

SUPPLEMENTARY ORDER PAPER.

LEGISLATIVE COUNCIL.

Wednesday, the 23rd Day of October, 1895.

THE NATIVE LAND LAWS AMENDMENT BILL.

Hon. Sir P. A. BUCKLEY, in Committee, to move the following new clauses and amendments:—

Clause 3: To strike out the words “wheresoever situate,” in line 20. Also, to strike out all words after the word “Act,” in line 23, down to and including the words “ninety-five,” in line 26. Also, after the word “Act,” in line 28, to add the following proviso: “Provided also that this section shall not apply to land within the area defined by the Second Schedule to the Act.”

After clause 5 to insert the following new clause:—

5A. Any restriction on alienation removable under section fifty-two of the Act may be removed so far as to permit the making of a lease not exceeding twenty-one years from the date thereof without proof that the lessor has other land sufficient for his support, and any such lease may be confirmed by the Court without such proof as aforesaid, anything in the Act to the contrary notwithstanding: Provided that the Court shall be satisfied that the rent reserved is a fair rent, and that it is for the advantage of the Native owner that such lease should be confirmed.

All Orders in Council purporting to have been issued under the provisions of “The Native Land Act, 1888,” for the purpose of removing any restriction since the passing of the Act, shall, notwithstanding the repeal of the said “Native Land Act, 1888,” be valid and effectual.

Clause 6: Before the word “No,” at the commencement of this clause, line 33, to insert the words, “Except in the case of sales by Registrars of the Supreme Court on behalf of mortgagees”; also, to strike out all words after the word “notices,” in line 41, to the end of the clause.

Clause 9, line 14: To strike out the words, “Nothing in the Act contained shall invalidate,” and to substitute the words, “Section one hundred and seventeen of the Act shall not apply to.”

After clause 10 to insert the following new clause:—

Before confirming any lease the Court shall inquire whether such lease has been signed by the Native owners, or any of them, in consideration, wholly or in part, of any sum of money paid to them, or any of them, by way of premium or foregift; and if it shall appear to the Court that there has been any such payment the Court shall not confirm such lease, unless it shall be proved to the satisfaction of the Court that the rent reserved is a fair and adequate rent, having regard to the value of the land, irrespective of any payment as aforesaid.

Clause 12, line 40: To strike out the words "Provided that."

Clause 17: After the word "reserved," line 47, to add the words, "and so from time to time until the whole amount paid as aforesaid has been deducted or otherwise refunded."

Clause 19: After the words "has been," in line 4, to insert the words "or hereafter shall be."

After clause 45 to insert the following new clause:—

45_A. The Court may at any time revoke the appointment of any executor or administrator on the ground of unfitness, and may appoint any fit person in his place; and such appointment shall, as from the date thereof, take effect as if such person had been the person named as executor or administrator in the original grant of probate, or of administration, as the case may be.

Clause 46, line 37: After the word "for," to insert the words, "the like interests, or for undefined interests in"; also, at the end of the clause, to add the following proviso: "Provided that, if there has been an alienation of any interest in the said land, no apportionment affecting such interest shall be made under the provisions of this section without the consent of the person entitled by virtue thereof."

Clause 48: To strike out the word "the," before "Privy Council," in line 9, and to substitute the words "Her Majesty's."

Clause 53: After the word "matter," in line 42, to insert the word "exclusively." Also, in line 46, before the word "jurisdiction," to insert the words "and sufficient."

Clause 55, line 11: To strike out the words "Chief Judge," and to substitute the words "Appellate Court." Also, in lines 12 and 13, to strike out the words, "and to forward the same to be dealt with by the Appellate Court as such." Also, after the word "Council," in line 18, to add the words, "Applications which have been dismissed for want of jurisdiction under section thirty-nine may for the purposes of this section be treated as subsisting applications." Also, after the words "thirty-nine," in line 20, to insert "of the Act."

Clause 63: Before the word "lease," in line 10, to insert the words "any valid and duly registered."

Clause 65: Before the word "Amendment," in line 48, to insert the figures "1886."

Clause 68, line 12: For "1892" to substitute "1893."

After clause 68 to insert the following new clause:—

68_A. Every salaried officer holding an appointment as Clerk or Interpreter to the Native Land Court shall, by virtue of such appointment, be eligible to act in the like capacity in the Validation Court, and no appointment by the Governor shall be necessary, anything in "The Native Land (Validation of Titles) Act, 1893," to the contrary notwithstanding.

