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Ingoa O Nga Ture Me Nga Pire.

Nga Ture.

Nga Pire.[Kahore Enei I Pahitia.]

Whakawhaititanga.

- Ingoa.
- Ingoa Poto.
- Whakamaramatanga.

Takiwa Rapeti.

- Me whakarite nga Takiwa. Me kape ki waho nga Taone.
- Ko nga whenua takoto noa a nga Maori me nga whenua Karauna kua oti te whakahua, me tuku ki raro ki tenei Ture.
- Nga whenua Maori me nga whenua Karauna e kapea ana ki waho.
- Whakatu i nga Kai-titiro.

Reiti.

- Me whakarite te reiti hei utu i ia tau.
- Nga rarangi ingoa a nga tangata whenua mo te reiti: Panui i te reiti.
- Ka ahei ma te Kai-titiro e tono i te reiti.
- Nga whakahe mo te reiti.
- Ma te kai-tiaki o nga moni o te koroni e utu i tetahi wahi reiti mo nga whenua Karanua me nga whenua Maori e tau ana tenei Ture ki runga.
- Ka tika kia utu reiti te tangata e noho ana ki runga ki nga whenua Karanua ki nga whenua Maori ranei
- Whakahaere i nga moni reiti.

Nga Mana Me Nga Mahi A Nga Kai-Titiro.

- Ka ahei nga Kai-titiro ki te whakahaere i nga tikanga aha ranei mo te whakangaro i nga rapeti.
- Me haere noatu nga Kai-titiro ki runga ki nga whenua Karauna me nga whenua Maori, ka whakamate ai i nga rapeti e haere ana i reira. Te utu mo taua mahi.
- Me whakamate nga rapeti e nga tangata na na ratou te whenua.
- Te whiu mo te tangata e hapa ana i a ia te whakamate i nga rapeti.
- Ka ahei te Kai-titiro ki te whakahaere i te mahi whakamate i nga rapeti, a ma te tangata nana te whenua i hapa nei i a ia e utu taua mahi.
- Haere ki runga ki te whenua ki te titiro me-hemea ranei te rapeti kei reira.
- Ko nga tangata e whakamanaa ana kia haere ki runga ki te whenua e kore e kiia he pokanoa te haere.
- Whiu mo te tangata e arai ana i te mahi a te Kai-titiro, &c.

Nga Tikanga Ke Atu.

- E kore e tonoa he utu tau mo nga kuri a nga tangata hopu rapeti.
- Whiu mo te tuku noa i te rapeti.
- Ka tiakina nga kararehe kai i nga rapeti.
- Whiu mo te patu i nga kararehe pera.
- Ka ahei te whakawa kirimina i nga hara.
- Ka ahei te Kawana ki te hanga tikanga whakahaere i tenei Ture.
- Ko nga moni e riro mai ana i runga i te whiu ka tukua ki roto ki nga moni o te koroni. Me mahi nga pukapuka moni ka tuku atu ki te aroaro o te Paremete.
- Whakakore i "Te Ture Rapeti, 1880."

[19 o *Hepetema*, 1881.]

Na Tenei Ka Meingatia Hei Ture e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete i runga hoki i te mana o taua Runanga nga ritenga i raro iho nei:—

- Te Ingoa Poto o tenei Ture ka kiia ko "Te Ture Rapeti. 1881."
- I roto i tenei Ture, kei raro iho nei te whakamaramatanga o etahi o nga kupu, ara,—
 - "Takiwa Taone" tona tikanga he takiwa i whakaritea i raro i "Te Ture Kawanatanga Taone, 1876," a e uru ana te takiwa o Koputai, o Winton, i Otakou:
 - "Whenua karauna" tona tikanga ko nga whenua katoa, kua whakataua ki a Te Kuini, a e uru ana nga rahui hei painga mo te katoa ki roto ki aua tu whenua:
 - "Whenua Maori" tona tikanga he whenua e puritia ana e nga tangata Maori i runga i a ratou tikanga Maori, a e uru ana hoki nga whenua kua rahuitia mo ratou:
 - "Maori" tona tikanga he tangata Maori no Niu Tireni tae atu ki nga hawekaihe me a ratou uri mehemea he Maori nga matua:
 - "Kai-titiro" tona tikanga ko te kai-titiro i whakaturia i raro i tenei Ture:
 - "Tangata nana te whenua" e tae atu ana tenei e uru ana hoki te tangata nana, te tangata ranei e noho ana i runga i te whenua, te kai-whakahaere ranei o nga whenua a nga tangata e ngaro ana, ahakoa whenua Karauna whenua Maori ranei i roto i te takiwa pera: ka uru hoki nga whenua kapane, whenua ranei e tiakina ana e nga tarati i roto i taua takiwa:
 - "Puritanga" tona tikanga ko te whenua e puritia ana e te tangata nana te whenua:
 - "Takiwa" tona tikanga ko te takiwa i whakaritea i raro i tenei Ture:
 - "Reiti" tona tikanga ko te utu reiti i whakaritea i runga i nga tikanga o tenei Ture:
 - "Panui ki te katoa" "kua panuitia" ranei, tona tikanga he panui kua taia ki roto ki tetahi nupepa i roto i te takiwa i puta ake ai te take hei panuitanga, a mehemea kaore he nupepa o taua takiwa hei reira me ta ki te pukapuka panui, ka whakapiri haere ki nga wahi o te takiwa e kitea ana e te katoa.

Nga Takiwa Rapeti.

- Ka ahei te Kawana i ia wa i ia wa, i runga i te Ota i roto i tona Kaunihera, ki te whakarite ki te panui i nga wahi i tetahi wahi ranei o te koroni, me whakahua ki roto ki taua Ota Kaunihera, hei takiwa whakahaere i runga i nga tikanga o tenei Ture, ka whakaingoa hoki i taua takiwa kia mohiotia ai; a ka ahei hoki ia, i ia wa i ia wa, ki te whakarereke ki te whakakore ranei i nga takiwa pera; ka ahei hoki te hoatu i tetahi ingoa ke mo te takiwa i whakaritea i te tuatahi.
 - Kaua tetahi wahi takiwa taone e uru ki roto ki te takiwa pera.
- Ka ahei te Kawana i ia wa i ia wa i runga i te Ota i roto i tona Kaunihera, ki te whakarite ki te panui i te nui o te whenua Maori me nga whenua takoto noa o te Karauna i roto i ia takiwa e kitea ana he mea tika kia tukua ki raro ki nga tikanga o tenei Ture.
 - Ko nga whenua Maori e nohoia ana e nga Maori, ka kiia he whenua takoto noa ena i runga i nga tikanga whakahaere o tenei Ture.
- Ko nga whenua Karauna katoa e takoto noa ana me nga whenua Maori e uru ana ki roto ki tetahi takiwa ki etahi takiwa ranei, otira kei waho o te takiwa i whakaritea e te Kawana, ka kapea era ki waho, e kore nga tikanga o tenei Ture e tau ki runga.

- Ka ahei te Kawana i ia wa i ia wa ki te whakatu i etahi tangata ki taua e pai ai hei Kai-titiro i raro i tenei Ture, me etahi atu apiha ano hoki, a ki te tuku i tetahi takiwa i tetahi wahi ranei o te takiwa ki ia tangata o ratou hei whakahaere i nga tikanga.
Ka ahei te whakatu i tetahi Kai-titiro hei whakahaere i etahi takiwa i waho o te mea kotahi.
Me panui ki roto ki te *kahiti* te whakatu i te Kai-titiro, a ko taua panui hei whakaatu ki te katoa kua tu tika te tangata hei Kai-titiro.

Reiti.

