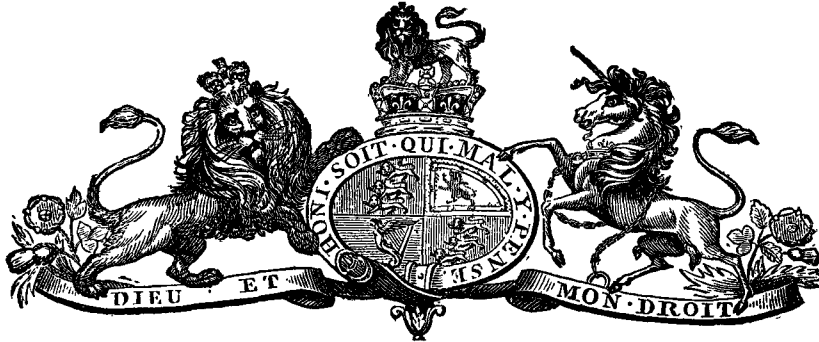


NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. LXXV.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Governor in Council may proclaim districts.
3. The Governor may appoint Trust Commissioners.
4. No alienation to be valid without consent of Commissioner.
5. Trust Commissioner to inquire into nature of alienation.
6. Trust Commissioner to indorse on deed certificate of satisfaction.</p> | <p>7. Appeal to be as provided by rules.
8. Supreme Court may make order.
9. Governor and Judge of Supreme Court may make rules.
10. Governor may appoint Barrister of Supreme Court to act.
11. Equitable jurisdiction of Supreme Court not interfered with.
12. False evidence perjury.
13. Governor in Council may make regulations for guidance of Commissioners.
14. Governor may fix fees.</p> |
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AN ACT to prevent Improvident Dealings and Frauds upon the Alienation of Land held by Natives.

[12th September 1870.]

WHEREAS there is reason to believe that frauds and abuses are practised in connection with the alienation of land by Native proprietors and that lands held by them upon trusts have been improperly disposed of and dealt with and it is expedient to prevent as far as possible the practice of such frauds and abuses

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be “The Native Lands Frauds Prevention Act 1870.”

2. The Governor in Council may by Proclamation in that behalf from time to time define districts to be called Native Trust Districts and bring the same under the operation of this Act and may at any time and from time to time thereafter alter the boundaries of such districts or withdraw any district or any part of any district from the operation of this Act.

Native Lands Frauds Prevention.

The Governor may appoint Trust Commissioners.

3. The Governor may from time to time by warrant under his hand appoint any person to be a Trust Commissioner for any district or for more than one district created under the provisions of this Act and may from time to time revoke or alter any such appointment.

No alienation to be valid without consent of Commissioner.

4. No alienation whether absolute or limited and whether in fee-simple or for any less estate of land held by any Native or Natives under title derived from the Crown or under any Act of the General Assembly and whether or not subject to any trust and whether such trust be expressed or implied shall be valid if such alienation shall be contrary to equity and good conscience and in the case of land held under any trust if the same shall be in contravention of the trusts affecting the said land or is not made in conformity with such trusts or if the consideration for such alienation either in whole or in part arises out of or is founded either directly or indirectly upon any contract for or in relation to the sale or supply of spirituous or fermented liquors or of arms or other warlike implements or stores or is in any way of an illegal nature and every deed intended to effect any alienation contrary to the provisions of this Act shall be null and void to all intents and purposes whatsoever.

Trust Commissioner to inquire into nature of alienation.

5. It shall be the duty of the Trust Commissioner to ascertain as far as possible the circumstances attending every such alienation and especially to inquire whether the same is valid within the intent and meaning of the last clause and whether the parties to the transaction understand the effect thereof and also as to the nature of the consideration intended to be paid or given upon such alienation and to satisfy himself that the consideration purporting to be paid or given is or has been actually paid or given and that sufficient land is left for the support of the Natives interested in such alienation and for that purpose a Trust Commissioner shall have all the powers which by "The Commissioners Powers Act 1867" are given to a Commissioner appointed by such Act.

Trust Commissioner to indorse on deed certificate of satisfaction.

6. If the Trust Commissioner shall be satisfied with the result of such inquiries he shall indorse on the principal or only instrument a certificate under his hand to that effect in such form as shall be from time to time prescribed by the Governor in Council and no such instrument shall be registered in any Registry of Land or Deeds or be received as evidence in any Court of Law or Equity without such certificate indorsed.

Appeal to be as provided by rules.

7. Any person aggrieved by any act of the Trust Commissioner in relation to the giving or withholding such certificate may appeal to the Supreme Court against the decision of the Trust Commissioner and such appeal shall be made within such time and in such form and with such provisions as to notice of appeal and as to the effect of such notice and shall be heard and determined in such manner as shall be fixed and provided in that behalf in the rules of procedure hereinafter directed to be made.

Supreme Court may make order.

8. If upon the hearing of such appeal the Supreme Court shall be of opinion that the approval of the Trust Commissioner ought to have been withheld or have been given as the case may be the said Court may by order prohibit or authorize the proposed alienation as the case may require and such order shall have the same force and effect as a refusal or consent as the case may be by the Trust Commissioner.

Governor and Judge of Supreme Court may make rules.

9. The Governor in Council may with the approval of a Judge of the Supreme Court make and from time to time alter revoke or amend such rules of practice and procedure for regulating proceedings under this Act as to him shall seem fit and such rules when published in the *New Zealand Gazette* shall have the force of law.

Native Lands Frauds Prevention.

10. The Governor in Council may with the approval of a Judge of the Supreme Court appoint any person being a barrister of the Supreme Court to hold office during pleasure to exercise the jurisdiction of the Supreme Court in matters within the provisions of this Act for any district or districts created under the provisions of this Act and such person when so appointed shall for the purposes of this Act have all the power and authority of a Judge of the Supreme Court.

Governor may appoint Barrister of Supreme Court to act.

11. Nothing in this Act contained shall limit or interfere with the power of the Supreme Court in its equitable jurisdiction to avoid or set aside any transaction coming within the provisions of this Act on the ground of fraud or to make such order therein as to the said Court may appear just subject nevertheless to the rights and interests of any *bona fide* purchaser for valuable consideration and without notice.

Equitable jurisdiction of Supreme Court not interfered with.

12. Every person wilfully and corruptly giving false evidence upon oath before any such Trust Commissioner shall be guilty of perjury.

False evidence perjury.

13. The Governor in Council may from time to time make regulations for the guidance of Trust Commissioners to be appointed under the provisions of this Act in the performance of their duties and such regulations may from time to time alter vary amend or repeal and such regulations shall be published in the *New Zealand Gazette*.

Governor in Council may make regulations for guidance of Commissioners.

14. The Governor in Council may by order in that behalf fix fees to be paid in respect of any proceedings before the Trust Commissioners under the provisions of this Act and such fees shall be demandable and payable accordingly.

Governor may fix fees.

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBURY, Government Printer.