

*Native Districts Regulation.*

And I [or we], the said Justice [or Justices, as the case may be,] do hereby authorize and require you, the said keeper, to receive the said C.D. into your custody, and him safely to keep in your said gaol until he shall duly pay the said sum of \_\_\_\_\_ or be discharged according to law [or if it be so adjudicated insert, instead of what follows the word gaol, the words for the period of six months, unless he shall sooner pay the said sum of \_\_\_\_\_].

Given under \_\_\_\_\_ hand this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_

## FORM OF COMMITMENT TO HARD LABOUR.

To A.B., and to the Keeper of the Gaol at \_\_\_\_\_  
 } C.D. having been this day duly convicted before me [or us, as the case may  
 to wit. } be,] the undersigned, one [or two] of Her Majesty's Justices of the Peace  
 in and for the \_\_\_\_\_ of \_\_\_\_\_, upon the information of A.B., an officer of Customs  
 under the direction of the Commissioner of Customs, of having [Here state the offence  
 generally and date thereof] I [or we, as the case may be,] did adjudge that the said C.D.  
 should, for his said offence [if previously convicted say he having been previously  
 convicted] be imprisoned in the gaol at \_\_\_\_\_, and be there kept to hard labour for the  
 period of \_\_\_\_\_ months.

These are to command you forthwith to convey the said C.D. to the said gaol at \_\_\_\_\_, and to deliver him to the said keeper thereof, and I [or we] the said Justice [or Justices, as the case may be,] do hereby authorize and require you the said keeper to receive and take the said C.D. into your custody, and him safely to keep to hard labour in your said gaol for the period of \_\_\_\_\_ months.

Given under \_\_\_\_\_ hand, at \_\_\_\_\_ of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_

Sess. I., No. 3.

## TENTH SCHEDULE.

An Ordinance to repeal within the said Colony of New Zealand an Act of the Governor and Council of New South Wales, passed in the third year of Her present Majesty's reign, intituled "*An Act to repeal an Act relating to the Revenue of Customs in New South Wales, and to provide for the general regulation thereof;*" and also a certain other Act of the said Governor and Council of New South Wales, passed in the fourth year of the reign of Her said present Majesty Queen Victoria, intituled "*An Act for increasing the Duties on Spirits, Wine, and other Goods and Merchandise imported in the Colony of New South Wales and its dependencies;*" and which said Acts of the Governor and Council of New South Wales were adopted and are now in force within the said Colony of New Zealand and its dependencies, and to make provision for the Collection of certain Duties on Goods Imported into and for the General Regulation of the Revenue of Customs in the Colony of New Zealand and its dependencies.

Sess. III., No. 6.

An Ordinance to amend an Ordinance enacted by the Governor and Council of New Zealand, Session I., No. 3, to repeal certain Acts of the Governor and Council of New South Wales, to make provision for the Collection of certain Duties on Goods Imported into and for the General Regulation of the Revenue of Customs in the Colony of New Zealand and its dependencies.

Sess. VII., No. 6.

An Ordinance to authorize the importation of Wine Duty Free for Military and Naval Officers serving in the Colony of New Zealand.

Sess. VII., No. 8.

An Ordinance to amend "*The Customs Ordinance,*" Session I., No. 3, and "*The Customs Amendment Ordinance,*" Session III., No. 6.

## No. XLI.

NATIVE DISTRICTS  
REGULATION.

AN ACT to regulate the Local Affairs of Native Districts. [4th August, 1858.]

Preamble.

