

Hi Pire I Huaina

HE TURE hei whakatu i tetahi Kooti hei uiui i nga tikanga Hoko me nga Riihi Whenua Maori.

Notemea kua maha nga tau i mua ake nei e puritia ana nga whenua Maori e nga Pakeha i raro i te ki he mea hoko he mea riihi ranei aua whenua i nga Maori e whai take ana ki aua whenua i raro i nga ture kua whakakorea i naianei a i whai mana i raro i aua ture ki te riihi ki te hoko i aua whenua i runga i nga tikanga o nga ture kua whakakorea nei:

A no te mea kua maha nga tau e ki ana nga Pakeha e whai take ana ratou ki nga whenua ki nga hea ranei kahore ano i wehewehea a e ki ana i hokona i riihitia ranei i nga Maori e whai take ana ki aua whenua kua kiia ake nei:

A no te mea kahore e ahei te whakamaro i nga tikanga mo runga i nga kirimena me nga hoko me nga riihi no te mea kua whakakorea etahi ture etahi arai ranei i runga i te ture kia hokona kia riihitia aua whenua, i te mea ranei kihai i whakakorea a kihai i haere i raro i nga tikanga o aua ture, i meinga ranei kia mana kore i runga i tetahi pokaketanga i tetahi whakahaere ranei a te Kooti Whenua Maori e etahi atu Kooti ranei:

A no te mea e tino mohiotia ana he maha nga Pakehai runga i nga tini huarahi i ahei te tango whenua i runga i nga Take Tuku Whenua ahakoa nga whakahe a te ture mo runga i aua tikanga pohehe pokaketanga ranei i runga i te ture a kei etahi Pakeha ahakoa e ahua pera ana ano nga take kua araia kei riro i a ratou nga take motuhakea hakoa te whakakorenga o nga ture arai kua kiia ake nei:

A no te mea e ki ana nga Maori kua araia ratou a kei te araia ano ratou i naianei ki te noho i runga i aua whenua e nga Pakeha e ki ana kei te puritia e ratou i raro i te riihi me te hoko ki a ratou, a e mea ana nga Maori kahore he Kooti e whai mana ana e puare ana ki a ratou hei whakaora i o ratou mate:

A no te mea e whai kupu ana enei tangata katoa i runga ano i te tika ko nga ture e mana nei i ia wa i ia wa mo runga i nga whenua Maori e taumaha ana e whakararuraru ana a kei etahi e poka ke ana nga tikanga a na kona i uaua ai te whakamana i aua ture a kei etahi kore rawa e taea te whakamana:

A no te mea ka tino taunutia enei mahi raruraru mehemea ka waiho kia mau tonu ana me te arai i nga painga ki te katoa, a e whakaarotia ana he mea tika kia whakaturia tetahi Kooti motuhake me te whai mana ki te whakahaere me te whakaoti i ng# paanga me nga tautohe me nga tono me nga whaitake tanga me nga nama me nga raruraru e puta ake ana i runga i aua whenua, i runga ranei i te noho i runga i aua whenua, i runga ranei i nga he me nga mate kua whakahuatia i runga ake nei:

A no te mea he mea tika Ma whai mana tau Kooti a ki te hanga i aua ota me aua whakahaunga me te whakaputa i nga tautoko o nga take katoa e hiahiatia ana hei whakaoti i aua tikanga raruraru katoa a hei whakatau hoki i aua mana me aua take me nga nama me nga tono me era atu take, nama, tono, penei pehea ranei e tau nei inaianei a e ki ana kei te whakaekea e etahi tangata ki etahi a e ki ana e whai mana ana e whai take ana, e whai paanga ana, e whai mokete ana, e whai nama ana, e whai tono ana penei pehea ranei i runga i aua whenua mo runga ranei i aua whenua mo te noho ranei i aua whenua:

NA KA MEINGA hei Ture e te Runanga Nui o Niu Tireni e noho huihui nei i roto i te Paramete i runga ano hoki i tona mana nga tikanga e mau iho nei:—

- Ko te ingoa poto o tenei Ture ko "Te Ture Whakamana Take Whenua Maori, 1893." Ka timata tona mana i te tahi o nga ra o Hanuere tahi mano waru rau iwa tekau ma wha.
- I roto i tenei Ture mehemea kahore e poka ke ana ona tikanga i enei e mau iho nei,—
"Maori" tona tikanga he tangata Maori a i uru mai ano nga hawhe-kaihe Maori me o ratou uri:
"Whenua" tona tikanga ko tetahi whenua e whai take ana kua whakataua ranei ki etahi Maori i raro i tetahi take penei pehea ranei haunga ia nga whenua kahore ano kia whakataua nga take e te Kooti Whenua Maori.
- Me whakatu e te Kawana tetahi Kooti Kooti Tuhituhi ranei a me ki taua Kooti ko te Kooti Whakamana Take Maori a kia kotahi Tiati mo taua Kooti a me awhina ia e tetahi Ateha Maori a me whai mana i runga i nga whenua e takoto ana i roto i tetahi takiwa Kooti Whenua Maori e ahei ai te Kawana a muri ake nei te panui kei roto i te rohe o taua mana.
- Ka ahei e te Kawana te whakatu i ena Tiati a kia pena hoki te maha o nga Tiati o te Kooti i pai ai ia. Ko nga Tiati katoa me whakatu mo nga tau e toru, a ekore e taea te pana atu haunga ia nga take me te huarahi e pana atu ai tetahi Tiati o te Hupirimi, Kooti; ekore ano hoki tetahi take tetahi whakawa tetahi atu whakahaere e taea te whakaeke ki runga i aia mo tetahi mea i meatia i mahia ranei e ia i runga i te whakahaere o nga mahi o tona tari haunga ia nga whakawa me nga whakahaere e whakaekea ana ki tetahi Tiati o te Hupirimi Kooti mo tetahi mea i mahia ka mahia ranei e ia i runga i te whakahaere o ana mahi.

Ko nga utu mo nga Tiati katoa me whakatau i te wa i whakaturia ai ia a me kaua e neke ake i te kotahi mano pauna i te tau, a me kaua e whakarereke aua utu i te wa e tu ana taua Tiati.

