

Te Ture Whakaoti i nga Whakataunga.

Whakawhaititanga.

- Ingoa.
- Ingoa Poto.
- Kua whakaturia he Kooti whakaoti i nga whakataunga o te Kooti Whakawa Whenua Maori.
- Ko nga Kai Whakarite Whakawa e tika hei noho.
- Te Tumuaki Whakarite Whakawa. Hoa o te Tumuaki. Ateha.
- Te Hiiri o te Kooti.
- Ko nga Ture whakahaere o te Kooti Whenua Maori ka tau ki tenei Kooti.
- Etahi atu tikanga whakahaere.
- Na moni utu.
- Nga nohoanga o te Kooti.
- Nga whakanekehanga.
- Te tukunga o te take whakawa ki te Kooti Whenua Maori.
- Me whakatuturu nga whakataunga.
- Kaua e tonoa he whakawa whakaotinga kia oti ra ano te whakawa tuarua.
- Pitihana tono kia whakaaetia tetahi whakawa whakaotinga.
- Ko nga pitihana noaiho, take kore, ka whakakorea. Me whakatakoto te £20 kia mohiotia ai ka mahia tikatia te tono.
- Me tuku he panui ki te hoa tautohe, whakaatu ka tonoa he whakawa whakaotinga.
- Ma te Tumuaki e whakaae te tono kia whakawakia: e whakarite hoki nga tikanga here mo te moni.
- Tikanga here mo nga moni e pau i runga i te whakawakanga.
- Kaua e waiho kia takoto roa te tono.
- Te mana whakatau i nga utu.
- Ki te kore e tae te kai tono ki te Kooti ka tino whakatuturutia te whakataunga a te Kooti Whenua Maori.
- Ki te mea ka kore e tae te kai tono, tona hoa tautohe ranei, ki te Kooti i runga i te mate aha ranei.
- Ki te mea ka mate te kai tono tona hoa tautohe ranei, kaua e waiho hei take whakakore i te whakawa.
- Ko te kupu whakatau o te Kooti he kupu whakaoti rawa, kaore he whakawakanga ki tua atu.

He Pire e Whakahuatia Ana HE TURE hei whakatu i tetahi Kooti Whakaotinga Ingoa. Rawatanga i roto i te Koroni, i nga whakataunga a te Kooti Whakawa Whenua Maori.

Na ka meingatia hei Ture e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete, i runga hoki i te mana o taua Runanga nga whakaritenga ka whakaaturia i raro iho nei:—

- Te Ingoa Poto o tenei Ture ka kiia ko "Te Ture Whakaoti i Ingoa Poto. nga Whakataunga a te Kooti Whenua Maori, 1877."
- Ko te Tumuaki o nga Kai-whakarite Whakawa o te Kooti Rua whakaturia he Kooti whakaoti i nga whakataunga o te Kooti Whakawa Whenua Maori. Whenua Maori o te Koroni ratou tahi ko tetahi atu o nga Kai whakarite Whakawa o taua Kooti ka tu hei Kooti Whakaotinga i nga tono mo nga whakawa tuarua i roto i te Koroni, a ka whai mana ki te whakarongo i nga tono kia tirohia ano i runga i te whakawa hou nga whakataunga, kupu tuturu katoa o te Kooti Whakawa Whenua Maori o Niu Tireni, ki te whakatuturu, ki te whakarereke ranei, ki te whakatahuri atu ranei i aua whakataunga, i te katoa ranei, i tetahi wahi ranei o aua whakataunga, ki te whakakore atu ranei i tetahi tono pera i runga i te mea e utua ana taua tono, i runga i te tika.
- E kore e araa te nohoanga a tetahi Kai Whakarite Whakawa Ko nga Kai Whakarite Whakawa e tika hei noho. o te Kooti Whenua Maori hei kai Whakarite Whakawa i roto i te Kooti Whakaoti i nga Whakataunga i runga i te mea e whakawakia, i whakawakia tuaruatia ranei tetahi whenua i tona aroaro i

roto i te Kooti Whenua Maori.

