

Serial Number 1942/151



THE SAMOA CROWN LANDS REVESTING ORDER 1942

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of
May, 1942.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Samoa Act, 1921, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following Order :—

1. This Order may be cited as the Samoa Crown Lands Revesting Order 1942.
2. In any case where it appears that land is vested in His Majesty free from Native title and free from any lease or other encumbrance and is so vested by virtue of surrender or alienation, mediate or immediate, from Samoans, application may be made to the High Court for an order declaring that such land shall thenceforth be deemed to be Native land.
3. Such application shall in the case of land subject to the New Zealand Reparation Estates Order 1920 be made by the Minister of External Affairs, and in the case of any other land by the Administrator.
4. Such application may be made upon any consideration that would justify the issue of a Crown grant for the land.
5. Notice of the application shall be given to the Secretary of Native Affairs and to such other persons if any as the Court may direct.
6. It shall not be necessary in any such application or in any order made thereon to describe the land with more particularity than was used in the surrender or alienation by virtue of which mediately or immediately the land became vested in His Majesty.
7. On the hearing of the application the Court may make an order in respect of part only of the land referred to in the application, and may make such order as to costs as it thinks fit.

8. Forthwith upon the making of any such order as aforesaid the land to which the order relates shall vest as Native land and shall be held in accordance with the customs and usages of the Samoan people, and the Native Land and Titles Court shall have jurisdiction over the land accordingly, and any surrender, alienation, or assurance of the said land from Samoans executed or entered into prior to the making of the order shall be deemed to be vacated.

9. The authority at whose instance the order was made shall cause a copy thereof sealed with the seal of the Court to be served on the Secretary for Native Affairs and shall cause the order to be registered under the Samoa Land Registration Order 1920,* and thereafter no instrument affecting the land shall be so registered unless the land again becomes Crown land or European land or unless a European interest therein is created.

10. Non-compliance with the requirements of clause 9 hereof shall not suspend or affect the consequences set out in clause 8 hereof of any order of the Court made under the jurisdiction hereby conferred.

11. No order made under the jurisdiction hereby conferred shall affect or prejudice any warrant proclaiming land as a road theretofore issued under section 344 of the Samoa Act, 1921, or the power of the Administrator at any time thereafter to issue a warrant under the said section 344, and it shall be a condition of any such order that no compensation shall be payable to persons benefiting under the order upon the issue at any time thereafter of a warrant under section 345 of the Samoa Act, 1921, affecting any part of the land comprised therein.

12. By making any such application as aforesaid neither the Minister of External Affairs nor the Administrator shall be deemed to be entering into any covenant for title or warranty of title, and no order made as aforesaid shall prejudice the rights of any person to any estate or interest in any land which by reason of defective descriptions of parcels may be or alleged to be within the boundaries of the land comprised in the order.

C. A. JEFFERY,
Clerk of the Executive Council.

* *Gazette*, 21st May, 1920, Vol. II, page 1680.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 28th day of May, 1942.

These regulations are administered in the Department of External Affairs.