



Native Townships Act 1895

1895

Citation: 59 V. No 12
Date of Assent: 30 August, 1895
Commencement: Date of Assent

Repeal: Repealed 1 January, 1911 by 1910, No 18

Amendments: 1898, No 28: Repeals s3(3).

1899, No 9: See separate record.

s2 amends s20

s4 amends s22.

1901, No 65: See separate record.

see s43.

1903, No 33: Allows deposited plan of township to be altered.

Type of Legislation: Public

Subject: Compulsory Acquis & Transfer of Control
Wahi Tapu & Non Tangible Resources
Maori Land Court: Structures & Jurisdiction
Survey Issues
Reserved Land
Leased Land
Public Works

Relevant Sections: *Preamble:* To promote settlement and open up interior of North Island, it is essential that townships be established in areas where Native title cannot presently be extinguished by Crown purchase.

s2: "Native land" means all land owned by Natives, whether it has passed through the NLCT or not.

s3: Governor may proclaim any parcel of Native land to be set aside as a site for a Native township, provided

- (1) area is not over 500 acres,
- (2) land leased by a tenant is not included, and
- (3) no two sites are within 10 miles of each other.

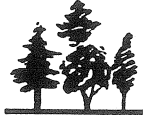
s4: (1) Land shall be subject to this Act on publication of a Proclamation,

(2) Chief Judge to decide questions of situation of land under Proclamation.

s5: (1) Land to be surveyed and laid off with streets, allotments and reserves,

(2) ss96 - 97 Public Works Act 1894 (as to surveys) incorporated into this Act.

Relevant Sections continued over page



Native Townships Act 1895 *continued*

s6: In every Native township, Native allotments are to be reserved for the use of the Native owners (but not more than 20% of township area). Native burial grounds [urupa] are to be included in these allotments.

s7: Native owners are to be consulted on the selection of Native allotments.

s8: Plan of township to be exhibited.

s9: Objections to reserves or Native allotments to be heard by Chief Judge.

s10: After 2 month period for alterations, the Surveyor-General to certify the plan is correct. If the title to the land has been determined the certificate is to operate as a partition order in favour of the Crown.

s11: Plan to be deposited with District Land Registrar.

s12: (1) All streets shall be deemed vested in the Crown,
 (2) all reserves (other than Native allotments) shall be vested in the Crown and dealt with under Public Reserves Act 1881,
 (3) Native allotments to be vested in the Crown in trust for the Native owners,
 (4) All other allotments to be vested in the Crown in trust for the Native owners according to their relative interests.

s13: Compensation shall be paid to any person having a lease, mortgage or charge over the land before the township was proclaimed.

s14: Lease of allotments other than Native allotments.

s15: Conditions of lease, term not to exceed 21 years.

s18: (1) Native Owner may sell his interests if it is subject to notification under *s16* Native Land Purchases Act 1892.

However may not sell allotment set aside under *s6*,

(2) compensation (*s13*) and survey costs to be deducted from purchase money,
 (3) Chief Judge to determine relative shares.

ss19 - 20: Rents to be paid into Public Account for division among owners after payment of survey and other costs.

s21: Natives to have free use of all baths and Thermal springs existing on any reserve in a township.

s22: Native Land Court to determine all questions.

s23: Proclamation may be amended.

Relevant Sections, Commentary and Cross Reference continued next page



s24: Local government of township to be decided by Governor in Council.

s25: Governor in Council may make regulations

Commentary: This Act was passed "*for the purpose of promoting the settlement and opening up of the interior of the North Island*" and allows the Government to establish townships without first acquiring the land from Maori and gives the Native Land Court jurisdiction over township land. Heke says that Maori would have been willing to let land be used for townships but that the Crown pre-emption land purchase system meant that the Government was not offering market value. This Act enables the Crown to compulsorily obtain control of land which Maori would not sell. No provision is made for the Government to pay for land taken for roads and public reserves. On the contrary, before Maori owners receive any income from the land derived from sales or leases, the costs of surveying and setting out the township are deducted from the money held in the township account, as well as any compensation paid by the Crown to remove any charges over the land. The requirement that the first claim on the rent should be to pay survey charges was amended in 1899 because, for the 4 years that the Act had been in operation, the Maori owners of Pipiriki had not yet received rents they had been promised. The Act was designed with places like the Upper Wanganui river in mind where the Government felt there should be adequate facilities for travellers and tourists.

Cross Reference: NZPD vol 87 (1895) 180 - 181, 409, 593 - 597

NZPD vol 88 (1895) 161 - 164

NZPD vol 108 (1899) 401 - 403, 593

NZPD vol 151 (1910) 271

AJHR (1895) G - 1 p.8

(Pakeha and Maori)

AJHR (1896) G - 1

(Regulations under the Native Townships Act)

AJHR (1907) G - 1b p.9

(Native Land Commission).