

He wakaputanga ote Rangatiratanga o Nu Tireni

The declaration of the United Kingdom of New Zealand

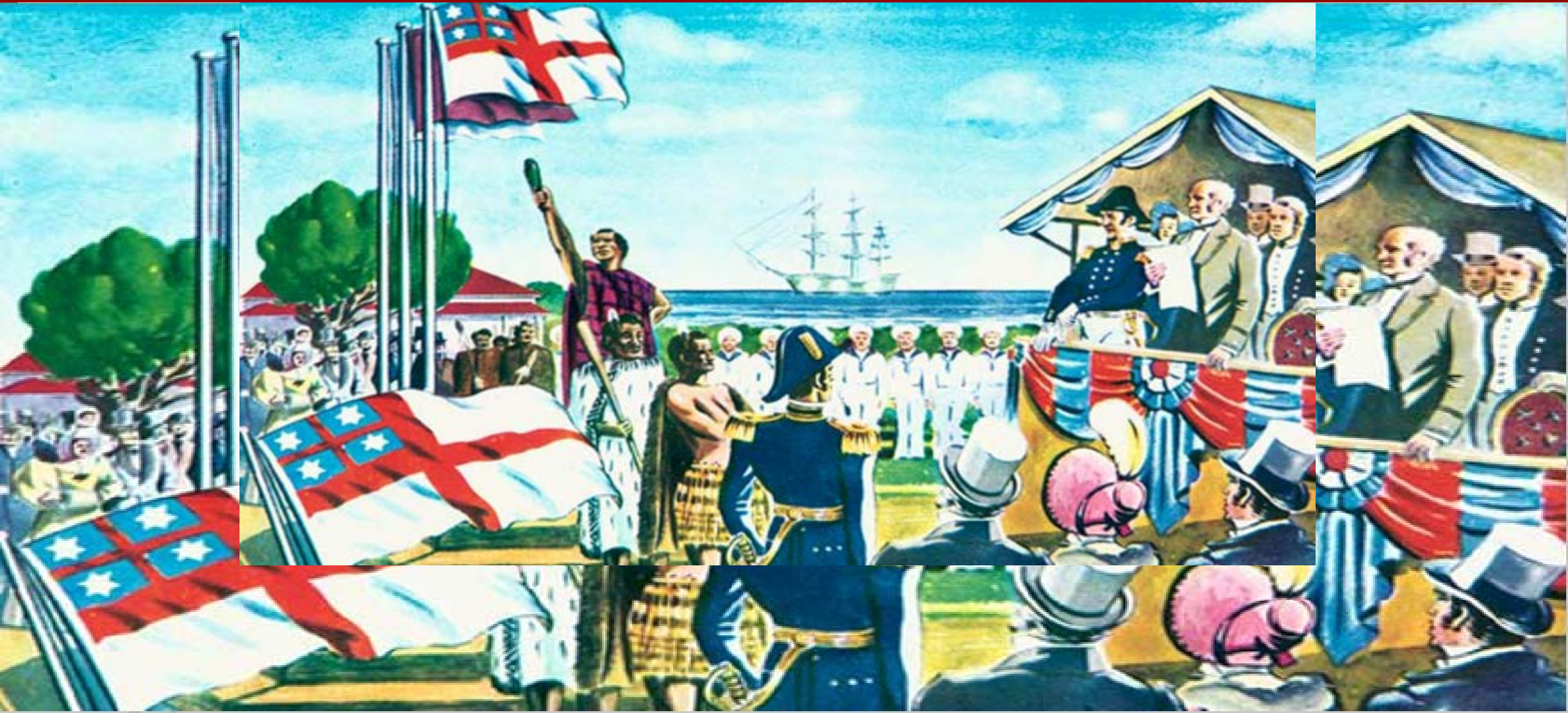
The untold story of double cross, deception, bankruptcy and corporate takeover

Compiled by

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The story starts with British Resident James Busby at the Bay of Islands

THE WHAKAPUTANGA...



COLONIAL NEWS. New Zealand Gazette and Wellington Spectator, Volume I, Issue 20, 22 August 1840 New Zealand Commissioners Bill. —

The Legislative Council was occupied the whole of Tuesday and yesterday in hearing parties against the passing of this bill. The argument of Mr. **Busby** was based upon the fact of New Zealand having been acknowledged an independent state; the native chiefs having met several times and declared the independence of their country, which declaration was solemnly ratified by the British government. Mr. **Busby** having been severely questioned by the Governor, admitted that the declaration, of independence was drawn up by himself, and agreed to by the chiefs at his request, in conjunction with that of the missionaries; and that his and their titles to land were drawn up by him. He admitted, also, that the chiefs who met were selected by himself; and that they were such men as "would do whatever he desired them." In fact, to say nothing of the impropriety of a government officer's becoming a perfect landjobber, and purchasing thousands of acres including both harbours and townships, the impression on the minds of the audience after, hearing his speech was (we do not say it is the, fact) that Mr. **Busby** made his office and the influence it gave him completely subservient to his personal interest and that of the missionaries; who appear to have likewise dedicated the influence which they derive from their sacred office to the acquisition of wealth.

The speech of Mr. Wentworth was of a very different character. He set out by declaring the proclamations of Governors Gipps and Hobson unfounded in law, and therefore null and void; maintained the right of savages to dispose of their lands, and quoted a host of, authorities; both legal, and historical, to prove his positions: The arguments of the learned gentleman, as well as those of Messrs. A 'Becket and Darvall, will be found in our columns; and we think that they have made out a good case in favour of the claims of such New Zealand proprietors as have made fair and equitable purchases. The right of the New Zealanders to dispose of their land, and the right of British subjects to purchase it, were, we think, sufficiently established; but we apprehend that the ground upon which the learned speakers attempted to deny the power of the crown to appoint a commission to try the validity of the titles acquired by these purchases, upon principles of equity, will be found altogether untenable; as will, likewise, that by which it is attempted to deny the Government the right to resume such lands as are necessary for Government purposes, by giving equivalent compensation for them. Upon the whole we are decidedly of opinion that a commission should be appointed, if, as we have little doubt, it can be done legally, and that those who are conscious of the equity of their purchases can have nothing to fear from such a measure. The interests of the proprietors themselves, the paramount rights of the aborigines, and the general welfare of the new colony all demand that some such step should be taken; and, on the other hand, it will be the duty of the executive to give a liberal construction to the reports of the commissioners, so as not to attach an undue importance to the mere nature of the purchase, without a proper consideration of the circumstances under which it was effected and the uncertainty existing at the time as to the future prospects of the settlement. — Australasian Chronicle.

https://paperspast.natlib.govt.nz/newspapers/NZGWS18400822.2.11?items_per_page=10&query=busby&sort_by=byDA

EXTRACTS

NEW SOUTH WALES. No. 1. VOTES AND PROCEEDINGS OF THE LEGISLATIVE COUNCIL, DURING THE SESSION 1840 THURSDAY, 28 MAY 1840 Governor in the chair; Lieutenant-Colonel Sir George Gipps 24 February 1838 to 11 July 1846

Claims to Grant of Land in New Zealand Bill.

