

Section 74 prescribed that every conveyance or other disposition of hereditaments of Native land granted under this Act made by a Native to a person of European race or to another Native should be interpreted to the conveyor or other disposer, and should be executed by him in the presence of and be attested by a Judge or a Justice of the Peace, and should have written thereon or annexed thereto a statutory declaration by the person so interpreting that his translation was correct, and was understood by such Native; and such declaration should be made before the said Judge or Justice of the Peace, and should have the legal effect of a declaration made under the Imperial statute 5 and 6 Will. IV., cap. 62.

By the 75th section, however, "every conveyance, transfer, gift, contract, or promise affecting or relating to any Native land in respect of which a certificate of title shall not have been issued by the Court shall be absolutely void."

This Act was so successful that in a return of the proceedings of the Court, embodied in a Report on the working of "The Native Lands Act, 1865," by Chief Judge Fenton (Parliamentary Paper A No. 10, 1867) it is stated that from the 1st November, 1865, to the 30th June, 1867, a period of twenty months, there were 1,220,477 acres, of which 957,774 acres were in Auckland Province, to which title was ordered by the Court. The late Judge Maning, the quaint and humorous author of "Old New Zealand," in a letter to Chief Judge Fenton, dated Hokianga, 24th June, 1867, on the working of the Court, states "that 'The Native Lands Act, 1865,' satisfies a great want and vital necessity of the Maori people, by offering them a means of extricating themselves from the Maori tenure, and obtaining individual and exclusive titles of land;" and Chief Judge Fenton winds up his report with the following words: "Nothing that has yet been tried has so largely tended to produce in the minds of the Maoris peaceful desires and a grateful confidence in the Legislature as 'The Native Lands Act, 1865.'"

An Amendment Act, to be read and construed as part of the Act of 1865, was passed in 1866. Its principal features in respect of the alienation of Native lands were as follows: Section 5 provided that in every Crown grant of any Native reserves the land therein comprised shall be inalienable by sale or mortgage, or by lease for a longer period than twenty-one years from the making of such lease, except with the consent of the Governor in Council: provided that, if any grant of Native land shall have been made to a Native under limitations or restrictions on the alienation of such land greater or other than above provided, the Governor in Council may release the land from such limitations or restrictions, or any of them, so that such land shall be thenceforward subject only to the restrictions in this section contained, and to the other provisions of this Act relating to Native reserves. Section 6 gave the Governor in Council power to indorse any proposed conveyance, lease, or other disposition of such land, and thereby make it alienable to the extent expressed in the instrument. Section 11 removed the discretionary power of the Court, conferred on it by section 28 of the Act of 1865, as to whether or not in every case of investigation of title the Court when issuing the certificate should prescribe in that document any restrictions or limitations, and made it imperative that the Court should do so.

*"The Native Rights Act, 1865."*

This Act declared that the Maoris should be deemed to be natural-born subjects of the Queen, and that the jurisdiction of the Queen's Courts of law extended over the persons and properties of all Her Majesty's subjects within the colony.

Section 4 provided that the Native title to land be determined according to the ancient custom and usage of the Maori people.

Section 5 enacted that in any action in which the title to any interest in such land is involved, the Judge should order that any issues of fact or of Maori usage should be tried in the Native Land Court, and the Judge of that Court should return the judgment into the Supreme Court; and such judgment should be taken as conclusive, and should have the effect as the verdict of a jury in the Supreme Court.

*"The East Coast Investigation Act, 1866."*

This was passed to enable the Native Land Court to inquire into and determine titles to land in the East Coast (Poverty Bay) District.

By section 3 it conferred upon the Native Land Court the following power and jurisdiction: (a) To inquire into and determine the title to all and any land or lands, whether claimed by or belonging to aboriginal natives or other British subjects, and whether or not such investigation shall be required on the part of any person or persons claiming title