- Ka ahei te Kawana, i runga i tenei Ture ki te whakarite i ia tau i te reiti hei tango mai mo te whenua e puritia ana i roto i te takiwa, kaua e nui ake i te kotahi patene mo eka.
I nga peratanga ko te utu reiti mo te whenua e puritia ana, ko nga eka kotahi rau e rua te kau iti iho ranei, kia rua hereni me te hikipene.
- Mo runga i te whakarite i taua reiti, me te hanga i te rarangi ingoa o nga tangata na ratou te whenua, me penei te whakahaere a te Kai-titiro, ara,—
 - Me tuhi ia i ia tau i tetahi rarangi, ka kiia ko "Te rarangi ingoa o nga tangata whai whenua," me uru katoa nga tangata e waihi whenua ana, ka whakaatu ai i nga eka e puritia ana, e nohoia ana e tau ana ranei ki aua tangata whenua, a me waiho taua pukapuka rarangi, te tauira ranei ki tetahi tari i roto i taua takiwa hei tirohanga ma te katoa, kaua hoki e tonoa tetahi utu i te tangata e haere atu ana ki te titiro:
Kia ahei ai te mahi tika i taua rarangi ingoa me tuku mai e nga Kaunihera Kaute me nga Rori Poata i roto i taua takiwa, ina tonoa e Kai-titiro, nga rarangi ingoa o nga tangata katoa e utu reiti ana i roto i te takiwa, me te nui o te whenua e nohoia ana e ratou:
Me panui ki te katoa i roto i nga ra e toru te kau i mua o te whakaritenga i te reiti, whakaatu i te wahi e takoto ana taua pukapuka rarangi, te nui o te reiti kua kiia kia whakaritea, te wahi me te ra hei utu, me te ingoa o te tangata hei tango i nga moni.
- Ko nga moni reiti katoa e tika ana kia utua i raro i tenei Ture, me utu i ia wa i ia ki nga tangata kua oti te whakatu mo taua mahi kia rite ki nga tikanga i whakahuatia ki roto ki nga pukapuka whakahaere; a ko te utu pera, mehemea ka hapa, ka kiia he nama tera na te tangata whai whenua ki te Karauna, a ka tika kia tamanatia ia e te Kai-titiro kia haere atu ki tetahi Kooti whai mana i runga i nga tikanga o "Te Ture Reiti, 1876," e whakamana ana i nga Kai-titiro ki te whakahaere i tenei mahi kia rite ki taua Ture.
- Mehemea ka whakaaro te tangata kua raruraru ia i runga i te tuhi he i tona ingoa ki te pukapuka rarangi, i he ranei te whakaatu i te ahua o tona whenua aha ranei ki taua pukapuka, hei reira ka ahei ia ki to tuku ata i tana pukapuka ki te Kai-titiro i to mea kaore ano kia pahure nga ra e toru te kau kua whakaritea i runga ake nei, whataatu i nga take i whakahe ai ia ki nga mea i tuhituhia ki roto ki te pukapuka rarangi.
Mehemea ka kore he pukapuka pera e tae atu ki te Kai-titiro, hei reira ka mohiotia e tika ana te pukapuka rarangi.
Ma te Kai-whakawa Tutaru o te takiwa e whakawa nga mea e whakahengia ana, a mana e whakarite te wahi me te ra mo te whakawa, ko tana kupu whakatau hei whakaoti rawa.
Mehemea e maha atu ana nga Kai-whakawa i te mea kotahi i roto i te takiwa, hei reira ma te Kawana e ki ko wai o ratou hei whakawa i taua mea.
- Me whakahau te Kawana i runga i tona warati i ia wa i ia wa i te Kai-tiaki o nga moni o te Koroni, kia utu ia i tetahi moni e whakaarohia ana e te Kawana he mea tika kia utua mo nga whenua Karauna katoa me nga whenua Maori i roto i te takiwa kua tukua ki raro ki tenei Ture, hei whakarite i te utu reiti i whakaritea kia tango-hia mai i runga i nga tikanga o tenei Ture.
Ko aua moni ma te Kai-tiaki o nga moni o te Koroni e utu i ia wa i ia wa i roto i nga mea e pootitia ana e te Paremete mo taua mahi, ka tuku atu hei apiti ki nga moni e wehe ke ana mo te whakahaere i nga tikanga o tenei Ture.
- Ko nga whenua Karauna e nohoia ana e te tangata, ehara i te mea e nohoia ana o te Kuini, me nga whenua Maori e puritia ana e nohoia ana ranei e te Pakeha, i runga i te tikanga riihi aha ranei, ka whakaritea kia reititia i raro i tenei Ture, a ka tau nga tikanga o "Te Ture Reiti, 1876," ki runga ki nga tangata e noho ana ki aua whenua.
- Ko nga moni reiti aha ranei e riro mai ana i raro i tenei Ture me tuku ki roto ki nga Moni o te Koroni, ka wehea ketia i reira, hei whakahaere i nga tikanga katoa o tenei Ture; a ko aua moni me tango mai kia rite ki nga tikanga whakahaere i mahia mo taua mea.

Nga Mana Me Nga Mahi A Nga Kai-Titiro.

- Ka whakamanaa i konei nga Kai-titiro ki te whakahaere i nga tikanga katoa e kitea ana e ratou he mea tika hei whakangaro i nga rapeti i roto i te takiwa.
- Ka whai mana nga Kai-titiro ki te haere noatu ki runga ki nga whenua takoto noa a te Karauna me nga whenua Maori kua panuitia e te Kawana kia tukua ki raro ki tenei Ture, a ki te whakahaere i nga tikanga katoa mo te whakangaro i nga rapeti e haere maka ana i runga i aua whenua; a ko nga moni hei utu mo taua mahi me tango mai i roto i nga moni i pootitia e te Paremete mo tera mea.
Kia ahei ai te whakahaere i tenei Ture ka kiia i reira na aua Kai-titiro nga whenua e mahia peneitia ana: I nga peratanga me matua tuku he panui whakaatu i nga tikanga o tenei tekiana ki nga tangata Maori e noho ana ki runga ki te whenua pera, katahi ka haere atu ki reira.
- Mehemea ka tuturu te whakaaro o te Kai-titiro tera he rapeti e haere maka ana i runga i etahi whenua i roto i te takiwa a e hapa ana i te tangata nana te whenua te tangata ranei e noho ana i reira, ki te whakangaro i aua rapeti, ka turi ranei ia ki te kupu whakahau a te Kai-titiro, hei reira me tuku pukapuka panui atu taua Kai-titiro ki taua tangata, me hoatu tonu ki a ia ake me whakapiri ranei ki tetahi wall watea ki runga ki taua whenua, ki atu ki a ia ki tana kai-whakahaere ranei kia whakamatea nga rapeti.
- Mehemea ka hapa i te tangata nana te whenua, ka turi ranei ia ki te tono a te Kai-titiro, i roto i nga ra e whitu i muri mai o te taenga atu o te panui ki a ia, kia whakamatea nga rapeti e haere ana i runga i tona whenua, hei reira ka tika kia whiua ia kaua e iti iho i te kotahi pauna, kaua hoki e nui ake i te rua te kau pauna mo nga ra tinana e whitu e hapa ana i a ia e turi ana ranei ia ki te kupu tono ki te whakangaro i nga rapeti.
I nga peratanga, mehemea ka rua nga whakawakanga i taua tangata i roto i te marama kotahi, ko te whiu mona kaua e iti iho i te rima pauna mo te whenua e puritia ana e ia ko nga eka e iti iho ana i te rima rau, a mehemea e rima rau nga eka nui ake ranei ko te whiu mona kia kotahi te kau pauna.
I runga i te whakawa kia riro mai ai aua moni, mehemea e he ana, ma te Kai-whakahoki e whakaatu i nga tikanga i he ai ki tana mahara.
- Mehemea ka whakarerea e te tangata te pukapuka panui a te Kai-titiro i tukua atu e ia, ka turi ranei ia ki taua tono, a kahore ia i te whakahaere i tetahi tikanga mo te whakangaro i nga rapeti, hei reira, i muri mai o nga ra kotahi te kau o te taenga atu o te panui, ka ahei kia haere atu tetahi tangata etahi tangata ranei i runga i te whakahau a te Kai-titiro, ki runga ki te whenua i panuitia, i roto i nga haora tika o te ra, ki reira whakahaere ai i nga mahi katoa e taea ai te whakangaro i nga rapeti e kitea ana i runga i taua whenua.
Ahakoa kua whiua taua tangata whenua, kua utu ia i te whaina, ka tonoa e te Kai-titiro kia utu ia i nga moni mo te whakahaere i te mahi whakangaro i nga rapeti i ia wa i ia wa inahoki i turi ia ki te kupu tono i te tuatahi kia mahia e ia taua mea; a ko taua moni ma te Kai-titiro e tonu i runga i te whakawa kirimina ina hapa i taua tangata te utu.
- Ka ahei te Kai-titiro i roto i tetahi takiwa i etahi takiwa ranei, a i era wahi o te koroni kaore i uru ki roto ki aua tu takiwa ko te Kai-whakawa Tuturu i runga i te tono a te Kai-titiro, ki te whaka-mana i etahi tangata i runga i tana pukapuka i tukua e ia i raro i tona ringa, kia haere ki runga ki nga whenua a te tangata i roto i nga haora tika o te ra, ahakoa he whenua taiepa he whenua takoto noa ranei, i muri mai o nga haora e rua te kau ma wha o te taenga atu o te panui ki te tangata nana te whenua, ki te titiro mehemea ranei he rapeti kei reira e haere ana, a ki te whakahaere i nga mahi katoa e taea ai te whakangaro i nga rapeti e kitea ana i reira.
- E kore e kiia i haere pokanoa te tangata ki runga ki te whenua mehemea he mea whakamana ia na te Kai-titiro kia haere atu ia ki reira ki te whakangaro i nga rapeti, e kore hoki e tau te he ki a ia ina kino nga mea o te whenua i runga i tana mahi, otira mehemea i whakahaerea hetia e ia kia kino ai hei reira ka he:
A ka whai mana taua tangata ki te tango i nga rapeti i etahi ranei o nga rapeti e whakamatea ana e ia ki taua whenua:
I nga peratanga me whakaatu te tangata i te pukapuka whakamana i a ia, ina tonoa; a ki te mea ka turi ia ki taua tono hei reira ka kiia i haere pokanoa ia ki runga ki te whenua, ka tau te he ki a ia.
- Mehemea ka tu mai te tangata ki te arai ki te whakararu ranei i te Kai-titiro i ana kai-whakahaere ranei i whakaturia e ia hei mahi i nga tikanga o tenei Ture, i a ratou e haere ana e mahi ana ranei i runga i te whenua, ki te whakawehi, ki te patu i a ratou, ki te korero kino ranei ki a ratou, ka whiua taua tangata mo tana hara, mehemea kaore he huarahi ke, kia utu ia i te whaina kaua e nui ake i te rua te kau pauna.
A e kore e waiho te whakawa i whakahaerea hei utu i taua whaina, te utu noa ranei i taua moni, hei arai i te whakawa kirimina mo te patu, aha ranei, ina hiahia te tangata ki te whakawa i tetahi mo tana mahi

