



## Native Reserves Act Amendment Act 1896

1896

**Citation:** 60 V. No 41  
**Date of Assent:** 16 October, 1896  
**Commencement:** Date of Assent

**Repeal:** Repealed 1 January, 1956 by 1955, No 38  
**Amendments:** 1906, No 51: See separate record.

s32 repeals ss5 - 10.

1908, No 218: Repeals s32 of the Maori Land Claims Adjustment and Laws Amendment Act 1906 relating to Taupo No 2 Block. Sections 5 - 10 of the Native Reserves Act Amendment Act 1896 which had been repealed by that section are revived and deemed to have remained continuously in force.

**Type of Legislation:** Public

**Subject:** Reserved Land

Maori Land Court: Structures & Jurisdiction

Public/Native/Maori Trustee

Wahi Tapu & Non Tangible Resources

Survey Issues

**Relevant Sections:** *Reserved "tenths"*

s2: All lands described in the First Schedule (Reserved "tenths") to be vested in the Public Trustee.

s3: Three quarters of the money which was in the hands of the Public Trustee on 31 March, 1896 as accumulated rents and proceeds of the reserved lands, shall be distributed among the beneficiaries. Remaining quarter to be held by the Public Trustee as a relief fund for the poor. Appeals to the Governor against the way the funds are distributed may be heard by the Chief Judge whose decision will be binding on Public Trustee.

s4: Proceeds received after 31 March, 1896 to be distributed as follows:- Up to half distributed among beneficiaries, residue applied as Public Trustee thinks fit towards the physical, social, moral and pecuniary benefit of the Natives.

### *General*

s12: Amends s3 Native Reserves Act Amendment Act 1895, orders made before the 1895 Act by the NLCT deemed not give the owners the right to dispose of land.

s13: Court to have jurisdiction to determine the relative interests of Native reserve owners on application from Public Trustee.

*Relevant Sections, Commentary and Cross Reference continued over page*



**Native Reserves Act Amendment Act 1896** *continued*

**s14:** Surveyor-General may apply to NLCt for an order for payment of survey charges on Native reserves under s65 Native Land Court Act 1894. Such charge to be first claim on the rents.

**s15:** Authority for money to be paid to person other than Public Trustee shall be void except as under s9 Native Reserves Act Amendment Act 1895.

**Commentary:** In regard to the New Zealand Company Wellington "tenths", the Public Trustee had not been distributing rents received because, according to the Debates, he interpreted the trust as being for the benefit of future generations and he would therefore not distribute to the present generation. This Act provides for three-quarters of the accumulated rents to be distributed to the owners, with one-quarter to be retained for general Maori purposes. In line with the Native Land Laws Amendment Act 1896, the Surveyor-General's powers to recover survey charges are extended by applying s65 Native Land Court Act 1894 to Native reserves.

**Cross Reference:** NZPD vol 96 (1896) 436 - 439, 597 - 598, 666 - 667

AJHR (1896) I - 3 p.20  
(Native Affairs Committee)

Reported Court Cases:

*Public Trustee v. Registrar-General of Lands* (1899) (s.11): 17 N.Z.L.R. 577,  
1 G.L.R. 235

*Hohepa Wi Neera v. Bishop of Wellington* (1902): 21 N.Z.L.R. 655,  
5 G.L.R. 349

*Public Trustee v. Palmer* (1908) (ss.5 - 10): 10 G.L.R. 452

*In re Purakau Block* (1897) (s.12): 16 N.Z.L.R. 507.