



## Native Land Laws Amendment Act 1890

1890

- Citation:** 54 V. No 32  
**Date of Assent:** 17 September, 1890  
**Commencement:** Date of Assent
- Repeal:** Repealed 23 October, 1894 by 1894, No 43  
**Amendments:** 1891, No 49: See separate record.  
s2 repeals part s5.
- Type of Legislation:** Public  
**Subject:** Maori Land Court: Structures & Jurisdiction  
Validation  
Alienation of Maori Land
- Relevant Sections:** s2: Jurisdiction of NLCt to grant probate of wills of Natives to be the same as the Supreme Court.  
s3: Amends s6 of Native Land Court Act 1886 Amendment Act 1888 by retrospectively deleting the requirement in that Act for all the beneficial owners to agree to the removal of alienation restrictions.  
s4: Voluntary arrangements in NLCt proceedings by Natives or by Natives and Europeans shall be put in writing before being given effect to by the Court.  
s5: Amends ss21 and 28 Native Land Court Acts Amendment Act 1889, 12 months instead of 6 months to make an application to the Commissioner, and in s28 proceedings to be stayed until after the end of the next session of Parliament after the decision of the Commissioners.  
Amends s22 Native Land Court Acts Amendment Act 1889, Governor in Council, not Commissioners, to make rules, provided that rules already made by Commissioners will remain in force until new ones issued.
- Commentary:** This minor amendment was originally a bill with far wider implications but the Native Affairs Committee amended it so as to leave only technical changes because there was insufficient time left at the end of the session for full consideration. The most important part of the bill is empowering the Native Land Court to grant probate of wills. Section 9 of the Land Transfer Act 1885 Amendment Act 1889 had given jurisdiction to grant probate of the wills of Maori to the Supreme Court and District Court and declared NLCt succession orders unnecessary notwithstanding the provisions of the Native

*Commentary and Cross Reference continued over page*



## Native Land Laws Amendment Act 1890 *continued*

Land Court Act 1886. During the Debates Parata (p.569) gives an example of a Native Land Court hearing at Kaiapoi which many people attended to get succession orders, not knowing that the Court no longer had that power because it was not announced in *Gazette* or *Kahiti* notices. Section 5 extends the time allowed for the Commissioners appointed to investigate uncompleted purchases. At that point, only 2 cases had been reported upon (AJHR (1891) H - 13, Tokomaru Block and Whangara Block). Note that section 3 retrospectively removes the requirement for all owners of land to agree to the removal of restrictions on alienation. A proposal by a majority of owners suffices.

**Cross Reference:** NZPD vol 69 (1890) 563 - 574, 700 - 711, 779 - 782, 840 - 844, 881 - 884  
 AJHR (1891) Sess II H - 13 pp.48 - 67  
 (*Papers Relating to the Appointment of W.B. Edwards*)

**Reported Court Cases:**

*In re Mangapai Block* (1891) (s.2): 10 N.Z.L.R. 321

*Mere Ngareta v. Davy* (1894) (s.2): 13 N.Z.L.R. 533

*Pohuku Hapuku v. Smith* (1892) (s.4): 12 N.Z.L.R. 155.