Pages 23 to 41, 30 June 1840, Referred page 25 paragraph 3

Claims to Grants of Land in New Zealand Bill; the Colonial Secretary having; move the Order of the Day for the Gentlemen being heard who had been allowed to' address the Council in opposition to this Bill, Mr. James Busby, and Mr. Wm. Charles Wentworth, and also Mr. A Beckett and Mr. Darvel, Barristers at Law, and. Mr. Unwin Solicitor were introduced

1 July 1840, Referred page 31 paragraph 1

The treaty by which the British Crown sought to extend its sovereignty over New Zealand contained three remarkable points; It purported to cede to the British Crown all rights of soil, on the ground that they are paternal subjects of Her Majesty's regard: Then as regarded the Colonial Proclamation, which had been called a warning, the one document in fact completely nullified the other, **inasmuch as the one adverted to New Zealand as a Kingdom**, while the other styles it a Dependency of the Colony of New South Wales, without shewing by what means New Zealand, **an Independent Kingdom**, had become a Dependency of the British Empire. The mode in Which the Council had been legislating on the Bill, was not in accordance with the principles of the New South Wales Act, by which the Council were authorised to make Acts for the government of this Colony only.

CONTINUED

CONTINUED 9 July 1840 Referred page 35 paragraph 1

Thirdly, that neither individuals, nor bodies of men belonging to any Nation, can form Colonies, except with the consent, and under the direction and control of their own Government: and that from any settlement which they may form without the consent of their Government, they may be ousted; that is simply to say, **in so far as Englishmen are concerned, that Colonies can not be formed without the consent of the Crown**. The first passages read by His Excellency were extracts from Storey's Commentaries on the Constitution of the United, States, Chap, I sect. 6, 7, and 8,

Referred page 36 paragraph 1 continued

SECT. 20.-These various patents cannot be considered as nullities; nor can they be limited to a mere grant of the powers of government. A charter, intended to convey political power only, would never contain words expressly granting the land, the soil, and the waters. Some of them purport to convey the soil alone; and in those cases, in which the powers of government, as well as the soil, are conveyed to individuals, **the Crown has always acknowledged itself to be bound by the grant. Though the power to dismember regal governments was asserted and exercised, the power to dismember proprietary governments was not claimed.** And in some instances, even after the powers of government were revested in the Crown, the title of the proprietor to the soil was respected.

Referred page 40

His excellency then remarked, that much had been said about an apparent discrepancy between Lord Normanby's instructions and the provisions of the Bill: it was true, he said, **that Lord Normanby acknowledged New Zealand to be a sovereign independent state: but it was equally true, that he qualified it afterwards by adding,** " As far at least as it is possible to make that acknowledgement in favour of a People "composed of numerous and petty tribes, who possess few political relations, to each "other and are incompetent to act, or even to deliberate in concert." The more completely Lord Normanby admits the right of the Chiefs to the sovereignty and soil of New Zealand, the more fully must he rely upon the third principle upon which the Bill is founded, namely, **that Englishmen cannot found Colonies without the consent of the Crown: and can obtain no titles to lands in Colonies but from the Crown.**

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Extracts from A Letter of Instructions from John Ward, Esquire, Secretary to the New Zealand Land Company, to Colonel W. Wakefield, dated 14th November, 1839.

I, have now, by order of the Director, to draw your attention to matters of very great importance to the Settlement, and which are a source of no less embarrassment to themselves. Since the departure of the gentlemen composing the committee, to whom the bulk of the settlers agreed to submit in all things needful to peace and order, until the establishment of a regular Government, the Directors have learned that very competent judges of the law are of opinion, that any act of coercion or authority done under the agreement would be illegal.

It appears that the agreement by itself is of no force nor effect, neither illegal nor legal, but mere waste paper, and that it will ever remain so until *acted* upon. But, on the other hand, any act performed under the agreement would be without warrant of law, and the parties performing it would therefore be subject either to prosecution or civil action, according to the nature of the act. For example, the settlers agreed that if any of them committed a breach of the law of England, he should be punished in the same way as if the offence had been committed in England. Now, if one of the parties to the agreement should commit a murder or an assault, and should be executed or imprisoned accordingly, all the parties to the agreement would be liable to a prosecution for murder, or to an action for false imprisonment. They would also, perhaps be liable to prosecution for usurping the functions of the Crown and Parliament, by setting up a jurisdiction whether in civil or criminal matters.

(Signed)

I have, &c.,

JOHN WARD,

Secretary

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Counsel will please to advise:-

1st.-Whether persons acting under the articles of agreement above act forth will or will not be justified by law?

2nd.-And if you should be of opinion that the articles, or any of them, should be in any respect illegal, what would be the penal consequences to the parties who have affixed their signatures thereto, or to the Directors who have signed their qualified approval at the foot of the regulations, or to the person who may act under the same, and what remedial steps should be taken by the Directors?

OPINION

1st.-The parties will not be justified by law in acting under the agreement

2nd.-No penal consequences will attach to the persons in consequence of their having been parties to the agreement and affixed their signatures; but no acts which may be done or committed can be legally justified under the authority of the agreement. The consequences will be the same that would result from the acts being done as if no such agreement had been made. The course for the Directors to take is to give notice to those who maybe likely to act under the supposed authority of the agreement, that they must not do so on account of its illegality, and that the agreement is abandoned by the Directors.

PURCHASE OF SOVEREIGNTY

LAW ESTABLISHED UNDER THE SOVEREIGN CHIEFS. The New Zealand Journal, Saturday, September 12 (1840)

The three following documents from the New Zealand Gazette, taken together, are a remarkable exemplification of the homely adage, "Where there's a will there's a way."

When the colonists left these shores in September 1839, they were told that to exercise British law without the authority of the Crown was illegal. Considered as British men, standing on British ground, they were rightly informed; but we apprehend it never was pretended that if they went to a foreign state, and there got the permission of the supreme authority to exercise British law, or any other law, there could be any illegality in their doing it. They are next told that New Zealand is a foreign state, in which the Queen has no more authority than she has in France or the Celestial Empire, but that the chiefs are sovereign and independent in their respective territories.

Taking their stand on these fundamental principles, the colonists have done the only thing that order-loving men could do under the actual circumstances. They applied to the chiefs who have sovereignty around Port Nicholson for permission or authority to exercise British law – a permission which was at once granted in the form of the ratification printed below. Let it be observed, that the whole of this proceeding is defensive in its character. It is a provisional constitution, adopted because of the state of anarchy forced upon them by Government; but were it otherwise than defensive, the British Government could not now interfere without the grossest injustice – without the exercise of mere brute force against the clearest right.

This provisional constitution has been acted upon. On the 14th of April, Captain Pearson, of the brig Integrity, was arrested under a warrant, for illegal conduct towards his charterer, Mr. Wade, of Hobart Town, and was taken before Major Baker, who had been appointed by the Council district magistrate. The prisoner refused to recognise the court and was accordingly committed. On the following day he made his escape, and an escape-warrant was at once issued against him.

PROVINCE OF WELLINGTON

Part 1.

1.—WELLINGTON DISTRICT

Deeds—No. 1.

EXTRACTS

Port Nicholson Block (Original Purchase), Wellington District.

