

New Zealand.



ANALYSIS.

- | | |
|--|---|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation of section 13 of "The Native Land Laws Amendment Act, 1895." 3. Natives may convey land to certain trustees. 4. Powers of trustee. 5. Governor in Council may make regulations to give full effect to two last-preceding sections. | <ol style="list-style-type: none"> 6. Native may apply to borrow money on mortgage. Governor in Council may authorise loan. 7. Return of applications for Orders in Council to be laid before Parliament. 8. Validation of deeds made by incorporated bodies of Natives. |
|--|---|

1897, No. 25.

AN ACT to amend "The Native Land Laws Amendment Act, 1896." Title.
[22nd December, 1897.]

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, 1897." Short Title.

2. Whereas doubts have arisen as to the intention and meaning of section thirteen of "The Native Land Laws Amendment Act, 1895," it is hereby declared that the true intent and meaning of the said section is that a confirmation order under the seal of the Court shall be conclusive evidence that the instrument in respect of which such order is made is not in contravention of section one hundred and seventeen of "The Native Land Court Act, 1894," or of section five of "The Native Land Laws Amendment Act, 1895," but the said section shall not be construed to make or to have made any such instrument effectual in respect of the contravention of any other statutory provision or rule of law whatsoever:

Interpretation of section 13 of "The Native Land Laws Amendment Act, 1895."

Provided that in order to afford opportunity of relief to persons who may have been misled as to the true meaning of the said section thirteen, and as to other claims for validation, "the thirty-first day of March, one thousand eight hundred and ninety-eight," is hereby substituted for "the thirty-first day of March, one thousand eight hundred and ninety-seven," in section sixteen of "The Native Land Laws Amendment Act, 1896."

3. Any Native or Natives, whether incorporated or otherwise, owning land under title of any description may convey the same, or any defined part thereof, by way of trust to the Surveyor-General or the Natives may convey land to certain trustees.

Commissioner of Crown Lands for the district in which such land is situate, or to some other fit person appointed by the Governor in Council, upon such terms as to sale, leasing, managing, improving, and raising money upon the same as may be agreed upon between the parties or as may be declared by the Governor in Council; and the Surveyor-General, or Commissioner of Crown Lands, or other person as aforesaid (hereinafter called "the trustee"), is hereby authorised and empowered to accept such trust: Provided that where there is more than one owner all the owners must execute the necessary deed of conveyance, and the whole block so owned, or a defined part thereof, must pass thereby.

Powers of trustee.

4. With respect to any land which is duly conveyed as aforesaid to the trustee, the following provisions shall apply:—

- (1.) The trustee, at the request of the Native owners, or of a majority in number of them, or if authorised in that behalf by the deed of trust, may borrow money upon the security of the land to such extent and on such terms in all respects as he thinks fit, and may apply the net proceeds of the money so borrowed in or towards discharging encumbrances on the land or on any other land of the same Native owners, or in surveying, opening up, and generally improving any such land.
- (2.) The trustee may execute valid and effectual instruments of mortgage or charge of the land as security for the money so borrowed, and such instruments may contain all such powers and provisions as he thinks fit, or as are prescribed by regulations under this Act.
- (3.) For the purposes of this section, the Public Trustee may, if he is satisfied with the security, lend money out of any funds under his control and available for investment, and in any case where he lends money on the security of land which has been conveyed as aforesaid to himself as the trustee he may himself execute in his own favour the necessary instrument of mortgage or charge.

Governor in Council may make regulations to give full effect to two last-preceding sections.

5. For the purpose of giving full effect to the provisions of this and the two last-preceding sections hereof, the Governor in Council may from time to time make such regulations as he deems necessary, and may also exempt any land from all or any of the restrictions, limitations, or provisions of "The Native Land Court Act, 1894," or any other Act affecting Native lands or lands owned or held by Natives.

Native may apply to borrow money on mortgage.

6. Irrespective of the provisions hereinbefore contained, it is hereby enacted as follows:—

- (1.) On the application of any Native owning land in severalty who desires to borrow money from any lending department of the Government on mortgage of his land, the Native Land Court, if satisfied of the fact, may give him a certificate that, irrespective of the land he proposes to mortgage, he possesses other land sufficient for his maintenance.
- (2.) Upon such certificate being given, the Governor in Council may authorise such Native to mortgage the land to any

Governor in Council may authorise loan.

such lending department as aforesaid, and in such case the mortgage shall operate in all respects as if the mortgagor were other than a Native, and accordingly none of the restrictions, limitations, or provisions of "The Native Land Act, 1894," or any other Act affecting Native lands or lands owned or held by Natives, shall apply, anything in any such Act to the contrary notwithstanding.

- (3.) For the purposes of this section "lending department of the Government" includes—
- (a.) The Public Trust Office ;
 - (b.) The Government Insurance Office ;
 - (c.) The Commissioner of Public Debts Sinking Funds Office ;
 - (d.) Such other lending departments as the Governor in Council from time to time names in this behalf.
- (4.) The Governor in Council may from time to time make such regulations as he deems necessary in order to give effect to this section, and in and by such regulations may increase the amount which any such lending department is at present authorised to lend on any one security or to any one Native borrower.

7. A return of all applications for the issue of Orders in Council under any of the foregoing provisions of this Act, specifying such as have been granted and refused respectively, and, in case of refusal, the reasons for such refusal, shall be laid before both Houses of Parliament within thirty days after the commencement of each session.

Return of applications for Orders in Council to be laid before Parliament.

8. All deeds already made by incorporated bodies of Natives to Natives disposing of portions of the estate belonging to such corporation by their committee properly appointed under Part II. of "The Native Land Court Act, 1894," shall be valid and effectual for all purposes whatsoever when assented to in writing by the Commissioner of Crown Lands for the district in which such land is situate, and the Commissioner may give such assent in any case where, after inquiry, he is of opinion that the disposition is equitable and should be given effect to.

Validation of deeds made by incorporated bodies of Natives.