

New Zealand.



ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Native Land Court may inquire into nature of title of certificates of title and grants issued under "Native Land Act, 1865," to Natives nominally as absolute owners. 3. Court may declare according to result of inquiry. 4. Persons declared entitled to beneficial ownership to be owners as tenants in common. | <ol style="list-style-type: none"> 5. Prior conveyances protected; also leases. 6. Court may ascertain Natives entitled to benefit of engagements on "Ngaitahu deed." 7. Court may exercise jurisdiction in South Island and Stewart Island. 8. Restriction upon alienation. 9. Court may give effect to arrangement between Natives. 10. Court may appoint a successor. 11. "Native Land Division Act, 1882," how to apply. |
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1886, No. 16.

AN ACT to confirm to Natives certain Equitable Rights.

[30th July, 1886.]

WHEREAS under "The Native Lands Act, 1865," certificates of title to, and Crown grants of, certain lands were made in favour of or to Natives nominally as absolute owners: And whereas in many cases such Natives are only entitled and were only intended to be clothed with title as trustees for themselves and others, members of their tribe or hapu or otherwise:

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

1. The Short Title of this Act is "The Native Equitable Owners Act, 1886."

2. Upon the application of any Native claiming to be beneficially interested in any land as aforesaid, the Native Land Court of New Zealand may make inquiry into the nature of the title to such land, and into the existence of any intended trust affecting the title thereto.

3. According to the result of such inquiry the Court may declare that no such trust exists, or, if it finds that any such trust does or was intended to exist, then it may declare who are the persons beneficially entitled.

4. The Court may thereupon make order that the persons so declared entitled to such beneficial ownership shall be owners as tenants in common of the land the subject of such trust, and they shall be deemed to be such owners in like manner as if their names had been inserted in the certificate or grant affecting such land.

5. The foregoing enactments shall not apply where the land the subject of such certificate or Crown grant as aforesaid, or any share

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Prior conveyances protected;

therein, has heretofore been sold or conveyed by such nominal owners or any of them or their successors, but this exception shall not apply to land in the South Island, portions whereof have been disposed of to the Government: Provided always that no Native claimant shall have any claim on the Government, or be allowed to question the title of the Government to any land purchased by it. Where land subject to this Act is also subject to a lease for an unexpired term of years, any order made as aforesaid shall not prejudice the estate or term of the lessee, but the lessee after notice of such order shall pay any rent to accrue due under his lease to the Public Trustee, whose receipt shall be a good discharge for the same.

also leases.

Such rent shall be paid out to and among the parties beneficially entitled in accordance with any partition or determination of interest as aforesaid.

Court may ascertain Natives entitled to benefit of engagements on "Ngaitahu deed."

6. Whereas, in fulfilment of an engagement entered into by the Government of New Zealand with certain Natives, parties to the deed of purchase known as the "Ngaitahu deed," lands in the South Island of New Zealand were and still are appropriated to and for certain Natives, being the Natives aforesaid or their representatives: And whereas it is desirable that the names of such Natives should be ascertained and determined:

The said Court shall, for the purpose of ascertaining and determining who the Natives were to whom such lands were appropriated as aforesaid, have the like authority to deal with such lands as it would have if such lands were still lands over which the Native title had not been extinguished, and such lands shall be deemed to be Native land within "The Native Land Court Act, 1880:" Provided that the right to ownership of such lands shall be confined to the Natives aforesaid and their representatives.

Court may exercise jurisdiction in South Island and Stewart Island.

7. It is also hereby further declared that the said Court shall have and may exercise the like jurisdiction in respect of any Native reserve situate in the South Island or in Stewart Island, which may be submitted to such jurisdiction by Order in Council which the Governor is hereby authorized to issue from time to time for the purpose.

But the Court, in determining the title or interests to any of such reserves, shall give effect to the original intention for which the said lands were respectively set apart.

Restriction upon alienation.

8. Every certificate of title to be granted by the said Court under the authority of this Act shall contain a restriction to the effect that the land mentioned in such certificate shall be inalienable by sale or mortgage, or by lease for a longer period than twenty-one years, unless with the consent of the Governor.

Court may give effect to arrangement between Natives.

9. It shall be lawful for the Court, if it shall see fit, in any proceeding under this Act to give effect to any arrangement voluntarily come to between the Natives named as owners in any certificate or grant and any other Native, and to decide such proceedings in accordance with such arrangements.

Court may appoint a successor.

10. If, during the hearing of any case, it appears that any Native has died entitled to an interest in the land before the Court, but that no succession order has been made in respect of such interest, the Court may, if it deem fit, appoint a successor to such interest in like manner, and with the like effect, as if an application had been made in

conformity with the provisions of "The Native Succession Act, 1881."

11. "The Native Land Division Act, 1882," shall be read and construed as if the word "not" had been omitted from the fourth line of the second section.

"Native Land Division Act, 1882,"
how to apply.