- Ko te Tumuaki o nga Kai Whakarite Whakawa o te Kooti Te Tumuaki Whakarite Whakawa. Whenua Maori hei Tamuaki mo te Kooti Whakaoti i nga Whakataunga, a me noho tonu ia hei Tumuaki i ia whakawakanga e mahia ana i te aroaro o te Kooti Whakaoti i nga Whakataunga; a ki te mea he take e kore ai ia e kaha ki te noho, ko te Kai Whakarite Whakawa i raro tonu iho i a ia ka tika hei Tumuaki mo taua Kooti.

Hoa o te Tumuaki.

Ko te hoa Kai-Whakawa (Pakeha) o te Kooti Whakaoti i nga Whakataunga, i nga mea katoa kia whakawakia, ko tetahi ano o nga Kai Whakawa o te Kooti Whenua Maori, haunga ia te tino Kai Whakawa o taua Kooti, ma nga Kai Whakawa ano e titiro i tetahi o ratou hei whakawa.

Ateha.

Ko te Ateha, i nga whakawakanga katoa, ma te Tino Kai Whakawa, ma tana hoa Kai Whakawa ano hoki e whakarite, e karanga.

- Me whai hiiri te Kooti Whakaoti i nga Whakataunga hei hiiri i nga pukapuka katoa e whakaputaina ana e taua Kooti, ko taua hiiri ma te Tumuaki o taua Kooti e tiaki.
- Ko nga tikanga katoa o "Te Ture Whenua Maori, 1873," whakaatu i te tikanga o nga mahi me te mana hoki o te Kooti Whenua Maori me nga apiha o taua Kooti, te tikanga o nga whakaaturanga katoa, me te taenga mai o nga tangata ki reira, me te timatanga, me te whakahaerenga, me te whakaotinga o nga mahi o taua Kooti, me tango mai hei tikanga mo te Kooti Whakaoti i nga Whakataunga, me nga Apiha katoa o te Kooti Whenua Maori ka tika ano kia mahi ratou i nga mahi o tenei Kooti.
- Ko nga tikanga kua oti te whakatakoto hei whakahaere mo te Kooti Whenua Maori me tango mai hei whakahaere i nga tikanga o te Kooti Whakaoti i nga Whakataunga, a ka tika ano ma nga Kai Whakawa o te Kooti Whenua Maori e tango atu etahi tikanga hei whakarite mo te mahi o te Kooti Whakaoti i nga Whakataunga mehemea kaore i ata tau nga tikanga whakahaere o te Kooti Whenua Maori ki taua Kooti.
- Ka tika ano ma te Kawana i runga i te tikanga kua oti te whakatakoto i roto "Te Ture Whenua Maori, 1873," e whakarite nga utu e tika ana kia utua mo nga mahi e homai ana ki te Kooti Whakaoti i nga Whakataunga, engari ko aua utu me whakanui ake i nga utu e whakaritea ana mo te Ture Whenua Maori, a ko aua utu katoa me ki he utu no te Kooti Whenua Maori.
- Ma te Kawana i roto i tona Runanga Whiriwhiri e whakarite te kainga me te wa e noho ai te Kooti Whakaoti i nga Whakataunga erangi kia ono te kau nga ra e panuitia ai i roto i te *Kahiti o Niu Tireni* me te *Kahiti Maori*.
- Me whai mana te Kooti Whakaoti i nga Whakataunga ki te whakaneke i ona nohoanga i ia wa i ia wa, a ki te whakarite hoki i 40 nga wahi hei nohoanga, i runga i tana e pai ai.
- Ka tika ano ma te Kooti Whakaoti i nga Whakataunga e tuku iho etahi mea kua takoto ki te aroaro o taua Kooti, Kia whakawakia e te Kooti Whenua Maori, e tetahi Kai whakawa kotahi ranei.
- Ko nga whakataunga, me nga kupu whakatuturu katoa o te 45 Kooti Whakaoti i nga Whakataunga me whakahaere, me whakamana e te Kooti Whenua Maori ano i puta i mai roto i te Kooti Whenua Maori.
- E kore e tika kia tukua tetahi whakataunga o te Kooti Whenua Maori ki te Kooti Whakaoti i nga Whakataunga mehemea kahore ano kia whakawakia tuaruatia e te Kooti Whenua Maori.
- Mehemea e ki ana tetahi tangata e whai take ana ki tetahi mea kua whakawakia e te Kooti Whenua Maori kua he ia i te kupu whakatau a taua Kooti i te whakawakanga tuarua, e tika ana i roto i nga ra e toru te kau i muri iho i te whakataunga o te kupu whakaoti o taua Kooti, ki te tuku i tetahi pitihana ki te Tumuaki o te Kooti Whenua Maori kia whakaae ia kia tukua taua mea ki te Kooti Whakaoti i nga Whakataunga.