kino ki a ia, ka ahei ano tena pera ano me te mea kaore he ture penei.

Nga Tikanga Ke Atu.

- Ko nga kuri katoa e tuhia ana e te Kai-titiro he mea e atawhaitia ana hei whakamate i nga rapeti, ka puta ena ki waho, e kore e tonoa he moni utu tau i raro i nga tikanga o nga Ture Rehita kuri i roto i te takiwa.
- Mehemea ka tukua kinotia e te tangata tetahi rapeti kia haere noa i roto i tetahi wahi o te koroni, ka tau te he ki a ia, ka taea ia te whiu mo tana hara kia tukua ia ki te whare-herehere ki reira mahi ai mo nga marama kaua e neke ake i te ono, kia utu ranei ia i te whaina kaua e nui ake i te rima te kau pauna.
- Ka ahei te Kawana i ia wa i ia wa, i runga i te Ota i roto i te Kaunihera, ki te panui i nga kararehe kaore nei e araia ana e te Ture kia tukua mai ki tenei koroni, he hoariri mo te rapeti, a i runga i taua Ota ka taea e ia te ki me atawhai aua tu kararehe i raro i tenei Ture kia kaua e whakamatea.
- Ko te tangata e kitea ana e whakamate ana e hopu ana ranei i te ferret, i te weasels, i etahi atu kararehe ranei e panuitia ana i ia wa he hoariri no te rapeti, i te mea kaore i matua whakaaetia e te tangata nana te whenua kia whakamatea aua mea e haere ana i reira, a mehemea he whenua Karauna, kaore i whakaaetia e te Kai-titiro, ka tika kia whiua te tangata pera mo taua tu hara kia utu ia i te whaina kaua e neke ake i te kotahi te kau pauna, a ki te kore e utua me tuku ki te whare-herehere mo nga ra kaua e maha atu i te kotahi te kau ma wha.
- Ko nga hara katoa i raro i tenei Ture, me nga whaina aha ranei i whakataua e tenei Ture, ki te mea kahore he ara ke atu hei tango hei whakahaere, me tuku atu kia whakawakia e nga Ateha tokorua i runga i te tikanga kirimina, me tuku ranei ki te Kooti o te Kai-whakawa Tuturu.
- I nga meatanga kotoa, mehemea ka whakaaro te Kawana i hapa etahi mea i roto i tenei Ture i kore ai e ahei te whakahaere i etahi tikanga e kitea ana he mea tika kia mahia, hei reira ka ahei te Kawana i ia wa ki te hanga tikanga whakahaere kia tau ki nga takiwa ki etahi takiwa ranei ki tana e kite ai he mea tika, kia taea ai te whakarite i nga mea e hapa ana.
Ko aua tikanga whakahaere katoa me ta ki te Kahiti, a ka whai mana i runga i te ture i muri mai o nga ra kotahi te kau ma wha.
- Ko nga whaina me nga moni katoa e putu mai ana i runga i tenei Ture me tuku ki roto ki nga Moni o te Koroni, hei apiti atu ki nga moni katoa.
Ma te Kawana e whakarite i ia wa i ia wa nga tikanga whaka-haere mo nga akaute, me nga moni e pau ana mo to whakahaere i tenei Ture, me te tuku i nga moni e riro mai ana hei reiti aha ranei, me te tuku atu i nga pukapuka ki te aroaro o te Paremete i te wa e noho huihui ana.
- Ko "Te Ture Rapeti, 1880," kua whakakorea inaianei: I te peratanga, ko nga takiwa i whakaritea i raro i tera Ture kua tukua ki raro ki tenei; a ko nga Kai-tiaki i whakaturia mo aua takiwa ka tu tonu kia rite ra ano te whakatu i nga Kai-titiro mo nga takiwa i raro i tenei Ture.

Apititanga.

"Te Ture Rapeti, 1881," Tekihana 16 (panui ki te tangata whenua ki te whakangaro i nga rapeti).

Kiao

He tono atu tenei naku ki a koe, ki to kai-whakahaere ranei, ki te wha-kangaro i nga rapeti e haere ana i runga i o whenua, i nga whenua ranei e nohoia ana e koe, i roto i te Takiwa o i whakaritea i raro i tenei Ture, ara, me nga whenua ano hoki e puritia ana e koe e nohoia ana ranei e koe i roto i taua takiwa.

Kai-titiro.

I tuhia i tenei te o nga ra o 188.

"Te Ture Rapeti, 1881," Tekihana 18 (mana ki te whakangaro i nga Rapeti).

He whakamana tenei naku i a kia haere atu ia ki runga ki nga whenua e puritia ana e nohoia ana ranei e koe i roto i te Takiwa o i whakaritea i raro i tenei Ture, ara, me nga whenua ke atu e puritia ana e nohoia ana ranei i roto i taua takiwa, i tukua i te o nga ra o 18, a me whakahaere i nga mea katoa e kitea ana he mea tika mo te whakangaro i nga rapeti e kitea ana i runga i aua whenua.