Hon. Mr. WILLIAMS, in Committee, to move the following amendments:—

In clause 3, line 20, to erase "wheresoever situate," and add these words to the clause: "Provided also that this section shall not apply to land within the area defined by the Second Schedule to the Act."

In clause 5, line 15, after "alienation," to insert: "Under the provisions of sections three and four of this Act," and after "mortgage," in the same line, erase "under the provisions aforesaid"; and, in line 27, after "land," to insert: "Provided that such selection may be composed of first-class, second-class, and third-class land, or any two of such classes, and that the area selected shall be so determined that the acreage of each class, or all the classes combined, shall not exceed the prescribed maximum."

In clause 6, line 33, before "No," to insert: "Except in the case of sales by Registrars of the Supreme Court on behalf of mortgagees"; and line 41, after "notices," erase the remainder of the clause.

In clause 9, line 14, to erase "Nothing in the Act contained shall invalidate," and insert in lieu thereof: "Section one hundred and seventeen of the Act shall not apply to."

In section 12, line 40, to erase "Provided that."

In clause 17, line 47, after "reserved," to add: "And so from time to time until the whole amount paid as aforesaid has been deducted or otherwise refunded."

In clause 19, line 4, after "has been," to insert "or hereafter shall be."

In clause 29, lines 46 and 47, erase all the words down to "Act" inclusive; and line 47, after "shall," insert "not"; after "to," erase "and," and insert "or."

In clause 31, to add these words to the clause: "And as if the words 'one thousand eight hundred and ninety-six' had been used instead of the words 'one thousand eight hundred and ninety-five,' in the third line thereof."

In clause 39, line 2, after "shall be," erase "three," and insert "two."

In clause 46, line 37, after "owners for," to insert "the like interests or for undefined interests in"; and line 42, after "accordingly," to add: "Provided that if there has been an alienation of any interest in the said land no apportionment affecting such interest shall be made under the provisions of this section without the consent of the person entitled by virtue thereof."

In clause 49, to add these words to the clause: "All the words in line 5 of the last paragraph of section 65 of the Act, after the word 'Act,' to 'alienation,' in line 8, inclusive, are hereby repealed."

In clause 50, line 23, to erase "Native."

In clause 51, line 27, to erase "Native."

In clause 52, lines 1 and 37, to erase "Native."

In clause 53, line 42, after "matter" insert "exclusively," and line 45, after "full" insert "and sufficient."

In clause 55, line 11, erase "Chief Judge," and insert "Appellate Court," and line 12, after "Act," to erase all the words to "as such" inclusive; in line 18, after, "Council" to insert, "applications which have been dismissed for want of jurisdiction under section thirty-nine may, for the purposes of this section, be treated as subsisting applications."

In clause 57, line 28, after "may," erase "on the hearing of any case," and line 29, after "dealing with," erase "the," and insert "any."

In clause 63, line 10, after "subject to," to insert "any valid and duly registered," and line 19, after "thereto," insert "or," and line 23, after "work," to insert "and shall include the value of the good-will of such lease and the full value of improvements on the land."

In clause 65, line 48, after "Court Act," to insert "1886."

In clause 67, line 10, after "Act," to insert "Amendment Act."

In clause 68, line 13, after "189," to erase "2," and insert "3."

Hon. Mr. ORMOND, in Committee, to move the following amendments and new clause:—

In clause 10, after the word "Court" in the first line, to add, "or a certificate under section fifty-five of the Act." In lines 3 and 4 strike out the following words: "Not in contravention of any of the provisions of the Act or this Act," and substitute the following words: "In accordance with the statute-law regulating alienations by Natives, and that the consideration therefor has been duly paid or given."

A. Any lease which through a *bonâ fide* mistake shall prior to the passing of the Act have been made, given, or taken for a greater term than that allowed by law, shall be taken and deemed to be and to have been from the date thereof a valid lease for such less term as the same could have been made, given, or taken for at the time of the execution thereof: Provided always that a Judge shall certify that such mistake was *bonâ fide*, and that such lease is otherwise entitled to confirmation under the provisions of the Act and of this Act.

Hon. Mr. TAIAROA, in Committee, to move the following new clause:—

77. Notwithstanding the provisions of section one hundred and seventeen of the Act, any Native having any interest in land vested in him in his own right may mortgage the same for the purpose of raising money to pay debts incurred by him before the passing of the Act; and any Native having any interest in land vested in him by virtue of any succession order may mortgage the same for the purpose of paying the debts of the person from or through whom he shall have acquired such interest as aforesaid.