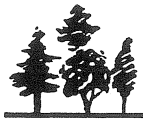




## Native Land Division Act 1882

- Citation:** 46 V. No 28
- Date of Assent:** 13 September, 1882
- Commencement:** Date of Assent
- Repeal:** Repealed 1 October, 1886 by 1886, No 24
- Amendments:** 1886, No 16: See separate record.  
Amends s2.  
1886, No 24: See separate record.  
s119 amends s2.
- Type of Legislation:** Public
- Subject:** Status of Land  
Maori Land Court: Structures & Jurisdiction  
Survey Issues  
Alienation of Maori Land
- Relevant Sections:** s2: Act to apply to all lands which have title derived through either the NLCt or the Poverty Bay Grants Act 1869 but does not apply to Native reserves.  
s3: Native Land Court Act 1880 to apply.  
s4: Any Native grantee of land may apply to the NLCt for division. Court may order a defined portion to the applicant or, if majority of grantees desire a division of the whole, then such division as the Court deems just. Powers of NLCt when making a division include,  
(1) to order restrictions or limitations,  
(3) if the land is subject to a lease the Court may apportion the rent to be paid to the grantees under the new grants,  
(5) no division of land subject to a mortgage without the consent of the mortgagee,  
(7) if the mortgagee does not consent the Court may order a portion of the land to be sold to discharge the mortgage and partition the remaining portion.  
ss5 - 9: Surrender and cancellation of existing Crown grants and issue of new grant in accordance with Court order.  
s10: Land held by Natives under the Land Transfer Acts or the Native Land Court Act 1880 may be similarly dealt with, provided that for land held under a Certificate of Title issued under s17 Native Lands Act 1867 all the registered owners are treated as owners while application for division need only be made by a majority of the named owners.

*Relevant Sections, Commentary and Cross Reference continued next page*



**s11:** In the case of land granted to a tribe or hapu, half the named grantees, or 5 members of the tribe, if the grantees are not specified, may apply for subdivision.

**s12:** Individuals who have acquired before the passing of this Act an undivided share in, or lease of, any land granted to Natives may apply for subdivision.

**s13:** Court may authorise surveyor or valuer to enter upon lands, provided that a lessee is entitled to compensation for any damage caused.

**Commentary:** This Act distinguishes between subdivision of Maori lands in the future and subdividing where a portion of the land had been sold before the passing of this Act. In the latter case, if a Pakeha has purchased an undefined interest in a block the purchaser can apply to have the Native Land Court define his share. In the case of future transactions, however, only Maori owners can apply for a subdivision. Any Maori with an interest can apply to have his/her interest defined, or a majority of owners can request that the whole block be divided. Section 2 was amended in 1886 so that the Act was deemed to have applied to Native reserves as from the passing of the Act.

**Cross Reference:** NZPD vol 42 (1882) 663 - 664  
NZPD vol 43 (1882) 589 - 591  
AJHR (1891) Sess II G - 1a p.15  
(*Mackay's Unfinished Report Relating to Native Land Laws*)  
*Mackay J Our Dealings with Maori Lands; or, Comments on European Dealings for the Purchase and Lease of Native Land and Legislation thereon* (Kidd & Wildman, Auckland, 1887) 12 - 13  
Reported Court Cases:  
*Douglas v. Sutton* (1884): N.Z.L.R. 2, C.A. 309  
*In re Native Lands Act, 1873 and In re Kotarepaia Block* (1884): N.Z.L.R. 3, S.C. 54  
*Matthews v. Paraone* (1889): 7 N.Z.L.R. 528  
*Poaka v. Ward & Smith* (1889): 8 N.Z.L.R. 338.