KNOW ALL MEN by these Presents that we the undersigned chiefs of the Harbour and District of Wanga Nui Atera, commonly called Port Nicholson, in Cook's Straits in New Zealand do say and declare that We are the sole and only proprietors or owners of the Lands tenements Woods, Bays, Harbours, Rivers, Streams and Creeks within certain boundaries as shall be truly detailed in this Deed or Instrument. Be it therefore known unto all men that We the Chiefs whose names are signed to this Deed or Instrument, have this day sold and parted with all **Right Title and Interest** in all the said Lands Tenements Woods, Bays, Harbours, Rivers, Streams and Creeks as shall be hereafter described unto William Wakefield Esquire in trust for the Governors, Directors and Shareholders of the New Zealand Land Company of London, their Heirs, and Administrators and Assigns for ever, in Consideration of having received as a full and just payment for the same—

We the undersigned Chiefs do further promise and bind ourselves, our Families, Tribes, and Successors individually and collectively to assist defend and protect the said Governors, Directors, and Shareholders of the New Zealand Land Company of London, their Heirs, Administrators and Assigns for ever, in maintaining the quiet and undisputed possession of the aforesaid Lands, Tenements, Woods, Bays, Harbours, Rivers, Streams and Creeks sold by us to the said William Wakefield in trust for the Governors, Directors and Shareholders of the New Zealand Land Company of London, their Heirs Administrators and assigns forever as foresaid—

In Witness whereof the said Chiefs on the one part and the said William Wakefield on the other part, have hereunto put their hands and seals this twenty seventh day of September in the year of our Lord One thousand eight hundred and thirty-nine—

RATIFICATION AND EXTENSION OF THE ABOVE CONTRACT BY THE SOVEREIGN CHIEFS OF PORT NICHOLSON

We, the **Sovereign Chiefs** of the **district** of Wanga nui atera, or Port Nicholson, being moved thereto by the representations of Col. Wakefield, President of the Council of the **White people**, who have settled in the aforesaid **district**, and by a consideration of the interests of **all the inhabitants of the said district**, as **well Native as otherwise**, do hereby ratify and confirm the within agreement, and **do declare that the same shall have the force of law within our territories**; and shall be binding upon all parties residing within the same, **subject nevertheless to the modifications and stipulations hereafter mentioned**.

1st. —That the Council within named shall continue in office for the space of one year, from the first of January, one thousand eight hundred and forty; and that at the expiration of that period, a fresh Council shall be elected for the space of one year, by the votes of the majority of the **male inhabitants of the Colony**, not legally disqualified, and also have resided in the Colony for the space of three months; and that on the first day of each succeeding year, a similar election shall take place; the manner and time of holding the first and all subsequent elections to be determined by the said Council.

2nd. — That the President of the said Council shall remain in office for the space of five years from the said first of January, one thousand eight hundred and forty. That at the expiration of that period, a President shall be elected by an electoral body equal in number to the Council for the time being, to be chosen on that principle by the majority of the **male inhabitants of the Colony**, not legally disqualified. That the President shall have a veto upon all resolutions of the Council, but that any such resolution if adopted by a succeeding Council, shall have the force of law.

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3rd. —That the Council within named, and all succeeding Councils to be elected as aforesaid, shall possess and exercise all such powers of legislation, and by means of their President, shall perform all acts, not being repugnant to the Law of England, which we as such Sovereign Chiefs might exercise and perform, we hereby ratifying and confirming whatsoever they shall do or cause to be done, in the lawful exercise of the powers so conferred upon them.

4th. —That we will not levy any taxes, nor impose any duties, nor do any other act, which may affect the interests of the Colony, or the right conferred by the within agreement, or this our ratification thereof, without the advice and consent of the said Council..

5th. —That all the Native inhabitants of the district aforesaid shall possess a perfect equality of rights with the Colonists, except that they shall not for the first five years vote at the election of the Council, nor serve as Assessors, except in cases in which the rights or interests of a Native are concerned; and that in any such case, at least three of the Assessors shall be Natives.

6th. —That for the first five years, no law shall be made affecting the rights of the Native population, without our consent specially obtained thereto.

Te buka-buka na te Pakeha juropi koa tuhia ki tenei buka-buka tapu koa korero kia tatou ki te korero mauri. Koa rongo ia matou. Ia matou korero mo te mahi. Te Kuina Ingarani korero ia matou te nga kingi tenei wenua; ia tatou katoa homai ki te rangatira Pakeha te. kaha ki te mea katoa koa tuhi-tuhi ki te nei buka-buka tapu.

ADMINISTRATION OF JUSTICE

THE PROVISIONAL CONSTITUTION

We, the Undersigned, intending to inhabit the New Zealand Land Company's first and principal Settlement, with the view to provide for the peace and order thereof, do hereby agree amongst ourselves, and pledge our honor to submit ourselves to the following regulations, and to enforce them, that is to say: —

1st. — That all the persons parties to this agreement shall submit themselves to be mustered and drilled under the directions of persons to be appointed as hereinafter mentioned.

2nd. — That in case a person shall commit any offence against the **Law of England**, he shall be liable to be punished in the same manner as if the offence had been **committed in England**.

3rd. — That in case any dispute shall arise, such dispute shall be decided in the manner hereinafter mentioned.

4th. — That a Committee shall be formed of the following persons: —

Colonel William Wakefield, the Company's Principal Agent.

George Samuel Evans, Esq. Barrister at Law

Hon. Henry William Petre.

Dudley Sinclair, Esq.

Francis Alexander Molesworth Esq.

Captain Edward Daniel.

Lieut. William Mien Smith, the Company's Surveyor-General.

Richard David Hanson, Esq.

Edward Betts Hopper, Esq.

George Duppa, Esq.

George Hunter, Esq. ..

Henry Moreing, Esq.

Henry Saint Hill, Esq.

Thomas Mitchell Partridge, Esq.

Major David Starkie Durie.

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CONTINUED That Col. William Wakefield shall be the President thereof. That in all cases the Company's principal officer shall be the President. That the Company shall have the power to appoint five additional members. That the Committee shall have the power to add five additional members. That the number of members shall not exceed twenty-five. That five members shall be a quorum for all purposes. That Samuel Revans, Esq., shall be the first Secretary to the Committee.

5th. — That the Committee shall have the power to make rules for their meetings, and to appoint the necessary officers; and that a meeting of the Committee shall take place within three days after five members shall have arrived in the Settlement.

6th. — That the Committee shall have power to appoint a person who shall be called an Umpire; and that George Samuel Evan Esq., Barrister at Law, shall be the first Umpire. That the Umpire shall preside in all criminal proceedings, and assisted by seven Assessors, shall decide on the guilt or innocence of the party accused.

7th. — That if the party be declared guilty, the Umpire shall state the punishment to be inflicted. Provided, that without the special approval of the Committee, no imprisonment to be stated by the Umpire shall exceed three months, and no fine to be so stated shall exceed £10.

8th. — That in all civil proceedings, the Umpire shall preside. That each party may choose an Arbitrator, who shall sit with the Umpire, and the award of the majority shall bind the parties; and the Umpire shall have all necessary powers of compelling the attendance of witnesses, and the production of book and papers, and of examining the witnesses.

9th. — That the Committee shall have power to appoint five of their members, who shall be called a Committee of Appeal; and to such committee an appeal may be made in all cases, civil and criminal, and the decision of such Committee shall be final.

10th. — That the Committee and the Umpire shall be authorised to make such rules and orders for their government, in the execution of their duties, as they shall think fit.

11th. — That the Committee may direct in what manner the Assessors shall be chosen.

