



Native Lands Frauds Prevention Act 1870

- Citation:** 33 & 34 V. No 75.
- Date of Assent:** 12 September, 1870
- Commencement:** Date of Assent
- Repeal:** Repealed 1881, No 17
- Amendments:** **1873, No 44:** The term "alienation" in the original Act to include charges, liens and other dispositions of land. No judgment to be registered in Register Office unless certified by a Commissioner.
- Type of Legislation:** Public
- Subject:** Govt Admin Specific to Maori/Maori Land
Alienation of Maori Land
- Relevant Sections:** *Preamble:* purpose of Act to prevent frauds and abuses in connection with the alienation of Land by Native Proprietors.
s4: No alienation to be valid if "contrary to equity and good conscience", in contravention of trusts, or paid for in part by sale of liquor or arms.
s5: Trust Commissioner to enquire into nature of alienation.
s6: Satisfaction of Commissioner to be indorsed on deed of sale.
- Commentary:** This Act particularly concerns the administration of lands where ten owners were named on the Certificate of Title as trustees for all the owners. Its aim is to prevent the named trustees from alienating the land and appropriating the money without the knowledge or consent of all owners. All dealings with the land had to be approved by a Commissioner to prevent against land being alienated unfairly and in violation of the trust. The Commissioners appointed were part time positions and it proved impossible to adequately investigate every transaction.
- Cross Reference:** NZPD vol 9 (1870) 359 - 366
AJHR (1871) A - 2a (*Memorandum by Sir William Martin*),
G - 7 (*Native Lands Fraud Prevention Act*)
AJHR (1877) G - 6
(*Native Lands Fraud Prevention Act*)
AJHR (1891) Sess II G - 1a pp.11 - 12
(*Mackay's Unfinished Report Relating to Native Land Laws*)
Ward A A *Show of Justice* (AUP, Canberra, 1974) 252.