I tuhia i tenei te o nga ra o 188.

Kai-titiro.

"Te Ture Rapeti, 1881," Tekihana 19 (whakamana i nga Kai-whakahaere ki te titiro mehemea kei te whakamatea nga Rapeti).

I runga i nga tikanga o te Tekihana 19 o tenei Ture, ka whakamana ahau i a i muri mai o nga haora e rua te kau ma wha o te tukunga atu o te panui ki te tangata nana te whenua ki te tangata ranei e noho ana ki runga, kia haere ia ki runga ki nga whenua, ahakoa he whenua taiepa, whenua noaiho ranei, i roto i te Takiwa o i whakaritea i raro i tenei Ture, kia tirohia mehemea ranei he rapeti kei reira e haere ana.

Kai-titiro.

I tuhia i tenei te o nga ra o 188.

New Zealand. Analysis.

- Title.
- Short Title.
- Interpretation.

Rabbit Districts.

- Districts to be defined. Boroughs excluded.
- Specified unoccupied Native lands and Crown lands to be subject to Act.
- Exempted Native lands and Crown lands.
- Appointment of Inspectors.

Rate.

- Annual rate may be levied.
- Landowners' lists for rating purposes. Notice of rate.
- Rates may be recovered by Inspector.
- Objections to rate.
- Colonial Treasurer to pay composition for Crown and Native lands subject to Act.
- Occupier of Crown lands or Native lands liable.
- Appropriation of rates.

Powers And Duties of Inspectors.

- Inspectors may take all necessary steps, &c., for destruction of rabbits.
- Inspectors to have free entry on Crown and Native lands, and to destroy rabbits thereon. Payment of cost thereof.
- Landowners required to destroy rabbits.
- Penalty for neglecting to destroy rabbits.
- Inspector may cause rabbits to be destroyed at cost of landowner neglecting to do so.
- Entry upon lands to ascertain existence of rabbits.
- Authorized persons not to be deemed trespassers.
- Penalty for obstructing Inspectors, &c.

Miscellaneous.

- Rabbit-catchers' dogs exempt from tax.
- Penalty for liberating live rabbits.
- Animals, being enemies of the rabbit, protected.
- Penalty for destroying animals protected.
- Offences may be dealt with summarily.
- Governor may make regulations for administration of Act.
- Penalties to go to Consolidated Fund. Accounts, &c., to be kept and audited, and submitted to Parliament.
- Repeal of "Rabbit Nuisance Act, 1880,"

[19th September, 1881.]

Be It Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- The Short Title of this Act is "The Rabbit Nuisance Act, 1881." Short Title.
- In this Act, if not inconsistent with the context,— Interpretation.
 - "Borough" means a borough constituted under "The Municipal Corporations Act, 1876," and includes Port Chalmers and Winton, in Otago:
 - "Crown lands" means all lands the property of or vested in Her Majesty, and includes public reserves, the property or vested as aforesaid:
 - "Native lands" means all lands held by Natives according to their customs and usages, and includes Native reserves held as aforesaid:
 - "Natives" means aboriginal natives, including half-castes or their descendants by aboriginal natives:
 - "Inspector" means an Inspector appointed under this Act:
 - "Landowner" extends to and includes the owner, the occupier, or the resident agent of the owners of any lands, inclusive of Crown lands and Native lands, situate within a district; and also includes corporate bodies, and bodies of trustees in whom are vested any lands within a district:
 - "Holding" means the land held by a landowner:
 - "District" means a district constituted under this Act:
 - "Rate" means a rate made under and for the purposes of this Act:
 - "Public notice" or "publicly notified" means a notice published in some newspaper circulating in the district in which the matter to be notified arises or to which it relates, or, where there is no such newspaper in general circulation, printed placards containing the notice affixed to public places in the district.

Rabbit Districts.

- Districts to be defined.
 - The Governor may from time to time, by Order in Council, constitute and declare any part or parts of the colony, to be defined in such Order in Council, a district for the purposes of this Act by some specific name; and may, from time to time, alter and redefine or abolish any district; and also may assign to any district a new name in the place of the name theretofore assigned to any district.
 - Boroughs excluded. No part of a borough shall be included in any such district.
- Specified unoccupied Native lands and Crown lands to be subject to Act.
 - The Governor shall from time to time, by Order in Council, declare and define the area of Native lands and unoccupied Crown lands respectively in each district which shall be deemed to be subject to the provisions of this Act.
 - Native lands occupied by Natives shall, for the purposes of this Act, be deemed to be unoccupied Native lands.
- Exempted Native lands and Crown lands. All unoccupied Crown lands and Native lands respectively situate within any district, but outside the area to be defined as aforesaid by the Governor, shall be excluded from the operation of this Act.
- Appointment of Inspectors.
 - The Governor may from time to time appoint so many persons as he shall think fit to be Inspectors under this Act, and such other officers as he may deem necessary, and from time to time assign any district or part of any district to any Inspector.
 - Any Inspector may be appointed to act within more districts than one.

Notice of every appointment of an Inspector shall be gazetted and the *Gazette* containing such notice shall be conclusive evidence that the person notice of whose appointment is gazetted, has been duly appointed an Inspector.'

Rate.

- Annual rate may be levied.

The Governor may, for the purposes of this Act, levy in each year a rate on all holdings within a district, of not exceeding one farthing per acre.

Provided that for all holdings of one hundred and twenty acres and under, the rate shall be two shillings and sixpence ner holding.
- Landowners' lists for rating purposes. For the purpose of levying such rate, and forming a landowners' list the Inspector—
 - Shall in every year cause to be made out a list, to be called the "landowners' list," of every landowner in the district, with the quantity of land held, occupied, or owned by such landowner, and shall deposit such list, or a true copy thereof, in some convenient place in the district for inspection without fee:

For the purpose of making out such list the County Council and Road Boards within the district shall, upon application being made by the Inspector, furnish a list of all ratepayers within the district, and of the extent of the land in their occupation:

Shall, not less than thirty days before levying any rate, publicly notify Notice of rate. the place where such list is deposited, the amount of rate intended to be levied, the time when and the place where such rate is payable, and the person to whom such rate is to be paid:
- All rates payable under this Act shall be paid at such Rates may be recovered by Inspector. times, in such manner, and to such persons as may be prescribed by regulations; and any 'rate payable as aforesaid shall, in case the same be not paid at the appointed time, be a debt owing by the landowner to the Crown, and may be sued for and be recovered by the Inspector in any Court of competent jurisdiction in the manner provided by "The Rating Act, 1876," for which purpose Inspectors shall be deemed to be local bodies within the meaning of the said Act.
- Any person who considers himself aggrieved by reason or tne unfairness Objections to rate. or incorrectness of any landowners' list, or by reason of the insertion or incorrectness of any matter therein, or omission of any matter therefrom, may lodge a statement in writing of his objection with the Inspector before the expiry of the thirty days' notice hereinbefore mentioned.

In the absence of any objection in writing, so lodged, the list will be deemed to be correct.

Any objections which may be lodged shall be determined by the Resident Magistrate of the district, who shall appoint a place and time for hearing the same, and whose decision shall be final.

Where there is more than one Resident Magistrate in a district, the Governor shall declare which of them shall exercise this jurisdiction.
- The Governor shall by warrant under his hand, from time to time, Colonial Treasurer to pay composition for Crown and Native lands subject to Act. direct the Colonial Treasurer to pay in respect of all unoccupied Crown lands and Native lands within any district declared to be subject to this Act, such gross sum as the Governor shall think to be a fair composition in lieu of the amount for which such lands would be rated under this Act.

