

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

*House of Representatives,
9th October, 1894.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Seddon.

NATIVE LAND COURT.

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A BILL INTITULED

AN ACT to amend and consolidate the Laws relating to the Native Title.
Land Court of New Zealand.

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

1. The Short Title of this Act is “The Native Land Court Short Title.
Act, 1894.”

PART I.

INTERPRETATION.

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

“Alienation” means any sale, lease, contract or other dis- Interpretation.
position, absolute or limited, mortgage, charge, lien, or No. 17, 1881, sec. 2.
incumbrance:

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“Appellate Court” means the Native Appellate Court con-
stituted by this Act:

“Appeal” means appeal to the said Court:

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“Certified plan” means a plan certified by the Chief Surveyor
of any district as correct for the purposes of the Land
Transfer Acts:

“Chief Judge” means the Chief Judge of the Native Land No. 37, 1888, sec. 2.
Court:

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“Claimant” means any person claiming to have acquired any
land or parcel of land or any estate or interest therein
respectively under an alienation:

“Court” means the Native Land Court:

“Crown grant” includes certificate of title under “The Land No. 37, 1888, sec. 2.
Transfer Act, 1870,” or “The Land Transfer Act, 1885”:
No. 37, 1888, sec. 2.

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“Commissioner” means any Stipendiary Magistrate appointed
a Commissioner for the purposes of this Act:

“Confirm any alienation” means decide, upon inquiry in open
Court, that any alienation is in accordance with the
statute law regulating alienations by Natives, and that
the consideration therefor has been duly paid or given:

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“Confirmation order” means an order made on such inquiry:

“Customary land” means land which immediately before the
coming into operation of this Act is owned by Natives
under their customs and usages, the owners whereof
have been ascertained by the Court or other duly-con-
stituted authority:

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“Deed” includes a memorandum or document executed, before
or after the coming into operation of this Act, in the
manner prescribed by the law in force at the time of its
execution, and purporting or intended to effect an aliena-
tion, whether registration is necessary to give complete
effect to such alienation or not:

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“District Land Registrar” means District Land Registrar for
the district within which the land is situated:

- See No. 37, 1888,
sec. 2.
- See No. 37, 1888,
sec. 2.
- See No. 37, 1888,
sec. 2.
- No. 37, 1888, sec. 2.
- See No. 37, 1888,
sec. 2.
- “European” means a person other than a Native :
- “~~Half-caste~~” includes the descendant of a half-caste :
- “Judge” means a Judge of the Court, and includes the Chief Judge and a Commissioner appointed under section *seven* of this Act : 5
- “Land” means any land in the colony (other than Native land) owned or held by Natives, or by Natives and Europeans jointly, under any class of title, and includes any estate, right, or interest therein :
- “Land Transfer Acts” means “The Land Transfer Act, 1885,” 10 and the amendments thereof :
- “Minister” means the Minister of Native Affairs :
- “Mortgage” includes charge, lien, and incumbrance :
- “Native” means an aboriginal native of New Zealand, and includes half-castes and their descendants : 15
- “Native Land” means land in the colony owned by Natives under their customs or usages, the title whereof has not been ascertained by the Court or other duly-constituted authority as aforesaid :
- “Order” means order of the Court in the form prescribed for 20 any proceeding by rules made under this Act, or in any form approved by the Chief Judge, or to the effect thereof respectively, authenticated by the signature of a Judge and the seal of the Court :
- “Owner” includes a grantee named in a Crown grant, 25 a person registered as proprietor under the Land Transfer Act, a person named as owner in any memorial of ownership or certificate of title or order issued by the Native Land Court, a person registered in the Court under the provisions of the seventeenth section of “The Native Lands Act, 1867,” a person found by any Court of competent jurisdiction to be beneficially interested under any trust, and any person taking under a will or declared to be the successor to a deceased owner : 30
- “Parcel of land” or “parcel” means one of several parcels 35 into which land may be partitioned, or Native land divided :
- “Partition order” means a final order made on partition :
- “Party” means any person or number of persons appearing to support or to oppose or to protect his or their interests in respect of any application made to or proceeding in or before the Court, and includes every applicant : 40
- “Person” means any person whether Native or European, and includes a corporation :
- “Penalty” includes imprisonment : 45
- “Prescribed” means prescribed by rules or regulations made under this Act :
- “Provisional Register” means the Provisional Register under the Land Transfer Act :
- “Registered,” when used with reference to a deed, order, or 50 other document affecting or purporting to affect title to

land, means registered either in the Native Land Court, or under the Land Transfer Acts, or "The Deeds Registration Act, 1868," according to the nature or condition of the title to the land affected or intended so to be by any such document :

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"Registrar" means a Registrar of the Court, and includes a Deputy-Registrar : See No. 37, 1888, sec. 2.

"Succession order" means an order made determining a successor :

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"Successor" means the person who, on the death of any Native, is, according to Native custom, or, if there be no Native custom applicable to any particular case, then according to the law of New Zealand, entitled to the interest of such Native in any land or personal property. See No. 37, 1888, sec. 23, and decision of Paoro v. Cuff, 8 N.Z. L.R., p. 751.

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"Surveyor-General," when used in this Act or in any order of the Court, means the person for the time being acting in the capacity of Surveyor-General for the colony, and includes the Assistant Surveyor-General :

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"Surveyor" means a surveyor holding a certificate of competency under the hand of the Surveyor-General.

3. Title of any person or title to Native land, or to land, or to a parcel of land, or to personal property, shall be deemed to be "ascertained" under an order affecting the same respectively, and an order shall be deemed to have "matured," when— Title "ascertained." See No. 24, 1886, sec. 2. Order "matured."

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(a.) The time within which notice of appeal may be given in respect thereof has elapsed without any such notice having been given ; or

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(b.) Where notice of appeal has been given, when the time within which a statement of the grounds of appeal is to be filed has elapsed without such statement having been filed ; or when

(c.) Final order is made on appeal.

PART II.

CREATION AND CONSTITUTION OF COURT.

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4. There shall continue to be within the Colony of New Zealand a Court of Record, called as heretofore "The Native Land Court," which shall, in addition to the jurisdiction and powers specifically conferred by this Act, have all the powers inherent in a Court of Record at common law : Constitution of the Court. No. 24, 1886, sec. 5.

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And it is hereby declared that the several Courts constituted under "The Native Land Act, 1862," "The Native Lands Act, 1865," "The Native Land Act, 1873," "The Native Land Court Act, 1880," "The Native Land Court Act, 1886," and under this Act, shall, notwithstanding the repeal of any Act, be deemed and

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taken to have been, and to be and continue to be, one continuous Court.

5. The Court shall consist of such Judges, of whom one shall be the Chief Judge, together with such Assessors, as the Governor may from time to time determine. Judges and Assessors. No. 24, 1886, sec. .

Appointment of
Judges and officers.
No. 24, 1886, Sec. 7

6. The Governor may from time to time appoint a Chief Judge, who shall be a barrister or solicitor of the Supreme Court of New Zealand of *not less than seven years' standing*, Judges, and Assessors, and also such Registrars, Deputy Registrars, Clerks, Interpreters, and other officers as may be required for the conduct of the business of the Court throughout the colony. 5

Persons skilled in the Native language or Native customs ~~may be appointed as Judges or Interpreters,~~ and shall be deemed experts within the meaning of section four of "The Civil Service Reform Act, 1886." 10

Commissioners.
No. 24, 1886, sec. 16.

7. The Governor may appoint any Stipendiary Magistrate to be a Commissioner for the purposes of this Act, who shall possess the jurisdiction, powers, and authorities of a Judge.

Every person holding the office of a Recorder under "The Native Land Court Act, 1886," shall, by virtue of such office, be deemed to be a Commissioner duly appointed under this Act. 15

Governor may
appoint Deputy
Chief Judge.

8. The Governor may from time to time appoint a person to act as Deputy for the Chief Judge for such period as the appointment may direct.

During the continuance of such appointment a Deputy shall have, exercise, and perform all the powers and duties of the Chief Judge. 20

Tenure of office.
No. 24, 1886, sec. 7.

9. Every person appointed or holding office under this Act shall hold office during the Governor's pleasure.

The Chief Judge, Judges, and Assessors, Registrars, Clerks, and other officers of the Court, holding office at the time of the coming into operation of this Act, shall hold office and be deemed to have been appointed hereunder; but the existing order of precedence of the several Judges shall be retained. 25

Salaries.
No. 24, 1886, sec. 8.

10. Such salaries shall be paid to the several persons appointed under this Act as shall from time to time be appropriated for the purpose by the General Assembly, and out of moneys so appropriated there shall be paid such travelling-allowances as the Governor shall from time to time determine. 30

Records.
No. 24, 1886, sec. 12.

11. The records, plans, and documents relating to the business of the Court shall be deposited, and the official or administrative work carried on, at such place or places as the Governor shall at any time after the passing of this Act and from time to time appoint. 35

Registers.
No. 24, 1886, sec. 14.

12. Registers shall be kept by the Court, in which shall be recorded minutes of all applications made to the Court and orders and proceedings made and had thereon. 40

Seal.
No. 24, 1886, sec. 10.

13. The Court shall have in the custody of each Judge a seal, which shall be a seal of the Court, and shall be used for sealing documents which require to be sealed.

PART III.

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JURISDICTION.

Investigation.
No. 24, 1886, sec. 17.

14. Subject as hereinafter mentioned the Court shall have jurisdiction,—

(1.) To investigate the title to and ascertain and determine the owners according to Native custom of any Native land: 50

(2.) To determine the relative interests in any land of the persons entitled thereto, and to partition any land among such persons:

Relative interests
and partition.
No. 24, 1886, sec. 42.
No. 87, 1888, sec. 21.