Mehemea e puta ana tetahi take e kore ai e tika kia noho te Tumuaki Whakawa hei Tumuaki mo te Kooti Whakaoti i nga Whakataunga ma te Kai Whakawa i raro iho i a ia e whakakapai tona tunga.

- Mehemea ki te whakaaro o te Tumuaki Whakawa kahore he Ko nga pitihana noaiho, take kore, ka whakakorea. putake o te pitihana kua tukua ki a ia, erangi he mea korekore noaiho, e tika ana mana e whakahe taua pitihana, a hei tohu mo te pono o te tono o te tangata i taua pitihana a te wa e tuku ai taua pitihana me tuku hoki nga pauna moni e rua te kau ki te tari o te Tumuaki Whakawa Whenua Maori ki reira takoto ai, kia whakataua ra ano te kupu whakaoti; a me apiti hoki aua moni ki nga moni e pau i runga i te whakawakanga o te Kooti Whakaoti i nga Whakataunga. A e Me whakatakoto te £20 kia mohiotia ai ka mahia tikatia te tono. kore e tika kia whakaaroa e te Tumuaki Whakawa tetahi pitihana kia tae mai ra ano aua moni ki a ia.
- E kore hoki e tika kia whakaaroa e te Tumuaki Whakawa Me tuku he panui ke te hoa tautohe, whakaatu ka tonoa he whakawa whakaotinga. tetahi pitihana mehemea kaore i tukua tetahi kupu whakaatu ki te hoa tautohe, me te taenga rawatanga atu o taua kupu whakaatu i mua atu o te tuhinga o te pitihana.
- Mehemea e kite ana te Tumuaki Whakawa e tika ana ki tona Ma te Tamuaki e whakaae te tono kia

whakawakia: e whakarite hoki nga tikanga here mo te moni. whakaaro nga kupu o te pitihana tono kia whakawakia tona take e te Kooti Whakaoti i nga whakataunga me whakaae ia kia whakawakia, erangi me takoto i te tuatahi nga moni mea here ranei i aua moni i ta te Tino Kai whakawa i kite ai, hei utu mo nga moni e pau i runga i te whakawakanga i runga i nga tikanga o tenei Ture, a me puta hoki tetahi kupu a te Tumuki ki te Kai-tuku mai i te pitihana whakaatu i te wa tika hei tukunga mai mo aua moni, mea here ranei i aua moni.

- Me whakarite i te tuatahi e te kai tuku i te pitihana tetahi Tikanga here mo nga moni e pau i runga i te whakawahanga. tikanga here e puta mai ai nga moni e pau i runga i te whakawakanga i runga i nga tikanga o tenei Ture i ta te Tumuki Whakawa e pai ai hei utu mo taua whakawa, me nga kupu whakatau katoa ka whakaputaina e tenei Kooti.

Mehemea ka pai te Tumuki Whakawa kia kore te tikanga here mo nga moni e pau i runga i te whakawakanga, engari me utu ki te Peeke Nui o te Koroni mo te Kooti Whenua Maori he moni tonu, i runga i tana i whakaaro ai hei utu mo te whakawa whakaotinga, a ma te Tumuki Whakawa e tango mai aua moni i reira hei utu i runga i tana i whakahau ai.