And such sums shall be paid by the Colonial Treasurer, from time to time, out of moneys appropriated for that purpose by the General Assembly, to the credit of the separate fund hereinbefore mentioned.
- Crown lands held or occupied by other persons than Her Majesty, and Occupier of Crown lands or Native lands liable. Native lands held or occupied by other persons than Natives, under lease or otherwise, shall be rateable under this Act, and; the tenant or occupier of such lands respectively shall be liable for such rate as owner under "The Rating Act, 1876."
- All rates and composition moneys received under this Act shall be paid Appropriation of Kates. into the Public Account, and form a separate fund, to be applied exclusively towards paying the salaries of officers and the general expenses incident to the administration of this Act; and such fund shall be operated on only in such manner as may be prescribed by regulations.

Powers And Duties of Inspectors.

- The Inspectors are hereby empowered to do all such acts and things as Inspectors may take all necessary steps, &c., for destruction of rabbits. may appear to them proper and necessary to be done to insure the destruction of rabbits in the district.
- The Inspectors shall have full power and authority to enter freely upon Inspectors to have free entry on Crown and Native lands, and to destroy rabbits thereon. Payment of cost thereof. all unoccupied Crown lands and Native lands declared by the Governor to be subject to this Act, and take all necessary steps for destroying any rabbits running wild thereon; and the cost incident thereto shall be defrayed out of such moneys as may be appropriated for the purpose by the General Assembly.
For the purposes of this Act, the Inspectors shall be deemed to be the owners of such lands respectively: Provided that a general notice of the effect of this section shall be given to the Native occupiers of any such land before entry is made thereon.
- Landowners required to destroy rabbits. If the Inspector shall have reason to believe that there are rabbits in a wild state upon any lands within the district, and that the owner or occupier of such lands neglects or refuses to destroy the same, the said Inspector shall by notice in writing, delivered personally or affixed to some conspicuous place upon such lands, require him or his authorized agent on his behalf to do so.
- Penalty for neglecting to destroy rabbits.
If any landowner, within seven days after receiving from the Inspector notice to destroy the rabbits upon his holding, fails or refuses to take efficient steps to destroy such rabbits, he shall be liable to a penalty of not less than one pound nor more than twenty pounds for each complete period of seven days that he shall so neglect or refuse to destroy such rabbits:
Provided that, if a second conviction for such offence be had against the same landowner within one month, the minimum penalty shall be five pounds in respect of a holding less than five hundred acres, and ten pounds if the holding be five hundred acres or more.
In any proceeding for the recovery of a penalty under this section, the onus of proving his exemption from such penalty shall be upon the defendant.
- Inspector may cause rabbits to be destroyed at cost of landowner neglecting to do so.
If any such notice as aforesaid be neglected or not complied with, or no satisfactory evidence is adduced that efficient steps are being taken to carry out the purport of the same, then, after ten days from the service of the notice, any person or persons authorized in writing in that behalf by the Inspector may at any reasonable hour enter upon the lands the subject of the notice, and may use all such means and take all such measures as may be necessary for taking or destroying any rabbits which may be found upon such lands.
Over and above any penalty to which he may have rendered himself liable for having so neglected any notice as aforesaid, the landowner shall be liable to the Inspector for the net cost incurred from time to time in the process of destroying such rabbits; and the amount so due may be recovered by the Inspector in a summary manner.
- Entry upon lands to ascertain existence of rabbits. Within any district, the Inspector, and, in any part of the colony not included within any district, any Resident Magistrate upon the application of any Inspector, may respectively by writing under their hands authorize any person at any reasonable hour to enter upon any land, whether enclosed or not, after having given twenty-four hours' notice to the landowner, for the purpose of ascertaining if there are rabbits running at large thereupon, and to use all such means and to take all such measures as may be necessary for destroying any such rabbits as may be found there.
- Authorized persons not to be deemed trespassers.
No person authorized as aforesaid to enter upon any lands for taking and destroying rabbits thereon shall be deemed a trespasser by reason of such entry, or be liable for any damage thereby occasioned, unless the same was occasioned by such person wilfully and without necessity:
And any such person may take away and remove from the said lands the said rabbits or any part thereof:
Provided that any person so authorized shall exhibit his written authority if required to do so; and if, being so required, he shall fail to exhibit such authority, then he shall be liable to be deemed and to be dealt with as a trespasser.
- Penalty for obstructing Inspectors, &c.
If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Inspector or any person duly employed or authorized by the Inspector in the exercise of any power or authority vested in the Inspector, or any of the persons aforesaid, by this Act, or threatens or assaults or uses abusive language to any of the persons aforesaid whilst in the performance or execution of his duty under this Act, every such person shall, for every such offence, if not otherwise

specially provided for, incur a penalty not exceeding twenty pounds:

And no proceeding for the recovery of such penalty, nor the payment thereof, shall be a bar to any action at law by any of the persons aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed, any law or usage to the contrary notwithstanding.

Miscellaneous.

- All dogs duly certified by the Inspector as kept solely for the purpose Rabbit-catchers' dogs exempt from tax. of destroying rabbits shall be exempt from fee or charge on registration under any Act in force within the district.
- If any person shall knowingly and wilfully liberate in any part of the Penalty for liberating live rabbits. colony any rabbit, the person so offending shall be liable to be committed to gaol with or without hard labour for any term not exceeding six months, or to forfeit and pay a penalty not exceeding fifty pounds.
- The Governor may from time to time, by Order in Council, declare any Animals, being enemies of the rabbit, protected. animals, the importation whereof is not prohibited by any Act in force relating to the protection of animals, to be natural enemies of the rabbit, and by any such order may prescribe that any such animals shall be deemed to be protected under this Act.
- Any person who shall be convicted of destroying or catching ferrets, Penalty for destroying animals protected. weasels, or other such animals as may from time to time be declared to be the natural enemies of the rabbit, without the permission of the landowner upon whose land such animals have been destroyed or caught, and, in the case of Crown lands, without the consent of any Inspector, shall be liable to a penalty not exceeding ten pounds, or in default to imprisonment for any term not exceeding fourteen days.
- All offences against this Act, and all penalties and sums of money Offences may be dealt with summarily. imposed or made payable by this Act, shall, where no other mode of proceeding is by law provided, be heard and determined and recovered in a summary way by and before any two or more Justices of the Peace, or in any Resident Magistrate's Court.
- In all cases in which no provision or no sufficient provision is, in the Governor may make regulations for administration of Act. opinion of the Governor, made by this Act, the Governor may from time to time, for the purpose of facilitating or more effectually carrying into execution any of the objects of this Act, and for regulating the duties of all persons employed therein, make and prescribe all such regulations, either general or applicable to particular cases or districts, or parts of districts only, as he shall think fit.

All such regulations shall be gazetted, and shall have the force of law at the expiration of fourteen days after such publication.
- All fines and penalties received under this Act shall be paid into the Penalties to go to Consolidated Fund. Public Account, and form part of the Consolidated Fund.

The Governor shall from time to time prescribe regulations for the due Accounts, &c., to be kept and audited, and submitted to Parliament. keeping and auditing of accounts of all expenses incident to the administration of this Act, and of the application of all moneys received as rates, or composition in lieu thereof, and for the presentation of the same to the General Assembly when in session.
- Repeal of "Rabbit Nuisance Act, 1880." "The Rabbit Nuisance Act, 1880," is hereby repealed: Provided that all districts constituted under the said Act shall be deemed to be constituted under this Act; and the Trustees of such districts shall respectively remain in office until the appointment of Inspectors under this Act for the said districts respectively.

Whakawhaititanga.

- Ingoa.
- Ingoa Poto.
- Ka ahei te whakaae i te whakawa tuarua mo tetahi wahi anake o etahi whakawakanga.
- Ka whai mana katoa nga mahi a te Karauna mo runga i nga whenua Maori.
- Te hanga pukapuka a nga hawhekaihe korero pakeha.
- Te mana o nga ota e tuhia ana e te Kai-whakawa kua mutu tana mahi.
- Ka ahei te Tumuaki Kai-whakawa ki te tuhi pukapuka ki te taha ki nga Kai-whakawa kua mutu.

