

By section 63 receivers of rent might be appointed by the Judge, with the consent of all the owners; and on their application he might appoint any persons selected by them, not being fewer than four persons, either out of their number or not, Europeans or Natives, to be receivers on behalf of all the lessors of the rents under such lease. Moreover, the lessee was not bound to see to the proper application thereof, nor in any way be accountable for any loss or misapplication thereof.

Section 79 declared that, in any grant made under any of the Acts repealed by this Act, where there was more than one grantee, such grantees should be deemed to be tenants in common and not joint tenants, but the estate or interest of each of such several grantees should not be deemed to be of an equal value unless it had been so stated in the grant: Provided that nothing contained in this section should be deemed to apply to any former grantee who had already alienated the land comprised in any such grant.

Section 85. This imposed a fresh provision for the signing and attestation of instruments of alienation or disposition even more stringent than the similar clause (section 74) of the Act of 1865. In addition to the terms of the latter it required that before the execution of any such instrument it should be properly explained to each Native before the execution thereof, by a duly-appointed interpreter, and a clear statement of the contents thereof, written in Maori and certified by the signature of such interpreter, should be indorsed on the instrument, and it further required that its execution should be attested by a Judge of the Court or a Resident Magistrate, and at least one other male adult credible witness.

Section 87 declared that every instrument of disposition affecting any Native land before it should become vested in freehold tenure by order of the Court should be absolutely void, except that contracts by *parole* might be made affecting flax, timber, or actual productions growing on such land, extending over a period of not more than two years.

Section 89. This affected past transactions. It permitted a grantee under any of the repealed Acts who was desirous that subdivision should be made of the land included in the grant, or any part thereof, for the purpose of having his share in severalty allotted to him, or affecting a partition among the owners thereof, and should no disposition of the said land or any part thereof have been made before the passing of this Act, such person might apply to the Court to make such subdivision, and the Court might order a Crown grant for a defined portion of the land to the applicant; and on surrender of the original grant to the Crown, the Court might, in its discretion, order such subdivision as it should deem just, and might order Crown grants to be issued according to the award in partition.

Section 92 provided that, where lands had been in part alienated, undivided shares of former grantees might be ascertained.

Section 97 provided that after the passing of this Act no land comprised in any certificate of title heretofore issued under section 17 of the Act of 1867 should, until it was subdivided and awarded, be alienated in any way except in accordance with the provisions of this Act: Provided that owners under former certificates might apply for subdivision, and such subdivision might be ordered, notwithstanding that any lease of such land might have theretofore been made; but no award of partition in any such case should take effect during the subsistence of any lease of the land comprised in such award.

Section 98 declared that all lands comprised in any certificate as aforesaid not alienated in any way might be dealt with same as land held under memorial of ownership under this Act: Provided that such land respecting which any dealings may have theretofore been had might be dealt with same as land held under memorial of ownership under this Act; but that in every dealing with such land the parties interested should satisfy the Court that they had the assent of all the persons whose names were indorsed on the certificate, as well as those on the face thereof, to any such transaction.

This Act was intended to simplify and methodise the Native-land laws, and although prepared with great care to give effect to such intention, yet it turned out a failure. It was found to be unworkable through being hampered with too many conditions relative to the investigation and determination of title to Native lands on the one hand, and the alienation or disposition of them on the other.

*“The Native Land Act Amendment Act, 1874.”*

This Act was to be construed and read with “The Native Land Act, 1873.”

Section 3 repealed the proviso to section 4 of the Act of 1873, and in lieu thereof it provided that the repealed Acts recited in the Act of 1873 should, notwithstanding the repeal thereof, thereby continue and be in force for the purpose of continuing and perfecting under any of the said repealed Acts any proceedings commenced or in progress thereunder, and under the said repealed Acts all such proceedings should be continued and perfected.