12th. — That the Committee shall direct the calling out of the armed inhabitants and shall make rules and regulations for the government of the same.

13th. — That the Company's principal Agent shall have the highest authority in directing the armed inhabitants, when called out; and that the Committee shall have the power to appoint such other persons as they think fit to assist in such direction.

14th. — That the Committee shall have the power to make regulations for preserving the peace of the Settlement; and shall have power to levy such rates and duties as they shall think necessary to defray all expenses attending the management of the affairs of the Colony, and the **administration of justice**. In witness whereof, we, have hereunto set our hands this fourteenth day of September one thousand eight hundred and thirty-nine.

CROWN LANDS ACT 1823
ANNO QUARTO GEORGII IV. REGIS. C A P. XVIII

An Act concerning the Disposition of certain Property of His Majesty, His Heirs and Successors. [26th March 1823]

WHEREAS by an Act passed in the Thirty-ninth and Fortieth Year of the Reign of His late Majesty King George the Third, intituled *An Act concerning the Disposition of certain Real and Personal Property of His Majesty, His Heirs and Successors, and also of the Real and Personal Property of Her Majesty, and of the Queen Consort for the Time being*, Power was given to His then Majesty, His Heirs and Successors, to grant, sell, give, or devise, in Manner and Form therein mentioned, all and every or any of the Manors, Messuages, Lands, Tenements, and Hereditaments, purchased or to be purchased by His said then Majesty, His Heirs or Successors, out of Monies issued and applied for the Use of His or Their Privy Purse, or with Monies not appropriated to any Public Service, or which had or should come to His Majesty, His Heirs or Successors, by the Gift or Devise of, or by Descent or otherwise from, any Ancestors or other Person not being King or Queen of this Realm, unto any Person or Persons, for any Estate or Estates, or for any Intents or Purposes, His Majesty, His Heirs or Successors respectively, should think fit; and certain other Provisions were enacted touching and concerning such Manors, Messuages, Lands, Tenements, and Hereditaments: And whereas the Powers and Provisions of the said Act do not extend to Manors, Messuages, Lands, Tenements or Hereditaments, whereof His Majesty, His Heirs or Successors, or any Person or Persons in trust for Him or Them, was, were, or may be seised or possessed at the Time of His or Their Accession to the Crown of this Realm, and which, before such Accession, He or They might have legally granted, sold, given or devised, as He or They respectively might think fit; and it is reasonable that the said Powers and Provisions should be extended thereto: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers given to and vested in His Majesty, His Heirs and Successors, by the said recited Act, over the Manors, Messuages, Lands, Tenements or Hereditaments purchased or to be purchased by Him or Them, or coming to Him or Them in manner in the said recited Act touching and concerning the same, shall be, and the same Powers and Provisions are hereby extended to, and shall be deemed, construed, and taken to extend and apply to all Manors, Messuages, Lands, Tenements, and Hereditaments, whether of Freehold or Copyhold or Customary or Leasehold Tenure, whereof His Majesty, or any Person or Persons in trust for Him, at the Time of His Accession to the Crown of this Realm, or whereof His Heirs or Successors, or any Person or Persons in trust for Them, at the Time of Their respective Accessions to the Crown of this Realm, was, were, or shall be seised and possessed, and which, before such Accession, He or They respectively might have legally granted, sold, given or delivered.

L O N D O N; Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1823

EXTRACTS

STATUTORY DECLARATIONS ACT 1835

ANNO QUINTO & SEXTO GULIELMI IV. REGIS. C A P. LXII.

An Act to repeal an Act of the present Session of Parliament, intituled *An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judical Oaths and Affidavits; and to make other Provisions for the Abolition of unnecessary Oaths* [9th September 1835.]

Declaration
in Writing
sufficient to
prove Execu-
-tion of any
Will, Codicil &c.

XVI. And be it further enacted, That it shall and may be lawful to and for any attesting Witness to the Execution of any Will or Codicil, Deed or Instrument in Writing, and to and for any other, to competent Person, to verify and prove the signing, sealing, Publication, or Delivery of any such or Will, Codicil, Deed, Instrument in Writing, by such Declaration in Writing made as aforesaid, and every such Justice, Notary, or other Officer shall be and is hereby authorized and empowered to administer or receive such Declaration.

Suits on be-
Half of His
Majesty to be
proved by
Declaration

XVII. And be it further enacted, That in all Suits now depending or hereafter to be brought in any Court of Law or Equity by or in behalf of His Majesty, His Heirs and Successors, in any of His Majesty's Territories, Plantations, Colonies, Possessions or Dependencies, for or relating to any Debt or Account, that His Majesty, His Heirs and Successors, shall and may prove His and their Debts and Accounts and examine His or their Witness or Witnesses by Declaration, in like Manner as any Subject or Subjects is or are impowered or may do by this present Act.

Wills Act 1837 (UK)

1 Interpretation

The words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say),

The word *will* shall extend to a testament, and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament or devise of the custody and tuition of any child, by virtue of the Tenures Abolition Act 1660, or by virtue of an Act passed in the Parliament of Ireland in the fourteenth and fifteenth years of the reign of King Charles the Second, intituled “An Act for taking away the Court of Wards and Liveries, and tenures *in capite* and by knight's service”, and to any other testamentary disposition; and

The words *real estate* shall extend to manors, advowsons, messuages, lands, tithes, rents, and hereditaments, whether freehold, customary freehold, tenant right, customary or copyhold, or of any other tenure, and whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein; and

The words *personal estate* shall extend to leasehold estates and other chattels real, and also to monies, shares of government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein; and

Every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and

Every word importing the masculine gender only shall extend and be applied to a female as well as a male.

Will: The reference to the Tenures Abolition Act 1660, being the Short Title given by section 5 Statute Law Revision Act 1948 (UK), has been substituted for a reference to an Act passed in the twelfth year of the reign of King Charles the Second, intituled “An Act for taking away the Court of Wards and Liveries, and tenures *in capite* and by knight's service, and purveyance, and for settling a revenue upon *His Majesty* in lieu thereof”. The Short Title of the Irish Act of 14 and 15 Charles II is the Tenures Abolition Act (Ireland) 1662. The Tenures Abolition Act 1660 was repealed as part of the law of New Zealand by section 35(2) of the Guardianship Act 1968. As to the power of the mother and father of a child to appoint testamentary guardians, see section 7 Guardianship Act 1968.

Enclosure (C.) LETTER from *James Busby* Esq. British Resident at *New Zealand*, to the Honourable the Colonial Secretary of *New South Wales*. British Residency, Bay of Islands, (No. 1.12.) 10th June 1837.

DEPOPULATION

Tribe after tribe becomes a party to the contest; and peace, or rather an intermission of murders, can only be procured when one of the parties becomes too weak to continue the contest, or when the loss on both sides happens to be so nearly balanced, that neither party has an advantage over the other. In this way has the depopulation of the country been going on, till district after district has become void of its inhabitants, and the population is, even now, but a remnant of what it was in the memory of some European residents

STATUS OF A NEW ZEALAND CHIEF

To those unacquainted with the actual *status* of a New Zealand chief, it may perhaps appear improbable that he would give up his own proper rank and authority, and become what would be, in fact, little better than an instrument in the hands of the British resident. But, in truth, the New Zealand chief has neither rank nor authority but what every person above the condition of a slave, and indeed the most of them, may despise or resist with impunity. It would, in this respect, be to the chiefs rather an acquisition than a surrender of power.