- (3.) To effect an exchange between Natives of any land owned by them, also, on application of the Governor, to effect an exchange of lands between Natives and the Crown : Exchange.
- (4.) To determine any successor : Succession.
No. 24, 1886, secs. 43 to 50; No. 37, 1888, sec. 23.
- 5 (5.) To grant probate of the will and letters of administration of the estate and effects of any Native now dead, or who shall hereafter die : Probate and administration.
No. 32, 1890, sec. 2.
- 10 (6.) To render any land inalienable, or to impose such limited restrictions on the alienation of any land as the Court may think fit, and subject as hereinafter provided to vary or remove any restrictions ~~imposed since the thirtieth day of August, one thousand eight hundred and eighty eight, or hereafter to be imposed, and to render alienable land heretofore or hereafter to be rendered inalienable:~~ Restrictions on alienation.
No. 37, 1888, secs. 6 and 13; No. 36, 1888, sec. 5.
- 15 (7.) To determine all claims to land based on any alienation heretofore or hereafter to be made by a Native, and all questions arising between conflicting claimants : Claims under alienation.
- (8.) To confirm any alienation of land made by a Native : Confirmation of alienations.
- 20 (9.) To restrain any person from injuring or damaging or dealing with any property the subject-matter of any application to the Court : See "Native Lands Frauds Prevention Act, 1881," and amendments.
- (10.) To determine whether or not any land heretofore dealt with by the Court, of which there has been no alienation other than a lease, mortgage, or contract for sale, upon which the purchase-money has not been paid, was, on the investigation of title thereto, or partition thereof, intended by the Native Land Court, or by the nominal owner or owners of such land (whether such nominal owner or owners be a tribe, hapu, or section thereof respectively, or a definite individual or individuals), to be held by the nominal owner or owners in trust for Natives not named in the title to such land; and to determine who are the Natives, if any, entitled beneficially to any land so held in trust, *and to order the inclusion of* Restraining injuries to property.
Native trusts.
See "Native Equitable Owners Act, 1886."
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New.

such Natives in the title, either together with or in lieu of the nominal owners, and for the purpose aforesaid to order the cancellation or amendment of any existing instrument of title and the issue of such new Crown grants, or other instruments of title as may be necessary :

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Provided that the Court shall not proceed to exercise this jurisdiction unless the Governor in Council shall by order authorise the same to be done :

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No order of the Court hereunder shall take effect until fourteen days after the same has been laid before both Houses of the General Assembly, if the General Assembly be then sitting; and if not then sitting, then not until fourteen days from the commencement of the then next sitting thereof :

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Provided that this subsection shall not apply to any Native reserve which has or may become vested in the Public Trustee under the operation of "The West Coast

Settlement Reserves Act, 1881," or "The Native Reserves Act, 1882," or "The Westland and Nelson Native Reserves Act, 1887," respectively.

New proviso.

Provided that this subsection shall apply only to lands comprised in certificates of title or Crown grants issued, or ordered to be issued, under "The Native Land Act, 1865," and shall not apply where any share or interest in such land has heretofore been sold or conveyed by such nominal owners, or any of them, or their successors.

Apportionment.
No. 24, 1886, secs.
36 to 39.

(11.) To apportion among the owners, or some of them, the rents payable under any lease of any land, and for the purposes of any partition to negative, modify, or apportion any of the express or implied provisions of any such lease as aforesaid as to any parcel or parcels, or as to the whole of such land :

Costs.
No. 24, 1886, secs.
68 to 74.

(12.) To award such sum as may seem just for costs, including costs of professional assistance, to or against any person appearing or represented before it in any proceeding ; and to order any party to a proceeding, at any stage thereof, to deposit any sum of money as security for costs, and to dispose of any sum so deposited as to the Court may seem just : and

Trustees' accounts.

(13.) To order any person, other than the Public Trustee, heretofore or hereafter to be appointed a trustee of any land belonging to any Native, to furnish an account of his trusteeship, and, on examination and investigation thereof by the Court, with or without the assistance of an accountant, to order the payment by such trustee of such sum or sums of money to such person or persons, and on such terms, as may seem just :

Struck out.

Survey liens and
Court fees.
See No. 24, 1886,
sec. 81.

(14.) To declare, by an order directed to the District Land Registrar, that moneys are due to the Surveyor-General or to a surveyor for or on account of the land comprised in such order or of any part thereof, in any case where the Surveyor-General, or chief surveyor of the district, shall certify in writing that such moneys are fairly due, or that moneys are due to the Court on account of fees, whether such moneys respectively became due before the coming into operation of this Act or shall hereafter become due. Every such order shall, upon the registration of the title under the Land Transfer Act, be deemed to be a caveat against dealing with such land ; and such caveat shall, unless removed by order of the Court or the Court of Appeal, remain in force until the whole of the said moneys are paid or satisfied.

Power to vest land.

(15.) By order to vest land in any person whom, in the exercise of the powers aforesaid, it determines to be entitled thereto, and generally to do all acts and things necessary to the effectual exercise of the jurisdiction conferred upon the Court by this Act.

Extension of Jurisdiction.

15 The Governor in Council may, by Order from time to time, confer upon the Court as effectually as if the same were conferred by this Act jurisdiction in any matter or question referred to in such Order exclusively affecting the rights of Natives in any real or personal property, and thereupon the Court and each Judge thereof shall have full jurisdiction and power in such matter to decide and make order as it may deem fit; and such decision or order, subject to the right of appeal as hereinafter provided, shall be valid and binding in law, and may be dealt with as nearly as may be in the same manner as an order of a similar nature made by the Court in exercise of the jurisdiction conferred upon it by this Act.

Governor in Council may extend jurisdiction.

PART IV.

PRACTICE AND PROCEDURE.

15 (1.) *General.*

16 The Court shall sit at such times and places as the Minister by notice given in such manner as may be prescribed shall appoint. Before the time appointed for the commencement of a sitting, the Minister may order such sitting to be adjourned to such time and place as he may think fit. After the commencement of a sitting, the presiding Judge, or, in the absence of a Judge, any person for the time being acting as Clerk, may adjourn such sitting from time to time and from place to place, or may so adjourn any part or parts of the business notified to be dealt with at any such sitting, or adjourn the same respectively *sine die*.

Appointment of sittings.
See No. 24, 1886, secs. 53, 54.

Adjournment.

17 The jurisdiction of the Court in any matter may be exercised on the written application of any person claiming an interest therein, and, in the course of the proceedings on any application, the Court may without further application, and upon such terms as to notice to parties and otherwise as the Court thinks fit, proceed to exercise any other part or parts of its jurisdiction which it may consider necessary or expedient to exercise; and the Court may in its discretion deal with the subject-matter of any application wholly or in part or parts, and issue separate orders in respect of such part or parts, and any application may be dismissed or (with the consent of the Court) extended or amended or withdrawn wholly or in part; and the Court may, on the completion of any stage in any proceedings, make any interlocutory order which it may deem necessary or expedient.

Commencement of proceedings.
See No. 24, 1886, secs. 17 and 23.

18 A Judge sitting alone may exercise all the powers of the Court, but in exercising jurisdiction under subsections *one, two, four, five, or ten* of section *fourteen* hereof shall be assisted by an Assessor, whose concurrence in any judgment or order shall not be necessary to the validity thereof.

Judge shall be assisted by Assessor in certain cases.
See No. 24, 1886, sec. 6.

19 Proceedings may be continued before a Judge, or Judge and Assessor, other than the Judge or Judge and Assessor before whom they were commenced, or before the same Judge and another Assessor.

Change of Judge or Assessor.

20 No person may appear or be assisted in Court by counsel or agent without the assent of the presiding Judge first obtained. Such assent may be at any time withdrawn.

Appearance by counsel or agent.
Ib., sec. 25.

(2.) Evidence.

Testimony and
evidence.
See No. 24, 1886,
secs. 19, 52, and 60.

21. The Court may act on any testimony, sworn or unsworn, and may receive as evidence any statement, document, information, or matter which, in the opinion of the Court, may assist the Court to deal effectually with the matters before it.

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Witnesses may be
summoned.
No. 32, 1889, sec. 2.

22. The Court may, by summons in writing under the hand of a Judge, require any person to appear before the Court, at such time and place as shall be specified in the summons, to give evidence in the matter of any proceeding; and such person may be required by such summons to produce any books, deeds, papers, and writings relating to such proceeding and in his possession or under his control.

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Penalty for
disobedience.
No. 32, 1889, sec. 3.

23. Any person on whom any such summons shall have been served personally, or in any manner prescribed, and to whom at the same time payment or a tender of his expenses shall have been made on the scale to be prescribed, and who shall neglect or fail without sufficient cause to appear, or to produce any books, deeds, papers, or writings required by such summons to be produced; and any person, whether summoned to attend or not, who, being present in Court and being required to give evidence, shall refuse to be sworn or to give evidence, or who, having been sworn to give evidence in a proceeding, shall neglect or fail to appear at such time as the Court may direct for the purpose of giving further evidence in such proceeding, shall be liable to a penalty not exceeding twenty pounds, and, in default of payment, to be imprisoned for any term not exceeding fourteen days.

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Witness in custody.

24. A Judge may, upon application on affidavit of any party to a proceeding, issue an order under his hand and the seal of the Court for bringing up before the Court any prisoner or person confined in any gaol, prison, or place under any sentence, or under any commitment for trial or otherwise, to be examined as a witness in such proceeding; and the person required by such order to be brought before the Court shall be so brought under the same care and custody, and to be dealt with in like manner in all respects, as a prisoner required by any writ of *habeas corpus* awarded by the Supreme Court of New Zealand to be brought before such Court, to be examined as a witness in any cause or matter depending before such Court, is now by law required to be dealt with: Provided always that the person having the custody of such prisoner or person shall not be bound to obey such order unless a tender be made to him of a reasonable sum for the conveyance and maintenance of a proper officer or officers and of the prisoner or person in going to, remaining at, and returning from the Court.