- Me whakatu e te Kawana i ia wa i ia wa nga Kairehita, me nga Kaiwhakamaori, me nga Karaka, me nga Ateha Maori e hiahia ana mo te whakahaere i nga mahi a te Kooti, a ka mau tonu aua tangata ki o ratou tari i te wa e pai ai te Kawana, me te utu ano i a ratou mahi i ia wa i roto i nga moni e whakaritea ana mo tera mahi. A i roto i aua moni e wehea mo taua mahi me utu ena moni mo nga haererenga i runga ano i ta te Kawana i whakatau ai.
- Ka whai mana te Tiati o taua Kooti ki te karanga i nga tangata katoa e pa ana ki aua whenua a ko nga tangata katoa e ki ana e whai take ana, e whai nama ana penei pehea ranei ki taua whenua, e noho ana ranei i runga i aua whenua a ka ahei ano hoki te tono kia haere mai nga kai-whakahaere katoa, me te tuku mai i nga pukapuka katoa penei pehea ranei, ahakoa kua tukua ki tetahi tari ki tetahi tari ranei o te katoa, ki tetahi tari rehita ranei, ara mehemea e hiahia ana hei whakatuturu i nga korero i nga uiui hoki, me te tono kia tukua mai nga pukapuka o roto i te tari nga tauira tika ranei o aua pukapuka ara mehemea e mahara ana te Tiati he mea tika a e whai tikanga ana aua pukapuka hei korero ki tona aroaro, a me tuku mai ano aua pukapuka e te tangata e tiaki ana i aua pukapuka ki te Kairehita o te Kooti Whakamana Take Maori me te pupuri ano e ia i te wa e uiuia ana nga tikanga, a ka mutu taua uiui me whakahoki ki te tangata e tiaki ana i aua pukapuka.
- Ka whai mana te Kooti,—
Ki te whakawa ki te whakatau i nga take me nga paanga o nga tangata katoa e ki ana e whai take ana ki tetahi whenua ona ake ki tetahi whenua hoki iho te rahi ranei me nga paanga ki taua whenua e tautohetia ana ki te aroaro o te Kooti, a ka ahei te arai me te whakakore i te take me nga paanga o nga tangata katoa e whakaarohia ana e te Kooti kihai i whai take aua tangata.
Kia ahei ai te whakaoti i nga take e tautohetia ana ki tona aroaro me te karanga hoki i nga tangata katoa e ki ana e whai take ana ki etahi atu hea kahore ano i wehewehea me nga paanga ki aua whenua, a ka ahei ano hoki e te Tiati mehemea e whakaaro ana ia he mea tika kia peratia te wehewehe i taua whenua kia ahei ai nga whenua e ki ana e whai take ana te tangata i te aroaro o te Kooti a e whakahaere ana e te Kooti te wehewehe me te whakatuturu me te whakamarama mai i nga whenua a nga tangata kahore i whai tikanga ki nga take e tautohetia ana i te aroaro e te Kooti.
Me te whakawa me te whakatau i te mana ki te noho me te mahi i runga i aua whenua ranei i nga hea ranei ki nga whenua e tono ana ki te aroaro o te Kooti, ahakoa i nohia i mua inaiane ranei a mua ake nei ranei, ahakoa e meatia ana aua whenua kia hokona kei te rihi ranei kei raro ranei i tetahi kirimina mo te rihi.
Me te whakawa me te whakatau me te whakaoti i nga tono me nga take mo nga moni reti me etahi atu moni e puta mai ana i runga i te mahinga me te nohoanga i tetahi whenua mo nga moni ano hoki kahore ano i ea, mo nga taumahatanga i runga i nga ruri me nga tono me nga ruritanga, mo nga nama, me nga mokete me nga tono mo nga paanga me nga tono taumahanga ranei i runga i nga nama, i nga moni ranei e tonoa ana, ahakoa e tukua ana aua tono ki tetahi Maori hawhe-kaihe Maori ranei, ki tetahi kaporeihana, ki tetahi kamupane, whakahaere peeke ranei ki tetahi atu kamupane ranei, ki te hunga huihui tahi ranei a ratou whakahaere.
Ki te whakawa ki te whakaoti me te whakatau i nga tono me nga take katoa penei pehea ranei ahakoa i haere i runga i te huarahi whakariterite tikanga ki waenga i tetahi hunga pehea ranei, a i mahara ai te Kooti he wahi ano hei whakatika i nga raruraru i waenga i tetahi hunga kia ahei ai te whakaoti me te whakatau i nga paanga o te hunga i te aroaro o te Kooti, e puta ake ana ranei i waenga i a ratou mo runga i aua whenua mo te nohoanga me te mahinga ranei i aua whenua.
- Ko te mahi ma te Kairehita o te Kooti Whenua Maori, me te Kairehita o nga Tiiti me te Kairehita Takiwa Whenua, he whakamarama tonu atu i nga wa katoa ki te Tiati o te Kooti Whakamana Take Whenua Maori i nga take me nga paanga katoa e rehita ana i roto i a ratou tari a e pa ana ki nga whenua e tautohetia ana i te aroaro o te Kooti ki tetahi wahi ranei o taua whenua me te tuku mai hoki i nga tiiti tuatahi i nga tauira mea haina he tika aua whenua a e hiahia ana e taua Tiati a ka ahei te tango mai i aua tauira hei korero ki te aroaro o te Kooti mehemea e whakaaro ana te Tiati ka mana i aua pukapuka.
- Ka ahei e te Kooti te tango i tetahi korero i whakaaro ai te Tiati e tika ana mo runga i te take e whakahaere ana, ahakoa he korero aua korero i tukua i roto i te Hupirimi Kooti kahore ranei. Ko nga take katoa i runga i te ture o tenei o tena ahua ka ahei te whakaoti me te whakatau e te Kooti, a ka ahei ano hoki e te Tiati te whakahaere i aua mana katoa pera ano me nga mana i whakataua i tukua ki tetahi Tiati o te Hupirimi Kooti me nga mana me nga tikanga katoa kua whakataua kua tukua ki tetahi Tiati o te Kooti Whenua Maori, ko te tino tikanga tika hoki o tenei ture kia tino whiwhi te Kooti ki nga mana e ahei ai te Kooti te tino whakahaere i nga keehi katoa e tae mai ana ki tona aroaro kia whakamana, kia whai mana ano hoki te Kooti ki te whakahaere i nga take me nga raruraru me nga tautohe katoa i waenga i ena hunga

a e pa ana ki nga whenua me nga take i tona aroaro kia whakaotia rawatia.

- Ka ahei e te Kooti i raro i nga tikanga e whakaaturia ana i roto i nga tekiona tekaumarima me te tekaumaono o tenei Ture i runga ano i tana i whakaaro ai ki te whakamana ki te whakahau kia whakamana tetahi tiiti, kirimene, whakariteritenga whakaaetanga, memoriara ranei o etahi take kihai i tino tika te whakamarama te whakaoti ki waenganui i nga Pakeha me nga Maori ki waenga ranei i tetahi Maori ki tetahi Maori mo runga i tetahi whenua paanga ranei ki tetahi whenua i uru ai tetahi Maori ki tetahi tiiti, kirimina, whakaaetanga, memoriara whakariteritenga whakaaetanga i tika kia whai take taua Maori i reira i raro i tetahi ture kua whakakorea nei i naiane i kihai i taea te whakamana taua tiiti, taua whakariteritenga whakaaetanga, memoriara ranei no te mea kihai i hanga i runga i nga tikanga o aua ture kua whakakorea ra, i araia ranei e taua ture kihai ranei i tino whakaaetia, i whakamaramatia ranei i runga i te huarahi i hiahiaatia e aua ture.

