

*Harbours Amendment.*

thereof (Session II., No. 15), intituled "*An Ordinance to provide for the Regulation of Harbours,*" power is given to the Governor in Council to make regulations for the purposes in the said Ordinance mentioned: And whereas it is desirable that all regulations so made be submitted to Her Majesty for the Royal confirmation:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Regulations to be made by Governor in Council to be submitted to Her Majesty for confirmation.

1. No such regulations as aforesaid to be hereafter made under the authority of the said Ordinance shall continue in force for any period exceeding two years from the making thereof, unless in the meantime the same shall have received the Royal confirmation, and such confirmation shall have been notified in the *New Zealand Government Gazette*.

Regulations already made also to be submitted to Her Majesty for confirmation.

2. No such regulations as aforesaid as have been already made under the authority aforesaid shall continue in force for any period exceeding two years from the passing hereof, unless the same shall in the meantime have received the Royal confirmation, and such confirmation shall have been so notified as aforesaid.

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## No. XVIII.

NATIVE EXEMPTION. AN ORDINANCE to exempt in certain cases Aboriginal Native Population of the Colony from the ordinary process and operation of the Law.

[16th July 1844.]

Preamble.

WHEREAS it is greatly to be desired that the whole aboriginal native population of these Islands, in their relations and dealings amongst themselves, be brought to yield a ready obedience to the laws and customs of England: And whereas this end may more speedily and peaceably be attained by the gradual than by the immediate and indiscriminate enforcement of the said laws, so that in course of time, the force of ancient usages being weakened and the nature and administration of our laws being understood, the Native population may in all cases seek and willingly submit to the application of the same:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Mode of procedure in cases of crimes committed by the Natives *inter se*.

1. Where any crime or offence shall be committed or alleged to be committed by any person of the aboriginal race against any other person of the same race, no Police Magistrate or other Justice of the Peace or any other person shall, except under the special authority in writing of the Governor or of the Superintendent of the Southern Division for the time being, issue any warrant or take any other proceeding whatsoever against the alleged offender until an information charging such offence shall have been duly made by two principal chiefs of the tribe to which the injured party may belong; and in case any warrant may be issued for the apprehension of any such alleged offender, such warrant shall be directed for execution to two principal chiefs of the tribe laying such information, or (where the alleged offender, shall belong to a different tribe) then to two principal chiefs

*Native Exemption.*

of the tribe to which such alleged offender shall belong, and no further proceedings shall be taken in the case unless the alleged offender shall be brought up for examination by or by the authority of the chiefs to whom such warrant shall have been directed.

2. And to the end that, in cases where any crime or offence shall be committed by any person of the aboriginal race against the person or property of any other person not belonging to the said race, the law may be enforced against any such offender with the least possible risk of interrupting the peace of the community: Be it enacted, That where the person to be apprehended by virtue of any warrant of any Police Magistrate or other Justice of the Peace shall be beyond the limits of any town, such warrant shall, except where the ordinary course of proceeding shall be sanctioned by such special authority as aforesaid, be directed in blank to two of the principal chiefs of the tribe to which such person shall belong, and shall be forwarded by such Police Magistrate or other Justice of the Peace to the Chief Protector of Aborigines or Protector of the District, as the case may be.

By Natives against others.

3. Such Protector shall fill up the blank left in the warrant with the names of such two of the said principal chiefs as to him may seem meet, and shall countersign the said warrant, and shall indorse thereon a translation thereof into the Native language signed by such Protector, and shall forthwith cause the same to be conveyed to the chiefs to whom it shall be directed.

Protector to direct warrant to two principal chiefs.

4. For every chief who in compliance with any such warrant as aforesaid shall have caused any offender to be apprehended and brought before the Police Magistrate of the district, there shall be allowed as a compensation for his trouble in so doing a sum of money according to the scale in the Schedule hereunto annexed.

Allowance to chiefs for causing apprehension of offenders.

5. At the foot of the translation so to be indorsed on the warrant as aforesaid, there shall be added by such Protector as aforesaid a note stating that the chiefs to whom the warrant shall be directed will on complying therewith receive compensation, and stating the amount of compensation according to the aforesaid scale.

