

LAWS AFFECTING THE ALIENATION AND DISPOSITION OF INTERESTS.

At the risk of being considered tedious, I have deemed it necessary to set before your Excellency the foregoing compendium of the various laws which have affected the alienation and disposition of interests in Native lands within the colony. The enactments in question have been placed on the statute-book from time to time during the last thirty years, and the following comparative analysis of some of their provisions will show how conflicting and changeable the legislation has been, its present tangled state being the result:—

SCHEDULE showing the various Forms of Title ordered by the Native Land Court under the Native Lands and Native Land Court Acts, from 1862 to 1890 inclusive.

Date and No. of Act.	No. of Section.	Form of Title ordered by the Court.	
1862	42	3	Prescribed certificate of title to ten persons jointly.
1865	71	23	Prescribed certificate of title to all the owners as tenants in common.
1867	43	17	Prescribed certificate of title to all the owners. Ten to be placed in the certificate, and the remainder to be registered in the Court records.
1869	26	12	Prescribed certificate of title to all the owners. Where more than one grantee, such grantees to be tenants in common and not joint tenants.
1873	56	47	Memorial of ownership, all the owners to be declared and be tenants in common.
1877	31	34	Certificate of title. If owners more than ten, divisions to be made and certificates issued accordingly.
1887	31	56A	Memorials of ownership under Act of 1873 may be cancelled, and certificates of title issued in lieu thereof.
1877	31	58	Grantees to be tenants in common, unless they request in writing to be made joint tenants.
1880	38	25	Certificate of title in lieu of memorial.
1881	18	8	Crown grants to be issued in favour of the persons respectively named in the certificates as tenants in common.
1886	24	22	Certificate of title under "The Land Transfer Act, 1885," to be issued to the persons ascertained to be owners.
1886	...	3	Grantees under above certificate of title to be tenants in common, but not equally unless so stated in the grant.

PARTICULARS OF THE ORIGIN OF THE PRE-EMPTIVE RIGHT OF THE CROWN TO NATIVE LANDS AS SOLE PURCHASER, AND THE VARIOUS WAIVERS AND RESUMPTIONS OF SUCH RIGHT.

In 1840 the Treaty of Waitangi, which was entered into between the Native chiefs, representing the owners of Native lands in New Zealand, and the Queen, reserved to the Crown the sole right of purchase of their lands.

In March, 1844, Governor Fitzroy, moved by the clamors of the Natives to be allowed to sell their land, waived the Crown's right of pre-emption by Proclamation on the 26th of the same month.

In October, 1844, another Proclamation was issued, known as the penny-an-acre Proclamation (a fee payable at the issue of the Crown grant to the purchaser). These measures were afterwards disallowed by the Imperial Government.

In 1852, the Constitution Act, by section 73, confirmed the pre-emptive right of the Crown under the Treaty of Waitangi.

In 1862 the Native Land Act, by section 17, waived in favour of the Natives the Crown right to pre-emption, but did not repeal section 73 of the Constitution Act.

In 1873 the Native Land Act, by section 4, repealed section 73 of the Constitution Act, by which repeal the Crown's right to the pre-emption of purchase of Native lands was absolutely abrogated.

In 1884 the Native Land Alienation Restriction Act, by section 3, temporarily prohibited dealings by private persons in certain Native lands in the Provincial District of Auckland known as "the King-country," and also in the Districts of Taranaki and Wellington, as it was considered desirable to lock them up for a time pending the construction of the Northern Main Trunk Railway.

In 1886 the Native Land Administration Act, by section 29, practically prohibited further dealings of private individuals with Natives for their lands by enacting that their lands should be disposed of in accordance with the provisions of "The Land Act, 1885."

In 1888 the Native Land Act, by section 3, repealed the Native Land Administration