



Native Land Act 1888

1888

- Citation:** 52 V. No 36
Date of Assent: 30 August, 1888
Commencement: Date of Assent
- Repeal:** Repealed 23 October, 1894 by 1894, No 43
Amendments: –
Type of Legislation: Public
Subject: Alienation of Maori Land
Mining
Public/Native/Maori Trustee
Maori Land Court: Structures & Jurisdiction
- Relevant Sections:**
- s2: "Native" includes half castes and their descendants.
"Land" excludes land held under Maori customs and usages.
 - s3: Repeals Native Land Administration Act 1886, saving for leases renewed on faith of s27 of the repealed Act.
 - s4: Natives may alienate and dispose of land or any share in land as they think fit subject to the provisions of the Native Lands Frauds Prevention Acts.
 - s5: Existing restrictions on alienation may be removed or declared void by the Governor on application by a majority in number of the Native owners. Provided that this shall not affect the validity or invalidity of acts done before the passing of this Act.
 - s6: Native lands in mining districts alienated after passing of this Act may be resumed by the Crown for mining purposes.
 - s7: Renewal of leases made under s27 of the Native Land Administration Act 1886.
 - s8: Act not applicable to land managed by Public Trustee.
- Commentary:** Repeals Native Land Administration Act 1886 and re-establishes free trade in Maori land. The Government said that this was necessary because Maori would not bring their lands under the 1886 Act and the Government did not have the money to buy sufficient land for settlement. The Act is supposed to work along with the safeguards of the Native Lands Frauds Prevention Acts, as specified in section 4, to prevent Maori alienating all their land. However, restrictions on alienation can now be removed on application by the majority in number of the owners. Carroll agrees that Maori should be able to sell their lands as they wish, but he warns against the removal of restrictions as "trustees" will now have power to sell

Commentary and Cross Reference continued over page



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tribal lands and will be converted into absolute owners. Parata said that South Island Maori only have 20 acres per head on average and so restrictions on alienation should not be removed. Taipua said that if the Government had Maori benefit at heart they would stop all land purchasing and only allow leasing. The Bill originally contained a contentious taxation clause which was dropped in favour of continuing rating under the Crown and Native Lands Rating Acts Repeal Act. Paora Tuhaere, Wiremu Pomare and Akuhata Hori Tupaea were allowed to speak in the Legislative Council and asked that the Native Bills be delayed so that Maori may become familiar with them. Note that the definition of a half-caste is wider than in previous Acts.

- Cross Reference:** NZPD vol 61 (1888) 668 - 697
 NZPD vol 62 (1888) 258 - 274
 NZPD vol 63 (1888) 12 - 14, 62 - 78, 209 - 234, 408 - 415, 446 - 454
 AJHR (1888) G - 7
 (*Native Views on Native Land Legislation*)
 Ward A A *Show of Justice*
 (AUP, Canberra, 1974) 298
- Reported Court Cases:
Robertson v. Wilson (1890): 9 N.Z.L.R. 579
In re Aotea Block No. 5 (1891) (s.5): 10 N.Z.L.R. 129
In re Love & Stevenson (1895) (s.5): 14 N.Z.L.R. 243
In re Heremia Taurewa (1893) (s.4): 12 N.Z.L.R. 293.