



Westland and Nelson Native Reserves Act 1887

1887

- Citation:** 51 V. No 29
- Date of Assent:** 23 December, 1887
- Commencement:** Date of Assent
- Repeal:** Repealed 1955, No 38
- Amendments:** 1895, No 55: See separate record.
1911, No 35: s11 amends s4.
1924, No 45: See separate record.
s19 repeals s22.
- Type of Legislation:** Public
- Subject:** Reserved Land
Leased Land
Mining
Public/Native/Maori Trustee
Public Works
- Relevant Sections:** s3: Leases of Native reserves in Westland and Nelson to be a uniform term of 21 years.
s4: Public Trustee to obtain valuation, prior to expiration of leases, of improvements made by lessee and sublessee.
ss5 - 6: Extensions of term of sub lease.
s8: New leases to be offered for competition.
s13: Sale of new leases not to apply to Arahura and Motueka reserves.
s14: Perpetual renewal permitted on readjustment of rent.
s16: Public Trustee to execute all leases.
s18: Reserves in mining districts subject to Mining Act 1886.
s19: Taking of Native land for mining to be a taking under Public Works Act 1882.
s20: Public Trustee to be treated with in such takings.
s21: Tenants entitled to claim public works compensation.
s22: Compensation for the freehold to be held by Public Trustee for Natives and invested in Government securities or first mortgages.
s24: Greymouth reserve to be managed by Public Trustee.
s25: With the Governor's consent, one Maori may exchange land with another.
- Commentary:** Provides for the management of the Westland and Nelson Native Reserves and follows a Royal Commission enquiry into the conditions and status of European leases of Maori Reserved Land.

Commentary and Cross Reference continued over page



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The purposes of the Act were to clarify the regulations for Greymouth Reserve leasing by dealing with the value of improvements and making leases renewable in perpetuity, to provide for the renewal of leases in Motueka, and to grant the power to bring Reserves under the Acts relating to mining districts so that access could be gained to rivers for sluicing, tailings etc. with any compensation to be paid into Trust. The Maori members protested strongly, especially against the provisions for perpetual leasing, which Pratt [Parata] said would mean Maori would never obtain possession of their ancestral lands again. The Act was passed to protect the leaseholders and the Government's view is evident in Hursthouse's statement that "It is to the interest of the Natives to have the reserves so managed that the tenants shall be able to cultivate more judiciously, and not be in perpetual terror that their leases will be terminated at the expiration of the term for which they had contracted." The Bill was hurried through the Assembly, which to Taipua was proof that Maori interests were being degraded. In order to get the Bill passed the Government compromised by providing for Native Assessors and so gained the conditional support of the Maori members. However, in the second Session of 1887 Parata presented petitions from Maori owners to have their lands returned to them at the end of the lease and that the consent of Maori should be obtained before any new leases were granted. Motueka Maori requested that land without improvements should be returned to them for cultivation as they did not have sufficient for their own needs.

- Cross Reference:** NZPD vol 57 (1887) 817 - 833, 859 - 860, 863, 881 - 883
 NZPD vol 59 (1887) 936 - 937, 950 - 951
 AJHR (1886) G - 4
 (*Native Reserves at Arahura, Greymouth, Nelson and Motueka*)
 AJHR (1887) Sess II I - 2 pp.5, 7, 12
 (*Native Affairs Committee*)
 Waitangi Tribunal *The Ngai Tahu Report* Wai 27
 (Brooker & Friend, Wellington, 1991) 135 - 141, 731 - 793.