

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Section 63 of Act, 1880, repealed. 4. No person to appear by counsel. 5. In cases of subdivision. 6. Court may adjourn, &c. 7. No person to negotiate for Native land till forty days after title ascertained. 8. Conveyances, &c., void, and party liable to penalty. 9. Frauds Commissioner to make inquiry. 10. Transaction invalid, Commissioner to indorse to that effect. | <ol style="list-style-type: none"> 11. Deeds valid after registration. 12. Certain sections incorporated in the Native Lands Frauds Prevention Act. 13. Act not to apply to Crown. 14. Amendment of "The Maori Real Estate Management Act, 1867." 15. Section 10 "Maori Real Estate Management Act Amendment Act, 1877," repealed. 16. Notice of intention to remove restrictions from Native lands must be gazetted. 17. Sections 16, 17, 18, and 22 of "Native Land Court Act, 1880," amended. |
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1883, No. 20.

AN ACT to amend the Laws relating to Native Lands.

Title.

[8th September, 1883.

BE IT 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 Land Laws Amendment Act, 1883."

Short Title.

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

Interpretation.

"Certificate of title" means a certificate issued on an original decision, or on a rehearing:

"Court" means the Native Land Court created by "The Native Land Court Act, 1880":

"Native" means an aboriginal native of New Zealand, and includes half-castes and their descendants by Natives:

3. Section sixty-three of "The Native Land Court Act, 1880," is hereby repealed.

Section 63 of Act, 1880, repealed.

4. No person shall in any case be permitted to appear in Court by or to have the assistance therein of any counsel, solicitor, agent, or other representative:

No person to appear by counsel.

Provided that if it be shown to the Court that any party to the proceeding is, through age, sickness, or infirmity, or through unavoidable absence, unable to appear, or, if appearing, is incompetent to conduct his case, such person may, in the discretion of the Court, be allowed to appear by a Native.

5. In all cases of subdivision the Court may, at its discretion, reserve any question arising upon the construction or legal effect upon

In cases of subdivision.

the rights of the parties of any statute, deed, will, or other written instrument, and may appoint a day and place to hear the parties interested or their counsel or solicitors thereon.

Any person having an interest in any lands that have been granted by the Crown of which an application for a subdivision is being heard may, with the approval of the Court, appoint an agent to appear for him.

Court may adjourn, &c.

6. The Court may adjourn the hearing of any case from time to time and from place to place; and it shall be a duty of the Court, by the best ways and means, without reference to legal formalities, to ascertain and determine the ownership of land held by Natives under their customs and usages, or any other title.

No person to negotiate for Native land till forty days after title ascertained.

7. It shall not be lawful, after the passing of this Act, for any person to negotiate, either on his own behalf or as agent or trustee for any other person, for the conveyance, transfer, purchase, lease, exchange, or occupation of any Native land, or any estate, right, title, or interest therein, until forty days after the title to such land shall have been ascertained.

Such title shall be deemed to have been ascertained when—

(a.) The time within which a rehearing may be applied for under “The Native Land Court Act, 1880,” has elapsed without any application having been made; or

(b.) All applications have been refused; or

(c.) Judgment is given on a rehearing.

Forthwith upon the title to any land being ascertained as aforesaid it shall be a duty of the Chief Judge of the Native Land Court to cause notice to be given in the *Gazette*, setting out that the title has been so ascertained, together with the name by which the land is known, and the day when dealings with such land will cease to be prohibited under the provisions of this Act.

Conveyances, &c., void,

8. Any person who, on his own behalf or as agent or trustee for any other person, shall, after the passing of this Act, and before the day to be so fixed as aforesaid, take or accept any conveyance, lease, transfer, gift, or other assurance from any Native, whether to himself solely or to himself and others, of any Native land, or be a party to any negotiation, agreement, contract, or promise for the making to him, or to him and others, or to any other person of any such conveyance, lease, transfer, gift, or other assurance, shall forfeit and pay a penalty not exceeding five hundred pounds, to be recovered in a summary way.

And party liable to penalty.

And every such conveyance, lease, transfer, gift, and other assurance, agreement, contract, and promise shall, except as hereinafter provided, be null and void.