WHEREAS it is expedient, in order to promote the civilization of the Native race, that the Governor in Council be enabled to make and put in force, within districts over which the Native title has not been extinguished, such regulations on matters of local concernment or relating to the social economy of the Native race as may appear adapted to the special wants of the inhabitants, all such regulations being made, as far as possible, with the general assent of the persons affected thereby :

BE

*Native Districts Regulation.*

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

1. It shall be lawful for the Governor in Council from time to time to appoint districts for the purposes of this Act, being districts over which the Native title shall not for the time being have been extinguished, and any such appointment to vary or revoke. Governor in Council may appoint districts for the purposes of this Act.
2. It shall be lawful for the Governor in Council from time to time to make and put in force within any such district, regulations respecting all or any of the matters following, that is to say,—
  - (1.) For the prevention of cattle trespass and of the wandering of cattle at large, and for defining and describing the rights duties and liabilities in relation to damage done by cattle trespass, and otherwise in relation thereto, of all owners and occupiers of land, persons owning or having charge of cattle, and other persons. Governor in Council may make regulations in Native districts for the following purposes:—  
Cattle trespass.
  - (2.) For the erection maintenance and regulation of public pounds, and for regulating the impounding of cattle and the levying of pound fees and of other fees and charges in connection with the impounding of cattle. Public pounds.
  - (3.) For the erection and maintenance of party and other boundary fences (including fences between lands over which the Native title has and adjacent lands over which it has not been extinguished), and for defining and prescribing the rights duties and liabilities of all owners and occupiers of land and other persons, in relation to such erection and maintenance, and to the cost thereof, and otherwise in relation thereto. Boundary fences.
  - (4.) For the branding or marking of cattle in order to the proof of the ownership thereof, and for the prevention of fraud in relation to the branding or marking of cattle, and for the prevention of larceny of cattle, or of the flesh hides or skins thereof. Cattle branding.
  - (5.) For the prevention of contagious and infectious diseases amongst cattle, and for prohibiting or restricting the introduction or removal from place to place of infected cattle, and enforcing the cure cleansing or destruction of infected cattle. Prevention of scab &c.
  - (6.) For preventing the growth and spread of thistles and other noxious weeds. Against spread of thistles.
  - (7.) For ascertaining prescribing and providing for the observance and enforcement of the rights duties and liabilities, amongst themselves, of tribes communities or individuals of the Native race, in relation to the use occupation and receipt of the profits of lands and hereditaments. Enforcement of Native rights.
  - (8.) For the prevention of bush and other fires and the restraint of persons firing bush scrub grass rubbish or other material to the danger of life or property. Prevention of fires.
  - (9.) For the suppression of the nuisance of dogs wandering at large, and for defining and prescribing the rights duties and liabilities of the owners of dogs and of all other persons in relation to dogs wandering at large. Dogs.
  - (10.) For enforcing the cleansing of houses and other buildings in a dirty and unwholesome state. Cleansing houses.
  - (11.) For the suppression of common nuisances. Nuisances
  - (12.) For providing for the health and personal convenience of the inhabitants of any Native village pa or assemblage of houses. Health.

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- Public property. (13.) For the protection of public property and the common property of tribes or communities.
- Drunkenness. (14.) For the prevention of drunkenness.
- Sale &c. of spirituous and other liquors. (15.) For the sale removal and disposal of spirituous and fermented liquors, and for the restriction or prohibition of such sale removal and disposal.
- Native customs. (16.) For the suppression of injurious Native customs, and for the substitution of remedies and punishments for injuries in cases in which compensation is now sought by means of such customs.

And all such regulations shall have the force of law within such districts, and may be varied or revoked from time to time by the Governor in Council; and, as respects the erection and maintenance of fences between lands over which the Native title has and adjacent lands over which it has not been extinguished, all such regulations shall be binding upon all owners and occupiers of such adjoining lands.

Penalties for breach of regulations.

3. It shall be lawful by any such regulation to impose penalties, not exceeding fifty pounds, for the breach or non-observance of any such regulation.

Penalties may be enforced under Summary Proceedings Ordinance.

4. Payment of all penalties imposed by or by virtue of any such regulation may be recovered and enforced by Justices of the Peace specially authorized by the Governor in that behalf, in a summary way, either within or without the limits of the districts within which such penalties may have been incurred, in the mode prescribed by the laws for the time being in force for regulating summary proceedings before Justices of the Peace.

Regulations to supersede laws of Provincial Councils.

