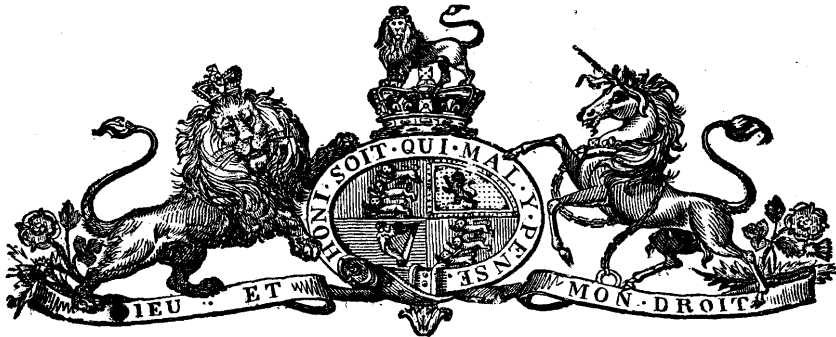


NEW ZEALAND.



VICTORIÆ REGINÆ.

ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

No. 41.

ANALYSIS:

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| <p>Title.<br/>Preamble.</p> <ol style="list-style-type: none"><li>1. Governor in Council may appoint Districts for the purposes of this Act.</li><li>2. Governor in Council may make regulations in Native Districts for the following purposes.<ol style="list-style-type: none"><li>1. Cattle Trespass.</li><li>2. Public Pounds.</li><li>3. Boundary Fences.</li><li>4. Cattle branding.</li><li>5. Prevention of scab, &amp;c.</li><li>6. Against spread of thistles, &amp;c.</li><li>7. Enforcement of Native Rights.</li><li>8. Prevention of Fires.</li><li>9. Dogs.</li><li>10. Cleansing Houses.</li><li>11. Nuisances.</li><li>12. Health.</li><li>13. Public Property.</li><li>14. Drunkenness.</li></ol></li></ol> | <ol style="list-style-type: none"><li>15. Sale, &amp;c., of Spirituous and other Liquors.</li><li>16. Native Customs.</li><li>3. Governor in Council may impose Penalties.</li><li>4. Penalties to be enforced under Summary Proceedings Ordinance.</li><li>5. Regulations to supersede Laws of Provincial Council.</li><li>6. Regulations to be with general assent of Native population of Districts affected.</li><li>7. Time when Orders in Council shall come into operation.</li><li>8. Copies of Orders in Council to be laid before Assembly.</li><li>9. Regulations to cease over lands when Native title extinguished.</li><li>10. Certain lands granted by the Crown to be deemed Native for the purposes of this Act.</li><li>11. Half-castes.</li><li>12. Interpretation.<br/>Short Title.</li></ol> |
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**AN ACT to Regulate the Local Affairs of Native Districts. [4th August, 1858.]** Title:

**W**HEREAS 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. Preamble.

*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 :—

Governor in Council may appoint Districts for the purposes of this Act.

I. 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 make regulations in Native Districts for the following purposes.

II. 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)—

Cattle-trespass.

1. For the prevention of Cattle-Trespass, and of the wandering of Cattle at large, and for defining and prescribing 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.

Public Pounds.

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.

Boundary fences.

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.

Cattle Branding.

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.

Prevention of Scab, &c.

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.

Against spread of thistles.

6. For preventing the Growth and Spread of Thistles and other Noxious Weeds.

Enforcement of Native rights.

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.

Prevention of Fires.

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.

*Native Districts Regulation.*

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| 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, Pah, or assemblage of Houses.   | Health.                                     |
| 13. For the protection of Public property and the Common property of Tribes or Communities.   | Public Property.                            |
| 14. For the prevention of Drunkenness.  | Drunkenness.                                |
| 15. For the Sale, Removal, and Disposal of Spirituous and Fermented Liquors, and for the restriction or prohibition of such Sale, Removal, and Disposal.  | Sale, &c., of Spirituous and other Liquors. |
| 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.                                   | Native 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.

III. 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 for breach of Regulations.

IV. Payment of all Penalties imposed by or by virtue of any such Regulation may be recovered and enforced by Justices of the Peace, specially authorised 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."

Penalties may be enforced under Summary Proceedings Ordinance.

V. All such Regulations shall control and supersede, or preclude, the operation of all Laws or Ordinances in anywise 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 supersede laws of Provincial Councils.

VI. 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

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

*Native Districts Regulation.*

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.

VII. 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.

VIII. 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.

IX. 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.

X. 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.

Half-castes.

XI. 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.

Interpretation.

XII. 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.

Short Title.

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