



Native Land Frauds Prevention Acts Amendment Act 1889

- Citation:** 53 V. No 31
Date of Assent: 16 September, 1889
Commencement: Date of Assent
- Repeal:** Repealed 23 October, 1894 by 1894, No 43
Amendments: 1889, No 32: See s32.
 Deals with lands under the Thermal Springs Districts Act 1881.
- Type of Legislation:** Public
Subject: Alienation of Maori Land
- Relevant Sections:**
- s2: Amends s3(b) of Native Land Frauds Prevention Act 1881 Amendment Act 1888, deed to be explained by a licensed interpreter.
 - s3: Amends s5 Native Land Frauds Prevention Act 1881 Amendment Act 1888, prohibition against dealing with land having more than 20 owners shall not apply to land owned by Natives under title issued before the passing of the 1888 Amendment where the land is less than 5000 acres, or the deal was commenced before the passing of the 1888 Amendment.
 - s4: A Trust Commissioner may use evidence taken before another Trust Commissioner.
 - s5: Trust Commissioner to inquire, as far as possible, into circumstances of every alienation, including the amount paid and verifying that it has been paid.
 - s6: Reasons for refusal of confirmation to be indorsed on the deed.
 - s7: Amends s4 Native Land Frauds Prevention Act 1881 Amendment Act 1888, Trust Commissioner to be satisfied that the alienation is not invalid according to any law in force at the time rather than according to the Native Land Frauds Prevention Act 1881 Amendment Act 1888.
 - s8: Trust Commissioner may call in the assistance of an Assessor.
- Commentary:** Section 3 removes the requirement to subdivide if there are more than 20 owners in a block of land which does not exceed 5000 acres. This was because enforced subdivision of smaller blocks led to fragmentation with many owners left with tiny holdings. It also allows for transactions commenced before the Native Land Frauds Prevention Act 1881 Amendment Act 1888 and concerning blocks with more than 20 owners to be confirmed by the Trust Commissioner. According to the Government this had been their intention in 1888, but the wording of that amendment had included

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past transactions. These exceptions from the 1888 prohibition of dealing with land with more than 20 owners are only to apply to land which has had its title ascertained (or has been partitioned) prior to the 1888 amendment. [After 1888 all titles were only to include 20 owners, see Native Land Court Act 1886 Amendment Act 1888]. For the first time the Trust Commissioners are required to look at the price (and whether it has been paid) in the course of inquiries into transactions.

Cross Reference: NZPD vol 65 (1889) 380 - 381

NZPD vol 66 (1889) 261 - 265

AJHR (1891) Sess II G - 1a p.17

(Mackay's Unfinished Report Relating to Native Land Laws)

Reported Court Cases:

In re a Lease, Whakarare to Williams (1894) (s.3): 12 N.Z.L.R. 494

Blythe v. Preece (1890) (s.6): 9 N.Z.L.R. 265.