5. All such regulations shall control and supersede or preclude the operation of all laws or ordinances in any wise repugnant thereto or inconsistent therewith, which, before or after the date thereof, may have been or may be made or ordained by any Legislative Body within the Colony, other than the General Assembly, or by any Superintendent and Provincial Council.

Regulations to be with general assent of Native population of districts affected.

6. All such regulations shall be made as far as possible with the general assent of the Native population affected thereby, to be ascertained in such manner as the Governor may deem fitting: Provided that the issue of any Order in Council under this Act shall be conclusive proof of such general assent to any regulation thereby made.

Time when Orders in Council shall come into operation.

7. No Order in Council for any of the purposes aforesaid shall come into operation until at least fourteen days after the same shall have been published in the *Maori Messenger* in English and Maori.

Copies of Orders in Council to be laid before General Assembly.

8. A copy of every Order in Council made under this Act shall be laid before both Houses of the General Assembly immediately upon the issue thereof, if the General Assembly be then in Session, otherwise, within ten days from the commencement of the Session next following the issue thereof.

Regulations to cease over lands when Native title extinguished.

9. On the notification in the *New Zealand Gazette* of the extinction of Native title over lands within any such district, all regulations made under this Act shall thereupon cease to be in force within the boundary of such lands, nevertheless without prejudice to the enforcement of any penalty incurred or to the completion of any proceeding commenced under any such regulation prior to such notification.

Certain lands granted by the Crown to be deemed Native for the purposes of this Act.

10. Lands granted by the Crown to any person of the Native race, or to any person or body politic in trust for religious educational or charitable purposes, or in respect of any purchase made prior to the proclamation of the Queen's sovereignty, or specially granted as homesteads

*Native Circuit Courts.*

homesteads to persons of European race domiciled in Native districts, shall, where the same respectively abut upon lands over which the Native title has not been extinguished, be deemed for the purposes of this Act to be lands over which the Native title has not been extinguished, and may accordingly be included within any such district as aforesaid.

11. Half-castes and other persons of mixed race living as members of any Native tribe, and all aboriginal natives of any of the islands of the Pacific Ocean, shall for the purposes of this Act be deemed to be persons of the Native race. Half-castes.

12. In the interpretation of this Act the term "Cattle" shall include horses sheep asses mules goats and swine as well as neat cattle, together with the young of the said several kinds. Interpretation.

13. The Short Title of this Act shall be "*The Native Districts Regulation Act, 1858.*" Short Title.

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## No. XLII.

AN ACT to make better provision for the Administration of Justice in Native Districts. [4th August, 1858.] NATIVE CIRCUIT COURTS.

WHEREAS it is expedient that more effectual provision be made for the keeping of the Queen's peace and for the administration of Justice within districts over which the Native title has not been extinguished: Preamble.

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

### I.—INSTITUTION OF NATIVE CIRCUIT COURTS.

1. It shall be lawful for the Governor in Council from time to time to appoint districts for the purposes of this Act, being districts over which the Native title shall not for the time being have been extinguished, and any such appointment to vary or revoke. Governor in Council may appoint districts.

2. Within every such district a Resident Magistrate to be specially appointed for the purpose by the Governor, assisted by at least one Native Assessor, shall hold periodically at convenient times and places a Court to be styled "The Native Circuit Court" of such district. Circuit Courts to be held.

3. On the notification in the *New Zealand Gazette* of the extinction of Native title over lands within any such district, such lands shall cease to be part of such district; nevertheless without prejudice to the enforcement of any penalty incurred or to the completion of any proceeding commenced prior to such notification. Lands over which Native title extinguished to cease to be part of districts.

4. Provided that lands granted by the Crown to any person of the Native race, or to any person or body politic in trust for religious educational or charitable purposes, or in respect of any purchase made prior to the proclamation of the Queen's sovereignty, or specially granted as homesteads to persons of European race domiciled in Native districts, shall, where the same respectively abut upon lands over which the Native title has not been extinguished, be deemed for the purposes of this Act to be lands over which the Native title has not been extinguished, and may accordingly be included within any such district as aforesaid. What lands to be deemed subject to Native title.

### II.—CRIMINAL