

Mr. Taipua.

NATIVE LANDS.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Laws relating to Native Lands.

Title.

WHEREAS it is expedient to amend the laws of New Zealand relating to Native lands, and to remove certain restrictions now imposed upon aboriginal natives in their dealings with their lands :

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 Native Lands Act, 1887."

Short title.

2. This Act shall come into operation on the second day of January, one thousand eight hundred and eighty-eight.

Commencement of Act.

3. In construing this Act the words and phrases following shall have the meanings hereby attached to them respectively, unless there be something in the context repugnant to or inconsistent with such meanings :—

Interpretation.

"Instrument" shall mean and include any grant, certificate of title, memorial of ownership, memorandum of transfer, lease, conveyance, assurance, deed, map, plan, will, probate or exemplification of will, or any other document in writing relating to the transfer of or dealing with lands :

"Tribe" shall mean a tribe or a section of a tribe or hapu, as the case may be :

"Native" shall mean an aboriginal native of the Colony of New Zealand, and shall include all half-castes and their descendants by Natives :

"Native lands" shall mean lands in the colony which are owned by Natives under their customs and usages :

- “Inspector of Surveys” shall mean an officer to be appointed by the Governor, and shall include all deputies appointed by him.
- Repeal of Acts. 4. “The Native Lands Act, 1865,” “The Native Land Act, 1867,” “The Native Lands Act Amendment Act, 1868,” “The Native Lands Act, 1869,” “The Native Lands Act Amendment Act, 1870,” and “The Native Lands Administration Act, 1886,” are hereby repealed: Provided the proceedings heretofore commenced and in progress under any of the said repealed Acts before the repeal of the same may be continued and perfected under this Act. 5
- Proviso as to sale or lease. 5. On and after the passing of this Act it shall not be lawful for any Native to dispose of, sell, partition, lease, or sublease any interest in or portion of any Native land except as in manner herein-after provided. 10
- Mortgage, &c., declared unlawful. 6. On and after the passing of this Act no Native shall give a mortgage-charge or lien on or upon or effecting his land, or in any interest he may have in any Native land. 15
- Governor to appoint Native Assessors. 7. It shall be lawful for the Governor in Council, within one month after the commencement of this Act, by Proclamation to be published in the *New Zealand Gazette* and the *Kahiti*, to appoint Native Assessors, one for each district created under the provision of the Native Lands Frauds Prevention Act, to have co-ordinate jurisdiction with, and sit and determine with, Trust Commissioners now existing or hereafter to be appointed under the provision of the said Act, 20
- Limits power of alienation. 8. On and after the passing of this Act it shall be unlawful for any Maori owning not less than one hundred acres, or whose interest in any Native lands does not exceed one hundred acres, to alienate by way of fee-simple any such lands, but may lease the same with the sanction of the Trust Commissioner and Native Assessor, as in manner hereinbefore provided. 25
- Limitation. 9. It shall not be lawful for any Maori or Maoris to sell or lease any blocks of Native lands unless and until separate tribal or subtribal interest shall have been ascertained under and by virtue of “The Native Land Court Act, 1886.” 30
- Sale by minority of grantees prohibited. 10. It shall not be lawful for less than a majority in value of the grantees of any land under the said Act, and their successors as aforesaid, to make any contract, lease, mortgage, or conveyance of their estate or interest in such lands, or in any part thereof: Provided always that, if any dispute shall arise as to such value, it shall be lawful for either or any of such parties to apply to the Court to have such value ascertained, and thereupon such proceedings shall be taken, and such order made, as is provided in “The Native Land Act, 1865,” with respect to subdivision of hereditaments, *mutatis mutandis*: Provided also that the Court may, if it thinks fit, refuse to make any order, and may dismiss the application, with or without costs. 35
- No duty payable. 11. No duty shall be payable upon any sale, transfer, or lease of any Native lands. 40