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Evidence may be
taken before
another Judge.
See No. 31, 1889,
sec. 4.

25. The Court may request any Judge or Stipendiary Magistrate to examine any person whose attendance cannot, by reason of distance or otherwise, be conveniently obtained. The Judge or Stipendiary Magistrate to whom such request is made shall summon such person to give evidence, and shall examine him accordingly. The evidence of such person shall be reduced to writing, and signed by him and by the Judge or Stipendiary Magistrate before whom the same is taken, and may be used by the Court in such manner as the circumstances of the case may require.

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26. Affidavits or affirmations to be used in any proceeding may be sworn or made respectively before a Judge, Registrar, Deputy Registrar, a solicitor of the Supreme Court, or a Justice of the Peace.

Affidavits and affirmations.

27. The Court may authorise any valuer or other person to enter upon any land the subject of a proceeding; and any person impeding any one acting under such authority shall be liable to a penalty not exceeding twenty-five pounds, and in default of payment to imprisonment for a term not exceeding one month.

Authority to valuer.
See No. 32, 1889.
sec. 5.

(3.) *Judgment.*

28. Every definitive judgment, decision, or award of, and every imposition of penalty by, the Court shall be by order.

Judgment, &c., by order.

29. The Chief Judge may sign any order which ought to have been signed by a deceased or retired Judge.

Chief Judge to sign for retired Judge.

30. Every order or application to amend or vary any order affecting land may be registered.

Order may be registered.

31. An order of the Court shall bear date and shall be deemed to have been made on the day on which the Court decided that such order should be made, and shall take effect as from such date. ~~but the Court may in any order direct that the same shall take effect on some day before or after the day on which the same is made.~~

Date of effect of order.
See No. 24, 1886,
sec. 56.

32. An order may issue in the name of a deceased Native.

Order in name of deceased Native.

33. The Court may from time to time extend any time limited or fixed by any order ~~heretofore made or~~ hereafter to be made, ~~whether or not such time has or shall have expired.~~

Extension of time.
No. 24, 1886, sec. 61.

34. Every order vesting land or any parcel of land, not already described in a Crown grant, shall describe the same by reference to some certified plan thereof, or, if there be no certified plan thereof, shall describe the same with sufficient accuracy to enable the same to be identified and the boundaries thereof to be correctly laid down on survey.

Plan or descriptions of land in order.

35. Any order of the Court under subsection *nine* of section *fifteen* of this Act may be filed in the office of the Supreme Court within the Supreme Court district in which such order was made; and thereupon such order shall become a judgment of the Supreme Court, and such further proceedings may be taken and had thereon in default of compliance with the terms thereof as could be taken if the same had been originally a judgment of the Supreme Court.

Orders for payment of money, &c., may be filed in Supreme Court.

36. Every order in favour of an infant shall state the age of such infant as nearly as can be ascertained, and such statement of age may be amended; but while the same shall remain unamended the age stated therein shall, in respect of the subject-matter thereof, be deemed to be the age of such infant at the date of such order.

Infant's age to be stated.
No. 24, 1886, sec. 57.

37. No amendment of the statement of age of an infant in any order shall prejudice or affect anything done on the assumption that such age was prior to such amendment correctly stated in such order.

Amendments of statement.
No. 24, 1886, sec.

(4.) Amendment.

General.

No. 24, 1886, secs. 62
and 64.

38. All amendments necessary to remedy or correct defects or errors in any proceeding or document, or to give effect to or record the intended decision in any proceeding, may be made at any time by the Court *or by any Judge*, whether applied for or not, and upon such terms (if any) as to payment of costs or otherwise as to the Court may appear just. 5

Amendment after
title ascertained.No. 32, 1889, sec. 13;
and see decision of
Supreme Court, *ex*
parte Hapi Puke-
tapu, on the con-
struction of sec. 13
of Act 1889, holding
that Chief Judge
can review an error
in law.

39. Where through any mistake, error, or omission, the Court by its order, heretofore or hereafter to be made, has or shall have in effect done or left undone something which it did not actually intend to do or leave undone, or would not but for such mistake, error, or omission have done or left undone, or, where the Court has or hereafter shall have decided any point of law erroneously, the Chief Judge may at any time *within three months* after title has or shall have become ascertained or any order has or shall have matured, on the application in writing of any person alleging that he is affected by such mistake, error, omission, or erroneous decision in point of law, make such order in the matter for the purpose of remedying the same, or the effect of the same respectively, as the nature of the case may require, and, for such purpose as aforesaid, may, if he shall deem it necessary or expedient, vary the actual decision or intended decision of the Court. 10 15 20

Such application shall state specifically the grounds upon which it is made, and be verified by the affidavit or statutory declaration of the person applying. 25

If such application shall affect land, the applicant may register a certified copy or duplicate thereof.

Provided that no such order as aforesaid shall affect any alienation of such land made after the title thereto has been ascertained, and before such application has been registered, unless the several parties to such alienation consent thereto in writing. 30

The decision of the Chief Judge on such application shall be final, unless he shall, within seven days thereafter, give leave to appeal: ~~to the Appellate Court:~~

No application shall be made hereunder in respect of any error or omission within the meaning of section thirteen of "The Native Land Court Acts Amendment Act, 1889," to remedy which an application has heretofore been made, or in respect of any decision on a point of law already dealt with by or now pending in the Supreme Court. 35 40

Amendment on
report of surveyor.

No. 32, 1889, sec. 11.

40. If it shall appear to a surveyor, when making a survey in pursuance of or for the purpose of carrying out any order, that a deviation from any line or lines laid down by the Court would for any reason be expedient, he shall give immediate notice thereof to the Registrar, and upon receipt of such notice a Judge may make such inquiries in the matter as he may think fit, and may after hearing the parties interested vary or amend the order in such manner as he may consider advisable. 45

PART V.

SPECIAL PROVISIONS AFFECTING VARIOUS MATTERS AS TO WHICH JURISDICTION IS CONFERRED BY THIS ACT.

(1.) *Partition.*

5 41. An alienation of land other than Native land completed by partition order shall be deemed to have been confirmed, in so far as the same is not contrary to the provisions of any law in force at the date of such alienation.

Partition order to claimant deemed to be confirmed.

10 42. The date of the making of a partition order in favour of any claimant shall, for the purposes of assessing all stamp duties and fines, be deemed to be the date of the first execution of any deed relied on by such claimant as giving title, unless the Court shall in such partition order otherwise direct; but no partition order in favour of a claimant shall be forwarded to the District Land Registrar until the Chief Judge shall be satisfied that all stamp duties payable on the alienation thereby completed have been paid. But nothing in this section shall impose any duty on any Native, or on an alienation from a Native to a Native.

Date of deed for stamp duty. No. 32, 1882, sec. 6.

15 43. Every trustee for a Native under disability of an interest in land partitioned shall, unless the Court shall otherwise order, continue to be trustee for such Native of any parcel of land of which such Native may become owner on partition.

Trusts for Native under disability to continue.

(2.) *Exchange.*

25 44. No exchange shall be ordered unless the Court shall be satisfied that, upon the same being effected, each of the parties thereto shall have sufficient land for his support, and that any money agreed to be paid to make equality of exchange has been paid.

Conditions of exchange.

30 45. Orders effecting an exchange shall vest in each of the parties the estate, share, or interest theretofore held or owned by the other of them in the lands intended to be exchanged, and shall specify the amount of money (if any) paid to make equality of exchange, and shall be liable to ordinary deed stamp duty on such amount only, and may be registered without a confirmation order.

Effects of exchange order.

(3.) *Succession, Probate, and Administration.*

35 46. On every application for the appointment of a successor where the deceased has left a will, and on every application for probate or letters of administration with will annexed, the Court shall inquire if the testator has devised land to a person other than his successor; and, if the testator has so devised land, the Court, if it shall further appear on inquiry that such successor has not, without the land so devised, sufficient land for his support, shall award to such successor a part, or, if necessary for his support, but not otherwise, the whole of the land so devised; and the probate or letters of administration shall be expressly limited to the estate and effects of the deceased other than the land so awarded to the successor.

Devise of land subject to successor's right.

40 47. An infant Native shall not be competent to make a valid will.

Infant Native incapable of making will.

45 48. Excepting as in section forty-six is provided, or where the Court for some special reason may consider it expedient by succes-

Devise sufficient without succession orders.

sion order to give effect to what it considers to be the real intention of any testator, or to effect a division or distribution amongst several devisees, no succession order shall issue in respect of any land devised.

Title under succession orders.

49. Upon the title under any succession order becoming ascertained, the interest of the deceased Native in the land or personal property comprised therein shall be deemed to have vested in the successor as from the date of the death of such deceased Native, but subject to the title of the executor under the will, or administrator of the estate of the deceased Native.

Public Trustee to be trustee for minor successors in certain cases.

50. The Court shall appoint the Public Trustee to be the trustee under "The Maori Real Estate Management Act, 1888," of the interest of any owner or successor ~~hereinafter~~ *hereafter* determined who shall be a minor, excepting in cases where it shall appear to the Court that the appointment of some person or persons other than the Public Trustee would be advisable in the interests of such minor.

Exclusive jurisdiction in probate and administration, and discretion in granting same.

51. The Court shall have exclusive jurisdiction to grant probate of the wills and letters of administration of the estate and effects of deceased Natives, and may grant letters of administration to any fit person, who need not necessarily be the next of kin of the deceased, and may grant letters of administration, with or without a will annexed, to any fit person, notwithstanding any application for probate by the executor.