CONSERVATORS OF THE PEACE

In theory and ostensibility the government would be that of the confederation of chiefs, but in reality it must be that of the protecting power. The chiefs would meet annually or oftener, and nominally enact the laws proposed to them; but in truth the present race of chiefs could not be intrusted with any discretion whatever in the adoption or rejection of any measure that might be submitted to them, moral principle, if it exist amongst them at all, being too weak to withstand the temptation of the slightest personal consideration. The congress would, in fact, be a school in which the chiefs would be instructed in the duties required of them, and the authority confided to them as conservators of the peace in their separate districts, to which they would also carry the knowledge of the laws enacted during its sittings. As conservators of the peace, a small salary would be given to them; and this, together with the distinction conferred by the employment, would secure beyond all doubt the entire devotion of the chiefs to the wishes of the resident. A medal containing the name of each chief, and of the district over which his authority extended, would be another highly esteemed distinction.

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The plan which I would now more fully submit was suggested in my Despatched of 26th January 1836, No. 85. It is founded upon the principle of a protecting state, administering in chief the affairs of another state in trust for the inhabitant, as sanctioned by the treaty of Paris, in the instance of Great Britain and the Ionian Islands, and as applied, I believe, in various instances, on the border of our Indian possessions.

The chiefs who were parties to the Articles of Confederation and Declaration of Independence in October 1835, together with those who have subsequently adhered to it, include, with very few exceptions, the whole of the chiefs of influence in the northern parts of the island, and the adhesion of the remainder could at any time be procured. After the present claims should be disposed of, it would be necessary to declare all purchases void, of which sufficient notice had not been given to the Government, in order that the real proprietors of the land might be ascertained. Humanity would also require that certain districts should be fixed in perpetuity in the native proprietors, and that it should be enacted that all claims be to the possession of such lands by foreigners, howsoever acquired, should be absolutely null and void.

Declaration of the United Kingdom of New Zealand

He wakaputanga o te Rangatiratanga o Nu Tireni

His Majesty His Heirs and Successors of New Zealand

Ko matou, ko nga Tino Rangatira o nga uri o Nu Tireni
i raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau i te ra
28 o Oketopa 1835, ka wakaputa i te Rangatiratanga o to matou Wenua
a ka meatia ka wakaputaia e matou he Wenua Rangatira,
kia huaina, Ko te wakaminenga o nga Hapu o Nu Tireni.

CONTINUED

CONTINUED Their flag has been formally recognized by the British Government as the flag of an independent state. The **articles of Confederation having centralized power of sovereignty exercised both de jure and de facto** by the several chiefs, and having established and declared the basis of a **constitution of government** founded upon the union of those powers, I cannot, I think, generally err in assuming that the congress of chiefs, the deposition of the **powers of the state as declared by its constitution**, is competent to become a party to a treaty with a foreign power.

His Majesty to issue a special commission for this purpose to persons not connected or likely to be connected with this country.

Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu
Tireni ka meatia nei kei nga Tino Rangatira anake i to matou
huihuinga, a ka mea hoki e kore e tukua e matou te wakarite ture
ki te tahi hunga ke atu, me te tahi Kawanatanga
hoki kia meatia i te wenua o te wakaminenga o Nu Tireni,
ko nga tangata anake e meatia nei e matou e wakarite ana ki
te ritenga o o matou ture e meatia nei matou i to matou huihuinga.

CONTINUED

CONTINUED Whatever laws **His Majesty's Government** should consider suitable for the protection and control of the King's subjects would be proposed to, and as of course, become acts of the legislature of New Zealand.
Whatever courts of judicature His Majesty might deem necessary would be established under the same sanction.

Ko matou ko nga Tino Rangatira ka mea nei kia huihui ki
te runanga ki Waitangi a te Ngahuru i tenei tau i tenei tau ki
te wakarite ture kia tika ai te wakawakanga, kia mau pu
te rongo kia mutu te he kia tika te hokohoko, a ka mea
hoki ki nga tauwi o runga, kia wakarerea te wawai, kia
mahara ai ki te wakaoranga o to matou wenua, a kia uru
ratou ki te wakaminenga o Nu Tireni.

CONTINUED

CONTINUED His Majesty may be advised to grant a charter of government to the colony of British subjects who are established in it, leaving the natives in full possession of their abstract rights, so far as they have not conceded them to the colonists, and providing only against their suffering injustice at the hands of the latter

Province of Wellington Part 1.— Wellington District Deeds—No. 1. Port Nicholson Block (Original Purchase), Wellington District.

We the undersigned Chiefs do further promise and bind ourselves, our Families, Tribes, and Successors individually and collectively to assist defend and protect the said Governors, Directors, and Shareholders of the New Zealand Land Company of London, their Heirs, Administrators and Assigns for ever, in maintaining the quiet and undisputed possession of the aforesaid Lands, Tenements, Woods, Bays, Harbours, Rivers, Streams and Creeks sold by us to the said William Wakefield in trust for the Governors, Directors and Shareholders of the New Zealand Land Company of London, their Heirs Administrators and assigns forever as foresaid—

Ko matou ko nga Tino Rangatira ka mea nei kia huihui ki
te runanga ki Waitangi a te Ngahuru i tenei tau i tenei tau ki
te wakarite ture kia tika ai te wakawakanga, kia mau pu
te rongo kia mutu te he kia tika te hokohoko, a ka mea
hoki ki nga tauiwi o runga, kia wakarerea te wawai, kia
mahara ai ki te wakaoranga o to matou wenua, a kia uru
ratou ki te wakaminenga o Nu Tireni.

Parens patriae (Latin, parent of his country) **An ancient prerogative jurisdiction, of the Crown.**

Under the jurisdiction, **the Crown** had the power and duty to protect the persons and property of those unable to look after themselves. **The jurisdiction was conferred by the Crown on the courts**, and applies in New Zealand by virtue of the Judicature Act 1908, s 16.

See *Pallin v Department of Social Welfare* [1983] NZLR 266 (CA) at 272. [PREROGATIVE POWER] Butterworths New Zealand *Law* DICTIONARY Seventh Edition

No Power in the Crown originally; there is a Power in the Body requiring to be sanctioned by the Crown, but no Power originally granted to the Crown; the Power is in the Body with the Consent of the Crown.

Report from the Select Committee of the House of Lords, Appointed to Inquire. into The Present, State of the Islands of New Zealand, And the Expediency of Regulating the Settlement of. British Subjects Therein; With the Minutes of Evidence taken before the Committee, And an Index Thereto. Ordered to be Printed 3d April 1838. Evidence of the Reverend Samuel Hinds, D.D

Remitter is an ancient term in the law and is where a man hath two titles to lands or tenements, sci/. one a more ancient (i.e. elder) title, and another a later title, and he cometh to the land by the later title; yet the law will adjudge him in by force of the elder title, because the elder title is the more sure and the more worthy title.