- E kore e tika kia whakaarohia e te Kooti Whakaoti i nga Kaua e waiho kia takoto toa te tono. whakataunga tetahi tono whakawa a tetahi kai pitihana mehemea ka kore taua kai pitihana e tae mai ki te korero i nga tikanga o tana tono, e whakaae ranei ki te kupu whakatau a te Kooti a te nohoanga o taua Kooti i muri tonu iho i te taenga atu o te tono kia whakawakia ano.
- Ka whai mana te Kooti Whakaoti i nga Whakataunga ki te Te mana whakatau i uga utu. whakatau i nga utu tika kia utua mo taua whakawa, mo te whakanekehanga ranei o taua whakawa, e tetahi taha ranei e tetahi taha ranei i runga i ta te Kooti i kite ai; ki te whakatau hoki ma tetahi taha anake ranei e utu te whakawakanga me nga moni katoa hoki e pau i runga i te haerenga mai o te hoa tautohe, me te whakatakotoranga hoki o nga take whakawa e te Kooti Whakaoti i nga Whakataunga i runga i ta te Kooti i kite ai.
- Mehemea kaore e tae mai te kai tono ki te whakawa ki te Ki te kore e tae te kai tono ki te Kooti ka tino whakaruturutia te whakatunga a te Kooti Whenua Maori. whakatika i tana tono ma te Kooti Whakaoti i nga Whakataunga e whakatuturu te whakataunga o te whakawa tuatahi; a mehemea ka tae mai te hoa tautohe ki te aroaro o te Kooti ka tika i runga i te Ture ma taua Kooti e whakarite i runga i ta te Kooti i kite ai, nga utu e tika ana kia puta ki a ia, ma te kai tono i te whakawa e utu.
- Mehemea ka kore e tae mai te kai tono, te hoa tautohe ranei, Ki te mea ka kore e tae te kai tono, tona hoa tautohi ranei, ki te Kooti i runga i te mate aha ranei. ki te aroaro o te Kooti i runga i te mate kua pa mai ki a ia i tetahi atu take tika ranei e kore ai raua e tae mai, ma te kai tono i te whakawa, ma te hoa tautohe ranei, mehemea ka ngaro tetahi o raua, e whakarite tetahi tangata hei korero hei whakahaere ranei i ta raua taha; a mehemea ka kitea e te Kooti e tika ana te putake i ngaro ai te kai tono i te whakawa, tana hoa tautohe ranei, a mehemea ka kite te Kooti he tangata tika te tangata kua whakahaeretia e te tangata i ngaro, hei korero i tana korero, ka tika ma te Kooti e whakaae kia korerotia tonutia taua whakawa, ka tika ano ma taua Kooti, mehemea e marama ana nga take, e whakaneke te ra o te whakawa ki tetahi atu ra. Ko nga moni katoa e pau i runga i taua whakanekehanga o te whakawa i runga i te ngaronga o tetahi o nga tangata nana te whakawa, ma te Kooti Whakaoti i nga Whakataunga e whakarite i runga i ta te Kooti i kite ai.
- Mehemea ka mate te kai tono i te whakawa, tana hoa tautohe ranei, e kore tenei e waiho hei take e mutu ai te whakawa engari me whakawa tonu i runga i te tono a te tangata i ora, a mehemea he tangata kotahi te tangata nana i tono te whakawa, te hoa tautohe ranei, ma tona kai-whakakapi e whakahaere.
- Ko te kupu whakatau o te Kooti Whakaoti i nga Whakataungahe kupu whakaoti rawa, kaore he whakawakanga ki tua atu; a ko taua kupu whakaoti ano me whakatakoto me whakahaere ki roto ki te Kooti Maori ano he mea na te Kooti Whenua Maori nana i whakatau.

Native Appeal Court.

Analysis.

- Title.
- Short Title.
- Native Appeal Court established.
- Judges qualified.
- Presiding Judge. Assistant Judge. Assessor.
- Seal of the Court
- Rules and practice of Native Land Court to apply.