Ka ahei ano hoki e te Kooti te whakamana me te whakahau kia hanga tetahi tiiti, kirimina tetahi whakariteritenga ranei i waenga i tetahi hunga, tetahi whakamaharatanga whakariteritenga whakaaetanga i hainatia i whakaotia i mua o te paahitanga o "Te Ture Whenua Maori Whakamana Take, 1892," e meinga ana hei whakamana i te tango o te tetahi whenua i runga i te hoko i te tuku, i te riihi ranei e mea ana ranei hei whakariteritenga whakaaetanga hei tango i taua whenua, ahakoa he tango taua tango i nga hea katoa me nga paanga o nga Maori whai take ki taua whenua ki te hea kotahi maha atu ranei o nga hea me nga paanga ki tetahi wahi ranei o aua hea me aua paanga.

Erangi ia i runga i tetahi o aua take i runga ranei i aua take katoa ko te tangata e tono ana kia whakamana ana take me ahei e taua tangata te whakamarama ki te Kooti,—

▲ ko taua kirimina whakariteritenga whakaaetanga ranei ahakoa tona ahua he kirimina he whakariteritenga whakaaetanga, mehemea i hanga ki waenga i nga Pakeha mo runga i tetahi whenua e puritia ana i raro i tetahi Karauna karati a i ahei te whakamana me te whakapumau i aua whakariteritenga whakaaetanga e ahei ranei te whakamaro i nga tikana i roto i te Kooti Hupirimi:

▲ ko taua kirimina whakariteritenga whakaaetanga ranei kihai rawa i poka ke i te pai me te whakaaro tika:

- A ko taua kirimina whakariteritenga whakaaetanga ranei i tino mohiotia ona tikanga i te wa i whakariteritea i whakaaetia ai ki waenga i taua hunga, a he kirimina tika he whakaaetanga tika ranei i taua wa mo tetahi tikanga tika i runga i te ture i raro ano hoki i nga tikanga i hanga ai taua kirimina me taua whakaaetanga.

Ka ahei e te Kooti te whakahore i te mana o tetahi whakariteritenga whakaaetanga kirimina ranei kihai i taea te whakahaere i runga i tetahi o nga tikanga kua kiia ake nei, i whakaaro ai ranei te Kooti kihai i tika i poka ke ranei i te pai me te whakaaro tika a kihai i eke tetahi mahi tahae whakahaere poka ke ranei i runga i te ture..

- Ekore te Kooti e whai mana ki te whakamana i tetahi whakahaere mo te hoko mo te riihi ranei i tetahi whenua Maori kua whakahaerenga e tetahi tangata kaporeihana kamupane ranei i muri iho i te tukunga o te panui i te wa ranei e mana ai taua panui a te Kawana i roto i te *Gazette* me te Kahiti i runga i nga tikanga o tetahi Ture i mana i mua a muri ake nei ranei mana ai, a tuku e panui ana kia whakahaerea e ia e ratou ranei tetahi tikanga mo te whakawhiwhi i a te Kuini ki taua whenua.
- Mehemea kua whakahaerea etahi tikanga i mua e tetahi tangata kaporeihana kamupane ranei mo te hoko mo te riihi ranei i tetahi whenua Maori i mua o te tukunga o te panuitanga kua whakahuatia i roto i te tekiona i runga ake nei a i whakahaerea tonutia aua whakahaere a i whakaotia hoki, ka ahei e te Kooti te whakahaere i tona mana me te whakamana i aua take i tetahi ranei o aua take i kitea ai he mea tika erangi me kaua e whakamana tetahi take i kitea ai tetahi mahi tahae tetahi mea ranei e tau ai he he ki nga Maori.
- Ko nga ota katoa me nga whakahaunga katoa a te Kooti ka tino tuturu oti rawa atu i raro i te tukunga o aua ota me aua whakahaunga ki te aroaro o nga Whare e rua o te Runanga Nui pera ano me te whakaaturanga e nga tekiona tekaumarima me te tekaumaono o tenei Ture me te watea ano hoki kia tukuna he tono whakawa i runga i nga tikanga a muri iho nei whakaritea ai a ekore e taea te arai te whakararururu ranei te whakahoki iho ranei i tona mana e tetahi atu Kooti penei pewhea ranei. Ko nga ota katoa me nga whakahaunga me rehitia ki roto i te Kooti a me tuku te tauri o nga ota katoa me nga whakahaunga e pa ana ki tetahi whenua ki a te Kawana ara mehemea e whakamaramatia ana aua whenua i roto i taua ota, a i reira ano mehemea kua whakamaramatia aua whenua me te ki ko wai nga tangata whai take ahakoa na te Kooti Whakamana Take Whenua Maori taua ota ra tetahi ota ranei a te Kooti Whenua Maori i runga i te wehewehenga, a ka ahei e te Kawana i runga i te waraati i raro i tona ringa te tohutohu atu ki te Kairehita Takiwa Whenua o te takiwa i takoto ai te whenua kia whakaputaina te tiwhikete take te wehe ranei i nga tiwhikete take ki te tangata ki nga tangata ranei i tau ai he painga i runga i te hanganga o taua ota o taua whakahaunga ranei a te Kooti Whakamana Take Whenua Maori mo te whenua e whakaaturia ana i roto i taua waraati mo taua whenua paanga ranei, me te tau ano hoki taua

whenua ki raro i nga tikanga i nga taumahatanga me nga tono me nga moni e puta mai ana me nga mokete etahi atu nama ranei e tohutohungia mai ana e taua ota e tauawhakahaunga ranei a te Kooti Whakamana Take Whenua Maori; a i reiria ano ko nga take katoa o mua ki taua whenua ahakoa kua whakataua ki taua tangata ano ki tetahi atu tangata ranei ka mutu tonu iho i reira ano a ka kore atu tona mana ara mehemea e pera ana te tohutohu mai a te Kooti Whakamana Take Whenua Maori a ko te rehitatanga o taua whenua i roto i tetahi tari i tetahi atu Kooti ranei ka whakakorea atu ara mehemea e pera ana te tohutohu mai a te Kooti Whakamana Take Whenua Maori.