Lyttleton, His Treatise of Tenures to which are added the Ancient Treatise of The Olde Tenures and The Customs of Rent by T.E. TOMLINS, Esq. 1840

TE TIRITI O WAITANGI OR TREATY OF WAITANGI

Te Tiriti o Waitangi Ko te tuarua Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Treaty of Waitangi Article the second Her Majesty the Queen of England confirms and guarantees **to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession** of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

EXTRACTS REPORT FROM THE SELECT COMMITTEE OF THE HOUSE OF LORDS, APPOINTED TO INQUIRE. INTO THE PRESENT, STATE OF THE ISLANDS OF NEW ZEALAND, AND The Expediency of regulating the Settlement of. British Subjects therein; WITH THE MINUTES OF EVIDENCE TAKEN BEFORE THE COMMITTEE, AND AN INDEX THERETO. Ordered to be printed 3d April 1838. Evidence of the Reverend SAMUEL HINDS, D.D

There was an old Company formed, with Lord Durham at its Head? There was.

Are they still Land Owners in the Country?

That Company's Colonists were dispersed. I think there remained a few Carpenters and others when the rest left the Island. These Colonists became apprehensive of the Natives attacking them, and quitted abruptly, except those Two or Three, who remained among the Natives, and remained unmolested.

Do you know how much Land is claimed by that Company ? I do not. .

They do claim some Land, do they not ? They do claim some Land. It has been the Subject of a Contract between the old Company and the new Association, and they have come to Terms.

It is agreed that an **Indemnification shall be made to the old Company**, if the Bill should pass, and that the Rights of the old Company shall merge in the new Association; and Lord Durham in consequence became a Member of the Committee. That first Company failed?

It did. A Colony went out. I do not know on what Principle, but certainly on no Principle resembling ours,- and becoming alarmed they quitted the Country abruptly, without having made any permanent Settlement.

They have made an Arrangement with your Company that if the Bill which is proposed to be passed into a Law shall pass they shall be indemnified?

That they shall be indemnified for the Land which will then become the Property of the Association. There is to be a

Transfer of the Land. **The Natives consider it to have been fairly purchased, and admit the Claim of the Company to it.**

CONTINUED

CONTINUED **The Savage is in a State of Pupillage and must be treated as we treat Children.** The only Principle which it is important to maintain is this: — if you go into a Country at all inhabited by Savages, and take possession of their Land, and become Sovereigns of it, you infringe their Rights if you do not consider their Benefit as well as your own. **If you were treating with a Child you would not infringe the Rights of that Child simply by acting and deciding for him,** but you would infringe his Rights if you acted and decided for your Benefit and not his. So with respect to Savages; they are, compared with civilized Men like Children. As an Instance of what I mean, One Provision of the Bill is, that a certain Reserve should be made of Land for the Natives, and that that Land should be inalienable; that, supposing a Native were to sell his Land, **it should be considered no more a valid Sale than if a Child were to sell it: that is an Exceptional Law.** **The Savages are to be dealt with as Children,** so far as they require to be so treated; their Rights are protected against any Advantage being taken of them by the superior Knowledge and Experience of civilized Men. If it is necessary to make an Exception in the Sale of Lands to be hereafter made, **in consequence of those Chiefs being to be treated as Children,** how do all you reconcile the System of confirming all the Sales which have heretofore taken place, when they were quite as ignorant, if not more so, than they are at present?

I may be still allowed to carry on the Analogy between the Child and the Savage. I do not think they are fully able to see the Results of their Sales in any Instance, and that Justice is done them, or not, according as we make a Bargain for or against them. I think that we should fairly administer Justice to them if we treat them justly. It is in vain to wait till they can properly appreciate the Justice of our Proceedings; and we must in the meantime treat them as Children.

The Injustice to be deprecated is that of seeking our own Benefit solely, and not theirs; and with respect to the New Zealanders our Purchase of the Sovereignty of their Country ought not to be represented as being the same Kind of Bargain as if the French, for instance, were bargained with to cede the Sovereignty over any Portion of their Territory. But in the present Instance what is meant by the Cession of Sovereignty amounts to this—**that we purchase the Right to participate in the Sovereignty with them;** we do not wish to exclude them but pay them a Price to partake in the Sovereignty with them. Of course, in the first instance, the civilized Man will be the only Sovereign, but that is because he only will be fit and capable of exercising Sovereign Rights. **As the Savage advances in Civilization he will come in for his Share;** and I see no Reason, as soon as the New Zealander is capable of it, against his being **Chief Justice, Governor, or Bishop, or holding any other Office.** It is not, therefore, that we take the Sovereignty from him; we purchase the Right of participating with him in the Sovereignty, and **by so doing we enable him to become the Sovereign of the county, which he is not at present.**

CONTINUED

CONTINUED No Power in the Crown originally; there is a Power in the Body requiring to be sanctioned by the Crown, but no Power originally granted to the Crown; the Power is in the Body with the Consent of the Crown.

Those Appointments must be confirmed by the Crown? Yes. The Commissioners are allowed a Right of Appointment, subject to a Veto on the Part of the Crown; it is nothing more in effect than the Power of recommending, —the Privilege of exclusively recommending. It is evident that unless a Privilege of that Sort were granted, —for I will not call it a Power, —the Commission would be inadequate to the Purpose for which it is constituted. Have the goodness to state why?

It would be transferring the Responsibility to the Crown. For instance, suppose an improper Appointment were made of a Chief Justice; neither the Crown nor the Public could say to the Commissioners, “You are blameable for it;” the Commissioners would reply, “It is not we who have done it, but the Crown.”

The originating of all Measures is claimed for the Commission; that is, I think, as little as we can claim for it; but there is a Veto on every thing allowed to the Crown, and in some Cases the Power is altogether vested in the Crown; it is so in the Appointment of the Bishop, and it is so in that of the Protector of the Natives.

Supposing England made a Treaty of Peace with any Foreign Power, should you consider that the New Zealand Company would be bound to that Treaty? Decidedly; we are still subject to the Crown.

By your proposed Bill a local Government is to be settled, with a Council of Three Persons? With a Council of not less than Three. The Government will be in the Commission here; the Council are to represent their Authority, and the Delegation of Power is subject to the Control of the Crown.

The real Power of Administration would rest with the Government in the Colony? Precisely so; and the Commission claim the Power of Appointment, leaving to the Crown the Veto.

THE END

BIRTH CERTIFICATE DISCLOSURE

First/given name(s)

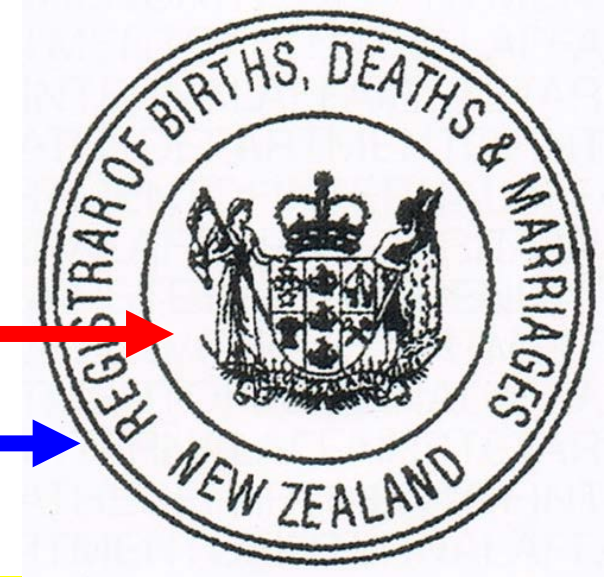
Ingoa tapa

Surname/family name

Ingoa whanau

CROWN

PERSON



WARNING: This certificate is not evidence of the identity of the person presenting it.