Etahi Atu Tikanga.

- Tikanga mo nga whenua i te takiwa o Mohaka o Waikari. I runga i te tono a te Minita mo te taha Maori ka ahei te Kooti Whenua Maori ki te whakawa i nga take ki te taku anohoki i nga tiwhikete.
- Ka ahei te Kawana ki te tuku Karauna karaati ki nga tangata kua tuhia ki roto ki nga tiwhikete.
- Ka whakataua ki a te Kuini te Tuumu o Waikari mo etahi mea.

Na Ka Meingatia Hei Ture e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete i runga hoki i te mana o taua Runanga nga Whakaritenga ka whakaaturia i raro iho nei:—

- Te Ingoa Poto o tenei Ture ka Mia ko "Te Ture Whakatika-tika i nga Ture Whenua Maori, 1881."
- Ka ahei te Tumuaki o nga Kai-whakarite Whakawa, i runga i te whakahaere i tana mahi mo te whakarongo i nga tono, kia tuaruatia te whakawa mo tetahi wahi o te tono, mo tetahi wahi ranei o te take ki tetahi wahi o te whenua.
- I nga whakawa i roto i te Kooti whenua Maori mehemea e uru ana te Karauna, ka ahei te tuku mai i nga pukapuka tiiti, pukapuka ke atu ranei ki roto ki te Kooti hei whakatika i te mea e whakawakia ana, ka whai mana ki reira, ahakoa e tu ana "Te Ture Whenua Maori, 1873," me etahi atu ture ranei e whai mana ana i taua wa.
- Mo runga i te hanga pukapuka tuku whenua, menemea ka tuhia e te hawhekaihe tona oati ki tua o te pukapuka pera ki te aroaro o tetahi Ateha Pakeha i whakaturia hei pera i roto i te koroni i waho ranei, ka ki e mohio rawa ana ia ki te reo Pakeha me nga tikanga katoa a te Pakeha, hei reira ka meingatia ia he tangata ia no te iwi Pakeha.
- A notemea ko Hone Rokena, he Kai-Whakarite whakawa ia no tenei Kooti i muri tata nei, a kua tuhi ia i etahi pukapuka i runga i tona tunga Kai-whakawa me te whakaaro ano kei te whai mana tonu te pukapuka whakatu i a ia:
Na ka meingatia i runga i te ture ko te ingoa a Te Rokena i tuhia nei e ia, tae ake ki te ra e mana ai tenei Ture, i runga i tona tunga hei Kai-Whakarite whakawa o te Kooti Whenua Maori, ka pera ano te whai mana me te mea i tuhia e tetahi Kai-Whakarite whakawa i whakaturia hei pera.
- Ka tika i runga i te ture kia tuhia e te Tumuaki o nga Kai-Whakarite Whakawa tona ingoa ki nga pukapuka aha ranei e meatia ana kia tuhia e tetahi Kai-Whakarite Whakawa kua mate kua mutu ranei tona tu hei pera, a ka pera ano te whai mana o taua tuhi me te mea i tuhia e tera kua kore nei; erangi me tuhi ia i enei kupu ki raro iho i tona ingoa "ki te taha ki a [A.B.], Kai-Whakarite Whakawa, kua mate, kua kore ranei tona tu hei pera."

Etahi Atu Tikanga.

- A notemea i runga i tetahi Ota i roto i te Kaunihera i tuhia i te te kau ma rua o nga ra o Hanuere, kotahi mano e waru rau e ono te kau ma-whitu, i hanga i runga i nga tikanga o "Te Ture Whaka-nohonoho Kainga o Niu Tireni, 1863," me nga Ture whakatikatika i taua ture, i panuitia tetahi takiwa e karangatia ana ko te Takiwa o Mohaka o Waikari kia tau ki roto ki nga tikanga o "Te Ture Whakanohonoho Kainga o Niu Tireni, 1863":
A notemea i tuhia tetahi pukapuka whakaae ki te taha ki te Kawanatanga o te koroni i tetahi taha, me nga tangata Kuini o te iwi Maori e pa ana ki taua whenua i roto i taua takiwa i tetahi taha, mo te whakariterite i nga take o aua tangata ki te whenua i roto i taua takiwa, a ko taua pukapuka whakaae kei te Tari o te Hekeretari mo nga whenua. o te Karauna e takoto ana:
A notemea, i runga i "Te Ture Takiwa o Mohaka o Waikari, 1870," i whakataua e whai mana ana taua pukapuka whakaae timata mai i te te kau ma-toru o nga ra o Hune, kotahi mano e waru rau e whitu tekau, a ka mau tonu te mana ki runga ki te Kawanatanga o Niu Tireni me nga tangata katoa kua oti nei a ratou ingoa te whaka. hua ki roto ki taua pukapuka whakaae me te Apititanga e mau ana ki reira:
A notemea, i runga i taua Ture, kua rite i te Kawana te whakatau i nga piihi whenua e whakahuatia ana ki roto ki taua pukapuka whakaae me te Apititanga e mau ana ki reira, kua kimihia ano hoki nga rohe i runga i te ruri, kua tuhia ki te mapi e takoto ana i roto i te tari o te Tumuaki Kai-Ruri ki Nepia: A notemea i whakaritea ano tetahi tikanga o taua "Ture Takiwa o Mohaka o Waikari, 1870," ko era piihi o aua whenua kua whakaritea peratia a e whakahuatia ana ki roto ki nga wahi o taua pukapuka whakaae i meingatia ko te tuarua ko te tuatoru ko te tuawha me te tuarima, kia panuitia e te Kawana ki roto ki te *Kahiti o Niu Tireni* kua oti taua ruri, hei reira ka kiia kua whaka-taua rawatia taua whenua ki a Te Kuini, a kia pera te whakahaere i runga i nga mea katoa me era atu whenua e tangohia ana i runga i nga tikanga o

"Te Ture Whakanohonoho Kainga o Niu Tireni, 1863," me ana mea whakatikatika, a kua panuitia taua mea ki roto ki te *Kahiti*:

A notemea kua whakakorea taua "Ture Takiwa o Mohaka o Waikari, 1870:"

A notemea he mea tika kia hanga he tikanga hei whakamana i te Kawana ki te tuku karaati ki nga tangata e tika ana i runga i taua pukapuka whakaae ki nga toenga o aua whenua: Na ka meingatia ano i runga i te ture:

I runga i te tonono a te Minita mo te taha Maori, ka ahei te Kooti Whenua Maori, i runga ano i tana whakaheare, ki te uiui ki te whakarite i nga tangata e tika ana, a ka tuku i nga tiwhikete kia rite ki nga mea e whakataua ana, ka tuhi hoki ki reira nga ra e tau ai aua whenua.

- I te taenga atu o aua pukapuka hei reira ka ahei te Kawana ki te tuku i nga Karauna karaati mo nga piihi whenua i whakahuatia ki roto ki aua tiwhikete ki nga tangata e mau nei o ratou ingoa ki aua tiwhikete, ki o ratou uri me a ratou kai-whakakaere, hei tenata kamana, ka whakarite hoki i te ra e tau ai taua whenua kia rite ki te mea i tuhia ki roto ki nga tiwhikete, me whakahaere i raro i enei tikanga here aha ranei, ara:—
Kaua e tukua rawatia te whenua erangi me riihi i runga i nga ritenga i raro iho nei, e kore hoki e tukua kia tamanatia kia moketitia kia ahatia ranei te whenua; ko nga tiiti, ko nga wira, me era atu pukapuka e tuhia ana mo te tuku, mo te nama, mo te tamana i taua whenua, tetahi wahi ranei o te whenua, haunga ia te mea i korerotia i runga ake nei, e kore e mana mo taua mea.
E kore hoki e taea te tango taua whenua kia hokoa hei whakaae i tetahi whakawa mo te nama aha ranei, heoi ano te mea i runga i te ture e taea ai te tango i taua whenua ko te tango i etahi wahi mo nga rori me era atu mahi nunui o te Koroni.
Ka ahei te reti i taua whenua mo nga tau e ma te kau matahi timata niai i te ra i tuhia ai te riihi, kua e tau te tikanga whakaae aha ranei ki roto ki aua pukapuka riihi kia whakahoutia ano i te mutunga o nga tau i whakaritea.
- Ko te tuumu e mohiotia ana ko Waikari, ko te nui o taua wahi e tae ana ki te kotahi te kau eka, nui ake iti iho ranei, ko te rohe ki uta ko tetahi raina i whakaritea i runga i te mana o taua "Ture Takiwa o Waikari o Mohaka, 1870," ko taua whenua ka tau tonu ki a te Kuini, erangi ka puritia hei rahui taunga mo nga tangata katoa a te Kuini, hei wahi mahinga ika hoki mo nga tangata e whai take ana i taua wa ki tetahi wahi o aua whenua ka karaatitia i runga i era tikanga.