The word "Native" in this section shall not include the children of half-castes by Europeans, or of Europeans by half-castes or their descendants respectively, nor shall this section apply to any will exclusively dealing with or disposing of any land acquired from the Crown or from Europeans by purchase or devise.

(4.) *Restrictions on Alienation.*

Restrictions, how removed.

See No. 32, 1889, sec. 17; No. 32, 1890, sec. 3.

52. Any land heretofore or hereafter to be rendered inalienable may be rendered alienable, subject to the provisions of this Act; and any restriction on the alienation of any land heretofore or hereafter to be imposed, or recommended to be imposed, may be removed or varied, either absolutely or in respect of any particular alienation, by the Court as to the whole of such land or as to any part or parcel thereof, or as to any estate, share, or interest therein respectively, with the assent of the owner, or of one-third in number at least of the owners, of such land, part, parcel, estate, share, or interest, and on proof that every such owner has sufficient land left for his support:

Provided that restrictions on alienation existing prior to the thirtieth day of August, one thousand eight hundred and eighty-eight, may be removed or varied only by the Governor, *on the recommendation of the Court and in accordance therewith.*

(5.) *Confirmation of Alienations.*

Court to be satisfied that alienation valid. No. 17, 1881, sec.

53. Subject to ~~consent in certain cases~~ as hereinafter mentioned, the Court may confirm any alienation of land upon being satisfied,—

(1.) That the same is not—

(a.) A dealing prohibited by any law for the time being in force ~~prohibiting the sale of Native lands;~~

(b.) Contrary to equity and good conscience;

(c.) A breach, or in contravention, of any trust to which the land is subject;

(d.) In contravention of any restriction on the alienation of such land;

(e.) Made in consideration wholly or partly, directly or indirectly, of the supply, or promise of supply, of any intoxicating liquor, or weapons or munitions of war;

(f.) That such land is not the subject of a notice under the provisions of "The Native Land Purchases Act, 1892," or "The Land Purchase and Acquisition Act, 1893":

(2.) (a.) That the title thereto is ascertained;

No. 17, 1881, sec. 6

(b.) That the consideration has been paid or given;

(c.) That, apart from the land affected by such alienation, each Native alienating, other than a half-caste, has sufficient land left for his support, and that each half-caste alienating has sufficient means of support derivable from land or otherwise;

(d.) That, before the deed evidencing or effecting such alienation was signed by each Native alienating, it had indorsed thereon a plan of the land affected thereby, and a statement in the Maori language, certified by a licensed interpreter, as correctly setting forth the effect of such deed;

No. 38, 1888, sec. 8

The effect of such deed was explained by a licensed interpreter to each Native before signing the same;

(e.) That the signature of each Native to such deed is attested by the Commissioner of Crown Lands or the Native Lands Administration Officer, or a Justice of the Peace, Postmaster, or a solicitor of the Supreme Court not concerned in the transaction, and the licensed interpreter who interpreted the effect of such deed to the Native alienating.

54. Any Judge may confirm any alienation, although the requirements of subsections *two (d)* or *two (e)* of section *fifty-three* have not been complied with,—

Court may dispense with formal execution.

(1.) If he shall be satisfied that such non-compliance has not prejudiced any Native alienating;

(2.) If a Justice of the Peace, or solicitor of the Supreme Court not concerned in the transaction, attesting the signature of any Native to such deed, shall certify that such Native has a knowledge of the English language sufficient to enable him to understand, and that he does understand, the effect of the transaction.

55. No deed effecting an alienation shall be registered until a confirmation order shall have been indorsed thereon: Provided always that a certificate by a Judge attesting the execution of a deed by a Native, that he has satisfied himself that the alienation thereby effected is in accordance with law, shall have the same effect as a confirmation order.

Confirmation necessary to registration.

No. 17, 1881, sec. 15.

Confirmation of deeds heretofore executed.

56. A confirmation order may be granted in respect of any deed executed before the passing of this Act, on proof that such deed was executed, and that the alienation thereby effected was in accordance with the law at the time of such execution.

New clause.

56A. Every instrument indorsed by a Trust Commissioner as approved in terms of "The Native Land Frauds Prevention Act, 1881," or any Act amending the same, shall be deemed to have been confirmed by the Court within the meaning of this Act, and no further confirmation shall in such case be required.

New clause.

56B. Nothing hereinbefore contained shall apply to any alienation by a half-caste if the witness attesting the execution by such half-caste of the instrument effecting such alienation, being either a Judge of the Native Land Court, a Stipendiary Magistrate, or a Justice of the Peace, shall certify by indorsement on such instrument that such half-caste fully understands the English language, and the purport and effect of such instrument. And such half-caste shall, by virtue of such certificate, be deemed to have been as competent in all respects to effect such alienation as a European.

(6.) *Native Trusts.*

57. Where the Courts shall determine under subsection *ten* of section ~~fifteen~~ *fourteen* of this Act that any land is held in trust, the beneficial owners of such land shall hold the same subject to any existing lease or mortgage or contract for the sale of such land.

(7.) *Apportionment.*

58. Unless otherwise provided in the lease or in some agreement signed by the lessors, of which notice shall have been given to the lessee, Native lessors shall be deemed to be entitled in equal shares to rent accruing to them until their relative interests be determined, or the leased land be partitioned: Provided that if there be any dispute between the Native lessors, or any of them, as to the division of any rent, any one of them may apply *ex parte* to a Judge to order that the same be paid to the Public Trustee; and such Judge may make such order as may seem just, and payment of such rent in accordance with such order shall be deemed a payment made under the lease.

59. The Court may at any time, on application, rescind, vary, or amend any such order; and, from time to time, direct the Public Trustee how he shall dispose of any rent paid to him under any such order as aforesaid.

PART VI.

SURVEY.

60. Any Judge may in any proceeding before him authorise any surveyor or other person to enter upon any land for the purpose of making any survey which may appear to such Judge expedient or necessary to be made.

61. The Surveyor-General may, with the approval of the Minister, authorise any surveyor or other person to enter upon any Native land to make any survey, and no person shall, except as pro-

Beneficiaries under Native trusts to take subject to lease, mortgage, or contract.

Native lessors entitled in equal shares until relative interests determined.

Rents may be paid to Public Trustee. No. 37, 1888, secs. 8-11.

Public Trustee may pay on order. No. 37, 1888, secs. 8 to 11.

Judge may authorise survey of land. No. 24, 1886, secs. 79 to 90.

Surveyor-General may authorise survey of Native land.

vided in the preceding section, enter upon Native land to make any survey thereof without such authority.

5 62. Every surveyor or other person authorised under either of the *last-preceding* sections, and such persons as he may employ in or about any survey in respect of which such authority was given, may enter upon any land or Native land which such surveyor may consider should be entered upon, and may do all things necessary to be done to enable him to effectually carry out the survey in respect of which such authority was given.

Surveyor may enter on any land or Native land.

10 63. Any person obstructing or threatening to obstruct any surveyor or other person acting under any authority issued under this Act (such authority having been produced to any person threatening or engaged in such obstruction) shall be liable to a penalty not exceeding twenty-five pounds, or to imprisonment for any term not
15 exceeding one month.

Penalty for obstructing surveyor.

Struck out.

20 64. The land comprised in or affected by any order made under this Act shall, subject to the provisions of section *fourteen*, subsection *fourteen*, of this Act, be charged with the payment of any survey charges of which a memorandum shall be made (signed by a Registrar) on the face of such order.

Land to stand charged with cost of survey.

Such memorandum may from time to time be amended by a Registrar.

25 Every dealing with such land shall be subject to such charge while the same shall exist.

30 65. If the land charged be comprised in a certificate of title, the District Land Registrar shall note thereon any such charge, on receipt of the order and memorandum aforesaid, and, on proof that such charge has been satisfied, shall enter a note of satisfaction on the said certificate.

District Land Registrar to note charge and satisfaction.

35 66. The Court may charge by way of mortgage, on such terms as may seem just, any land or parcel of land to secure the payment of an amount to be certified by the Surveyor-General or Commissioner of Crown Lands for the district in which the land so surveyed is located as being the reasonable cost or portion of the cost of any
40 survey thereof, whether heretofore made or in course of progress at the time of the passing of this Act, to such person as the Court may consider entitled to such payment, or may (subject to the approval of the Minister), in lieu of such mortgage, vest a defined portion of or interest in any such land in any such person in fee-simple in
45 satisfaction and discharge of such cost of survey: Provided that no sale under any such mortgage shall be made until the expiration of *six* months after written notice, signed by or on behalf of the person claiming to exercise the power of sale, and specifying the land intended to be sold and the sum intended to be realised, shall have
been lodged in the office of the Minister at Wellington.

Mode of securing payment of survey fees.

50 The Minister may, out of any moneys available for the purchase of Native lands, pay the amount claimed under any such mortgage, or such other amounts which the Surveyor-General shall certify as being a fair value for the same, and take an assignment thereof in the name of the Surveyor-General.

Every such mortgage shall have the effect of a mortgage under the Land Transfer Act, and every alienation of land under any such mortgage shall be subject to the general statutory provisions for the time being affecting the acquisition of land from Natives, excepting as to the mode of execution of any deed effecting such alienation. 5
A sale under any mortgage as aforesaid shall be a complete satisfaction of all claims in respect of the survey in payment whereof such charge was created.

Interest on cost of surveys.

67. Wherever any land is charged by way of mortgage to secure payment of the cost or portion of the cost of any survey made prior to the passing of this Act, the Court may include in such cost such sum by way of interest as to the Court shall seem fair and reasonable; but such sum shall in no case exceed five per centum per annum, computed from one year from the date of the order of the Court granting such survey lien, and in no case shall interest be 10
15 allowed for more than five years.

