

New Zealand.



ANALYSIS.

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1892, No. 35.

AN ACT to provide for Payments in the Purchase of Native Lands and for facilitating the Acquirement of such Lands by or on behalf of Her Majesty the Queen. Title.
[8th October, 1892.]

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 Purchases Act, 1892." Short Title.
2. "Native land" means any land within the colony held by Natives the title to which has been ascertained by the Native Land Court, or has been otherwise determined. Definition of Native land.
3. For the purpose of providing funds out of which payments authorised by this Act may be made, the Colonial Treasurer, as often as occasion requires, and upon being authorised so to do by the Governor in Council, may in each financial year borrow money from the balances in any of the accounts mentioned in Part VIII. of "The Public Revenues Act, 1891," or the Public Works Funds, or wholly or partly from one or other of such balances, or wholly or partly from any bank or monetary institution, or from any person or persons, not exceeding fifty thousand pounds in any one such year, or such further amount as may be appropriated by Parliament. Colonial Treasurer may borrow money for the purposes of this Act within limits.

Such Order in Council shall be sufficient authority to the persons having control of any of the aforesaid funds, or the Colonial Treasurer, to lend any of the funds under their control respectively, not exceeding the amount specified in such Order in Council.

May issue debentures for purchase of Native land.

4. As security for any money borrowed as aforesaid, or for the purpose of making payments from time to time for or on account of any purchases of Native land on behalf of Her Majesty, the Colonial Treasurer may, when so authorised by an Order in Council in that behalf, create and issue debentures for any amount not exceeding fifty thousand pounds in any one year, except as provided in section five.

Nature and currency of debentures.

5. Debentures shall—

- (1.) Be in such form as shall be prescribed by the Colonial Treasurer, shall be signed by the Colonial Treasurer and by the Controller and Auditor-General, and be for not less than ten pounds nor more than one thousand pounds;
- (2.) Be payable to bearer at such place or places within the colony as shall be named in the debenture, and shall bear interest at a rate not exceeding five pounds per centum per annum, and shall have a currency not exceeding seven years;
- (3.) Be numbered consecutively throughout the whole series of debentures issued under this Act.
- (4.) On presentation of a debenture at the prescribed times when any interest thereon is due, such interest shall be payable at any post-office money-order office within the colony, or at such other place or places within the colony, and at such time or times, as the Colonial Treasurer may from time to time prescribe.

Debentures and interest charged upon Consolidated Fund.

6. The sum of money named in any debenture issued under the authority of this Act, and all interest thereon, shall be a charge upon and be paid out of the Consolidated Fund.

Debentures not issued in one year may be issued at subsequent periods.

7. Where the total amount of debentures authorised to be created in any one year are not issued within such year, the Colonial Treasurer may at any subsequent period create and issue debentures for the balance of the amount so authorised as aforesaid, in addition to the amount of debentures authorised to be issued during such period.

When due, debentures may be renewed.

8. When any debentures issued under this Act become due the Colonial Treasurer, if he think fit, and on being so authorised by an Order in Council in that behalf, may renew such debentures, or any of them, by the creation and issue of new debentures for the like amount, which shall have a currency not exceeding seven years from the date of their issue.

Debentures to be convertible into stock.

9. The Governor in Council may from time to time declare all or any of the debentures issued under this Act to be convertible into stock created or issued under "The New Zealand Consolidated Stock Act, 1877," and "The Consolidated Stock Act, 1884."

Native land may be paid for in cash or debentures.

10. Any payments for or on account of any purchases of Native land on behalf of Her Majesty, which may have been effected at any time since the thirty-first day of March in the now current year, or

which may hereafter be effected, may be made either wholly or partly in money borrowed under this Act, or, with the consent of the sellers respectively, by debentures issued under this Act :

Provided that it shall not be lawful to enter into or carry on negotiations for the purchase or acquisition of any Native lands under the provisions of this Act otherwise than through officers duly appointed by the Governor on that behalf.

11. The cost of any survey of Native land made from time to time under the direction of the Surveyor-General, whether or not in anticipation of purchase by Her Majesty, or for or on behalf of any Natives for any purpose of the Native Land Court, may be defrayed by the issue of debentures under this Act to an amount equivalent in value to the amount of such cost ; and every survey paid for as aforesaid shall, for the purpose of recovering the amount of such cost, or registering any lien or charge upon land in respect thereof, be deemed to have been paid in money.

Cost of surveys of Native land may be paid in debentures.

12. Where any block of Native land shall be purchased from more than six Natives collectively, the Colonial Treasurer may deposit in the Public Trust Office, as an endowment in perpetuity for all those of the vendors whose respective individual shares in the total consideration to be paid for such block of land exceeds one hundred pounds in value, debentures issued under this Act to an amount equivalent to not less than one-half of the total value of the aforesaid shares : debentures so deposited as aforesaid shall be inalienable, and shall not be liable to any judgment of any Court nor any process of law.

Deposit of half of purchase-money in Public Trust Office as endowment for vendors.

13. Debentures issued under this Act shall be transferable by indorsement made in the presence of a Resident Magistrate or a Judge of the Native Land Court, and shall be received as cash by the Public Trustee, for investment in the Public Trust Office as endowment for or on behalf of Natives, as mentioned in the last-preceding section.

