



Native Land Act Amendment Act 1874

1874

- Citation:** 38 V. No 75
Date of Assent: 31 August, 1874
Commencement: Date of Assent
- Repeal:** Repealed 1 October, 1886 by 1886, No 24
Amendments: –
Type of Legislation: Public
Subject: Maori Land Court: Structures & Jurisdiction
Survey Issues
- Relevant Sections:**
- s3:** Replaces proviso to s4 Native Land Act 1873. New proviso says that the Acts repealed outright by s4 Native Land Act 1873 shall continue to be in force for the purpose of continuing and perfecting any proceedings commenced under them. This new proviso is deemed to have been in force from the passing of the 1873 Act.
 - s4:** Amends s12 Native Land Act 1873, fees to interpreters acting as Court clerk or secretary to be paid out of general appropriation, however fees of other interpreters to be paid by persons liable.
 - s5:** Repeals and replaces s15 Native Land Act 1873, one or more Assessors to sit at every Court held under the 1873 Act. No decision on any question judicially heard unless Judge and one Assessor agree.
 - s6:** Amends s19 Native Land Act 1873, custody of Court Rolls etc to be under Judge's clerk or Secretary .
 - s7:** Meaning of the word "claimants" in s44 Native Land Act 1873 to include any counter-claimant.
 - s8:** Provision for rehearings of cases decided under the Acts repealed by the Native Land Act 1873. Application to be within 6 months of decision.
 - s9:** Partition may be made when the owners so desire, even though the lands are not proposed to be sold or leased.
 - s10:** Amends s71 Native Land Act 1873, plan of lands under Memorial of ownership need not be furnished in duplicate. One plan shall be recorded. Inspector of Surveys to make a true copy.
- Commentary:** The Debates indicate that this Act is a "technical" fine-tuning" of the Native Land Act 1873, with some of the amendments coming from recommendations made by the Native Affairs Committee on the petitions of Mohi Mangakahia and Mohi Tawhai. During the Debate on this amendment Takamoana asked that the Native Land Court be abolished.

Cross Reference continued over page



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Cross Reference: NZPD vol 16 (1874) 985 - 987

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(Native Affairs Committee)

Reported Court Case:

Mere Roihi v. Assets Co. Ltd. (1902) (s.10): 21 N.Z.L.R. 691, 5 G.L.R. 73.