



Native Land Purchase and Acquisition Act 1893

1893

- Citation:** 57 V. No 41
Date of Assent: 6 October, 1893
Commencement: 1 January, 1894
- Repeal:** Repealed 19 November, 1907 by 1907, No 40
Amendments: –
Type of Legislation: Public
Subject: Alienation of Maori Land
Compulsory Acquis & Transfer of Control
Public/Native/Maori Trustee
Maori Land Court: Structures & Jurisdiction
Survey Issues
Public Works
- Relevant Sections:**
- s2: “Native Hereditaments” defined as land owned by Natives which has had its title determined by the NLCt.
“Native land” defined as land owned by Natives under their customs and usages.
“Majority in number” means two-thirds.
 - s3: Native Land Purchase Board constituted, consisting of the Surveyor-General, the Commissioner of Taxes, the Commissioner of Crown Lands, the Maori MP for the district, and a Maori Commissioner.
 - s4: Board to operate in areas of Native Territory as proclaimed by the Governor in Council.
 - s5: Crown may acquire Native hereditaments and Native land in proclaimed area.
 - s6: If Governor thinks it is in the interests of settlement that certain land be acquired, he may require Board to report upon the character of the land proposed to be acquired, its suitability for settlement and its value. No valuation to be made until it is ascertained that the Native owners will consent to their land being dealt with under this Act.
 - s7: Upon receipt of Board’s report, Governor may by notice require owners of Native hereditaments to elect within specified time whether to sell to the Crown or to consent to lands being leased under the Land Act 1892.
 - s8: Form and manner of election.

Relevant Sections continued over page



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s9: Decision to be binding on the whole of the owners if made by the owners of more than one-half of interests in the land or by the majority in number (two-thirds under s2) if the relative interests are not defined.

s10: If election made to sell the land to the Crown, Governor may declare the same to be vested in the Crown.

s11: If election made to lease the land, Governor may declare lands to be Crown land subject to trust for Native owners. The land may be leased provided that,

- (a) a portion of land equivalent to the costs of surveying and roading to be vested in the Crown absolutely,
- (b) rents to be distributed according to proportionate interest in the land.

After land has been leased the owners may still decide to sell the land to the Crown.

s12: Majority of owners may, before the time allowed for a decision, convey land to the Crown at value fixed by the Board, existing trusts or restrictions on alienation notwithstanding. Conveyance to be binding on all owners, including those under disability and those disagreeing with the sale.

s13: As to Native land, the Governor may direct the NLCt to ascertain title to the land proposed to be acquired following the procedures in the Native Land Court Act 1886 except that partitions shall only be made if the Governor so directs. All costs etc are to be paid by the Native owners and shall be a charge on the land.

s14: Native Pa, villages and cultivations may not be acquired.

s15: Before sale completed, Governor to ascertain that there will be sufficient land remaining for the maintenance of the Natives and if not to reserve out such an area. Sufficient land to mean at least:

- 25 acres 1st class land per head,
- 50 acres 2nd class land per head,
- 100 acres 3rd class land per head.

s16: If land has not been leased after 6 months the Crown may advance rents to the owners, this will be a charge on the land.

s17: Governor may direct that up to one-half of the purchase money may be held by the Public Trustee for the benefit of the Native owners.

s18: NLCt to determine relative rights to share in moneys held.

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s19: Moneys due to persons under disability to be paid to Public Trustee and invested by him.

s20: Incorporation of all provisions of Native Land Purchases Act 1892 except ss2, 10, 14 and 15 with modification of meaning of Native land.

s21: Any capital money payable to a Native may be paid by debentures issued under the Native Land Purchases Act 1892 if the Native person consents.

s22: If any European claims an interest in the land his consent is not necessary for the validity of the owners' decision, and an Order in Council may divest him of his interest, provided the Crown pays him its value.

s23: Orders in Council under this Act to be conclusive.

s24: Money due to people refusing to receive it to be paid into the Public Trust Office.

s25: Governor to have power to make public reserves and charitable reserves not exceeding 10% of land acquired.

s26: Majority of Native owners may apply to have the Proclamation withdrawn if they decide to neither sell nor lease through the Crown.

s27: Rent to be at least 5% of value, provided that no land shall be disposed of until evidence produced that the owners have sufficient other land for their maintenance.

s28: Land Transfer Act 1885 to apply to disposal of lands once they have reverted to the owners under s26. Provided that transactions commenced before the Proclamation was issued shall be valid.

s29: Six months to complete transactions commenced before issue of Proclamation.

s31: Execution of transfer by District Land Registrar to be valid as if executed by the Native owners.

s32: Owners in a block who do not agree to the land being dealt with under this Act may apply to have their interests partitioned, however this does not authorise them to deal with the land in any other manner.

s33: No land to be leased for a longer period than 21 years.

s34: Proclamations to have effect for three years.

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Commentary: The preamble refers to 7 million acres of land, mostly situated in the North Island, lying "waste and unproductive" and that in the interests of the Natives and for the extension of settlement it is necessary that the land be made available for disposal under the land laws of the colony. It also refers to the present legislation which fails to supply the rapidly increasing demand for land. The Minister of Lands, Mackenzie, said "Unless they [Maori] are prepared of their own accord to open up the land for settlement they must be prepared to hand it over to the Crown at a fair and reasonable value, for the purpose of being opened up for settlement". The Act establishes a Native Land Purchase Board (with Maori representatives in the minority) which can investigate the suitability of land and give a valuation of a fair purchase price. The Governor can place a Proclamation (which lapses after 3 years) over the area desired which prevents Maori selling or leasing privately. Maori are then given the option of selling land to the Crown or handing it over to be leased on their behalf. The Act is not compulsory and Maori can refuse to do either, however it only requires a majority of owners to accept. If the land is to be leased, the Crown can obtain a portion to pay for roading and surveys and the remainder becomes Crown land held in trust for Maori. The leases are to be under the Land Act 1892 which provides for a 999 year lease. If the land is to be sold payment can be made by debentures. Carroll supported the payment in debentures as a way of preventing impoverishment but was opposed to the 999 year lease. To facilitate the payment of income from the land the Governor can cause a Native Land Court investigation, the costs of which are to be charged to the owners of land (who did not ask for the investigation). Kapa said that petitions signed by 6200 Maori had been received protesting the Bill, and that the Land Act had not been translated so Maori could not understand how the land was to be dealt with. In regard to requests made by the Maori representatives he said "the Premier paid no attention to us, and seemed to treat us as if we had no stake in this country – as though we were aliens." Taipua says that if the Government was really wanting to help Maori they would be encouraging them to work the land themselves and said ironically "I wish to express my gratitude to the Government for having proposed to lease our lands for only 999 years, when they might make it even a thousand years; and this

Commentary and Cross Reference continued next page



is why I feel very grateful to those honourable gentlemen for the only concession which they have made to us". The Bill was passed through the Legislative Council in two days. However, in 1907 the Native Lands Commission reported that this Act "seems to have remained inoperative".

Cross Reference: NZPD vol 81 (1893) 511 - 544

NZPD vol 82 (1893) 941 - 957, 993 - 996

AJHR (1895) G - 1 pp.27 - 31
(*Pakeha and Maori*)

AJHR (1907) G - 1c p.4
(*Native Lands Commission*)

Burdon R *King Dick: A Biography of Richard John Seddon*
(Whitcombe and Tombs, Christchurch, 1955) chpt. 10.