

*“The New Zealand Settlements Amendment and Continuance Act, 1865.”*

This made perpetual the Act of 1863, as amended by the Act of 1864, but provided that no proclamation of districts and reservation of land for settlement should be exercised after the 3rd December, 1867; otherwise it only provided more enlarged machinery for the Compensation Courts in dealing with claims for land taken but not confiscated. This Act was repealed in 1878.

*“The Native Lands Act, 1865.”*

This amended and consolidated the laws relating to Native lands in the colony. It constituted a Court, the Judges of which held their office during good behaviour, and the Assessors their office during pleasure; for the ascertainment of the persons who according to Native custom were the owners of such lands; for the extinction of proprietary customs, and the conversion of such modes of ownership into titles derived from the Crown. The discretion was reserved to the Court of recommending that the Crown grant should contain such restrictions on alienability, limitations, or conditions as it deemed desirable. The Act also provided for the regulation of the descent of lands when the title thereto was converted as aforesaid, and made further provision in reference to the aforesaid matters. The most important of these are contained in Part III., “Jurisdiction and Duties of the Courts,” sections 21 to 29, and particularly as affecting subsequent alienation of any lands which had passed the Court; in the provisoes to section 23, “that no certificate of title shall be ordered to more than ten persons, and, further, that if the piece of land adjudicated upon shall not exceed five thousand acres, such certificate may not be made in favour of a tribe by name;” and also in the provisions of section 24, “that two or more certificates may be ordered under one claim, if on investigation there is more than one owner or set of owners who desire that their respective estates or interests shall be divided, or that the land shall be apportioned.”

Section 42 prescribed that any Native claiming to be interested in a piece of Native land may give notice to the Court, specifying such piece of land by its name, and giving the names of the persons whom he admitted to be interested with him, and that he desired that his claim should be investigated by the Court.

Section 43 prescribed that, if, upon the publication by the Court of such claim, the claimant and his opponents (if any) should agree to submit to the decision of the Court, it might proceed to determine the same, provided that the certificate or certificates to be issued should be delivered to the person named therein as entitled. It also enacted that if the Court recommended that any conditions or limitations should be attached to such certificate it should not issue it until the Governor should have approved or disapproved of such conditions or limitations, and should have caused as much as he should think fit to be indorsed thereon.

Section 44 provided that such certificates should, in all Courts of law in the colony, be conclusive as to the persons who owned the land described therein, and that they might be registered in the proper registry of deeds.

Section 45 enacted that any Native having a claim by right of Native custom to succeed to the ownership of any land whereof a Native may die possessed, might apply to the Court to have his right in the premises decided, and the Court might hear and determine such claim, and issue a certificate setting forth the decision of the Court, and such decision should be final in all Courts of law.

Section 46 prescribed that on receipt by the Governor of the certificate it should be lawful for him to cause a Crown grant to be issued in favour of the person or persons named in such certificate, and, if recommended by the Court, it should also be lawful for him to insert in the grant any restrictions on alienability, limitations, or conditions, as might be expressed in such recommendation.

Section 47 prescribed that if the purchaser of part of a piece of land comprised in a certificate applied for a Crown grant for the same, it should be lawful for the Governor to issue one, provided the certificate contained no restrictions, limitations or conditions; but it also enacted that the deed should be surrendered as hereinafter provided with respect to Crown grants on subdivision of hereditaments.

Section 48 prescribed that such grants should be valid and effectual as grants made by the Governor of waste lands of the Crown, and as if the lands comprised had been ceded by the Native proprietors to Her Majesty, and should bar all estates, rights, titles, or interests of all persons except the grantees named therein. It should be conclusive as to the limits and extent of such land, and in all other respects have the legal effect and consequence of an ordinary grant from the Crown.