Amount of allowance to be stated on warrant.

6. And whereas difficulties are found to arise in the administration of the Criminal Law among the aboriginal population of the Colony by reason of our mode of enforcing the same being in some cases greatly repugnant to the natural habits of the said population, and the objects of the Criminal Law may more easily and more generally be attained by certain modifications for the present in the mode of procedure and nature of the punishment now by law prescribed: Be it enacted, That where any person of the aboriginal race shall be charged with any crime or offence other than the crimes of rape or murder, and where such person would otherwise have been committed to take his trial, every such person shall be allowed to go at large on making or procuring to be made a deposit in manner and to the amount hereinafter mentioned as a security to be forfeited in case of his non-appearance to take his trial at the time and place then named for that purpose.

Party accused to be allowed to go at large until trial on making deposit.

7. The sum to be deposited shall in charges of theft or receiving stolen goods not exceed four times the value of the goods alleged to have been stolen or received: Provided that in the case of either of the charges aforesaid, or of any other charge whatsoever where a deposit may be allowed, the sum deposited shall not exceed twenty pounds.

Amount of deposit.

8. Where any person by whom or on whose behalf any deposit shall have been so made shall have failed to appear at the time and place fixed for his trial, the Court shall name a day for the person or persons by whom the deposit shall have been made to show cause why the same should not become forfeited. If sufficient cause shall not be shown

Deposit to be forfeited on his non-appearance.

*Dog Nuisance.*

shown accordingly, the deposit shall be declared to be forfeited, and where the charge shall be of theft or of receiving stolen goods, and it shall appear that restitution of the goods charged to have been so stolen or received as aforesaid has not been or cannot be made, the Court shall have power, upon application then made by the owner of such goods or his representatives, to award to such owner or representatives such part of the forfeited deposit as shall be equal to the sworn value of such goods. The deposit, or in either of the cases last mentioned the residue thereof, shall be duly accounted for and paid over to the Colonial Treasurer or Treasurer of the county or district, for the use of Her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof.

If convicted of theft &c., may pay four times the value of property stolen in lieu of other punishment.

9. And be it further enacted, That in case any person of the aboriginal race shall be convicted upon any charge of theft or of receiving stolen goods, either by the verdict of a jury, or, in the case of theft, in a summary way before any Police Magistrate, every such person may after such conviction, and at any time before sentence passed, pay into the Court four times the value of the goods so stolen or received as aforesaid. Such payment being made no sentence shall be passed, but the person so convicted shall be discharged from custody, and shall be in the same condition in all respects as if he had received sentence and undergone his punishment in the ordinary course of law.

Jury to find value of property stolen.

10. In every case where any such person as aforesaid shall be convicted by the verdict of a jury, the jury shall at the same time find the value of the property or goods so stolen or received as aforesaid.

Value of property stolen may in certain cases be awarded to prosecutor.

11. Where any such payment as last mentioned shall have been made, the same shall be applied and dealt with by the Court in the manner hereinbefore provided in the case of a forfeited deposit.

People of the Native race not to be liable to imprisonment for debt, &c.

12. And whereas, while the aboriginal people remain ignorant of the operation of the law in civil cases, they cannot justly or safely be subjected to the more severe penalties thereof: Be it further enacted, That no person of the aboriginal race shall be subject to imprisonment by virtue of any judgment obtained against him in any action or civil proceeding in any Court.

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 SCHEDULE.
 

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## SCALE OF ALLOWANCE.

WHERE the chief to whom any warrant shall be directed shall reside within fifty miles measured in a straight line from the police office of the district, the sum of £2.

Where he shall reside at any greater distance, the above sum of £2 and one shilling per mile for every additional mile above fifty.

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 No. XIX.

 DOG NUISANCE.
 

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AN ORDINANCE to provide a summary mode of abating the Nuisance of Dogs wandering at large in Towns.

[17th July, 1844.]

Preamble.

WHEREAS the number of dogs found wandering at large within or about the various towns of New Zealand is so great as to be a public nuisance, and it is expedient to provide a summary mode of abating the same:

BE IT THEREFORE ENACTED by the Governor of New Zealand, with