

thereto; (b) to award, by certificate issued under the direction of the Court, that grants of land may be made to such Natives, or other persons respectively who shall be found to be entitled thereto, as shall not have been engaged in the rebellion; (c) in those cases in which it shall be found that Natives who have been engaged in the rebellion are, or but for such participation in rebellion would have been, entitled to land jointly with other Natives who shall not have been so engaged, to make an equitable partition of such land, to assign to the Natives so entitled, who shall not have been so engaged, their just portion of such land; (d) and to ascertain and certify what lands are, or, but for participation in the rebellion would have been, the property of persons who have been engaged in the rebellion.

Section 4 enacted that lands which the Court certified to be the property of persons who had been engaged in the rebellion should be declared to be land of the Crown.

Section 6 prescribed that provision might be made for persons who had been engaged in the rebellion by setting apart lands for them, subject to conditions as to how such lands should be held or disposed of for the benefit of such persons.

“*The Native Lands Act, 1866.*”

This Act was to be read and construed with “*The Native Lands Act, 1865.*”

Sections 4 to 10 principally affected alienations of Native reserves. Section 11 provided that the Court should append a report on every certificate, whether it was proper or not to place any restrictions on the alienability of the land comprised in such certificate.

Section 12: If report adopted in the affirmative, restriction to be endorsed on certificate.

“*The Native Lands Act, 1867.*”

This repealed the Act of 1866, except in so far as was necessary to the support of any act, matter, or thing done or completed thereunder, and except also as to any penalty or forfeiture incurred under the Act of 1866: provided that any investigation of title commenced under the repealed Act, and pending at the time of the passing of this Act of 1867, should be continued and conducted under this Act as if originally commenced thereunder.

The principal object, however, in introducing the Act was to insure the ascertainment of the whole of the owners so as to cure the defect in the Act of 1865 which enabled the land to be vested in ten persons, thereby ignoring the interests of the majority. No sale of land under this form of title could be effectuated until after subdivision. Although the Act was passed with the object of protecting the whole of the owners, the fact of its being only requisite that no more than ten should be inserted in the body of the certificate perpetuated the evil effects of the Act of 1865, as these ten individuals could lease the land and appropriate the proceeds.

Section 17, which was enacted for the above object, was but a clumsy attempt to amend section 23 of the Act of 1865. The verbiage of the former is so infelicitous and obscure that it can hardly be “understood of any man.” Nevertheless titles have been determined by it, but whether satisfactorily is doubtful.

Section 32 weakened section 74 of the Act of 1865, in regard to the interpretation and execution of deeds of Native lands, so that, instead of such instruments being interpreted to the conveyor or disposer of the land, and executed by him in the presence of, and attested by, a Judge or Justice of the Peace, *it should be sufficient if the execution of such deeds were made in the presence of, and attested by, the interpreter and any other person being a male adult.* The removal of a safeguard to the *bona fides* of such transactions, by the substitution of the latter mode, enabled many illegal and doubtful titles to land to be obtained by Europeans from Natives.

“*The Maori Real Estate Management Act, 1867,*” and “*The Maori Real Estate Management Act Amendment Act, 1877.*”

These Acts provided for the management of land owned by Native minors and others under disability, otherwise than under their customs and usages, and for the appointment of trustees, and defining their powers.

They were repealed by “*The Native Land Court Act, 1886.*”

“*The Native Lands Act Amendment Act, 1868.*”

This was simply a machinery Act dealing with a few questions outside of investigation of titles, or the alienation and disposition of interests in Native lands.