- Ko nga ota tono kia utua he moni me nga whakahaunga kia whakaritea nga tikanga kia tukua tetahi whenua e tetahi tangata i mua o te puritanga e te Kooti i te puritanga ranei e tetahi tangata ke atu i te aroaro o te Kooti a i kiia e tika ana kia riro i aia taua whenua ka ahei te tuku i nga pukapuka o aua whenua ki te Huperimi Kooti o te takiwa i takoto ai taua whenua, a i reira ano ko aua whakahaerenga katoa ka ahei te mea kia tukuna mai me te kawea ki te Hupirimi Kooti hei whakamaro i nga tikanga kia utua nga utu, i runga ranei i te whakahaerenga o nga tikanga i whakataua kia mahia kia tukua mai taua whenua i runga i nga huarahi e kawea ai tetahi keehi ki te aroaro o te, Hupirimi Kooti i runga i tetahi whakataunga, whakahaunga ranei a taua Kooti a ko aua pukapuka hamene katoa ka ahei te tuku hei whakamaro i nga tikanga kia utua nga moni i whakataua kia utua, hei whakamaro ranei i nga tikanga kia whakaritea nga tikanga kia tukuna ranei te whenua, pera ano me nga tikanga e whakaputaina ana i runga i tetahi whakataunga a te Hupirimi Kooti mo aua tikanga pera. Kahore he mea hei whakamaro i nga tikanga i mua o te whakaputanga o tetahi tikanga i runga i te ture kia whakaotia nga tikanga o tetahi ota whakahaunga ranei e takoto ana i roto te Kooti hei uiui i nga tikanga ki te aroaro o tetahi Komihana i nga tikanga o te Ture Arai Hoko Tahae, e meinga ranei hei huarahi tango mai i tetahi tiwhikete i te Komihana hei mea kahore ona tikanga tahae pehea ranei i taua ota, whakahaunga ranei o te Kooti Whakamana Take Whenua Maori.
- Ko nga pukapuka tukunga o nga tiwhikete katoa me nga tono i whakakorea o nga tiwhikete i runga i nga tikanga o tenei ture, me whakotokoto ki te aroaro o nga Whare e rua o te Runanga Nui me te ripoata ano hoki a te Kooti mo runga i ia keehi, me tere tonu mai aua pukapuka i te wa e noho ana te Paremete, a mehemea kahore e taea i taua wa me tae mai i roto i nga ra kotahi tekau i muri iho o te nohoanga o te Paremete o muri iho.
- Ahakoa tetahi mea e mau ana i roto i tenei Ture, ko nga tiwhikete katoa e tukuna ana e te Kooti kua kiia ake nei ekore e whai mana a ka takoto tonu i roto i te tari o te Kooti, a me kua rawa e tukuna ki tetahi tangata mo runga i tetahi tikanga ahakoa penei pehea ranei, ekore ano hoki e ahei te rehitanga i raro i tetahi Ture kia pahure rano nga ra kotahi tekau i muri iho i te mutunga o te Paremete i whakatakotoria ai aua tiwhikete me aua tono ki te aroaro o nga Whare e rua o te Runanga Nui, pera ano me te whakaritenga i roto i te tekiona i runga ake nei, a mehemea tera etahi tiwhikete, ripoata ranei kua whakatakotoria ki runga i te tepu o nga Whare e rua o te Runanga Nui i roto i nga ra kotahi tekau o te whakamutunga o tetahi Paremete ekore e taea te whakahaere tetahi tikanga mo runga i aua tiwhikete kia pau rano nga ra kotahi tekau o te Paremete i muri iho i te mutunga o te Paremete o muri iho.

Ko nga tiwhikete katoa e whakatakotoria ana ki te aroaro o te Paremete i te wa e noho ana te Paremete ka kiia kua whakatuturutia kua whakaotia e te Paremete ara mehemea kahore he whakahaerenga he mahinga ranei i aua tiwhikete e nga Whare e rua o te Runanga Nui i te wa e noho ana taua Paremete.

- Ko nga moni katoa i pau i runga i nga whakahaerenga i raro i tenei Ture kei te Kooti tonu te tikanga a ka ahei ano e taua Kooti te whakahau kia utua e tetahi e nga tangata ranei i tona aroaro, a ka ahei ano hoki e te Kooti te whakahau ki runga i tetahi i etahi ranei o taua hunga kia utua e ratou te whakawakanga me etahi atu utu e tika ana kia utua ki te Kooti runga ano i nga huarahi e whakataua ana e nga ture o te Kooti a e whakaputaina ana i tena wa i tena wa e te Kawana.
- Ka ahei e te Kawana te whakatakoto tikanga whakahaere mo enei tikanga e mau iho nei:—
Hei whakatakoto i nga wa nohoanga o te Kooti:
Hei whakatakoto i nga mahi me nga whakahaere a te Kooti:
Hei whakatau i te huarahi whakahaere mo nga keehi kahore nei he kaitawari mo te tono i tukuna, me te whakarite ano hoki me pehea nga korero e hiahia ana i te mea kahore he kaitawari mo te whakamananga o tetahi whakariteritenga whakaaetanga e te tangata e tika ana kia tawari i taua keehi, me te whakatakoto tikanga me te whakarite tikanga mo te arai i nga korero mo runga i tetahi take e ki ana kua oti te whakatau e tetahi atu Kooti i runga i tetahi whakataunga i waenganui ano i taua hunga i runga i ranei i a ratou ake take:
Mo te tuku me nga utu mo te kawenga i nga hamene kia tae mai nga tangata ki te whakarongo i te whakawakanga o tetahi keehi:
Mo te tuku me te kawenga i nga hamene a kia pehea te rahi o nga moni e utua ki nga kaiwhaki-korero me te tuku mai hoki i nga pukapuka e hiahia ana hei korero ki te aroaro o te Kooti:

Mo te utu i nga moni i pau ara mehemea e hiahia ana e te Kooti hei whiriwhiri i nga utu kia mohiotia ai ranei ki tetahi whenua:

Mo te whakaae me te arai ranei i nga tangata e hiahia ana ki te mahi whakahaere ki te aroaro o te Kooti hei roia hei kaiwhakahaere me nga utu hoki mo ratou:

Mo era atu tikanga e whakaritea ana i roto i nga tikanga whakahaere o aua tu Kooti a i whakaaro ai hoki te Kawana he mea tika kia whakaritea mo tenei Kooti:

Mo te whakarongo hoki i nga korero a nga kaiwhaki-korero e noho ana i tawhiti e tetahi komihana.

Erangi ia i runga i te mea kahore ano tetahi tikanga whakahaere i hanga i runga i tetahi take ka whai mana te Tiati i runga i te ture i runga ano i tana i whakaaro ai ki te whakatakoto tikanga mo te keehi i tona aroaro, a i muri iho me whakahaere tonu i runga i aua tikanga mo te wa i whakaaro ai ia he tika, kia puta ranei tetahi tikanga whakahaere a te Kawana mo runga i aua take.