New clause.

67A. If it shall be made to appear to the satisfaction of the Court that moneys are due to the Surveyor-General or to any surveyor for or on account of the survey of any land, or that moneys are due to 20
the Court on account of fees, whether such moneys respectively became due before or after the coming into operation of this Act, the Court may give its certificate accordingly; and such certificate shall be forwarded by the Registrar of the Court to the District Land Registrar, and shall have the effect of the 25
lodging of a caveat against any dealing with the land the subject of such certificate until such moneys are paid and satisfied, or until such caveat shall by order of the Court be removed: Provided that no certificate shall be given in respect of moneys alleged to be due to a surveyor unless the chief surveyor of the district shall 30
certify to the Court that the survey in respect whereof such claim is made was duly authorised and has been properly performed, and that the charge is according to authorised scale, or is otherwise fair and reasonable.

Survey charges may be paid into Public Trust Office.

68. The payment by any person into the office of the Public 35
Trustee of a sum of money protected or secured by a charge or mortgage to the account of the Native Land Court in the matter of the block named, and, *ex parte*, the person who originally obtained the charge or mortgage, shall be a discharge of such charge or mortgage.

The money so paid to the Public Trustee shall be held in trust 40
for and paid to such person as the Native Land Court shall determine to be entitled to the same.

PART VII.

PRIVATE ROADS.

Court may grant rights of private road.

No. 24, 1886, sec. 91.

69. When upon an investigation of title of Native land, or upon 45
partition, land has been or shall be ordered to be divided into several parcels under "The Native Land Court Act, 1886," or under this Act, each of such parcels shall be subject to such rights of private road for the purpose of access to other or others of such parts or 50
parcels as may be ordered.

Such order may be made by the Court at the time when partition is ordered, or it may, on the application of any person interested

therein, be made by the Court at any time within five years from the date of such partition.

PUBLIC ROADS.

70. It shall be lawful for the Governor, at any time within fifteen
5 years after the first issue of a certificate of title, memorial of owner-
ship, or other instrument of *conferring* title under "The Native Land
Court Act, 1886," or any Act ~~amending the same or in substitution~~
~~thereof, heretofore thereby repealed, or under the provisions of this Act,~~
10 *whether heretofore issued or hereafter to be issued for any land, to*
take and lay off for public purposes one or more line or lines of road
through such land, excepting in cases where such power shall, under
any statute heretofore or hereby repealed, lapse before the expira-
tion of such period of fifteen years or shall have already lapsed;
and provided further that such line or lines of road shall be
15 laid off within ten years of the date of the issue of the certifi-
cate of title, memorial of ownership, or other instrument of title :

Power to take land
for roads.

New.

20 Provided that the total quantity of land which may be taken,
inclusive of any already taken, for such line or lines of road shall not
exceed one-twentieth part of the whole.

The Governor may at any time, by indorsement on the Crown
grant or other instrument of title, or by deed, release the land the
subject of such right therefrom, or from any part thereof.

25 The foregoing power may be exercised notwithstanding that
such land shall have ceased to be owned by Natives or by Natives
and Europeans jointly.

71. There shall not be taken under the authority of the *last-*
preceding section any land occupied by any pa, village, Native cultiva-
tion, or burial-ground, except subject to the provisions of "The Public
30 Works Act, 1882," and the several Acts amending the same.

What land may not
be taken for roads.

72. Whenever any lines of road are surveyed and laid off on or
over any land or Native land under the direction of the Surveyor-
General, the site of such road shall be deemed to be a road dedicated
to the public, and shall vest in Her Majesty. When any road is
35 laid off along the boundary between land owned by Natives and land
owned by Europeans, such road shall be taken equally from both such
lands where practicable :

Roads to vest in
Her Majesty.

When road runs
along boundary
between European
and Maori land,
such road to be
taken equally
from both.

Provided that the Governor shall have the right to lay off or
take roads on or from the lands of both owners.

40

PART VIII.

ALL TITLES TO LAND TO BE UNDER THE LAND TRANSFER ACTS.

73. All land which is customary land at the date of the coming
into operation of this Act shall thenceforth be and become subject to
the provisions of the Land Transfer Act, and every Native owner of
45 such land shall, subject to all equities affecting his estate or interest
therein, and to all existing restrictions on alienation thereof, be
deemed to be the proprietor thereof under the said Act for an estate
of inheritance in fee-simple in possession.

Customary land to
be held in fee-
simple and be
subject to Land
Transfer Act.

50 Any person claiming to have acquired an interest in any such
land by virtue of any alienation prior to the coming into opera-
tion of this Act may apply to the Court to have such alienation
confirmed. And upon confirmation thereof the claimant shall be

Confirmation of
alleged alienation.

entitled to be registered under the Land Transfer Act as proprietor of the estate or interest acquired.

Certificates of title.

Every order hereafter made by the Court whereby the title to any Native land shall have become ascertained shall be forwarded by the Registrar of the Court to the District Land Registrar, who shall as soon as may be thereafter issue a certificate of title in lieu of grant to the persons in such order expressed to be entitled, subject to such restrictions (if any) as may have been imposed by the Court, and shall in the meantime embody such order in the Provisional Register as a folium thereof, and the land the subject thereof shall as from the date of the inclusion of such order in the Provisional Register be subject to the provisions of the Land Transfer Act.

Provisional register.

Until the issue of a certificate of title in lieu of grant all dealings with land which shall become subject to the provisions of the Land Transfer Act by virtue of this Act shall be provisionally registered, and the existing Native Land Court certificate, memorial of ownership, or other instrument of title under the seal of the Court, or a duplicate or certified copy thereof, shall for that purpose be embodied in the Provisional Register as a folium thereof. The Chief Judge shall from time to time cause to be forwarded to the several District Land Registrars, for the purpose of constituting such Provisional Register, all necessary documents which shall be in his custody or control or in that of any officer of the Court.

Lands held under deed registered in Native Land Court.

No estate or interest existing by virtue of any deed registered in the Native Land Court at the date of the coming into operation of this Act shall be capable of being transferred or otherwise dealt with under the Land Transfer Act until the same has been confirmed by the Court, but such registration shall operate as a caveat for the protection of the estate or interest expressed to be created by such instrument, subject to any order which may be made in relation thereto by the Court or a Judge thereof.

Persons entitled to certificates of title.

Every person entitled to be registered under the provisions of this Act for an estate of inheritance in fee-simple in possession shall be entitled to a certificate of title for the same, and no warrant other than the authority of this Act shall be necessary to enable the District Land Registrar to issue such certificates in lieu of grant or otherwise as may be necessary for giving effect to the provisions of this Act: Provided that the District Land Registrar may at his discretion retain any title on the Provisional Register so long as the number of Native owners shall exceed ten, and shall in no case issue a certificate of title in lieu of grant except on a certified plan approved by a Judge of the Court.

Tenants in common.

It shall not be necessary in any case to issue separate certificates to Native owners as tenants in common.

Alterations in mode of registration.

The Registrar-General of Land may from time to time, by regulation, with the approval of the Governor in Council, make such alterations and modifications in the mode of registration hereinbefore prescribed, and make such other provisions for the same, as may be necessary or expedient.

Questions of title to be referred to Native Land Court.

The Chief Judge shall, at the request of the Registrar-General of Land, refer to the Native Land Court for inquiry and decision any question which may be necessary for the purpose of ascertaining the persons entitled to be registered as aforesaid, and of defining their estates and interests respectively.

Every certificate of title issued under the Land Transfer Act, in pursuance of the provisions of this Act, may be antevested to such date as the Chief Judge shall fix for that purpose when forwarding the title to the District Land Registrar.

Certificate of title may be antevested.

5 *New paragraph.*

10 So long as the title to land under the provisions of this Act shall remain on the provisional register, the Court or a Judge may exercise all the powers of amendment hereinbefore given; and the District Land Registrar shall, on being notified thereof, do all things necessary to give effect to the same.

Supplementary.

15 74. An alienation purporting to affect an undivided share shall be deemed to be an alienation of any parcel or parcels awarded to the registered owner of such undivided share by partition order, either before or after the execution of such alienation.

Effect of dealing with undivided share.

20 75. Subject and without prejudice to any alienation heretofore made, it is hereby declared that all land heretofore held or hereafter to be held jointly by Natives beneficially entitled thereto shall be deemed to be and to have been and shall be held by them as tenants in common, and not as joint tenants: Provided that nothing herein contained shall disturb any judgment of the Supreme Court or Court of Appeal that any such land was or is held by the Native owners thereof as joint tenants.

Joint tenancy by Natives abolished. No. 24, 1886, sec. 111; No. 52, 1886, sec. 15.

PART IX.

RIGHTS OF THE CROWN.

25 76. Nothing in this Act contained shall limit or affect the power of the Crown to purchase or acquire any estate, share, right, or interest in any land or Native land, nor the power of any Native to cede, sell, or transfer any such estate, share, rights, or interest to the Crown, and when the Crown claims to be interested under any deed, contract, or other document, the same shall, on production, be admitted as evidence, and have due effect given thereto, notwithstanding any law in force to the contrary.

Crown prerogative not affected.

30 77. Any person or persons generally authorised by the Minister to represent the interests of the Crown before the Native Land Court, or specially authorised in any particular matter or matters, may, on behalf of the Crown, make any application and do every act, deed, matter, or thing which any person claiming an interest in any land or Native land may do under this Act, notwithstanding that the Crown may not claim an interest in the subject-matter of any such application, act, deed, matter, or thing.

Crown may be represented before Native Land Court. See No. 37, 1888, sec. 7.

