



## Native Land Purchases Act 1892

1892

- Citation:** 56 V No 35
- Date of Assent:** 8 October, 1892
- Commencement:** Date of Assent
- Repeal:** Repealed 24 December, 1909 by 1909, No 15
- Amendments:** 1893, No 41: See separate record.  
see s20.  
1894, No 36: s15 repeals ss3 - 10.  
1896, No 53: See separate record.  
s35 amends s20  
s36 repeals s22.  
1908, No 253: See separate record.  
s35 amends s19.
- Type of Legislation:** Public
- Subject:** Maori Land Court: Structures & Jurisdiction  
Alienation of Maori Land  
Public/Native/Maori Trustee  
Survey Issues
- Relevant Sections:** s2: "Native land" defined as land held by Natives which has had its title ascertained by the NLCT.  
ss3 - 9: Provisions for the borrowing of money by the Colonial Treasurer and issuing of debentures for the purchase of Native land.  
s10: Native lands may be paid for in cash or, with the sellers consent, by debentures. Provided that only officers appointed by the Governor may enter into negotiations for Native lands under this Act.  
s11: Costs of surveying Native land may be paid for in debentures.  
s12: Where a block of Native land has been purchased from more than 6 Natives collectively, half the purchase money to be deposited in the Public Trust Office as an endowment for vendors.  
Debentures so deposited to be inalienable.  
s13: Debentures are transferable and may be received as cash by the Public Trustee.  
s14: Restrictions on alienation of any Native land which have been imposed at any time may be wholly or partially removed by the Governor for the purposes of sale to the Crown only. Provisions of Native Land Act 1888 as to removal of restrictions shall not apply.  
s15: If the share of a Native under disability is worth less than £10 it may be sold to the Crown without the consent of a Judge.
- Relevant Sections and Commentary continued over page*



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*s16:* A Notice in the *Gazette* and *Kahiti* that the Crown is negotiating for Native land in the North Island shall prevent any other person from acquiring any interest in that land until notice withdrawn.

Notice to remain in force for two years after the date of publication.

*s17:* Upon a *Gazette* Notice being served on a District Land Registrar, a caveat shall be lodged on behalf of the Crown, and any deed alienating land specified in a Notice shall be invalid.

*s18:* From the date of a published Notice, the Crown shall have powers to act against trespassers and persons in unlawful occupation except the Native owners. Section not to apply to any interest lawfully acquired before the notice was published.

*s19:* Governor may authorise the sale of Crown land to Natives and may impose restrictions on further alienation.

*s20:* Annual accounts and reports to be furnished to Parliament.

*s21:* Repeals Government Native Land Purchases Act 1877 and Government Native Land Purchases Act Amendment Act 1878.

*s22:* Act to remain in force until 1 March, 1897.

**Commentary:** As part of the Liberal Government's policy of opening up the land to small settlers the Government planned to spend £50,000 per year on the purchase of Maori land and this Act re-establishes a Crown system for purchasing Maori land. In order to prevent Maori from disposing of all of the money from sales, payments are to be in the form of cash or debenture and half the purchase money is to be deposited as an "endowment in perpetuity" with the Public Trustee who would make an annual payment of interest. This would mean that a seller would receive four and half percent of the purchase price per year from the sale. The Government was accused of using this system to avoid actually having to pay out the money. The Maori members objected to this system saying that Maori do not know what a debenture means, and the fact that the Public Trustee has control of the purchase money will stop Maori selling land. The Government's determination to acquire land is evident in the wide power that is given to remove alienation restrictions on titles and in the Government's ability to re-assert the monopoly right of Crown pre-emption by Gazette Notice. Parata said that more care should be taken to protect the interest of minors in land but *s15* means protections are discarded for small interests. Taipua said: "From the way in which legislation is going

*Commentary and Cross Reference continued next page*



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with regard to Native lands it seems to me that before long some measure will be introduced by which any Native living on his land will be liable to be imprisoned."

For the financial year ended 31 March, 1894 £78,984 had been spent on the purchase of Maori land of which £2,000 was paid in debentures (AJHR 1894 G - 3).

**Cross Reference:** NZPD vol 77 (1892) 221 - 231

NZPD vol 78 (1892) 276 - 277, 295-303, 455 - 458

AJHR (1894) G - 3 p.12

*(Lands Purchased and Leased from Natives in North Island)*

Brooking T 'Busting Up' *The Greatest Estate of All: Liberal Maori Land Policy, 1891 - 1911* NZJH, 26 (April, 1992) 78 - 98

Reported Court Case:

*In re Piripiri Block* (1898) (ss.16, 17, 18): 17 N.Z.L.R. 101.