- Ka whai mana te Kooti i raro i tetahi whakahaere i raro i tenei ture ki te whakamana i tetahi whakariteritenga whakaaetanga i whakaaetia e nga Maori ahakoa i waenga i nga Maori ake i waenga ranei i nga Maori me nga Pakeha i te aroaro o te Kooti a mehemea e ki ana te Kooti he whakahaere he whakaaetanga he whakaotinga tika taua whakahaere o nga take o etahi ranei o nga take e tautohetia ana a kihai i tau he mate ki runga i nga paanga me nga take o etahi tangata i uru ki taua keehi, me whakatau tonu e te Kooti taua whakataunga i runga i nga whakaaetanga i whakaaetia ai e aua tangata, a ko taua whakataunga ka mana tonu ki waenga i taua hunga i whakaae ki waenganui i a ratou, ano he whakaaetanga he korero ranei ki te aroaro o te Kooti.
- Ekore tetahi take tetahi whakahaere ranei e tukua ki tetahi Kooti i waho atu o te Kooti Whakamana Take Whenua Maori hei uiui i te tika o te tango i tetahi whenua e toono ana kia uiuia nga tikanga i te aroaro o te Kooti Whakamana Take Whenua Maori, kia pahure ano nga marama e ono i muri iho i te whakapuareretanga o te Kooti Whakamana Take, a ki te whakaekea tetahi take, tetahi whakahaere ranei i roto i tetahi atu Kooti i roto i aua marama e ono, a ko nga whakahaere i meatia kia whakahaerea ki te aroaro o tetahi atu Kooti ka meinga he arai mo te timatanga o tetahi whakahaere, a i muri iho i te timatanga o tetahi take whakahaere ranei i tetahi atu Kooti i muri iho i aua marama e ono ki te whakahaerea tetahi keehi i roto i te Kooti Whakamana Take Whenua Maori a i runga i te mea e whakahaerea ana tetahi keehi take raruraru i waenga i tetahi hunga, ka araia nga whakahaerenga i roto i tetahi atu Kooti i runga i te utunga o nga tono katoa a taea noatia te ra i timatanga ai te whakawa o taua keehi i runga ano i te huarahi me nga whakahaere a te Kooti i whakawa ai i taua keehi.
- Ko tetahi tangata e mea ana e mate ana ia i runga i tetahi whakataunga a te Kooti i runga i tetahi take i runga i te ture, haunga ia nga korero poka ke, ka ahei i roto i nga ra e torutekau i muri iho i te whakataunga a te Kooti te tuku i tetahi tono, me te whakamarama i nga take katoa o tana whakahe i runga i taua whakataunga, a i reira ano ka ahei te whakaae ki waenganui i taua hunga me te Tiati a ki te kore e whakaaetia tetahi tino keehi e ratou, na ko tetahi wahi o nga whakahaere e hiahia ana hei whakatau i ena take e meatea ana kia whakatau e te Kooti Pira me tuku e te Kooti Whakamana Take ki te Kooti Pira a i reira ano ka whai mana te Kooti Pira ki te whakawa me te whakatau i taua take i runga i te tukunga ki taua Kooti Pira, a ko nga whakataunga katoa me nga ota whakataunga ranei a te Kooti Whakamana Take ka ahei te tuku ki te Kooti Pira kua kiia ake nei. Ekore tetahi tono pira i runga i tetahi whakataunga tarewa i runga ranei i tetahi ota e meinga hei arai i tetahi atu whakahaere i waenganui i te hunga i roto i te Kooti Whakamana Take Whenua Maori ara ki te kore taua arai e whakaaetia e era atu tangata katoa e pa ana ki taua take e tohutohungia mai ana ranei e te Tiati. Kaua ia tetahi ota tuturu tetahi whakahaunga ranei e tukuna, e ahei ai te hunga i wini te tango i tetahi take e ahei te whakakore i tetahi atu take ranei i tetahi atu Kooti haunga te Kooti Whakamana Take a ko nga whakataunga a taua Kooti Whakamana Take Whenua Maori me tuku ahakoa te tono pira i runga i taua whakataunga.
- Ka ahei e te Kawana i runga i etahi tikanga whakahaere ture te whakarite he pehea ranei nga utu e utua, a he pehea te nui o te puna e hoatu e nga kaitono ki te Kooti Whakamana Take Whenua Maori a ka ahei ano hoki e te Kawana i runga ano i tana i pai ai te tohutohu mehemea i raro hoki i tewhea tikanga e taea ai te whakakore i tetahi whakawa a me pewhea te huarahi e utua ai aua utu e tukua ai ranei nga puna hei arai i taua whakawakanga, hei tikanga ranei e whai mana ai ki te tuku tono, e whai mana ai ranei kia whakawakia e taua Kooti Pira i runga i taua tonu.
- Ka whiwhi te Tiati o te Kooti Whakamana Take Whenua Maori ki nga mana katoa e whiwhi ai te Tiati o te Hupirimi Kooti i runga i te whiu mo te whakahawea ki tona Kooti ki nga ota ki nga whakataunga ranei a tona Kooti e tetahi tangata i kiia e ia kua pera tona hara, a ki te tino hoi tetahi tangata i runga i te mea kahore he take i kitea e te Kooti, a ka hoi taua tangata ki te whakamana i tetahi hamene i tetahi whakahau ranei a te Kooti ka kiia kua takahi ia i nga whakahaere me nga ture o te Kooti a ka ahei taua tangata te mau mai ki te aroaro o te Kooti me te whiu i runga ano i te huarahi e ahei ai te whiu e tetahi Tiati o te Hupirimi Kooti mo taua hoinga.

- Ka whai mana te Tiati o te Kooti Whakamana Take Whenua Maori i muri i iho i te kinga a taua Kooti e whai take ana ia ki tetahi hea kahore ano i wehewehea, tetahi paanga ranei ki tetahi whenua, te tohutohu ko te whenua e wehea ana mo aua hea paanga ranei me kimi i roto i te Kooti Whenua Maori a i reira ano me tahuri te Tiati Tumuaki o te Kooti Whenua Maori ki te wehe i te wahi whenua ki waenganui i nga tangata i kiia e whai take ana me pera ano hoki ki era atu tangata e whai take ana ki te poraka whenua i kitea to ratou tika i runga i nga tikanga whakahaere a te Kooti Whenua Maori.
- Kua whakakorea i konei "Te Ture Whakapumau Take Tika, 1892."
He mana i whakahua, i taia a te S. Costall, Kai-tai Perehi a te Kawanatanga, Weringitana.—1893
Native Land (Validation of Titles). *Hon. Mr. Carroll.*

Analysis.

Title.

Preamble.