CAUTION: Any person who (1) falsifies any of the particulars on the certificate, or (2) uses it as true, knowing it to be false, is liable to prosecution under the Crimes Act 1961

Crimes Act 1961

2 Interpretation

(1) In this Act, unless the context otherwise requires, —

person, **owner**, and other words and expressions of the like kind, **include the Crown** and any public body or local authority, and any board, society, or company, and any other body of persons, whether incorporated or not, and **the inhabitants of the district of any local authority, in relation to such acts and things as it or they are capable of doing or owning**

Births, Deaths, Marriages, and Relationships Registration Act 1995

67 Birth certificates generally

- (1) Every birth certificate shall contain as much information (being information relating to the birth to which the certificate relates recorded under this Act or a former Act at the time the certificate is issued) as is then prescribed.
- (2) Subsection (1) is subject to [sections 63 to 66](#).
- (3) Notwithstanding [sections 63\(2\)\(c\)](#), [64\(1\)\(c\)](#), [65\(3\)](#), and [66\(1\)\(b\)](#), if satisfied that [the person to whom a birth certificate relates was still-born or is dead](#), the Registrar issuing it shall cause it to bear the expression “still-born” or, as the case requires, “deceased”.

2 Interpretation

In this Act, unless the context otherwise requires, —

Registrar means [a person for the time being holding office](#) under [section 81\(1\)](#); and includes the Registrar-General and every Deputy Registrar-General

source document means a document (other than a register) that —

- (a) contains information recorded under this Act or a former Act; and
- (b) is accessible by the Registrar-General or a Registrar; and
- (c) is under the control of —
 - (i) the Registrar-General or a Registrar; or
 - (ii) [a person](#) (other than the Registrar-General or a Registrar) [who has the function of managing, on behalf of the Registrar-General, information recorded under this Act or a former Act](#); or
 - (iii) the Chief Archivist

CONTINUED

CONTINUED

81 Registrars

- (1) There shall from time to time be appointed such number of persons to be Registrars as is necessary for the purposes of this Act or any other Act under which Registrars exercise functions.
- (2) Appointments under subsection (1) shall, —
 - (a) in the case of persons who on their appointment will become employed in the Public Service, be in accordance with the [State Sector Act 1988](#); and
 - (b) in every other case, be in writing under the hand of the Registrar-General, specifying either —
 - (i) the name of the person appointed; or
 - (ii) an office whose holder for the time being is to hold the appointment; and
 - (c) specify whether the person appointed, or the office holder, is to exercise and perform all or some of the powers, functions, and duties of a Registrar under this Act or any other Act under which Registrars exercise functions and, if some only, which of those powers, functions, and duties.

Charitable Trusts Act 1957

Part 3

Schemes in respect of certain charitable trusts

31 Interpretation

In this Part, unless the context otherwise requires, —

Registrar, in relation to any scheme, means the Registrar of the High Court in whose office the scheme is filed
trustees includes executors or administrators, and any person or persons, body corporate, or association in whom any property is vested that is or may become subject to this Part.

Compare: 1908 No 164 s 14; 1928 No 55 s 3

Section 31 **Registrar**: amended, on 1 April 1980, pursuant to [section 12](#) of the Judicature Amendment Act 1979 (1979 No 124).

BIRTHS REGISTERED AT PAEROA					DURING THE QUARTER ENDING THE 30th DAY OF June 19 65				
No.	CHILD				PARENTS			INFORMANT	REGISTRAR
	1. When Born. 2. Where Born.	Christian or First Names (only) (If a twin, state whether elder or younger) (If child still-born, to be noted in this column)	Name, if Added or Altered after Registration of Birth.	Sex (M. or F.)	FATHER 1. Name and Surname. 2. Profession or Occupation. 3. Age. 4. Birthplace.	MOTHER 1. Name and Surname. 2. Maiden Surname. 3. Age. 4. Birthplace.	1. When Married. 2. Where Married. 3. Previous Children of Existing Marriage: (a) Living—Ages Each Sex. (b) Dead—Number Each Sex. 4. Degree of Maori blood (if any) and Tribe: (a) Father. (b) Mother.	1. Signature. 2. Description*. 3. Residence.	1. When Registered. 2. Signature of Registrar.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
82	(1) 5 January 1965 (2) Paeroa	Nelson Tamara		M	(1) Nelson Eric Paynter (2) Business Operator 34 (3) Dargaville (4)	(1) Helen Paynter (2) Te Moananui 19 (3) Paeroa (4)	(1) 25 February 1965 (2) Paeroa (3) (a) M. - F. - (b) - M. - F. (4) (a) Degree: - Tribe: - (b) Degree: Full Tribe: Ngati Tamatere	(1) <i>H. Paynter</i> (2) <i>Mother</i> (3) <i>Waikato Road Paeroa</i>	(1) 17 May 1965 On the Authority of the Registrar- General. (2) <i>H. Paynter</i> Registrar.

Perpetuities Act 1964

5

Powers of appointment

For the purposes of the rule against perpetuities, a power of appointment shall be treated as a special power unless—

- (a) in the instrument creating the power it is expressed to be exercisable by 1 person only; and
- (b) it could, at all times during its currency when that person is of full age and capacity, be exercised by him so as immediately to transfer to himself the whole of the interest governed by the power without the consent of any other person or compliance with any other condition, not being a formal condition relating only to the mode of exercise of the power:

provided that, for the purpose of determining whether a disposition made under a power of appointment exercisable by will only is invalid as infringing the rule against perpetuities, the power shall be treated as a general power where it would have fallen to be so treated if exercisable by deed.

Compare: Law Reform (Property, Perpetuities, and Succession) Act 1962 s 16 (WA); Perpetuities and Accumulations Act 1964 s 7 (UK)

PRINTOUT DISCLOSURE

Domestic Violence (Public Registers) Regulations 1998

14 Disclosure of information under Births, Deaths, Marriages, and Relationships Registration Act 1995 for administration of estates

- (1) Where a direction is made, nothing in [Part 6](#) of the Act or in these regulations prevents the Registrar-General from permitting a person to inspect any document containing information to which [section 76\(1\)](#) or [section 77\(4\)](#) of the Births, Deaths, Marriages, and Relationships Registration Act 1995 applies, or from providing any person with a printout or copy of any such document or a printout of any such information, if the Registrar-General is satisfied that—
- (a) [the person wishes to inspect the document or have the printout or copy](#) for a purpose in connection with the [administration of an estate or trust](#); and
 - (b) [the person is executor, administrator, or trustee of the estate or trust](#); and
 - (c) the information is relevant for that purpose.
- (2) Before relevant information in respect of which a direction is in force is disclosed under subclause (1), the Registrar-General must notify the person to whom that direction relates, in writing, of the proposed disclosure.
- (3) Despite subclause (2), if it is not practicable to give notice under that subclause before disclosure of the relevant information, then the Registrar-General must give that notice as soon as practicable after disclosure of that information.