Debentures transferable and to be received as cash by Public Trustee.

14. Restrictions on alienation of any Native land imposed before or after the passing of this Act by any Crown grant, order of the Native Land Court, or other instrument of title heretofore or hereafter to be issued may, for the purposes of a sale to Her Majesty only, at any time be wholly or partially removed or declared void by the Governor ; and the provisions of "The Native Land Act, 1888," or of any other Act in force for the time being as to the removal of restrictions, shall not apply in such cases : Provided that any such removal or avoidance shall only operate in favour of the Crown.

Removal of restrictions from Native land intended for sale to the Crown.

15. The approval of a Judge of the Supreme Court, or of the Native Land Court, to the sale of the share or interest in any Native land of any Native under disability, shall be required in the case of a sale to Her Majesty, if the consideration for any such share or interest exceeds the sum of ten pounds, but not otherwise.

Shares of small amount of Natives under disability may be sold to the Crown without consent of a Judge.

16. The Governor may, by publication in the *New Zealand Gazette* and *Kahiti*, give notice that Her Majesty has, before or after the coming into operation of this Act, entered into negotiations for the acquisition of any Native land in the North Island, to be mentioned in such notice; and from and after the date of such publication, or such other date as may be specified in such

Gazette notice of Governor's negotiations for Native land sufficient notice of prior rights of the Crown.

notice as the date when the same shall take effect, it shall not be lawful for any person other than Her Majesty to purchase or acquire from the Native owners any right, title, share, or interest in the land mentioned therein, unless and until such notice shall, as hereinafter provided, have been previously withdrawn by the Governor.

The Governor may by the like publication withdraw any such notice in respect of all or any part of the land mentioned therein, and thereupon such land, or part thereof, shall cease to be subject to the provisions of this Act.

No notice as herein first mentioned published in the *New Zealand Gazette* and *Kahiti*, and which has not been withdrawn, shall remain in force or have any effect after the expiration of two years from the date of the first publication of the said notice.

Caveats, registration.

17. The District Land Registrar in the district in which the land mentioned in any such notice is situate shall, upon being served with a copy of the said *Gazette* containing such notice, cause a caveat in respect of such land to be lodged on behalf of Her Majesty, her heirs and successors, in the manner provided by "The Land Transfer Act, 1885."

Invalid deed.

The Registrar of Deeds in any registration district established under "The Deeds Registration Act, 1868," or any Registrar of the Native Land Court, may, any law in force to the contrary notwithstanding, refuse to register any deed, contract, or instrument dealing with or affecting any land contrary to any such notice as aforesaid.

Any such caveat as herein provided for may be vacated or abandoned, and the prohibition to register any such deed, contract, or instrument may be removed, by a written consent of the Minister of the Crown for the time being charged with the administration of this Act.

Unless and until such written consent is given, any such deed, contract, or instrument as aforesaid, and any alienation purporting or intended to be effected thereby, shall be deemed to be invalid within the meaning of "The Native Land Frauds Prevention Act, 1881."

Powers against trespassers and persons in unlawful occupation.

18. From and after the day of the taking effect of any notice published in pursuance of the provisions of section *sixteen* of this Act, Her Majesty, and every person on her behalf, shall have the same powers of removal and expulsion, and the same redress and remedies in respect of the unlawful occupation of, and intrusion or trespass upon, any such land by any person other than the Native owners or occupiers thereof, as Her Majesty or any person on her behalf has under any existing law in respect of the unlawful occupation of, and intrusion or trespass upon, lands of the Crown by any person :

Provided that the two last-preceding sections and this section shall not apply to any estate or interest lawfully acquired, or to persons in lawful occupation of land, before and at the time of the publication of any such notice.

Governor may sell Crown land to Natives, and may impose restrictions thereon.

19. The Governor may, by Order in Council, authorise the sale of any Crown land heretofore or hereafter acquired from Natives to any Native or Natives, at such price and subject to such restrictions upon the further alienation thereof as he may, by the same or any subsequent Order in Council, direct.

20. As soon as may be, not later than twenty days after the commencement of the session in each year, there shall be presented to both Houses of the General Assembly—

Annual accounts and reports to be furnished to the General Assembly.

- (1.) A statement of moneys received and paid for the purchase of Native lands during the financial year ending on the thirty-first day of March of the year in which the said session is held.

The Controller and Auditor-General shall certify to the correctness of such statement of accounts, and shall append to such certificate any exception he may take to any part of the same :

- (2.) A statement showing the area of each block of land purchased under this Act, its locality and quality, the name of the person or persons from whom it was bought or acquired, and the price paid for the same, and the commission or other remuneration paid or to be paid in respect thereof, together with the particulars of each transaction for the purchase of land concluded within the then next previous twelve months, and a report on the condition and settlement of all lands acquired under this Act.

21. “The Government Native Land Purchases Act, 1877,” and “The Government Native Land Purchases Act Amendment Act, 1878,” are hereby repealed.

Repeal.

22. This Act, if not sooner repealed, shall expire on the thirty-first day of March, in the year one thousand eight hundred and ninety-seven.

Expiry.