Crown business before the Court shall be entitled to precedence.

45 78. A Minister of the Crown may at any time cause application to be made to the Court to ascertain the interest, if any, acquired before or after the coming into operation of this Act by Her Majesty in any land, and in respect of such an application the Court shall have the powers and authorities it would have in respect of a matter within its ordinary jurisdiction, and may make such order thereon as it may deem fit.

Application to define interest acquired by the Crown may be made to the Court.

50 Land by such order declared to have been acquired by Her Majesty shall, from the date of such order, or from such other date as the Court may direct, be deemed to be vested in Her Majesty for such estate as in such order mentioned. As to the residue, if any,

of such land, the Court may make order declaring such residue to be the property of such of the owners of the land as shall be mentioned in such order, and the owners so mentioned shall thereon be owners of such residue, exclusive of any theretofore co-owners. Any such order may be registered under "The Deeds Registration Act, 1868," or "The Land Transfer Act, 1885," or dealt with in the same manner as an order made on partition under this Act, as the nature of the case may require. 5

PART X.

APPEAL.

Native Appellate Court.

79. There shall be within the colony a Court of Record, called "The Native Appellate Court," which shall consist of the Chief Judge and such other Judges of the Native Land Court as the Governor may from time to time appoint. 10

Officers.

80. Every Registrar and Clerk of the Native Land Court shall without further appointment be a Registrar and Clerk of the Appellate Court. 15

Jurisdiction.

81. The Appellate Court shall have jurisdiction in every matter in which the Native Land Court has jurisdiction, and in the exercise thereof shall have all the powers conferred upon the Native Land Court by this Act. 20

Notice of appeal.

82. The jurisdiction of the Appellate Court shall be exercised on notice of appeal given by or on behalf of any person aggrieved by a decision of the Native Land Court, or of a Judge thereof.

To be in writing.

83. Notice of appeal shall be in writing, and may be given to the Clerk of the Court from the decision of which an appeal is made, or to the Registrar of the district. 25

Time for appealing.

84. Notice of appeal from any decision under subsections *one, two, four, five, or ten* of section *fourteen* hereof may be given within thirty days, and from any other decision shall be given within fourteen days, after the day on which the decision is orally pronounced in open Court : 30

Provided always that where the Court shall, in the course of any proceedings under the above-mentioned subsections, exercise any other branch of its jurisdiction, a notice of appeal from the decision under any of the said subsections shall be valid so as to enable an appeal to be made from the whole judgment : Provided, further, that the Chief Judge may, for any reason which shall seem to him sufficient, and on such terms as may seem just, permit a notice of appeal to be given after the time limited by this Act ; but no such extension of time shall exceed three months from the date of such decision. 35 40

Security.

85. The presiding Judge, or the Chief Judge, shall, forthwith on notice of appeal having been given, by order direct that such sum of money as he shall think fit be deposited by the appellant as security for the costs of the appeal, and such sum shall be deposited with the Registrar of the district within fourteen days after the amount thereof shall have been fixed, or within such time as may be limited by such order : Provided that the Chief Judge may vary any sum so directed to be deposited. 45 50

Grounds of appeal.

86. The appellant shall, at the time of giving notice of appeal, or within twenty-one days thereafter, file with the Registrar for the district a statement of the grounds upon which he relies in support of his appeal : Provided always that the Chief Judge may at any

time, before the expiration of the said twenty-one days, allow further time for filing such statement, and allow any such statement to be amended, upon such terms as he may think fit.

5 87. No appeal shall be allowed on any ground not alleged in such statement or amended statement, unless the Court hearing an appeal shall be of opinion that the appeal may be so allowed without actual injustice to the other parties appearing on the appeal. Appeal on grounds only.

10 88. The Appellate Court shall sit at such times and places as the Chief Judge may from time to time by order direct, and shall be constituted by not less than two of the Judges appointed under the provisions of section *seventy-nine* of this Act. *Before the time appointed for the commencement of any sitting the Chief Judge may, by order under his hand, adjourn such sitting to any other time or place as he shall think fit.* Constitution of Court.

15 89. The Appellate Court may sit in two or more divisions at the same time, and each division shall have all the jurisdiction and powers of the Appellate Court. Sittings of Court.

90. The Appellate Court, by order, may—

20 (1.) Affirm the decision appealed from, which shall thereupon be as effectual as if no appeal had been made; or Order of Appellate Court.

25 (2.) Direct the Native Land Court to give such other decision as to the Appellate Court may seem just; and, on such order being filed with the Registrar of the Court, the decision thereby directed to be given shall be deemed to have been given by the Native Land Court, which shall thereupon issue orders in accordance therewith.

91. Nothing in this Act shall enable an appeal to be made from any decision upon a rehearing had in pursuance of any order for rehearing made prior to the passing of this Act. Saving as to rehearing.

30 92. The decision of the Appellate Court shall, as to every question of law and fact, be final and conclusive, *except that any person aggrieved by any order granting or refusing any alienation may appeal to the Supreme Court on any question of law.* Finality.

Part of original clause 92.

35 92A. All applications for rehearing made but not dealt with or disposed of before the coming into operation of this Act may, at the discretion of the Chief Judge, and upon such terms as he shall think fit, be dealt with as notices of appeal under this Act.

40 93. The Appellate Court shall have the ~~like~~ power to associate with itself an Assessor to assist and advise the Court ~~as is herein before given in the case of the Native Land Court~~; but the concurrence of such Assessor shall not be essential to the validity of any judgment. Appellate Court may associate an Assessor with itself.

PART XI.

REFERENCE FROM SUPREME COURT.

45 94. If any question of fact, or of Native custom or usage, relating to the interests of Natives in any land or Native land, or in any personal property, shall arise in the Supreme Court, it shall be competent for any Judge of the Supreme Court to cause a case to be stated, and to refer the same to the Court for its opinion thereon. Supreme Court may refer question of Native custom or fact.
No. 24, 1886,
secs. 104 to 106.

50 95. The Court shall forthwith proceed to determine the question so referred, and shall transmit a certificate stating its opinion to a Registrar of the Supreme Court. Opinion of Native Land Court.

Supreme Court may refer back.

96. It shall be competent for any Judge of the Supreme Court, if he shall think fit, to refer back any question so determined to the Court for further consideration.

Procedure.

97. The provisions of this Act in reference to hearing and determining cases brought before the Court, and in reference to appeal, shall, so far as applicable, be available for hearing and determining any case so referred as aforesaid. 5

Opinion of Court or Appellate Court binding.

98. The opinion of the Court, or of the Appellate Court, or the final opinion on further consideration, shall be received and acted on by the Supreme Court as an authoritative and binding determination 10 of the question referred.

PART XII.

RULES AND REGULATIONS.

Rules and regulations. No. 24, 1886, sec. 103.

99. The Chief Judge may from time to time, with the approval of the Governor in Council, make and prescribe and alter and revoke rules of practice and procedure and forms of proceedings in the various matters in which jurisdiction is or may be conferred upon the Court and Appellate Court, and also regulations for the government of all persons acting under this Act, and for regulating the sittings of the Court and Appellate Court, and for fixing the fees to be paid under this Act and the time and mode of payment, and for enforcing payment thereof. 15 20

All such rules and regulations, and every alteration and revocation thereof, shall, within one month after the approval thereof, be published in the *New Zealand Gazette*, and shall be laid upon the table of the House of Representatives and Legislative Council within ten days after the commencement of the session next ensuing on the publication thereof. 25

Until such rules and regulations are approved by the Governor in Council, any rules and regulations made under any Act hereby repealed and in force at the date of the passing of this Act shall remain in force. 30

Fees to be paid to Public Account.

100. Fees payable under this Act shall be paid into the Public Account, and shall form part of the Consolidated Fund.

PART XIII.

35

MISCELLANEOUS.

(1.) *Interpreters.*

Governor may license interpreters. No. 24, 1886, sec. 104 to 106.

101. The Governor may grant under his hand licenses to such persons as he may think fit, authorising them to act as interpreters under this Act, and may revoke the same: Provided that licenses granted to interpreters before the passing of this Act and unrevoked shall authorise the licensees to act as interpreters under this Act until the Governor shall otherwise direct. 40

Governor may suspend or remove interpreter.

102. The Governor may, at his discretion, suspend or remove any interpreter appointed or acting under this Act. A Judge may suspend any such interpreter, but shall forthwith report such suspension to the Governor, with the reasons therefor. Every such suspension shall lapse if further proceedings be not taken against the person suspended within three months from the date of suspension. 45

Penalty for acting as a licensed interpreter.

103. Any person acting as or pretending to be a licensed interpreter under this Act who is not so licensed, or whose license is suspended, shall be liable to a penalty not exceeding fifty pounds, to be recovered in a summary way. 50

(2.) *Stopping Supply of Liquor to Natives.*

104. When a Judge shall be of opinion that the supply of intoxicating liquors to Natives by any person holding a publican's license is interfering with the business of the Court then being held, such Judge may issue an order under his hand directing that such person shall not supply such liquors or permit the same to be supplied in his licensed premises during the then sittings of the Court, or during a specified period, to any Native. Any such order may be revoked and given again from time to time.

Judge may order supply of liquor to be stopped.
No. 24, 1886,
secs. 107, 108.

105. Any person disobeying such order after the same shall have been served on him, or delivered at his licensed house, may be summoned before the Court, and, on conviction, fined in any sum not less than ten pounds nor more than fifty pounds for each offence, and the said conviction shall be indorsed on his license.

Penalty for disobeying order.

(3.) *Moneys of Natives under Disability.*

106. The Court may, from time to time, order any moneys which now are or may hereafter be held by the Public Trustee, or other officer of the public service, for the benefit of Natives, or any part thereof, to be from time to time paid out to any Native entitled to such moneys, or to such persons, and in such sums as it may think necessary and proper, for the maintenance, education, or advancement of such Native if under disability.

