



Native Trusts and Claims Definition and Registration Act 1893

1893

Citation: 57 V. No 22
Date of Assent: 19 September, 1893
Commencement: Date of Assent

Repeal: Repealed 24 December, 1909 by 1909, No 15
Amendments: 1894, No 45: See separate record.
s10 amends s2.

Type of Legislation: Public

Subject: Equitable Owners
Validation

Maori Land Court: Structures & Jurisdiction
Gifts/Alienations for Schools, Churches etc
Reserved Land

Relevant Sections:

s2: Sections 2 - 5 Native Equitable Owners Act 1886 applied to Whakatane Grants lands in the Bay of Plenty District to enable beneficiaries excluded from the title when trustees were placed in the position of absolute owners to become certificated owners of the lands.

s3: Effect of order under ss2 - 5 Native Equitable Owners Act 1886 will be to vest the land in the beneficiaries as tenants in common. Certificate of Title to issue and any previous Crown Grant to be void.

s4: If land is leased the terms of the lease shall continue and the rents will be paid proportionately to those named in the Certificate of Title.

s5: Any partition etc, voluntary or otherwise, to satisfy defects or omissions made in respect of the Oruanui block at Taupo or the Opanake block at Kaipara which satisfies the NLCT shall be valid.

s6: NLCT may exercise jurisdiction in South Island and Stewart Island for the purpose of ascertaining the ownership of Native reserves but the Court must give effect to the original intention for which the lands were reserved.

s7: Land may be held in trust for religious, educational and other purposes if a majority of Native owners give their consent. Land to be inalienable unless Judge is satisfied that it is no longer needed for that purpose.

Commentary: Section 2 relates to land granted by the Crown in the Whakatane Grants Validation Act 1878. The lands had been leased but because the land had not been investigated by the Native Land Court the

Commentary and Cross Reference continued over page



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continued

named owners (trustees) were not able to divide the rents amongst the beneficiaries. Regarding the clauses relating to the South Island, Parata said that in some cases the Maori had been waiting 20 years to obtain their titles. The Court had subdivided land under the Equitable Owners Act 1886 but titles had not been able to issue because the land had been granted to Maori out of the Ngai Tahu purchase, rather than land "held under Native custom and usage", so the Court did not have jurisdiction over it.

Cross Reference: NZPD vol 80 (1893) 340 - 342
NZPD vol 81 (1893) 341.