



Thermal-Springs Districts Act 1881

1881

- Citation:** 45 V. No 20
Date of Assent: 24 September, 1881
Commencement: Date of Assent
- Repeal:** Repealed and re-enacted 1908, No 189
Amendments: 1883, No 21: See separate record.
Defines s5(1) to extend to the cession of land by the Native owners for construction of a railway from Waikato – Thames to Rotorua.
- Type of Legislation:** Public
Subject: Other Resource Issues
Compulsory Acquis & Transfer of Control
Wahi Tapu & Non Tangible Resources
Leased Land
Reserved Land
Gifts/Alienations for Schools, Churches etc.
- Relevant Sections:** Entire Act. See...
Preamble: It would be “beneficial to the Maori owners of land in which natural mineral springs and thermal waters exist” if there was European settlement.
s2: Districts may be proclaimed in which there are “considerable numbers of the ngawha, waiariki, or hot or mineral springs, lakes, rivers or waters”
s3: No land may be acquired in the District except under this Act.
s5: After the land has passed through the NLCT Governor may arrange with the Native proprietors for settlement of the district by Europeans and may exercise a variety of powers...
(1) Negotiate for the cession, purchase or lease of land.
(2) Act as agent for the Native owners.
(3) Negotiate for public use of the thermal springs.
(4) Lay out and survey towns.
(5) Make or divert bridges or watercourses.
(6) Take land under Public Works Act 1876 for water supply/sewage.
(7) Exchange any reserve or other public land.
s6: Further powers of the Governor – to be exercised with consent of the Native proprietors...
(2) Set apart land for schools and churches.
(3) Set apart cemeteries and close burial places already existing.
(7) Manage and control the use of all hot springs, ngawha, waiariki etc.

Relevant Sections, Commentary and Cross Reference continued over page



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s7: Governor may regulate the management of such reserves and all persons using and frequenting the same.

s11: Any lease, not exceeding 21 years, of land in which lessee was in occupation on 25 November, 1880, may be validated by its Native owners even though the lease was made before the land had passed through the NLCT. This section applies only to certain land at Ohinemutu.

s12: Powers of Governor if land is to be disposed of to settlers by way of lease.

s14: Act in force only in Tauranga and East Taupo Counties.

Commentary: The preamble states “*Whereas it would be advantageous to the colony and beneficial to the Maori owners of land in which natural mineral springs and thermal water exists that such localities be open to colonisation and made available for settlement*” which implies that Maori do not own the thermal springs as such and that the land should be available to settlers. The Government had been unsuccessfully trying to purchase this land for thirty years, and had now made an agreement with Arawa (Ngatiwhakaue) to lease the land and return the proceeds to the owners. The Government is given extensive powers to lay out a township at Rotorua and have control over the hot-springs with the purpose of creating a sanatorium. Te Wheoro and Tawhai expressed concern that *s2* could mean that the Act could be extended to any other thermal district. Although the land initially fetched high rentals the system did not succeed because the lessees stopped paying rent and wanted to buy the land. The Supreme Court decided that Ngatiwhakaue could not sue for rent arrears. When the district was proclaimed in the *Gazette* over 600,000 acres were declared to be under the Act.

Cross Reference: NZPD vol 40 (1881) 128, 161 - 162, 493, 518 - 524, 649
 NZPD vol 59 (1887) 536
 NZPD vol 60 (1888) 138
 NZPD vol 61 (1888) 183
 NZPD vol 67 (1890) 547
 NZPD vol 153 (1910) 1057 - 1058

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AJHR (1883) I - 2 p.5

(Native Affairs Committee)

AJHR (1885) G - 2 p.14

(Reports of Officers in Native Districts),
I - 2 p.13 *(Native Affairs Committee)*

AJHR (1887) Sess II I - 3 p.10

(Native Affairs Committee)

AJHR (1888) I - 3 p.36

(Native Affairs Committee)

AJHR (1891) Sess II G - 1 p. XIV

(Rees Commission)

Gazette (1881) vol 2 1267, 1375 - 1376

Gazette (1883) vol 1 411, 480

Ward A A *Show of Justice*

(AUP, Canberra, 1974) 286, 288 - 289

Stafford D *The Founding Years in Rotorua*

(Rotorua District Council, Rotorua, 1986) 157 - 159, 162.