CONTINUED

CONTINUED

Part 4

Disclosure of information under Land Transfer Regulations 1966

15 Disclosure of information under Land Transfer Regulations 1966 for specified purpose

- (1) Where a direction is made, nothing in [Part 6](#) of the Act or in these regulations prevents a District Land Registrar from permitting a person to inspect a journal book, nominal index, or section index to which **regulation 5 of the Land Transfer Regulations 1966 applies**, if the District Land Registrar is satisfied that—
 - (a) the person wishes to inspect the index or **journal in connection with any transaction involving land** or **an enquiry about the status of land**; and
 - (b) the information is relevant to that purpose.
- (2) Before relevant information in respect of which a direction is in force is disclosed under subclause (1), the District Land Registrar must notify the person to whom that direction relates, in writing, of the proposed disclosure.
- (3) Despite subclause (2), if it is not practicable to give notice under that subclause before disclosure of the relevant information, then the District Land Registrar must give notice as soon as practicable after disclosure of that information.

CONTINUED

CONTINUED

1966/25

Land Transfer Regulations 1966

143

5. **Books and indexes to be kept-**In addition to the register and provisional register provided for by sections 33 and 50 of the Act, there shall be kept in and for each district the following books and indexes:
- (a) An application book, in which shall be entered particulars relating to all applications to bring land under the operation of the Act:
 - (b) A journal book, in which shall be entered particulars of all instruments received for registration, referring to them by number in the order in which they are so received for registration:
 - (c) A nominal index, in which shall be entered the names of all persons having any registered interest in land, together with the nature of the instrument creating the interest, the property affected, and the folium of the register:
 - (d) **A section index, in which shall be entered particulars of all land alienated from the Crown and subject to the Act, with the corresponding folium of the register:**

Provided that any index may be kept in the pages of a book bound together or unbound, or upon cards regularly arranged, and any particulars required to be kept in a book may be kept by any other suitable means approved by the Registrar-General.

Land Transfer Act 1952

2 Interpretation

In this Act, and in all instruments purporting to be made and executed under this Act, unless the context otherwise requires, —

bankruptcy means the vesting in any person or persons of any estate or interest of a debtor for the benefit of creditors generally, by deed of arrangement or otherwise, under authority of any court of competent jurisdiction

Crown grant means **the grant of any land by the Crown**, and includes **certificates of title issued in lieu of grant**

74 Certificate issued in name of deceased person not void

If any certificate, whether on the first bringing of land under this Act or otherwise, is issued in the name of a person who has previously died, the certificate shall not be void, but the land comprised therein shall devolve in like manner as if the certificate had been issued immediately prior to the death.

Compare: 1915 No 35 s 67

Land Transfer Act 2017

5 Interpretation

(1) In this Act, unless the context otherwise requires, —

Crown grant means **a grant of land by the Crown**, and includes **records of title issued in lieu of grants**

15 Record of title created in name of deceased person

A record of title created in the name of a deceased person takes effect as if the record of title were created immediately before the person died.

Compare: 1952 No 52 [s 74](#)

Housing Act 1955

2 Interpretation

(1) In this Act, unless the context otherwise requires, —

district means a **district of a local authority**

dwelling means any building or part of a building that is suitable for **residential accommodation of any kind**; and includes every garage, shed, and other building used in connection therewith; but does not include the land appurtenant to a dwelling

local authority means a territorial authority within the meaning of the [Local Government Act 2002](#)

owner, in relation to any land in respect of which there is **registered an easement certificate** issued under [section 25](#), means **the person** (including **the Crown**) for the time being entitled to the rack rent thereof or who would be so entitled if the land were let at a rack rent; and does not include the Crown in any case where any agreement for sale or licence to occupy under [section 16](#) or [section 17](#) is for the time being in force in respect of the land

7 Land, etc, to be acquired in name of Crown

All land, dwellings, buildings, and chattels acquired as aforesaid for State housing purposes shall be acquired in the **name and on behalf of the Crown**.

39 Corporation agent of the Crown

In respect of the exercise of its functions under this Act the **Corporation shall be deemed to be and always to have been the agent of the Crown**, and shall be entitled accordingly to all the privileges which the Crown enjoys. The Corporation shall answer and act in its own name in respect of all such matters.

BIBLICAL REFERENCES TO THE CROWN

1 Corinthians 11:3 But I would have you know, that the head of **every man is Christ**; and the head of the woman is the man; and the head of **Christ is God**

Ephesians 5:23 For the husband is the head of the wife, even as **Christ is the head of the church**; and he is the saviour of the body

Colossians 1:18 **And he is the head of the body**, the church: who is the beginning, the **firstborn from the dead**; that in all *things* he might have the pre-eminence.

Mathew 6:33 **But seek ye first the kingdom of God**, and his righteousness; and all these things shall be added unto you.

John 3:5 Jesus answered, Verily, verily, I say unto thee, **Except a man be born of water and of the Spirit, he cannot enter into the kingdom of God.**

Leviticus 21:12 Neither shall he go out of the **sanctuary**, nor profane the sanctuary of his God; **for the crown of the anointing oil of his God is upon him**: I am the LORD

Psalms 21:5 **His glory** is great in thy salvation: **honour and majesty** hast thou laid upon him.

Psalms 96:6 **Honour and majesty are before him**: strength and beauty **are in his sanctuary**

1 Peter 4:16 **Yet if any man suffer as a Christian**, let him not be ashamed; **but let him glorify God** on this behalf

Isaiah 44:5 One shall say, I am the LORD'S; and another shall call himself by the name of Jacob; and another shall subscribe with his hand unto the LORD, **and surname himself by the name of Israel**

Revelations 2:10 Fear none of those things which thou shalt suffer: behold, the devil shall cast some of you into prison, that ye may be tried; and ye shall have tribulation ten days: be thou faithful unto death, and **I will give thee a crown of life**

Job 19:9 **He hath stripped me of my glory**, and **taken the crown from my head**

Lamentations 5:16 **The crown is fallen from our head**: **woe unto us, that we have sinned**

Revelations 3:11 Behold, I come quickly: hold that fast which thou hast, **that no man take thy crown**

LEGAL MAXIMS IN RELATION TO THE CROWN

REX NON DEBET ESSE SUB HOMINE, SED SUB DEO ET SUB LEGE, QUIA LEX FACIT REGEM.

The king is under no man, yet he is in subjection to God and to the law, for the law makes the king.

***REX NUNQUAM MORITUR.**

The king never dies.

REX NON POTEST PECCARE.

The king can do no wrong.

NON POTEST, REX GRATIAM FACERE CUM INJURIÂ ET DAMNO ALIORUM.

The king cannot confer a favor on one subject which occasions injury and loss to others.

NULLUM TEMPUS OCCURRIT REGI.

Lapse of time does not bar the right of the Crown.

***QUANDO JUS DPMINI REGIS ET SUBDITI CONCURRENT, JUS REGIS PRAEFERRI DEBET.**

Where the title of the king and the title of a subject concur, the king's title shall be preferred.

ROY N'EST LIÉ PER ASCUN STATUTE, SI IL NE SOIT EXPRESSEMENT NOSMÉ.

The king is not bound by any statute, if he be not expressly named to be so bound.

NEMO PATRIAM IN QUÂ NATOS EST EXUERE NEC LIGEANTIAEA DEBITUM EJURARE POSSIT.

A man cannot abjure his native country nor the allegiance which he owes to his sovereign.

Note: Maxims of the Crown enacted in the Crown Proceedings Act 1950 as at 1 September 2017