



East Coast Land Titles Investigation Act 1866

1866

- Citation:** 30 V. No 27
Date of Assent: 8 October, 1866
Commencement: Date of Assent
- Repeal:** Repealed 20 October, 1868 by 1868, No 56
Amendments: 1867, No 45: See separate record.
s4 amends s2
s3 amends repeals and replaces Schedule.
- Type of Legislation:** Public
Subject: Maori Land Court: Structures & Jurisdiction
Reserved Land
Confiscated Lands
- Relevant Sections:** s2: "Natives not engaged in rebellion" to include all persons entitled to land in the district who come within the descriptions in s5 New Zealand Settlements Act 1863.
s3: Native Land Court to have power and jurisdiction to,
(a) determine title whether or not the investigation was requested by the claimants to title,
(b) award, by Certificate, grants of land to Natives who have not been engaged in rebellion,
(c) make an equitable partition of land owned by rebel and non-rebel so that those not engaged in rebellion may receive title to their share of the land,
(d) ascertain what lands would have been the property of others apart from their participation in the rebellion.
s4: Land of persons engaged in the rebellion declared to be lands of the Crown.
s5: Governor to issue Crown Grants to those entitled.
s6: Reserves may be set apart from lands of the Crown for those engaged in the rebellion.
s7: Governor in Council may set apart forfeited land for town, suburban and rural use, and for public or recreational reserves.
s8: Land for town, suburban, or rural use to be sold or let.
s9: Money from disposal of land to meet expenses of suppressing the rebellion.

Commentary and Cross Reference continued over page



Commentary: *"An Act to enable the Native Lands Court to inquire into and determine titles to land in the East Coast district "* for the purpose of ascertaining which lands were held by "rebel" Maori. It gives the Native Land Court power to investigate title to land in the East Coast district without application from the owners. It then allows the Governor in Council to determine whether forfeited "rebel" lands shall be sold, let or reserved. This procedure differs from that of the New Zealand Settlements Act, which confiscated first and then established which lands belonged to those not in rebellion. Under this Act, the Government seeks to avoid the controversy (and expense) of confiscating lands belonging to loyal Maori. One of the aims of the Act is to reward loyal Maori troops by granting some of the confiscated lands to them. In fact, however, the Government found it difficult to implement the Act through the Native Land Court and preferred to deal directly with surrendered rebels – convincing them to cede land to the Crown. Land for the military settlement at Wairoa was obtained in this way. The Debates on the subsequent East Coast Act 1868 give detailed reasons for this Act and the problems that followed it.

[Note that section 2 by an error includes "rebels" under the New Zealand Settlements Act 1863 in the definition of Natives not engaged in rebellion! This mistake made the Act virtually inoperative and was corrected by the East Coast Land Titles Investigation Act Amendment Act 1867, which also amended the Schedule to include a larger area of the East Coast.]

Cross Reference: NZPD (1864 - 66) 1039 - 1040
 NZPD vol 2 (1868) 517 - 525
 NZPD vol 3 (1868) 37 - 43, 145 - 158
 AJHR (1867) A - 10d
(Sitting of the Court at Turanganui)
 AJHR (1868) A - 16 *(East Coast Natives)*
 AJHR (1891) Sess II G - 1a p.9
(Mackay's Unfinished Report Relating to Native Land Laws)
 AJHR (1928) G - 7 *(Sim Commission)*
 O'Malley V *Report for the Crown Forestry Rental Trust on the East Coast Confiscation Legislation and its Implementation*
 (Crown Forestry Rental Trust, 1994).