- Short Title.
- Interpretation.
- Constitution of Court.
- Status and tenure of office of Judges.
- Appointment of officers.
- Powers of Judge over suitors and witnesses.
- Jurisdiction of Court.
- Duties of Registrars of Native Land Courts, &c.
- Powers of Judge as to admission of evidence, and over all questions arising before him.
- Powers of validation.
- Court may not validate private purchases of land after notice published of prior rights of the Crown.
- Court may validate *bonâ fide* land transactions when such notice not published.
- Finality of decrees, and duty of District Land Registrar to act in obedience to them.
- Money orders and decrees for possession of land.
- Return to be laid before Parliament.
- Confirmation of certificates by Parliament.
- Costs of Court.
- Governor may make general rules.
- Voluntary arrangement.
- Stay of proceedings in all other Courts upon transactions brought for validation in this Court.
- Appeal to Appeal Court of New Zealand.
- Costs of appeals.
- Enforcement of obedience to orders and decrees of Court.
- Validation Court may order partition by Native Land Court.
- Repeal.

A Bill Intituled

AN ACT to provide a Court for Inquiry into Purchases and Leases of Title. Native Lands.

Whereas Europeans have for years past held possession of lands Preamble. claimed by them under alleged purchases and leases from Natives entitled to lands under statutes now repealed, and whose right to lease or sell such lands was regulated by the provisions of such repealed statutes:

And whereas Europeans have also for some years past claimed to be entitled to lands or undivided shares in lands alleged to have been purchased or leased from Natives entitled as aforesaid:

And whereas the said alleged agreements, purchases, and leases are incapable of being enforced, either because of some repealed statutory prohibition against the making of such purchases or leases, or because, although not forbidden, they were made not in conformity with the requirements of such statutes, or were rendered invalid through some irregularity or informality, or by reason of some unlawful act of omission or commission by the Native Land Court or some other Court:

And whereas it is notorious that many Europeans were by various means enabled to obtain indefeasible Land Transfer titles notwithstanding such statutory prohibitions, irregularities, illegalities, omissions, or commissions, while other Europeans similarly situated as to their titles have been hindered and prevented from

obtaining similar indefeasible titles, notwithstanding the repeal of the prohibitory enactments aforesaid:

And whereas Natives allege that they have been and still are deprived of the possession of their lands by Europeans, who profess to hold them under leases or sales to them, and said Natives complain that no Court with sufficient jurisdiction for the redress of their grievances is practically open to them:

And whereas all these persons complain with justice that the statutes in force from time to time respecting Native lands have been cumbersome and conflicting, and sometimes contradictory in their provisions, so that obedience to them has been always difficult and sometimes impossible:

And whereas it would be a scandal that such a state of things should be allowed to continue to the public detriment, and it is therefore expedient that a special Court should be constituted, endowed with sufficient powers and jurisdiction to deal with and settle finally all conflicting interests, disputes, and claims of right and ownership in the said lands, and all claims, debts, and demands whatsoever arising out of the said transactions, or out of the occupation of the said lands, or out of any of the wrongs and grievances hereinbefore mentioned:

And whereas the said Court ought to have power to make all such orders and decrees, and issue all such muniments of title, as shall be required for the settlement of all the said conflicting interests, and for determining all the aforesaid rights, debts, claims, and demands, and all other rights, debts, claims, and demands whatsoever existing or claimed to exist by or against parties asserting rights, titles, and interests, liens, mortgages, debts, and other demands whatsoever, upon or over said lands, or in respect of the occupation thereof:

BE It Therefore Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- Short Title. The Short Title of this Act is "The Native Land (Validation of Titles) Act, 1893." It shall come into operation on the *first* day of *January*, one thousand eight hundred and ninety-*four*.
- Interpretation. In this Act, if not inconsistent with the context,—
 - "Court" means the Court created by this Act:
 - "Native" means a Maori Native, and includes half-caste Maoris and their descendants:
 - "Land" means any land owned by or vested in Natives, under any title whatsoever, except land the ownership of which has not been determined by the Native Land Court.
- Constitution of Court. There shall be within the colony a Court of Record, to be called "The Validation Court," having jurisdiction over lands situate within any Native Land Court district that the Governor may hereafter proclaim to be within the jurisdiction.
 - The Court shall be entitled, upon the application of any Native or European claimant, to inquire into, settle, and determine finally and conclusively (subject only to the right of appeal hereinafter provided) all disputes, rights, titles, and interests whatsoever concerning the said lands or any of them.
 - In exercising its jurisdiction in the hearing of any matter before it the Court shall consist of one Judge, who shall be assisted by a Native Assessor; in all other respects the jurisdiction, powers, and authorities vested in the Court may be exercised by a Judge.
- The Governor may appoint such and so many Judges of the Status and tenure of office of Judges. Court as he shall think fit. Every Judge of the Court shall be appointed for the term of three years, and shall not be removable from office except for such causes and in such manner as a Judge of the Supreme Court is removable, nor shall any action, suit, or other proceeding be brought against him for anything done or to be done in the discharge of the duties of his office, except such action, suit, or proceeding as may be brought against a Judge of the Supreme Court for anything done or to be done by him in the discharge of his duties.
 - The salary of every such Judge shall be fixed at the time of his appointment, and shall not exceed the sum of *one thousand* pounds per annum; and no alteration in such salary shall be made during the term of office of any such Judge.
- The Governor shall from time to time appoint such Native Appointment of officers. Assessors, Registrars, Interpreters, and Clerks, as may be required for the conduct of the business of the Court, all such persons to hold office during the Governor's pleasure, and to be paid for their services such salaries as shall from time to time be appropriated for the purpose; and out of the moneys so appropriated there shall be paid such travelling allowances as the Governor may determine.
- The Court shall have power to call before it all persons interested Powers of Judge over suitors and witnesses. in the said lands, and all persons claiming any right or ownership or debt or demand whatsoever in respect of said lands, or the occupation thereof, and may require the attendance of all witnesses, and the production of all documents whatsoever, even where the same are filed or recorded or otherwise lodged in any public office or registry, where such documents may be necessary for a full and perfect inquiry, and may order said filed documents or certified copies thereof (if he shall deem such copies sufficient for the purpose of evidence before him) to be transmitted, by the person having the

custody of said filed documents, to the Registrar of the Validation Court, to be under his charge and care during the continuance of said inquiry, and on its close to be returned to the said person having custody thereof.

- The Court shall have jurisdiction— Jurisdiction of Court.

