

*Hon. Mr. Mitchelson.*

NATIVE LANDS FRAUDS PREVENTION ACT 1881 AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Native Lands Frauds Prevention Act, 1881." Title.

BE IT 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 is "The Native Lands Frauds Prevention Act 1881 Amendment Act, 1888," and this Act shall be read and construed as part of "The Native Land Frauds Prevention Act, 1881" (hereinafter called "the said Act"). Short Title.

2. In this and the said Act,—  
 "Native land" and "land" in the said Act, and "land" in the first four clauses of this Act include all land held by Natives under any title, except land held by Natives under their customs or usages, the title whereto has not been determined by the Native Land Court; and "Native land" in the remaining clauses of this Act include only land held by Natives under their customs or usages, the title whereto has not been determined by the said Court. Interpretation.

3. A deed executed by a Native shall have no effect as a conveyance or lease by such Native of land, or of any estate therein, to a person not a Native unless— How deeds executed by Natives are to be verified.

*Struck out.*

(a.) A statement in the Maori language of its effect be indorsed thereon and signed by a licensed interpreter;  
 (b.) The effect thereof be explained to such Native by a licensed interpreter before execution thereof by such Native;

- (c.) The execution thereof be made in the presence of a Judge, Resident Magistrate, or Trust Commissioner, or in the presence of two witnesses, of whom one shall be a solicitor of the Supreme Court not concerned in the transaction, or a Justice of the Peace, and the other a male adult ;
- (d.) There be upon the deed a plan of the land the subject thereof :

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*New Subsections.*

- (a.) A statement in the Maori language of the effect of such deed, certified as correct by a licensed interpreter, shall, before the document is signed by any Native, be indorsed on or form part of the document ;
- (b.) The effect of such statement shall be explained to each Native before signing the same ;
- (c.) The signature of each Native shall be attested by at least two witnesses, one of whom shall be a Judge or a Justice of the Peace, or a solicitor of the Supreme Court, and the other a male adult, and none of whom shall be concerned in the transaction ;
- (d.) There shall be a plan of the land delineated on the document before it shall be signed by any Native :

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Exception as to half-castes.

Provided that a deed executed by a half-caste shall, as to such execution, only require to be executed with the formalities required by law in the case of a deed executed by a European, where, by a memorandum indorsed on such deed, it is certified by a Justice of the Peace that such half-caste has a knowledge of the English language sufficient to enable him to understand such deed.

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Duties of Trust Commissioner.

4. Clauses *six and fifteen* of the said Act *is are* hereby repealed, and in lieu thereof it is hereby enacted :—

~~If~~, *Every Trust Commissioner shall hold a Court open to the public for the purpose of investigating cases that may be brought before him in accordance with the said Act and this Act, and with any rules made thereunder, and if, upon due inquiry, the Trust Commissioner is satisfied that the alienation is not invalid according to the true intent and meaning of the said Act and of this Act, that the consideration purporting to be paid or given has been paid or given, that the Natives interested in the land the subject of alienation have sufficient land left for their occupation or support, and that the instrument purporting to give effect to such alienation is executed with the formalities required by this Act he shall indorse on the principal or only instrument a certificate under his hand to that effect.*

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No deed or other instrument of alienation shall be registered in any registry of deeds or land, or lodged with a Native Land Court Registrar, without such indorsement.

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PROHIBITED DEALINGS WITH NATIVE LAND.

5. It shall not be lawful for any person to negotiate, either on his own behalf or as agent or trustee for any other person, for the purchase, conveyance, transfer, lease, exchange, or occupation of any Native land, or for any estate, right, title, or interest

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Dealings with Native land prohibited until ownership ascertained.

therein, or agency or authority to deal therewith or in relation thereto, until forty days after the title to such land shall have been, within the definition of clause four of "The Native Land Court Act, 1886," first "ascertained."

5     6. Forthwith upon the title to any Native land being ascertained as aforesaid, it shall be a duty of the Chief Judge to cause notice to be given in the *Gazette* setting out that the title has been so ascertained, together with the name by which the land is known, and the day when dealings with such land will cease to be prohibited under the provisions of this Act. Notice to be given when ownership has been ascertained.

10     7. Any person who, on his own behalf or as agent or trustee for any other person, shall hereafter and before the day to be so fixed as aforesaid take or accept any conveyance, lease, transfer, gift, or other assurance from any Native, whether to himself solely or to himself and others, of any such land, or be a party to any negotiation, agreement, contract, or promise for the making to him, or to him and others, or to any other person, of any such conveyance, lease, transfer, gift, or other assurance, or for the making or giving of any such agency or authority, shall forfeit and pay a penalty not exceeding *five hundred* Penalty for entering upon prohibited dealings.

20     Every such conveyance, lease, transfer, gift, and other assurance, agreement, contract, promise, agency, and authority shall, except as hereinafter provided, be illegal and void : Prohibited transactions illegal and void.

25     Provided that no person shall be convicted of any offence aforesaid except on the information or complaint of some person duly authorised in that behalf by the Governor, either generally or in respect of some particular case. Prosecutions only with prescribed sanction.

30     8. Nothing contained in clauses five, six, or seven of this Act shall affect the validity of any conveyance, lease, transfer, gift, or other assurance after registration under any Act relating to the registration of deeds or land, but this provision shall not abate the liability of any person to any pecuniary penalty. Deeds not to be impeached after registration.

35     9. Nothing in this or the said Act shall affect or apply to the Crown, or to any person acting for or on behalf of the Crown under the authority of a Minister of the Crown. Rights of the Crown not to be prejudiced.