Court may order Public Trustee to pay out moneys.
No. 24, 1886,
sec. 103.

107. If such money is held by the Public Trustee, or other officer as aforesaid, subject to the terms of any trust, the Chief Judge may from time to time order that such terms be varied in any manner that the justice of the case may in his opinion require, and such money shall thenceforth be held by the Public Trustee, or other officer as aforesaid, upon the terms of the trust so varied.

Chief Judge may vary trust.

For the purposes of this section, the Chief Judge may direct such inquiry to be made by the Court or a Judge as the circumstances of the case may require.

(4.) *Chattels Transfer.*

108. Any instrument which may be registered under "The Chattels Transfer Act, 1889," if executed after the coming into operation of this Act by a grantor who is a Native residing in the North Island, shall be void, as against such grantor, unless such instrument is executed with the formalities prescribed in execution of a deed by section *fifty-three* of this Act, so far as the same are applicable to such instrument.

Execution of instruments.
No. 32, 1889, sec. 20.

(5.) *Offences.*

109. Any Judge, in case it shall appear to him that any person has been guilty of wilful and corrupt perjury in any evidence given, or in any affidavit, deposition, examination, answer, or other proceeding made or taken before him, may direct such person to be prosecuted for such perjury, in case there shall appear to him reasonable cause for such prosecution, and may commit such person so directed to be prosecuted until the next sittings for the trial of criminal cases of the Supreme Court in the district within which such perjury was committed, unless such person shall enter into a recognisance with one or more sufficient surety or sureties conditioned for the appearance of

Court may order prosecution for perjury.

such person at such sittings, and that he will then surrender and take his trial and not depart the Court without leave; and may require any person he may think fit to enter into a recognisance conditioned to prosecute or give evidence against such person so directed to be prosecuted as aforesaid, and may give to the party so directed to prosecute a certificate of the same being directed. 5

Such certificate shall be given without fee or charge, and shall be deemed sufficient proof of such prosecution having been directed as aforesaid; and upon the production thereof the costs of such prosecution shall be allowed by the Supreme Court when any person shall be prosecuted or tried in pursuance of such direction as aforesaid, unless such Court shall specially otherwise direct. 10

Such sum as shall be allowed shall be paid by the Colonial Treasurer.

Penalty for
insulting Judge or
officers of Court.
No. 32, 1889, sec. 4.

110. If any person shall wilfully insult any Judge or Assessor, or any clerk, interpreter, or officer of the Court for the time being, during his sitting or attendance in Court, or in going to or returning from the Court, or shall wilfully interrupt the proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for a constable or any officer of the Court, with or without the assistance of any other person, by order of the presiding Judge, to take such offender into custody and detain him till the rising of the Court; and the presiding Judge may, if he shall think fit, by a warrant under his hand and the seal of the Court, commit any such offender to prison for any term not exceeding fourteen days, or impose upon such offender a fine not exceeding ten pounds, for every such offence, and in default of payment thereof commit the offender to prison for any time not exceeding fourteen days, unless the said fine be sooner paid. 20

Mode of imposing
penalty.

111. Every penalty provided for by this Act may be imposed by the Court after the person alleged to have incurred any such penalty shall have had an opportunity to show cause why the same should not be imposed. 30

PART XIV.

REPEAL.

Repeal.

112. The Acts named in the *First* Schedule hereto are hereby repealed: 35

Provided that such repeal shall not affect the validity of any order, deed, or other document made, executed, or validated, or any act or thing done or validated under or by any Act hereby repealed: 40

Provided, further, that, except as provided by this Act, any proceeding commenced and not completed at the time of the coming into operation of this Act may, from its stage when this Act comes into operation, be either continued and completed under this Act in like manner as if such proceeding had been commenced hereunder, or be continued and completed under the Act under which such proceeding was commenced. 45

Time limited by
repealed Act to
continue to run.

113. Notwithstanding the repeal of any Act whereby any limited time is given within which any right may be exercised, such time shall continue to run so as to enable such right to be exercised, in 50

any case where such time has commenced to run but has not expired before the coming into operation of this Act.

114. Where in any unrepealed Act, enactment, document, or instrument, reference is made to any Act or to any provisions of any Act repealed by this Act, such reference shall be construed and shall operate as if it had been made to this Act, or to the provisions thereof corresponding to the provisions referred to.

Reference to
repealed Act.

[Schedule struck out here, and made First Schedule.]

DIVISION II.

PART I.

ALIENATION.

115. Except as hereinafter provided, it shall not be lawful for any person other than a person acting for or on behalf of the Crown, and under the written authority of a Minister of the Crown, to acquire any estate or interest in any land owned or held by a Native or Natives, except land owned by a Native or Natives which has been acquired by way of purchase, gift, or testamentary disposition from any person or persons other than the Crown or by purchase from the Crown, or granted under the New Zealand Land Settlements Acts :

Deals with
Native land
prohibited, except
under certain
circumstances.
No. 33, 1888,
secs. 5 to 8; No. 91,
1889, sec. 3.

20 Provided that nothing in this Act shall preclude the leasing or transfer of land situate in the Middle Island, subject to confirmation under section fifty-three of this Act, or any land held by a Native in severalty in any part of New Zealand :

116. Any person who may claim to have heretofore purchased or leased in accordance with law the share or interest of one or more out of several owners of any block of land or of any subdivision thereof, and to have been in treaty at or prior to the date of the passing of this Act for the purchase or lease of other shares therein, may within three *six* months from the passing of this Act notify such claim to the Commissioner of Crown Lands for the district and to the Chief Judge, and the Chief Judge shall thereupon inquire into or refer such claim to a Judge to inquire into the circumstances thereof, and such Judge, if he shall be satisfied that there has been a purchase or lease as alleged, and that the transaction was *bonâ fide*, and that such person has been in negotiation for the purchase or lease of other shares in the said block or subdivision, ~~may~~ shall give his certificate to that effect, and thereupon any such person or any person claiming under him may, notwithstanding anything to the contrary contained in this Act, purchase or lease at any time within twelve months from the date of such certificate such of the remaining shares or interests in such block or subdivision as shall be specified in the said certificate :

Bonâ fide transac-
tions may be
completed under
certain restrictions.

New proviso.

45 Provided that in the case of any block in respect of which it has been ascertained and certified to by a Judge that not less than one-half of the shares have been lawfully acquired, or negotiations entered into in respect of a lease of any of the remaining shares, such transactions may be completed, although such shares or interests may not have been under negotiation prior to the passing of this Act :

Provided always that every such purchase or lease shall be confirmed under the provisions of section *fifty-three* of this Act :

Provided, further, that nothing herein contained shall be construed to enable the purchase of any freehold interest by a person who shall have received a certificate as aforesaid in respect of a lease only. 5

New proviso.

Provided further that the provisions of this section shall not apply to the lands described in the Second Schedule of this Act, except in the case of leases for which the Trust Commissioner has given his certificate prior to the passing of this Act. 10

Saving.

117. Nothing in sections five or seven of "The Native Lands Frauds Prevention Act 1881 Amendment Act, 1888," shall be deemed to have rendered invalid any lease of land not exceeding ten thousand acres, whether the instrument of title under which such land is held by the Native owners has been issued before or after the passing of the said Act. 15

Holders of valid lease may, under certain circumstances, obtain renewal.

118. Where a person has acquired from the owner a valid lease for a term one-half *third* of which shall have expired on the first day of January, one thousand eight hundred and ninety-five, and such person is in actual beneficial occupation of the land demised, it shall be lawful for him, if the owners consent, within one year of the passing of this Act, to obtain a renewal of his lease for the whole or part of the land the subject thereof for a further term not exceeding fourteen years, upon such terms as may be agreed on between the owners and the lessee, and be approved by a Judge of the Native Land Court: Provided no lease shall in all exceed the term of twenty-one years from the first day of January, one thousand eight hundred and ninety-five, and provided that leases under "The Native Reserves Act, 1882," may be included in the provisions of this section. 20 25 30

New clauses.

118A. Nothing in this Act contained shall render nugatory any power of sale in any existing mortgage, or under any existing decree, judgment, or charging order, or prevent the completion of any existing contract for the sale, lease, or purchase of land, but the same shall have effect as if this Act had not been passed. 35

118B. Notwithstanding anything contained in this Act to the contrary, any Native may, subject to confirmation by the Court, transfer any land to another Native by way of sale, gift, or otherwise, provided that the Court shall be satisfied that the Native making such transfer has sufficient land left for his support exclusive of the land transferred. 40

Struck out.

PART II.

REMEDIES AGAINST LAND OF NATIVES.

No land to be sold under process of law unless owner has sufficient land left for his support. No. 17, 1881, sec. 8; No. 38, 1888 sec. 10.

119. No land shall, unless by direction of the Chief Judge, be capable of being seized or sold under any judgment, order, or decree, or under any writ of sale, or any other writ, for the purpose of satisfying any judgment, order, or decree, or under any law relating to bankruptcy, or under any power of sale contained in any mortgage executed or effected after the passing of this Act, or under letters of administration of the estate of a deceased Native; and no direction for sale shall be made if on inquiry by a Judge of the Court it be ascertained that the Native debtor, or, in the case of a sale by an administrator, that the successor, has not sufficient land for his support. 45 50 55

PART III.

NATIVE LAND ADMINISTRATION.

