

Hon. Mr. Whitaker.

NATIVE SUCCESSION.

ANALYSIS.

- Title.
Preamble.
1. Short Title.
2. Interpretation.
3. Court to appoint successor.
4. And issue order.

5. And fix date of succession.
6. In accordance with will (if any).
7. Similarly as to personalty.
8. Certificate.
9. To operate as letters of administration.
10. Rules applicable thereto.

A BILL INTITULED

AN ACT to extend the Jurisdiction of the Native Land Court in the Estate of Title.
Deceased Natives.

WHEREAS it is expedient that provision should be made for determining the succession to lands and hereditaments granted to persons of the Native race :
And whereas it may be necessary in certain cases to ascertain the persons to whom, according to Maori custom or usage, the personal property of any intestate Native ought to descend :

Preamble.

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 shall be "The Native Succession Act, 1880."

Short Title.

2. The term "Native" in this Act includes half-castes and their descendants by Natives.

Interpretation.

3. In case any Native has died or shall die without having made a valid settlement of land of or to which he was seised or entitled in any of the cases hereinafter mentioned, namely,—

Court to appoint successor.

- (1.) Under title derived from the Native Land Court ;
(2.) Under title derived from the Crown ;
(3.) Under any contract, engagement, or promise made by or on behalf of Her Majesty or the Government of the colony, or under any order or award made by any Court of compensation or arbitration or by any agents of the Crown or Commissioners appointed by the Governor or by the Governor in Council ;
(4.) Or under any certificate of title which shall have been issued or shall hereafter be issued under the provisions of the fourth section of "The East Coast Act, 1878,"—

the Native Land Court shall have jurisdiction, and may upon the application of any person claiming to be interested in such land inquire into the matter and ascertain by such evidence as it shall think fit who ought to succeed to the estate and interest of such deceased person.

4. The Court by order under its seal shall declare the names of the persons, defining the proportionate share of each such person who in the judgment of the Court ought to succeed to the interest of the person deceased ; and the persons

And issue order.

- named in such order in their respective proportionate shares shall be deemed to be and to have been from a date to be fixed by the order as hereinafter provided the legal representatives of the person deceased in the same manner in every way as if they had been the absolute devisees of the deceased person under his will.
- And fix date of succession.** 5
5. In any order made under this enactment the Court shall have full power and authority to declare at what date subsequent to the death of the original grantee the persons declared entitled to any estate or interest under such order shall be deemed to have succeeded to the person deceased.
- In accordance with will (if any).** 10
6. If the deceased person made a will or any writing which, though not legally executed, the Court thinks was intended by him to be a will, the Court shall make its order as nearly in accordance therewith as may be.
- Similarly as to personality.** 15
7. Where any Native dies intestate possessed of personal estate within New Zealand, any person claiming to be interested or entitled to such personal estate may apply to the Court for a certificate setting forth what person ought to succeed to such personal estate.
- Certificate.** 15
8. The Court may, after inquiry, grant a certificate, to be signed by the Judge and issued under the seal of the Court.
- To operate as letters of administration.** 20
9. The certificate shall operate as letters of administration granted to the person named therein.
- Rules applicable thereto.** 20
10. Except as by this Act specially provided, all laws and rules relating to the grant and issue of letters of administration, and to stamp and other duties imposed upon the grant of administration, of the estates of persons deceased shall be applicable to such certificate.