

Hon. Mr. Carroll.

VALIDATION COURT EMPOWERING.

ANALYSIS.

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A BILL INTITULED

AN ACT to confer Further Jurisdiction in the Native Lands Validation Court. Title.

5 WHEREAS the Native Land Court, in the supposed exercise of its ordinary jurisdiction, has on partition of the lands named in the Schedule hereto made certain orders in respect thereof: And whereas it is now alleged that the said Court exceeded its powers in making such orders: And whereas it is further alleged that the said orders are nevertheless just and equitable: And whereas it is expedient that the said orders should be dealt with as hereinafter provided: Preamble.

*Struck out.*

15 And whereas in proceedings which have heretofore taken place before the Validation Court certain agreements were come to between the parties: And whereas it is alleged that some of the orders made in relation thereto inadvertently gave only partial effect to such agreements: And whereas it is desirable that the Validation Court should be empowered to make further orders in completion of any such proceedings:

20 And whereas certain recommendations are made in the report of a Royal Commission contained in parliamentary paper G.-1P of nineteen hundred and eight in respect of the Orakei Native Reserve, and it is expedient that effect should be given thereto:

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

1. This Act may be cited as the Validation Court Empowering Act, 1908. Short Title.

30 2. In this Act—  
“Validation Court” means the Court constituted under the Native Land (Validation of Titles) Act, 1893, and its amendments. Interpretation.

Court may validate partition orders in Schedule.

3. The Validation Court is hereby authorised and empowered, after due inquiry, to validate, vary, amend, or cancel all or any of the partition orders aforesaid relating to the lands enumerated in the Schedule hereto, or to make such other orders in lieu thereof as it may consider just and equitable.

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Court may complete certain work of former Court.

*Struck out.*

4. Notwithstanding the provisions of section fifteen of the Native Land Laws Amendment Act, 1896, and section two of the Native Land Laws Amendment Act, 1897, the Validation Court may receive, hear, and determine any application made to it before the thirty-first day of December, nineteen hundred and eight, in relation to the completion of any proceedings which have been heretofore instituted in the said Court, and in respect of which any agreement has heretofore been made as recited in the Preamble hereto.

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Court may inquire into partition orders, Orakei Native Reserve.

5. The Validation Court is hereby authorised and empowered to inquire into the validity of all partition orders heretofore made in regard to the Orakei Native Reserve; and if it finds that any such order is invalid, the said Court may in its discretion validate the same:

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Provided, however, that the validation of such partition orders shall not thereby make legal any alienation theretofore illegally effected:

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Provided further that the Validation Court may, if it thinks fit, state a case for the opinion of the Supreme Court as to whether such orders are valid or invalid.

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Court may validate certain leases of Orakei Native Reserve.

6. The Validation Court, if it finds that the leases of portions of the said Orakei Native Reserve mentioned in the second schedule of parliamentary paper G.-1P of nineteen hundred and eight are invalid, may in its discretion validate the same.

Authority to register orders.

7. 4. Every decision, order, or judgment of the Validation Court made under the provisions of this Act shall be sufficient authority to the District Land Registrar to make all necessary entries or alterations on the register, or to issue certificates of title to give effect to such decision, order, or judgment.

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Section 16 of Act No. 38 of 1893 not to apply.

8. 5. The provisions of section sixteen of the Native Land (Validation of Titles) Act, 1893, shall not apply to ~~decisions, judgments, or orders made under the authority of sections three, five, and six hereof.~~ *orders made under this Act.*

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Schedule.

#### SCHEDULE.

1. MATAKITAKI.

2. Te Kopi.

3. Kawakawa.

4. Manawatu-Kukutauaki No. 3, Section 2.

5. Manawatu-Kukutauaki No. 7D, Section 2D.

6. Paerau.