



East Coast Act 1868

Citation: 32 V. No 56
Date of Assent: 20 October, 1868
Commencement: Date of Assent

Repeal: Repealed 19 August, 1891 by 1891, No 8
Amendments: –
Type of Legislation: Public
Subject: Confiscated Lands
 Maori Land Court: Structures & Jurisdiction

Relevant Sections: *Preamble:* Purpose of Act is to deprive a considerable portion of East Coast aboriginal Natives of land as a punishment for their Rebellion.
s2: Repeals East Coast Land Titles Investigation Act 1866 and East Coast Land Titles Investigation Act Amendment Act 1867.
s3: NLCt to refuse to issue a CT in favour of persons guilty of rebellion as defined in s5 New Zealand Settlements Act 1863.
s4: If any of the owners have committed acts under s5 New Zealand Settlements Act 1863 the Court may,
 (a) order a Certificate of Title for the whole area claimed to those owners who were not in rebellion,
 (b) partition the land and order CT for a portion to owners who were not in rebellion and a certificate for another area stating that the land customarily belonged to rebel Natives,
 (c) order a certificate for the whole area stating that the land belonged according to Native custom to rebels.
s5: Any land in a certificate which states that it belonged to Natives who had been in rebellion, shall be deemed lands of the Crown.
s6: Governor empowered to make reserves for Natives out of that Crown land.
s7: Except as expressly provided, this Act is not to affect the powers of the Native Land Court.
s8: This Act only applicable in the East Coast area described in the Schedule.

Commentary: This Act repealed the East Coast Land Titles Investigation Act 1866 and replaced it with slightly different provisions, but the same intent. The main change is that under *s4* there is an option that land declared to belong to those who had been "in rebellion" no longer becomes the property of the Crown, and instead is to be vested in "loyal Natives".

Commentary and Cross Reference continued next page



This was a way for the Government to pay for the services of tribes who had supported them. The Government repealed the original East Coast provisions because there had been petitions from “friendly” Maori saying that they no longer trusted to put their lands under the Native Land Court because they had seen how it could be used as an instrument of confiscation. The Debates give a good background to the East Coast situation.

Cross Reference: NZPD vol 2 (1868) 517 - 525

NZPD vol 3 (1868) 37 - 45, 145 - 158

AJHR (1868) A - 16
(*East Coast Natives*)

AJHR (1878) I - 3 p.5
(*Native Affairs Committee*)

*O'Malley V Report for the Crown Forestry Rental Trust
on the East Coast Confiscation Legislation and its Implementation
(Crown Forestry Rental Trust, 1994).*