“Native land,” in this and the next preceding section, does not include land in respect of which a certificate of title or memorial of ownership has been ordered to be issued before the passing of this Act.

Provided that no person shall be convicted of any offence under this section except on the information or complaint of some person duly authorized in that behalf by the Governor, either generally or in respect of some particular case.

Frauds Commissioner to make inquiry.

9. In addition to the other inquiries directed by “The Native Lands Frauds Prevention Act, 1881,” to be made by a Trust Com-

missioner, it shall be his duty and he is hereby required to inquire and ascertain if any such negotiation as aforesaid was commenced or carried on after the passing of this Act and before the day fixed by proclamation as aforesaid.

10. Whenever a Trust Commissioner is satisfied that a transaction is invalid under this Act or "The Native Lands Frauds Prevention Act, 1881," he shall thereupon indorse on the principal or only instrument a certificate under his hand to that effect.

Transaction invalid, Commissioner to indorse to that effect.

No deed or other instrument so indorsed shall be registered in any Registry of Deeds or Land unless the decision of the Fraud Commissioner shall be reversed or altered on appeal to the Supreme Court, and the indorsement ordered to be expunged, which order the said Court is hereby authorized to make.

11. Nothing hereinbefore contained shall affect the validity of any conveyance, lease, transfer, gift, or other assurance after registration under any Act relating to the registration of deeds or land; but this provision shall not abate the liability of any person to any pecuniary penalty.

Deeds valid after registration.

12. "The Native Lands Frauds Prevention Act, 1881," shall hereafter be read and construed as though sections seven, eight, nine, ten, and eleven of this Act had been incorporated in and formed part of the said Act.

Certain sections incorporated in the Native Lands Frauds Prevention Act.

13. Nothing in this Act hereinbefore contained shall affect or apply to the Crown, or to any person acting for or on behalf of the Crown under the authority of a Minister of the Crown.

Act not to apply to Crown.

14. "The Maori Real Estate Management Act, 1867," and "The Maori Real Estate Management Act Amendment Act, 1877," shall be hereafter read and construed as though there was expressed therein the provision following, namely: All moneys to become payable under the said Acts, or under any contract made thereunder shall be paid to the credit of an account, to be opened for the purpose by the Public Trustee, whose receipt alone shall be a good discharge to any person paying the same, and whose certificate alone shall be recognized by any Trust Commissioner as evidence of any payment having been made under the said Acts; and such Public Trustee shall not pay any money out of such account without the written authority of a Judge of the Native Land Court.

Amendment of "The Maori Real Estate Management Act, 1867."

15. Section ten of the said "Maori Real Estate Management Act Amendment Act, 1877," is hereby repealed, and that Act and "The Native Land Act Amendment Act, 1878 (No. 2)," shall be read and construed as if such tenth section had not been enacted.

Section 10 "Maori Real Estate Management Act Amendment Act, 1877," repealed.

16. After the passing of this Act it shall not be lawful to remove restrictions upon the alienability of land owned by Natives, either in whole or in part, until notice has been given in the Government Gazette and in the *Kahiti* of the intention of such removal for a period of not less than sixty days.

Notice of intention to remove restrictions from Native lands must be gazetted.

17. Sections sixteen, seventeen, eighteen, and twenty-two of "The Native Land Court Act, 1880," shall be amended as follows:—

Sections 16, 17, 18, and 22 of "Native Land Court Act, 1880," amended.

Section sixteen shall be read as if the words "three or more" had not been inserted therein; section seventeen as if the third and fourth paragraphs had not been inserted therein; and any applications for investigation of title heretofore

made under the said Act shall be deemed and taken to have been good and valid applications; Section eighteen by adding thereto the words, "but the Chief Judge may at any time and from time to time, before the opening of a Court, order that such opening shall be postponed to a future day, and such opening shall be postponed accordingly, and any business, including rehearings, set down or ordered for the day first named for opening shall be deemed and taken as having been set down and ordered for such postponed opening"; Section twenty-two shall be read as if the words "as stated in the application and" had not appeared therein.