

follows : Districts were to be constituted, and Commissioners appointed to each district. The Commissioner was to examine directly into all land-transactions between Europeans and Natives. He would have to satisfy himself that the transaction was fair and equitable; that it was in accordance with the trusts affecting the land; that no part of the consideration, either directly or indirectly, was payable in liquor or arms; and, lastly, that the parties understood the nature of the transaction. If he was satisfied that all these conditions had been fulfilled he would grant a certificate to that effect, and no instrument without this certificate indorsed would be allowed to be registered, or admitted as evidence in any Court of law. For the purpose of enabling the Commissioner to discharge his duty all the powers under the Commissioners' Powers Act were vested in him. Persons feeling themselves aggrieved by the decision of the Commissioner could appeal direct to the Supreme Court in a simple and inexpensive manner, and the Court had the power to confirm or annul the transaction, as seemed fit. But, lest the Court might chance to be overburdened by this work, power was taken in the Act, with the approval of a Judge of the Supreme Court, to appoint a barrister to exercise the function of the Court. Power was also given to the Governor in Council to regulate the manner in which the Commissioners should discharge their duties.

*"The Native Land Act, 1873."*

This Act was originated by the late Sir Donald McLean to amend and consolidate the laws relating to the Native Land Court and to Native land. Its intention was to establish a system by which the Natives should be enabled, at a reduced cost, to have their surplus land surveyed, their titles thereto ascertained and recorded, and the transfer and dealings relating thereto facilitated; to have a roll or "Domesday Book" prepared of the Native land throughout the colony, with a view of assuring to the Natives, without any doubt whatever, a sufficiency of land for their support and maintenance, besides establishing endowments for their permanent general benefit out of such lands.

This Act repealed the Native Lands Acts, 1865, 1867, 1868, 1869, and 1870, and section 73 of "The Constitution Act, 1852," which latter enactment had confirmed the Crown's right of pre-emption over Native lands. In addition to amended powers for the investigation and determination of titles to Native lands, it gave power to set apart land out of Native blocks as reserves for the benefit of Natives; and the land so reserved was to be equal to an aggregate amount of not less than 50 acres per head for every Native—man, woman, or child—resident in any district. It likewise reconstituted the Native Land Court on lines somewhat different from those laid down in earlier Acts, and it introduced certain changes in the procedure of the Court. For instance, in settling the titles of Native reserves and other Native lands it substituted for a certificate of title a memorial of ownership, in which the names of all the individual owners of the lands reserved for the benefit of Natives, or lands otherwise adjudicated upon, should be enrolled. Moreover, Native reserves lands were to be inalienable by sale, lease, or mortgage, except with the consent of the Governor in Council.

In the case of other lands, the amount of the proportionate share of each owner was to be declared in the memorial when the majority of the owners so required; and to every memorial there was the condition "that the owners of the land referred to therein had not power to sell or otherwise dispose of the said land, except that they might lease the same for any time not exceeding twenty-one years, without covenant for renewal or for purchase at a future time." In spite of this condition, however, nothing was to preclude any sale of the land comprised in such memorial when all the owners agreed to the sale, nor was it to prevent any partition of such land.

*Sales under Memorial of Ownership.*

By section 59 any sole owner, or any number of collective owners, could sell their land held under memorial, subject to inquiry by the Court into the particulars of the transaction, and to its being satisfied of the justice and fairness thereof, of the assent of all the owners to such sale, and the payment of all costs and charges whatsoever, and advances as earnest-money to the Native owners. When so satisfied, the Court was to indorse the memorial to the effect that the transaction appeared to be *bonâ fide*, and that no difficulty existed to the alienation of the land comprised in the memorial.

By section 62 no lease of any land held under memorial was to be valid unless all the owners of the land comprised in such lease should assent thereto; and the Court was required to satisfy itself in every case of the fairness of the transaction, of the rent to be paid, and of the assent of all the owners to the lease. All such leases were to be signed by all the owners in the manner provided in section 85.