purporting to be a conveyance, transfer, or lease of such land, or share therein, may, at any time prior to the first day of July next, obtain, in the case of a conveyance or transfer, signatures of owners to a conveyance or transfer, and, in the case of a lease, signatures of owners to a lease of such land for a term not exceeding that named in such first-mentioned lease: Provided he duly notified the fact of such purchase or lease under section twenty-four of the said Act, or shall deliver such a notification to the Chief Judge before the first day of March next, and has obtained, or shall hereafter obtain, the certificate of a Judge of the Native Land Court that he had obtained a signature as firstly hereinbefore mentioned before the first day of July, one thousand eight hundred and eighty-six. 35 40 45

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8. A lease of land owned by a Native or Natives for a term not less than one-third of which had expired on the first day of July, one thousand eight hundred and eighty-six, may, as to the whole or part of the land the subject of such lease, be renewed for a further term
 5 not exceeding fourteen years, upon such terms as may be agreed upon.

Certain leases may be renewed for a limited term.

The renewal of a lease heretofore made on the faith of section twenty-seven of the said Act shall be as effectual as if section two of the said Act had not contained the following paragraph, namely,
 10 "Only sections thirty-two and thirty-three of this Act shall apply to land now the subject of a lease for an outstanding term during the continuance of such term."

Previous renewals protected.

9. From and after the coming into operation of this Act, every deed or writing signed, made, or executed, and affecting or intended to affect land owned by Natives, whether or not such title may
 15 have been investigated and determined by the Native Land Court, shall be illegal and void.

Deeds not under Act illegal.

This section shall not apply to—

Exceptions.

Any conveyance, transfer, lease, or renewal of a lease, made
 20 under or authorised by this Act ;

Or to wills, or to subleases, surrenders, or assignments of existing leases, or to assignments, transfers, or releases or renewals of existing mortgages ;

Or to conveyances, transfers, or leases of land purchased by Natives from the Crown, or from a person not of the
 25 Native race ;

Or to a conveyance or lease by a Native of land not subject to restrictions on such alienation made to any other Native, provided such conveyance or lease shall have indorsed thereon a minute of the approval of a Judge of
 30 the Native Land Court ;

Or to land situate in the Middle Island of New Zealand, or to Stewart Island ;

Or to the land mentioned in the seventeenth clause of the Schedule to "The Special Powers and Contracts Act, 1885," so far as this exemption may be necessary to entitle the Joshua Jones mentioned in the said clause to complete the negotiations for a lease also mentioned in the said clause, and to obtain the execution of such lease
 35 by the Native owners of the said land.

10. Nothing in this Act shall prevent or affect purchases by or on behalf of the Crown of land held by Natives under any tenure ; and it shall be lawful for any person, acting under written authority from a Minister, to make purchases of such land for and on behalf of the Crown.

Crown may purchase Native lands.

11. This Act shall continue in force until the end of the next
 40 session of Parliament, but no longer.

Duration of Act.