New Zealand. Analysis.

- Title.
- Short Title.
- Rehearings may be ordered as to part only of cases.
- Contracts with the Crown in respect of Native land to have their full effect.
- Execution of instruments by English-speaking half-castes.
- Validation of orders signed by a retired Judge.
- Chief Judge may sign documents on behalf of retired Judges.

Miscellaneous Provisions.

- Provisions as to the Mohaka and Waikare District lands. Native Land Court, on application of Native Minister, may investigate titles and issue certificates.
- Governor may cause issue of Crown grants to persons named in certificates.
- Waikare Peninsula to vest in Her Majesty for certain purposes.

[24th September, 1881.]

Be It Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- The Short Title of this Act is "The Native Land Acts Amendment Short Title. Act, 1881."
- The Chief Judge, in the exercise of his duty of hearing applications Rehearings may be ordered as to part only of cases. for rehearing, may, if he thinks it just, order that part of the case, or title to part of the land, should be reheard.

- In cases in the Native Land Court in which the Crown is Contracts with the Crown in respect of Native land to have their full effect. disinterested, any deed or contract, or any other document, shall be admissible in evidence, and have due effect given thereto, notwithstanding "The Native Land Act, 1873," or any other law in force to the contrary.
- For the purpose of executing instruments, any half-caste Execution of instruments by English-speaking half-castes. who shall on the instrument executed be certified, by any Justice of the Peace holding a commission as such in or out of the colony, to have a thorough knowledge of the English language, shall be deemed to be a person of the European race.
- And whereas John Rogan, Esquire, lately a Judge of this Validation of orders signed by a retired Judge. Court, has recently signed instruments as a Judge, under the belief that his commission was still in force:

Be it enacted that the signature of John Rogan, up to the date of this Act, as a Judge of the Native Land Court, shall have the effect of and be deemed to be the signature of a duly-appointed Judge thereof.
- Chief Judge may sign documents on behalf of retired Judges. It shall be lawful for the Chief Judge to sign any paper or instrument requiring to be signed by a deceased or retired Judge, and his signature shall have the same effect as the signature of the Judge for whom he signs; but he must add to his signature "on behalf of [A.B.], Judge, deceased, or retired."

Miscellaneous Provisions.

- Provisions as to the Mohaka and Waikare District lands.

And whereas by an Order in Council dated the twelfth day of January, one thousand eight hundred and sixty-seven, and made in pursuance of "The New Zealand Settlements Act, 1863," and the Acts amending the same, a certain district called the Mohaka and Waikare District was declared to be a district within the provisions of "The New Zealand Settlements Act, 1863:"

And whereas a certain agreement was entered into by or on behalf of the Government of the colony of the one part, and the loyal claimants to land within such district of the other part, for the settlement of the claims of such persons to land within such district, and such agreement is deposited in the office of the Secretary for Crown Lands:

And whereas, by "The Mohaka and Waikare District Act, 1870," the said agreement was declared to be and to have been valid since the thirteenth day of June, one thousand eight hundred and seventy, and to be binding on the Government of New Zealand and all the persons whose names are stated in the said agreement and in the Schedule thereto:

And whereas, in pursuance of the said Act, the Governor has caused the pieces of land mentioned in the said agreement and in the Schedule thereto to be defined, and the boundaries thereof to be ascertained by survey, and marked on a plan now deposited in the office of the Chief Surveyor at Napier: And whereas it was further provided by the said "Mohaka and Waikare District Act, 1870," that such of the said pieces of land so defined as are mentioned in the several paragraphs of the said agreement numbered respectively first, second, third, fourth, and fifth should, upon the Governor declaring, by notice in the *New Zealand Gazette*, that such survey was completed, be deemed to be vested absolutely in Her Majesty, and should be dealt with in the same manner in all respects as other lands taken under the provisions of "The New Zealand Settlements Act, 1863," and its amendments, and such declaration has duly appeared in the *Gazette*:

And whereas the said "Mohaka and Waikare District Act, 1870," has been repealed:

And whereas it is expedient to make provision for enabling the Governor to issue grants in favour of the persons who, in pursuance of the said agreement, are entitled to the residue of the said lands: Be it therefore further enacted:

Native Land Court, on application of Native Minister, may investigate titles and issue certificates. On the application of the Native Minister, the Native Land Court may, in its ordinary form of procedure, inquire and determine who are the persons entitled as aforesaid, and may issue certificates in accordance with such determinations, and may fix therein the dates on which the legal estate therein should respectively vest.
- Governor may cause issue of Crown grants to persons named in certificates. On the receipt thereof the Governor may cause Crown grants of the pieces of land in such certificates described or referred to to be issued in favour of the persons therein respectively named, their heirs and assigns, as tenants in common, and may therein fix the date at which the legal estate therein shall vest as set forth in the several certificates, subject, nevertheless, to the following restrictions and conditions:—

¶The land shall not be alienated save by lease as hereinafter mentioned, nor charged or incumbered in any manner whatsoever; and all deeds, wills, or other instruments purporting to transfer, charge, or incumber the said land or any part thereof, except as aforesaid, shall be ineffectual for such purpose.

¶The said land shall not be liable to be sold, charged, or taken under any decree, judgment, or other process of any Court or otherwise, save under any law for the compulsory taking of lands for roads or other public works.

¶The said land may be let for any term not exceeding twenty-one years from the making of the lease, without fine, premium, or foregift, and without any covenant for renewal or valuation at the expiry thereof.

- The peninsula known as Waikare, containing ten acres, more Waikare Peninsula to vest in Her Majesty for certain purpose? or less, and bounded towards the land by a line defined under the authority of the said "Mohaka and Waikare District Act, 1870," shall remain vested in Her Majesty, but shall be held as a reserve for a landing-place for all Her Majesty's subjects, and as a fishing-ground for the use of the persons for the time being entitled to any part of the said lands to be granted as aforesaid.

Whakawhaititanga.

- Ingoa.
- Matua korero.

Nga Ritenga.

- Ingoa Poto.
- Whakamaramatanga,
- Te taunga o te Turo. Nga Rahui e takoto ana ki waho.
- Whakamana i nga rahui me nga karaati.
- Mana ki te hanga tikanga whakahaere.

Nga Tekanga Whakahaere.

- Me whakahaere nga rahui i runga i tenei Ture anake.
- Ko nga rahui watea e kore e taea to tuku noa erangi ma te kai-tiaki e whakaaio i te tua-tahi.
- Whakatu i to Kai-tiaki Rahui.
- Ma to Kai-tiaki e tango nga reti.
- Nga-mana o to kai-tiaki. Nga mea tau ki te kai-tiaki.
- Mana ki te riihi. Nga tino tikanga mo runga i nga riihi.
- Tikanga, mo nga tangate whai take e ngaro ana.
- Ko to mana a to Komihana ki te whakatu riwhi e kore o whakararua e tenei Ture.
- Ka ahei te Kawana ki te whakarereke ki to whakanoa i nga here.
- Te haere o te ota whakakore i nga tikanga here.
- Whakatu i nga tangata whakahaere.
- Ka ahei te whakataa i tetahi wahi o nga reti hei whakatu kura Maori.
- Whakatuturu i nga riihi o nainei.
- Ka ahei te Komihana ki te tutaki i nga paparakaue i to wa e tu ana nga huihui-nga.
- Apititanga.