To hear and determine the right, title, and interest of every person claiming the freehold, or any lesser estate or interest in land, or undivided shares in land, then in dispute before it, and may bar and destroy the right, title, and interest of every person considered by the Court to be not entitled:

For the purpose of determining all questions in dispute before it, and to call before it all persons claiming the other undivided shares and interests in said land, and may, if the Judge shall deem it necessary or advisable, make partition of the said land in order that the lands claimed before the Court, and to be dealt with by the Court, may be separated and defined from the lands of persons not interested in the matters in contest before the Court:

To hear, settle, and determine the right to the use and occupation of the said lands or shares in lands claimed before the Court, whether as to past, present, or future use and occupation, and whether under purchase, lease, or agreement for lease:

To hear, settle, and determine all claims and demands for rents and other moneys arising out of the use and occupation of lands, and for unpaid purchase-money, or for liens (including liens for survey and survey-charges), debts, mortgage claims, claims for interest, or claims for damages in the nature of a debt or money-demand, whether such claims or demands be upon or by any Maori or half-caste Maori, or upon or by any corporation or banking company, or other company or co-partnership: and

To hear, settle, and determine all claims and demands whatsoever, whether based upon contract or otherwise, which, in the opinion of the said Court, ought to form part of the settlement of the conflicting interests of the parties before it, or arising between any of them respecting said lands, or the use and occupation thereof.

- Duties of Registrars of Native Land Courts, &c. It shall be the duty of the Registrar of the Native Lands Court, and of the Registrar of Deeds and District Land Registrar, to keep the Judge of the Validation Court informed of all rights, titles, and interests registered in their respective offices affecting the lands in dispute before the Court, or any part of them, and to furnish the original deeds, agreements, and documents filed or lodged in their respective offices, or certified copies of the same, as may be required, to said Judge, and such copies may be used in evidence before the Court if the said Judge shall deem them sufficient.
- Powers of Judge as to admission of evidence, and over all questions arising before him. The Court may admit any evidence that seems to the Judge to be pertinent to the matters in issue, whether such evidence would be admissible in the Supreme Court or not. Every question of law or of fact, of whatever kind and nature it may be, may be determined by the Court, and the Judge may exercise and shall have all such jurisdiction, powers, and authorities as are vested in a Judge of the Supreme Court, and also all such jurisdictions, powers, and authorities as are vested in a Judge of the Native Land Court: it being the true intent and meaning of this statute that the Court shall have sufficient powers to deal fully and effectually with every class of case that shall come before it for validation, and with all questions arising in such cases, and to settle finally and for ever all differences, conflicts, and disputes between the parties relating to the lands and matters before it.
- Powers of validation. The Court may, subject to the conditions prescribed in sections *fifteen* and *sixteen* of this Act, in its discretion validate and decree the performance of any deed, agreement, contract, or memorandum of contract of imperfect obligation or authentication entered into between Europeans and Natives, or between Natives and Natives, concerning any lands or interests in lands to which any Native a party to said deed, agreement, contract, or memorandum of contract was then entitled under any statute now repealed, and which deed, agreement, contract, or memorandum of contract, is incapable of being enforced because it was not made in accordance with the requirements of such repealed statute, or was forbidden by said statute, or was not authenticated in the manner required by such statute.

The Court may also validate and decree the performance of any deed, agreement, contract, or memorandum of contract, signed or executed before the passing of "The Native Land (Validation of Titles) Act, 1892," purporting to effect an alienation of any land by way of sale, transfer, or lease, or purporting to contract for such way of sale, transfer, or lease, or purporting to contract for such alienation, whether such alienation was to be an alienation of the whole of the shares and interests of the Native owners of the said land, or of any one or more of such shares and interests, or of any part of such shares or interests:

Provided that in any and every such case the claimant for validation is able to show to the satisfaction of the Court,—

That the said agreement or contract, irrespective of form, was one which, had it been made between Europeans touching and concerning lands held under Crown grant, would have been a valid and binding contract capable of being enforced in the Supreme Court:

That the said agreement or contract was not in any respect contrary to equity and good conscience:

- That the said agreement or contract was fully and perfectly understood at the time it was entered into by the agreeing or contracting parties, and was a fair agreement or contract for a reasonably sufficient and lawful consideration at the time and under the circumstances in which it was made.

The Court may refuse to validate any contract or agreement which fails to comply with any of the aforesaid requirements, or which in the opinion of the Court was not fair and reasonable, or was contrary to equity and good conscience, or tainted with actual fraud and improper dealing.

- The Court shall not have power to validate any transactions Court may not validate private purchases of land after notice published of prior rights of the Crown. for the purchase or lease of any Native land entered into by any person, corporation, or company after the publication of and during the subsistence of a notification by the Governor in the *Gazette* and *Kahiti*, in terms of any Act heretofore or hereafter to be in force, giving notice that he proposed to enter upon negotiations for the acquisition of the said land for Her Majesty.
- When, however, negotiations have heretofore been entered Court may validate *bonâ fide* land transactions when such notice not published. upon by any person, corporation, or company, for the purchase or lease of any Native land, before any notification as mentioned in the *last-preceding* section was issued and such negotiations were thereafter continued and completed, the Court may exercise its powers and validate all or any such transactions as shall seem to it to be fair and equitable; but shall not validate any transaction which it shall deem fraudulent in any degree, or unjust to the Natives.
- Finality of decrees, and duty of District Land Registrar to act in obedience to them. Every order and decree of the Court shall, subject to being laid before both Houses, of the General Assembly, as prescribed in sections *fifteen* and *sixteen* of this Act, and subject to appeal as hereinafter provided, be final and conclusive, and shall not be hindered or interfered with or lessened in its effect by any other Court whatsoever. Every order and decree shall be registered in the Court, and a duplicate of every order and decree affecting lands shall be forwarded to the Governor if the said lands are defined in the said order; and thereupon, if the lands are defined and the owners thereof declared, either by the said order of the Validation Court or by an order of the Native Land Court on partition, the Governor may, by warrant under his hand, direct the District Land Registrar of the district wherein the land is situated to issue a certificate of title, or separate certificates of title, to the person or persons in whose favour such order or decree of the Validation Court is made, for the land described in such warrant, and for such estate or interest and subject to such conditions, liabilities, charges, annuities, liens, mortgages, or other debts as may be directed by the said order or decree of the Validation Court; and thereupon all previous titles to the same land, whether vested in the same or any other person, shall thenceforth, if so directed by the Validation Court, cease and become void and of none effect, and the registration thereof in any office or other Court shall be cancelled, if so directed by the Validation Court.
- Money orders and decrees for possession of land. Orders for payment of money, and decrees for performance of conditions, or delivery of possession of land by any person before the Court holding such possession, to any other person before the Court declared entitled to such possession, may be filed in the Supreme Court of the district wherein the land is situated; and thereupon all such proceedings may be had and taken in the Supreme Court for the enforcement of payment, or performance of the conditions ordered to be performed, or for the delivery of possession, as might be taken before the Supreme Court upon a judgment or decree of that Court, and all such writs may be issued for levying debt or enforcement of payment of the moneys ordered to be paid, or for enforcing the performance of the conditions or delivery of possession of the land, as might be issued on a Supreme Court judgment for the like purpose and to the like effect. There shall be no necessity, before issue of execution or enforcement of obedience to such filed order or decree, for any inquiry before a Commissioner under the Frauds Prevention Acts, or for obtaining any certificate from him as to the absence of fraud or otherwise in the said order or decree of the Validation Court.
- Return to be laid before Parliament. A return of all certificates given and all applications in which certificates are refused, in pursuance of the provisions of this Act, shall from time to time be laid before both Houses of the General Assembly, together with the report of the Court on each case, as soon as may be if Parliament be sitting, and if not then within ten days after the opening of the next session thereof.
- Confirmation of certificates by Parliament. Notwithstanding anything in this Act contained every certificate given by the Court as aforesaid shall be of no effect and shall remain in the office of the Court, and shall not be delivered to any person for any purpose whatever or be capable of registration under any

