



Native Lands Frauds Prevention Act 1881

- Citation:** 45 V. No 17
- Date of Assent:** 23 September, 1881
- Commencement:** Date of Assent
- Repeal:** Repealed 1894, No 43
- Amendments:** 1882, No 27: Amends s2.
 1883, No 20: Incorporates ss7 - 10 of the Native Lands Laws Amendment Act 1883 into this Act.
 1886, No 23: See separate record.
 s46 amends s2, Act not to apply to any alienation under 1886, No 23.
 1888, No 38: See separate record.
 s4 repeals ss6 and 15
 s9 repeals ss18 and 19
 s10 amends s8.
 1895, No 52: See separate record.
 s16 powers of Trust Commissioners continued.
- Type of Legislation:** Public
- Subject:** Alienation of Maori Land
- Relevant Sections:** s5: Alienations of Maori land to be invalid when contrary to equity and good conscience, when the alienation is in contravention of the trusts to which the land is subject or if the payment involved the gifting of alcohol or arms.
 s6: Trust Commissioner to inquire into circumstances surrounding every alienation and ascertain whether s5 is applicable. Also to ensure that Native sellers have sufficient land left for their occupation and support.
 s7: Native Assessor may be consulted.
 s9: Trust Commissioner may summon witnesses.
 s18: Trust Commissioner, if satisfied, shall submit certificate.
 No judgment to be registered without an Order in Council.
- Commentary:** Major Te Wheoro suggested that Maori should assist the Commissioner in his investigations. Section 18 provides that no judgment approved of by the Commissioner can be put into action without the consent of the Governor in Council which means that the Government can still exercise control over alienation. The requirement to "inquire into the circumstances attending every alienation" (s6) was, not surprisingly, impossible in practice.

Cross Reference continued next page



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- Cross Reference:** NZPD vol 37 (1880) 59
NZPD vol 38 (1881) 174 - 176, 390
AJHR (1886) G - 11, G - 11a
(Report on Removal of Restrictions on Sale of Native Lands)
Gazette (1882) vol 1 258
Ward A A *Show of Justice* (AUP, Canberra, 1974) 252.