- Additional rules of practice.
- Fees.
- Sittings of Court.
- Adjournments.
- Case remitted to Native Land Court.
- Judgments to be carried out.
- No appeal until after rehearing.
- Petition for leave to appeal.
- Frivolous petitions dismissed. Deposit of £20 as pledge of good faith.
- Notice of appeal to opposite side.
- Chief Judge allows appeal. Appoints security to be given.
- Security for costs and expenses.
- Appeal not to be delayed.
- Power to adjudge costs.
- On failure of appearance previous judgment affirmed.
- Unavoidable absence of parties in appeal.
- Death not to abate proceedings in appeal.
- Decision to be final.

A Bill Intituled AN ACT for establishing a Court of ultimate Appeal Title. within the Colony from the decisions of the Native Land Court thereof.

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

- The Short Title of this Act shall be "The Native Appeal Short Title. Court Act, 1876."
- The Chief Judge for the time being of the Native Land Court Natite Appeal Court established. of the colony, together with any one other Judge of the said Court and one Native Assessor of such Court, shall be a Court of ultimate Native Appeal for the colony, and shall have power and authority to receive and hear appeals from all judgments decrees or orders of the Native Land Court of New Zealand, and to affirm alter or reverse such judgments in whole or in part, or to dismiss any such appeal with costs, as may be just.
- No Judge of the Native Land Court before whom any case Judges qualified. shall have been heard or re-heard in such Court shall be thereby disqualified from hearing the same case as Judge in the Native Appeal Court.
- The Chief Judge of the Native Land Court shall be the Presiding Judge. President of the Native Appeal Court, and shall preside at every case heard by the Native Appeal Court; in the event of his unavoidable absence the Judge highest in seniority, who can attend in such case, shall preside thereat.

The Assistant Judge in the Native Appeal Court in each case Assistant Judge. shall be such one of the Judges of the Native Land Court, other than the Chief Judge thereof, as the said Judges themselves shall elect to hear the case.

The Assessor in each case shall be such Assessor as the presiding Assessor. Judge and the assistant Judge in each case shall nominate for that purpose.
- The Native Appeal Court shall have in the custody of the President of the Court a seal of the Court for the sealing of all documents issued by the Court and required to be sealed.
- All the provisions of "The Native Land Act, 1873," with respect to the functions duties and powers of the Native Land Court and the officer thereof, the giving of notices of all kinds, the appearance of parties, and the mode of initiating conducting and terminating any proceeding in such Court, shall apply and may be applied with respect to the Native Appeal Court; and the various officers of the Native Land Court shall be competant to act in the like capacity in the Native Appeal Court.
- All rules and regulations regulating the practice in the Native Land Court shall apply, as far as available, to the practice in the Native Appeal Court; and the Judges of the Native Land Court may make such further rules as they may deem advisable, regulating the practice and procedure in the Native Appeal Court, in cases where the existing rules of practice in the Native Land Court shall not suffice.
- The Governor may, in manner provided by "The Native land Act, 1873," fix and determine and alter a

scale of fees to be paid and payable in respect of any proceedings before the Native Appeal Court. All such fees shall be fixed at a higher rate than similar fees are fixed in the Native Land Court; and the said fees shall be taken and deemed to be fees of the Native Land Court.

- The Native Appeal Court shall hold its sittings at such time and place as the Governor in Council shall appoint, whereof not less than sixty days' notice shall be proclaimed in both the *New Zealand Gazette* and the *Kahiti*.
- The Native Appeal Court shall have power to adjourn its sittings from time to time, to such times and to such places as to it shall seem meet.
- The Native Appeal Court shall have power to remit any proceedings, in any cause pending before it, to the Native Land Court, or a single Judge thereof.
- All judgments decrees and orders of the Native Appeal Court shall be given effect to by the Native Land Court, as if the same had been made by the Native Land Court.
- No appeal from any decision of the Native Land Court in any case shall be allowed until after there shall have been a rehearing of such case by the said Court.
- If any Person interested in any case shall feel himself aggrieved by any judgment decree or order of the Native Land Court given or made at the rehearing of any such case, he may, within thirty clear days after the day on which such judgment decree or order was pronounced or made, apply to the Chief Judge of the Native Land Court by petition for leave to appeal therefrom to the Native Appeal Court.

