



## Native Reserves Act 1873

**Citation:** 37 V. No 60  
**Date of Assent:** 2 October, 1873  
**Commencement:** Date of Assent

**Repeal:** Repealed 15 September, 1882 by 1882, No 52

**Amendments:** –

**Type of Legislation:** Public

**Subject:** Reserved Land  
 Status of Land  
 Public/Native/Maori Trustee  
 Gifts/Alienations for Schools, Churches etc  
 Validation  
 Survey Issues  
 Equitable Owners

**Relevant Sections:** *s4:* Act to apply to all Native Reserves. Definition of Native Reserve.  
*ss5 - 9:* Districts to be created with each district to have a Native Reserves Commissioner.  
*s11:* Legal estate of reserves in each district to vest in the Commissioner. Proviso that Act not to apply to lands reserved by Maori on the cession of lands to the Crown which still remain in their absolute possession.  
*s18:* The trusts upon which any Native reserve was reserved shall not be altered except by Act of Parliament.  
*s19:* Commissioner, with Governor's permission, to have power to sell, exchange or lease any lands forming part of the reserve.  
*ss24 - 31:* General regulations to be made for management.  
*s34:* The yearly income of each reserve, after deducting maintenance expenses, to be utilised in prescribed manner, eg payment of survey charges, fencing and drainage, erection of schoolhouse etc.  
*s35:* With the assent of the Natives, the Act to apply to lands reserved or set apart by them but over which Native title has not been extinguished.  
*s36:* Method of ascertaining the assent of the Natives.  
*s37:* Any question of Native custom or usage may be referred to the NLCT, report of the Court to be acted upon.  
*s38:* Where the title of a reserve is too complicated for the determination of ownership, the NLCT may be asked to investigate title on the application of consenting Native claimants.  
*s39:* Procedure for extinguishing Native title.

*Relevant Sections and Commentary continued next page*



*ss41 - 47:* Reserves for special purposes – churches, schools, burial grounds, hospitals etc.

*s48:* Lands granted to particular Natives intended to be in Trust for large sections of Natives, may, if the grantees agree to surrender the Crown Grant, be vested in the District Native Reserves Commissioner.

*s50:* Governor may resume trusts from Native Grantees where they have been unable to efficiently administer the land.

*s51:* Trustee to be European.

*ss53 - 54:* New Zealand Company tenths as set out in Schedule D, including validation of all transactions in respect of those lands.

*s55:* “McCleverty awards” – land set apart for Natives by declaration only, may be investigated by the Native Land Court. If any of the owners have died the Court may determine successors.

*s56:* Court to proceed in the same manner as an investigation of title to land.

*s57:* NLCT to transmit to the Governor a report containing the names of those entitled to the land, the purpose for which they wish it to be held in trust, and the names of any other Natives they wish to be associated with the trust.

*s62:* All Native reserves which have been and will be made are exempt from the operation of the Native Land Act.

**Commentary:** Provides for the administration and management of Native Reserves by the appointment of Commissioners to make decisions about leasing etc. The Commissioners were given extensive powers over the land, and although there is provision for a Maori adviser it was not necessary for the Commissioner to obtain the assent of the adviser. This Act consolidates and amends previous Acts in regard to the administration of reserves which were implemented to protect Maori interests from being abused. However, while it is a paternalistic piece of legislation designed to protect Maori interests, the Act takes control of the land away from the owners. Takamoana, Taiaroa, and Ngatata spoke in the Debates against the legislation on the grounds that it was not clear which lands it applied to and that Maori should be able to control the administration of their own lands. *Public Trustee v Registrar General* records that this Act was never brought into operation, therefore the previous Native Reserves Acts continued to be in force as the repeal section was not made operational.

*Cross Reference continued over page*



**Native Reserves Act 1873** *continued*

- Cross Reference:** NZPD vol 14 (1873) 351 - 353, 494 - 506  
 NZPD vol 15 (1873) 984 - 991  
 AJHR (1871) F - 4  
 (*Native Reserves*)  
 AJHR (1874) G - 5 - G - 5d  
 (*Native Reserves*)  
 AJHR (1875) G - 5 - G - 5d  
 (*Native Reserves*)  
 AJHR (1876) G - 3 - G - 3c  
 (*Native Reserves*)  
 AJHR (1877) G - 3, G - 3a  
 (*Native Reserves*)  
 Ward A A *Show of Justice*  
 (AUP, Canberra, 1974) 252 - 253  
 Butterworth G & Butterworth S *The Maori Trustee*  
 (Maori Trustee, Wellington, 1991) 15 - 16  
 Reported Court Case:  
*Public Trustee v. Registrar-General of Land* (1899): 17 N.Z.L.R. 577,  
 1 G.L.R. 235.