Act until ten days after the prorogation of the session in which the return has been laid before both Houses of the General Assembly as provided by the *last preceding* section hereof: Provided that in the case of any certificates or reports laid on the table of both Houses of the General Assembly during the last ten days of any session no action shall be taken thereon until ten days after the expiry of the next session held thereafter.

Every certificate laid before Parliament during any session as aforesaid shall be deemed to be confirmed by Parliament unless a resolution to the contrary be passed during the said session by either House of the General Assembly.

- All costs of and incidental to any proceedings under this Costs of Court. Act shall be in the discretion of the Court, who may order the same to be paid by or to any of the parties before it, and the Court may impose on any of the parties such hearing and other fees payable to the Court as may be settled by rules of Court to be issued by the Governor from time to time.

- The Governor may make general rules for any of the following Governor may make general rules. purposes:—

For regulating the sitting of the Court:

For regulating its practice and procedure:

For settling the course of procedure in cases where no defence is offered against the claim made, and providing whether any and what evidence shall be required when the validation of the contract or agreement is not contested or disputed by the person entitled to contest the same, and for providing for the admission or rejection of evidence concerning any fact alleged to have been already settled by some other Court by a judgment between the same parties or their privies in title:

For the issue and service of process on parties sued to appear and attend at the hearing of the case:

For the issue and service of subpoenas, and for payment or tender of any and what expenses to the witnesses, and for the production before the Court of documents required as evidence:

For the payment of expenses, if such be required by the Court, for the valuation or identification of any land:

For the adoption or exclusion of persons desiring to practise before the Court as counsel, agents, or conductors, and for their remuneration:

For such other matters as are usually provided for in rules of like Courts, and which the Governor may think ought to be provided for this Court:

For the taking of evidence by commission of witnesses living at a distance:

Provided always that, until a general rule is made on any subject, it shall be lawful for the Judge in his discretion to lay down a rule for the case before him, and afterwards to continue to act upon such rule so long as he shall deem it advisable, and until the Governor shall have promulgated a general rule concerning such matter.

- It shall be lawful for the Court, in any proceeding under this Voluntary arrangement. Act, to give effect to any arrangement voluntarily come to by the Natives, either amongst themselves or with the Europeans before the Court; and if such arrangement is deemed by the Court a fair and reasonable settlement of the matters, or any of the matters, in dispute, and not injurious to the interests of other suitors in the cause, the Court shall base its decision as regards the interests of such persons upon the arrangements they have made, and such decision shall be as effectual and binding upon the parties who have so arranged between themselves as if arrived at on evidence taken.
- Stay of proceedings in all other Courts upon transactions brought for validation in this Court. No action or proceeding shall be brought in any Court other than the Validation Court for the purpose of questioning the validity of any alienation of land which might form the subject of inquiry before the Validation Court until the expiration of six months after the opening of the Validation Court; and if any such action or proceeding shall be so brought within the said six months in any other Court, the plea of *lis pendens* before this Court shall be a bar to the commencement of the said action or proceeding, and if, after the commencement of any such action or suit in any other Court, after the said six months, proceedings are taken in this Validation Court which would when heard decide the matters in dispute between the parties, a plea of *lis pendens* shall bar all further proceedings in the said other Court upon payment of all costs up to the date of said plea according to the course and practice of the Court in which it is pleaded.
- Appeal to Appeal Court of New Zealand. Any person aggrieved by the decision of the Court in any matter of law, except as to the improper admission or rejection of evidence, may within thirty days after the decision of the Court lodge in the office of the Court a notice of appeal, setting forth all the grounds of his objection to the said decision, and thereupon a special case may be agreed upon between the parties and the Judge, or, if no such special case be agreed upon within fourteen days, then such portion of the proceedings as shall be requisite for the settlement of the questions to be decided by the Appeal Court

shall be forwarded by the Validation Court to the said Appeal Court, and thereupon the said Appeal Court shall have jurisdiction to hear and determine the matter of the said appeal; and every judgment, order, or decree of the Validation Court shall be subject to appeal as aforesaid. No appeal from any interim or other decision, or from any order, shall operate as a stay of further proceedings between the parties in the Validation Court, except such stay be assented to by all the other parties interested or be directed by the Judge: Provided always that no final order or decree, issue of which would enable the successful party to obtain any indefeasible or other title elsewhere than in the Validation Court, shall issue out of the Validation Court pending any appeal from it.

- Costs of appeals. The Governor may, by general rule, provide what fees shall be paid, and what security shall be given by appellants from the Validation Court, and may, if he think fit, direct whether and under what circumstances, and in what manner, the payment of such fees, or the giving of security, shall be a stay of proceedings, or be a condition precedent to the right of appeal, or to the right to be heard in the said Appeal Court on said appeal.
- The Judge of the Validation Court shall have all the powers Enforcement of obedience to orders and decrees of Court. of a Judge of the Supreme Court of punishing for contempt of his Court, or of the processes of his Court, or of the orders and decrees of his Court, any person deemed by him to be guilty of the same; and any person who shall wilfully and without just excuse allowed by the Court disobey any subpoena or process of the Court shall be guilty of contempts, and may be brought before the Court and punished in the same manner as such person could be punished by a Judge of the Supreme Court for a like disobedience.
- It shall be lawful for the Judge of the Validation Court, Validation Court may order partition by Native Land Court. whenever any person or persons shall have been declared entitled to any undivided share or shares, or interest in land, to direct that the land to be apportioned for the said shares or interests shall be ascertained in the Native Land Court; and thereupon the Chief Judge of the Native Land Court shall take such steps to cause the making of a partition between the person or persons so declared entitled, and the remaining owners of the block of land, as shall be just, and in accordance with the course and practice of the said Native Land Court.
- "The Native Land (Validation of Titles) Act, 1892," is Repealed. hereby repealed.

By Authority: Samuel Costall, Government Printer, Wellington.—1893.