In case of the Chief Judge being incapacitated from acting by any reason, all the powers duties and functions of such Chief Judge shall be exercised by the Judge next in seniority who may be capable of acting in the place of the said Chief Judge.
- If the Chief Judge be of opinion that the petition for leave to appeal be merely frivolous, he may refuse to entertain the same; and with a view to prove the *bond fides* of the applicant in each case, every petition for leave to appeal shall be accompanied with an order for the sum of twenty pounds sterling to be paid into the office of the Chief Judge of the Native Land Court, there to abide the issue of the appeal; such sum to be over and above the amount of any deposits of money or security to be given for costs of appeal. No petition shall be entertained by the Chief Judge until the aforesaid sum shall have been so deposited.
- Every petition shall satisfy the Chief Judge that notice of the appeal has been given to the adverse parties, and that such parties had received the said notice at some time before the date of the petition for leave to appeal.
- If the Chief Judge shall be satisfied that the petition shows reasonable cause for appeal, he shall allow the appeal to be prosecuted, subject to sufficient deposit of money or security being given to his satisfaction for costs and expenses of the appeal, of the amount of which deposit or security he shall forthwith inform the petitioner in each case, and shall appoint the time and mode of depositing such money or giving such security.
- The petitioner shall in all cases enter into good and sufficient Security for costs and expenses. security, to be approved of by the said Chief Judge, for the effectual prosecution of the appeal without delay, for the due performance or satisfaction of such judgment or order as the Native Appeal Court shall think fit to make thereupon, and for the payment of all such costs and expenses as the Native Appeal Court shall adjudge.

The Chief Judge, as he shall think fit, may direct any petitioner, in lieu of giving security for costs, to pay into the Public Account, to the credit of the Native Land Court Account, such sum as he shall think sufficient for costs attending the appeal; and such sum shall be paid out, on the order of the Chief Judge, in manner as he shall direct.
- No appeal shall be entertained by the Native Appeal Court unless notice thereof shall have been lodged in the Native Appeal Court within three calendar months after the day on which the judgment appealed from shall have been pronounced; nor shall any appeal be heard by the said Native Appeal Court unless the appellant shall bring his case to a hearing, and be prepared to take the judgment of the Court thereon at the next sittings of the said Court after the notice of the appeal shall have been lodged in the Court.
- The Native Appeal Court shall have power to adjudge payment of costs in any case, or in respect of the adjournment of any case, by either party as it shall think fit; and also to adjudge the one party to pay the whole costs of the appeal, including the costs of the other party's appearance, and of his preparation of the matter of the appeal in the Native Appeal Court, where the said Court shall think it right so to do.
- If the appellant in any case fail to appear in person to support the appeal, the judgment appealed against shall be affirmed by the Native Appeal Court; and if in such case the other party appear in person, it shall be lawful for the Native Appeal Court, in its

discretion, also to give judgment to such last-mentioned party for the costs of the appeal against the party appealing.

- In case of the unavoidable absence of either a sole plaintiff or defendant in appeal, by reason of sickness or other sufficient good cause, the plaintiff or defendant so absent may elect a spokesman to act for him and to conduct the case on his behalf; and if the Native Appeal Court shall be satisfied of the sufficiency of the reason of the absence of the plaintiff or defendant, and if the said Court shall approve of the person elected by the absentee as his spokesman, then the Court may direct the appeal to be proceeded with without any delay, or the Court may, on just and sufficient grounds, order the appeal to be postponed to some future time. All costs and expenses incurred by reason of any delay, or the postponement of any appeal arising through the unavoidable absence of either party to the appeal, shall be adjudged by the Native Appeal Court in such manner as, in its discretion, it shall think best.
- The death of a plaintiff or defendant shall not cause the proceedings in appeal to abate, but the same shall be continued in such manner and subject to the giving of such notices as the Native Appeal Court shall direct, at the suit of the surviving plaintiffs or defendants, or, if the deceased were sole plaintiff or defendant, at the suit of the representatives of the deceased plaintiff or defendant, as the case may be.
- The decision of the Native Appeal Court shall be final; and the same record of such decision shall be made in the Native Land Court and the same proceedings shall follow thereon as if the decision had been given in the Native Land Court.