

Ngaitahu Reference Validation Act 1868

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Contents

	Page
Title	1
Preamble.	
1 Short Title.	2
2 Order of Reference declared to be as valid as if made under the hand of the Governor. Effect of orders of the Native Lands Court made thereupon.	2

An Act to remove Doubts as to the Sufficiency of a certain Order of Reference referring to the Native Lands Court a certain Agreement known as “The Ngaitahu Deed.”

Preamble.

WHEREAS by “The Native Lands Act 1867” it is enacted that all Native land referred to in section eighty-three of “The Native Lands Act 1865” shall unless the Governor otherwise direct from time to time in respect of any such land be excluded from the operation of the said Act and of “The Native Lands Act 1867” until the thirty-first day of December one thousand eight hundred and sixty-eight Provided that every such agreement between the owners of any such land or other persons interested therein on the one part and officers duly authorized to enter into the same on behalf of Her Majesty on the other part may be referred by the Governor to the Court and the Court shall thereupon investigate the title to and the interests in such land in the manner prescribed in the said Acts and shall make such orders as it is by the said eighty-third section of “The Native Lands Act 1865” empowered to make And whereas by an Order of Reference bearing date the twenty-eighth day of April

one thousand eight hundred and sixty-eight and signed by the Honorable John Hall a member of the Executive Council of the Colony as by command and on behalf of the Governor a certain agreement made in the year one thousand eight hundred and forty-eight and known as “The Ngaitahu Deed” made between certain persons owning land in the Middle Island being members of the Ngaitahu Tribe of the one part and duly authorized officers of the Government on the other part purporting to extinguish the Native title to land comprised in the plan to the said Order annexed (being lands in the Provinces of Otago and Canterbury known as “The Ngaitahu Block”) save over such lands as were thereby stipulated should remain the property of such Native sellers was referred to the Native Lands Court and the Court thereupon proceeded to investigate the title to the said lands and the interests therein in the manner prescribed by the said Acts and did make order according to the result of such investigation And whereas doubts have arisen as to the technical sufficiency of the said Order of Reference

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1 Short Title.

The Short Title of this Act shall be “The Ngaitahu Reference Validation Act 1868.”

2 Order of Reference declared to be as valid as if made under the hand of the Governor. Effect of orders of the Native Lands Court made thereupon.

The said Order of Reference hereinbefore mentioned shall be and be deemed to be and to have been as valid and effectual to all intents and purposes as if the same had been made by and given under the hand of the Governor directing the said deed or agreement to be so referred and the said deed or agreement known as “The Ngaitahu Deed” shall be deemed to have been a valid agreement for the extinguishment of the Native title and surrender to the Crown of the lands therein named and delineated on the plan annexed thereto for all purposes of the said Order of Reference and the orders made by the Native Lands Court shall be and be deemed to be in final extinguishment of the Native title within the boundaries delineated on the said plan Provided that nothing in the said orders of the Native Lands Court or in this Act contained shall be deemed to extinguish the claims of any Natives in respect of promises made to them by any officer of the Government of schools hospitals and other advantages to induce such Natives to consent to the sale of the said Ngaitahu Block.