120. The Court may, with the consent of a majority of the owners of any block of land in respect of which the Crown has not acquired a right or interest, or of a majority of the owners of each of a number of adjoining blocks, and on being satisfied that such block or blocks can be dealt with to the advantage of the owners thereof under this Part of the Act, by order, constitute the owners of any such block or blocks, or any part thereof respectively, a body corporate with a perpetual succession and a common seal, by the name "The Proprietors of [*naming the land, the owners of which are so incorporated*]" and thereupon the said land shall vest in such body corporate for an estate in fee-simple, subject to any existing alienation of any estate or interest therein, or any part thereof.

Owners may be incorporated.

121. On such incorporation, the owners of any such land shall, in the manner prescribed, nominate a Committee of not fewer than three nor more than seven persons, who may or may not be owners, to administer the said lands.

Committee to be nominated.

122. Every appointment of a Committee, and every appointment to a vacancy therein, shall be by order of the Court.

Appointed by Court.

123. Every Committee shall have full power to act while at least three members thereof shall hold office.

Quorum of Committee.

124. Such Committee, or a majority of the members thereof for the time being holding office, may, with the consent of the Commissioner of Crown Lands for the district, or of such other person as the Governor may from time to time appoint as Native Lands Administration Officer for any Crown lands district, effect any alienation of the lands the owners of which are so incorporated as aforesaid, or of any part or parts thereof, upon such terms and in such mode as may from time to time be prescribed by the Governor in Council, either generally, or for a particular district or districts, block or blocks.

Committee may alienate.

125. Every deed effecting an alienation by the corporate owners of any land shall be sealed with the seal thereof and signed by at least two members of the Committee, and by the Commissioner of Crown Lands or the Native Lands Administration Officer for the district, and, when so executed, shall be conclusive evidence of the validity of the alienation thereby intended to be effected, and may be registered without a confirmation order.

Execution of deeds.

126. The proceeds of every alienation shall be paid to the Public Trustee, who shall have power to sue and take all proceedings for the recovery of any moneys payable under or in respect of any alienation.

Proceeds of alienation to be paid to Public Trustee.

127. The Public Trustee shall, after deducting all his own expenses and those of the Committee, and all fees, charges, or commission, if any, payable to the Crown, distribute the net proceeds of any alienation among the owners of the land, or dispose thereof for their benefit in any manner prescribed by the Governor in Council, either generally or in respect of the particular lands alienated.

How disposed of.

128. The Governor in Council may by order make, and from time to time vary and amend, rules and regulations,—

Rules and regulations.

(1.) For the nomination and appointment of Committees under this Part of the Act;

(2.) For the conduct and management of the business of Committees, or any Committee;

- (3.) For the retirement from office of members of Committees, or of any Committee, and for the appointment of a new Committeeman to any vacancy;
- (4.) For the advantageous alienation of lands vested as aforesaid in any body corporate, and prescribing the terms and mode in which any such land shall be alienated, and moneys arising from alienation thereof disposed of, and for providing the proportion of owners who shall consent to the sale of any land;
- (5.) For the government of all persons acting under this Part of the Act;
- (6.) For the payment to the Crown of fees and charges or commission by incorporated owners in respect of the services of the Native Lands Administration Officer, or other expenses incurred by the Crown in the administration of any lands under this Part of the Act.

PART IV.

Conditions under which Native owners may alienate lands.

129. The Native owner or owners of any land may alienate the same in the manner and subject to the conditions following, that is to say:—

- (1.) The owner of any land, or a majority of the owners thereof, or a majority of the members of any Committee representing the incorporated owners thereof, and duly appointed under Part III. of *Division II.* of this Act, may apply to the Land Board for the Land District within which such land is situated to dispose of the same under the laws for the time being regulating the disposal of Crown lands.

New subsections.

- (2.) Every such application shall forthwith, on the receipt thereof, be referred by the Land Board to the Governor, who, if he shall be satisfied that the owners have sufficient other land left for their maintenance, may, by Order in Council—subject to such conditions (if any) as he may think fit to impose—consent to the disposal of any such land as aforesaid.
- (3.) On any such Order in Council being published in the *New Zealand Gazette*, the Land Board may proceed to dispose of such land, or any part or parts thereof, in accordance with the laws in force for the time being regulating the disposal of Crown lands, and in the same manner as if such lands were lands of the Crown, but subject to such conditions (if any) as the Governor in Council may have imposed as aforesaid.
- (4.) The certificate, Crown grant, or other instrument of title under which land the subject-matter of any such application as aforesaid is held by the Native owners shall be lodged with the District Land Registrar of the district before the Land Board shall proceed to dispose of such land, and on the gazetting of such Order in Council as aforesaid the legal estate in the land described in such Order in Council shall vest in the Crown.

(5.) The Governor may, for the purposes aforesaid, direct the Court to make any such inquiry and report as may be necessary. If the Governor shall refuse his consent, the certificate, Crown grant, or other instrument of title shall be returned to the persons entitled.

Struck out.

(2.) Every such application shall forthwith, on the receipt thereof, be referred by the Land Board to the Governor.

(3.) The Land Board, on its being proved to it that the owners have sufficient land left for their use, and that they are entitled to dispose of such lands, may proceed to dispose of such land, or any part or parts thereof, in accordance with the laws in force for the time being regulating the disposal of Crown lands, and in the same manner as if such lands were lands of the Crown.

(4.) The certificate, Crown grant, or other instrument of title under which land the subject-matter of any such application as aforesaid is held by the Native owners shall be lodged with the District Land Registrar of the district before the Land Board shall proceed to dispose of such land, and the legal estate in the land described in such certificate, Crown grant, or other instrument of title shall be deemed to be surrendered to the Crown.

130. The Colonial Treasurer may from time to time expend such sum or sums of money out of any moneys for the time being available for the purchase of Native lands as he may consider necessary for the purpose of surveying any lands to be disposed of under the *last-preceding* section, or for the purpose of laying off, constructing, or maintaining any road or means of access through or to the same, or for executing any works for the purpose of rendering such lands available for settlement, or of advertising or conducting any sale or other disposition thereof, or for any other purpose incidental to the disposal of the said lands.

Power to expend moneys for purchase of Native lands.

131. All moneys received by a Land Board in respect of the disposal of any land under this Part of this Act shall be applied as follows:—

Moneys received by Land Board, how to be applied.

(a.) In the repayment of any moneys expended under the *last-preceding* section.

Such repayment may be made out of the first moneys so received, or by instalments, payable within seven years, out of moneys due or to accrue in respect of any disposal as aforesaid.

(b.) Subject to such repayment, the moneys so received by any Land Board as aforesaid shall be paid to the Public Trustee, who shall hold the same in trust for the owners of the said land, to be paid to them in proportion to their relative shares and interests therein, without any deduction or charge whatsoever.

132. All land disposed of by sale under this Part of the Act by the Land Board shall be disposed of by auction.

Sales by auction.

Schedules.

SCHEDULES.

[Transposed from after clause 114.]

FIRST SCHEDULE.

- 1881, No. 17.—The Native Lands Frauds Prevention Act, 1881.
 1886, No. 16.—The Native Equitable Owners Act, 1886.
 1886, No. 24.—The Native Land Court Act, 1886.
 1888, No. 36.—The Native Land Act, 1888.
 1888, No. 37.—The Native Land Court Act 1886 Amendment Act, 1888.
 1888, No. 38.—The Native Lands Frauds Prevention Act 1881 Amendment Act, 1888.
 1889, No. 32.—The Native Land Court Acts Amendment Act, 1889.
 1889, No. 31.—The Native Lands Frauds Prevention Acts Amendment Act, 1889.
 1890, No. 32.—The Native Land Laws Amendment Act, 1890.

New.

SECOND SCHEDULE.

NATIVE DISTRICT WHEREIN LAND IS SUBJECT TO THIS ACT.

ALL that area in the Provincial Districts of Auckland, Taranaki, and Wellington, bounded towards the north-west by Te Wharaurua Block from the Aotea Harbour to the Waitatuna River; thence towards the north-east generally by the said Waitatuna River to its intersection by a right line running from Mount Tahuauui over the Teriki Range where the Native track crosses the latter; thence by the said right line to Mount Tahuauui; thence by a right line to Mount Pirongia; thence by a right line to the confluence of the Waipa and the Puniu Rivers, and by the latter river and the Owairaka Stream to its source; thence by a right line to the confluence of the Mangare Stream with the Waikato River; thence by the last-mentioned river to the Waipapa Stream, and by that stream to its source; thence towards the east generally by the Tatua-Whangamata Block to Lake Taupo; thence by a right line across that lake to the mouth of the Tauranga River; thence by that river to its source in the Kaimanawa Range; thence by the summit of the said Kaimanawa Range to the source of the Moawhango River; and thence by that river and the Rangitikei River to the southern boundary-line of the Otairi No. 5 Block; thence towards the south generally by the southern boundary-line of that block and the Otairi No. 2A Block to the Mangapapa Stream; thence by the said Mangapapa Stream and the Turakina River to the southern boundary of the Maungakaretu Block; thence by the southern and south-western boundary-lines of the said Maungakaretu Block to the Wangaeahu River; thence by the last-mentioned river and the Heao and the Paratieke Blocks to the Mangawhero River; thence by that river to the Mungakowai Stream, and by that stream to the north-western corner of the Ohineiti Block; thence by the production of the northern boundary-line of the last-mentioned block to the Karewarewa Block; thence by that block and the Parihouhou, Aratowaka, and Pukenui Blocks to the Wanganui River; thence towards the south-west generally by the said Wanganui River to the Wangamomona River; thence by the latter river and the Mangare Stream to its source; thence by a line due west to the Taranaki confiscation boundary-line; and thence by that boundary-line to the ocean; and thence towards the west by the ocean and the Aotea Harbour to the place of commencement.

By Authority: SAMUEL COSTALL, Government Printer, Wellington.—1894.