Notemea i runga i te tekiana tuawha o "Te Ture Whakatau mo te Tai Hauauru (Aotearoa), 1880," e whai mana ana te Kawana i roto i te Kaunihara ki te hanga ki te wehe i roto i te whenua rau-patu i etahi rahui mo nga Maori i roto i te takiwa Rau-patu, me here i runga i te hoko i te riihi, i tetahi atu tuku ranei, a ki te tuku karauna karaati mo reira i raro i nga kupu, i nga ritenga, me nga tikanga e whakaaroa paitia ana e ia; ki te hanga ki te wehe ano hoki i etahi rahui hei oranga mo nga Maori, kua e herea erangi me tuku i rare i te mana o tetahi Ture a te Runanga Nui ka whakamana a rauri ake wa e tae ai aua moni ki ia, i muri hoki i te tangohanga mai i roto o te wahi i whakaritea e te ture, me tuku te Kai-Tiaki i nga moni e toe ana ki nga Maori na ratou te whenua, me tuha ia i aua moni ki nga tangata kia rite ki nga hea e kitea ana e ia e tika ana ki ia tangata ki ia tangata.

Ko te tangata e utu ana i te moni i raro i nga tikanga o tenei Ture heoi ano tana, he tuku ki te Kai-Tiaki, kaore he tikanga i a ia mo te tuku ki nga tangata ma ratou.

- Ko nga whenua katoa, nga moni, nga taonga me nga mea ke atu, i whakataua nei te whakahaere mo aua mea ki te Kai-Tiaki i runga i te ture, ka puritia e ia pera ano me te mea nana ake aua mea, a ka ahei ia te haere ki roto ki te Kooti Whakawa ina whai take ia ki te pera i runga i taua mahi whakahaere, ahakoa he whakawa kiri-mina hiwiri ranei ka rite tonu, ko ia te tangata hei mahi i nga ritenga katoa:—

Ka whakamanaa taua Kai-Tiaki i konei ki te tuku atu ki te whakahoki ranei i te Whakawa i roto i te Kooti ahakoa kirimina, ahakoa hiwiri i runga i te ture, e pa ana ki aua whenua, taonga aha ranei, ka ahei hoki ia ki te tamana i te tangata kia tamanatia hoki ia ina puta ake he take i runga i aua tu mea kia peratia, ko te ingoa ano o taua Kai-Tiaki kia uru ki roto ki nga pukapuka pera, ko taua mahi Kai-Tiaki hei tohutohu i a ia.

Ki te mea ka mate taua Kai-Tiaki, ka whakamutua ranei ia e kore tena e waiho hei take kia mutu ai te whakawa kua timata i te wa e mahi ana ia, erangi ka tukua ki tona kai-whakakapi mana e whakahaere kia rite ki te mea i timataria i te tuatahi; a me utu taua Kai-Tiaki hou i nga moni tika me tango ranei i nga utu i whakataua kia utua i runga i taua whakawa, pera ano me te mea nana ake i timata taua mahi.

E kore e tau te he ki runga ki te Kai-Tiaki, ara, ki a ia ake ina kitea tetahi mea he, otira mehemea nana ake te mahi hei reira ka pa ki a ia, e kore hoki e tau te he ki a ia mo te mea e whakahaerea ana e ia i runga i tana mahi Kai-Tiaki, erangi ki te mea ka kino taua mahi ka takahi i nga tikanga hei reira ka tau ki a ia te he.
- Ka ahei te Kai-Tiaki i ia wa i ia wa, ki te wehewehe i tetahi i etahi ranei o nga rahui e tau ana tona mana ki runga, ka tukua ranei a mua ake nei ki raro ki a ia, me wehewehe pai kaua e rahi ake nga wahi i nga mea ka whakahuatia i raro iho nei, a ka whakariterite i te ahua o nga wahi kia rite ki te wahi e takoto ai me te ahua hoki o te whenua, hei whenua paamu aha ranei, a ka ahei ia ki te riihi i etahi wahi o aua rahui mehemea kaore he tikanga tiaki i tau hei arai i te mana pera,—

Ka tukua he riihi mo nga tau e rua-te-kau ma-tahi, ki te tangata ki etahi tangata ranei e mea ana hei ngaki mana te whenua, ka tukua taua riihi i runga i nga ritenga e kitea ana he mea tika; a

Ka ahei hoki te tuku riihi mo tetahi wa kaua e roa atu i te wha te-kau ma rua tau, kia ahei ai te whakatu whare ki runga.

 - Ko nga eka whenua tu tata ki nga wahi taone kaua e nui ake i te wha te kau eka ki te tangata kotahi ki tetahi tangata ranei hei apiti atu, a ko nga eka whenua hei paamu kaua e nui ake i te ono rau me te wha te kau; otira ka ahei te tangata kotahi te noho ki runga ki nga whenua e rua pera me nga mea kua korerotia i runga ake nei, erangi ki te mea ka pera kaua nga eka o nga mea e rua e neke ake i te ono rau me te waru te kau.

Ko era tu riihi katoa me hanga i runga i nga tikanga i whaka-takotoria e tenei Ture, i runga ano hoki i enei ritenga, ara:—

Ko nga riihi katoa me hanga ki waho, kia mohio ai te katoa, me hoko makete ranei, me matua panui hoki ki roto ki te nupepa o te takiwa e takoto ai taua rahui e meatia ana kia riihitia, ki ta te Kai Tiaki e whakaaro ai he mea tika kia peratia.

Ko te utu reti ka whakaritea, kia tae ki te mea nui e taea ai te tono i taua wa.

E kore rawa e ahei te tango mai tetahi moni tamana aha ranei mo runga i tetahi riihi.

E kore e ahei kia pa atu nga kia-whakahaere i tenei Ture ki te riihi i enei tu whenua, ahakoa iti nei tona paanga e kore e whakaaetia, kaua rawa tetahi mea iti nei hei oranga mona e tukua kia uru ki roto ki nga pukapuka riihi. (e.) Ma te tangata e riihi ana i te whenua e utu i nga moni mo te hanganga i te pukapuka riihi, a me utu ki mua o te wa e tuhi ai te kai-tuku i tona ingoa.

 - Ko nga riihi katoa e puritia ana e te tangata a ka tatu te mohio a te Kai-Tiaki e nui ake ana te whenua e riihi ana i a ia i runga i ana riihi, e tetahi tangata ranei ki te taha ki a ia, i te mea i whakaritea e tenei Ture hei riihi ma te tangata kotahi, hei reira e kore e whai mana, ka whaka-korea rawatia atu, a ko taua whenua ka hoki ano ki te Kai-Tiaki kia whakahaerea e ia i raro i tenei Ture:

I nga peratanga katoa ko nga riihi e noa pera ana me panui i raro i te ringa o te Kai-Tiaki whakaatu i te kore mana o aua riihi, kia oti tera katahi ka ahei te whakahaere ano, a kati ko tera hei whakaatu i te whakakore i aua tu riihi ina tukua ki roto ki tetahi Kooti whai mana.

 - I nga meatauga katoa ki te mea ka puta te pohehe mo nga tangata e tono ana kia pa ratou ki tetahi wahi o te whenua i roto i tetahi rahui, me uiui te Kai-Tiaki kia kimihia nga ingoa o nga tangata e whakaarohia ana he mea tika kia pa ratou ki taua whenua.

A me whakatau e te Kai-Tiaki ki te mea e kitea e tika ana i runga i nga korero i whakina ki tona aroaro, hei reira ka tuku i te ota ki aua tangata whakamana i a ratou.
- Ahakoa kua rite etahi tikanga i roto i tenei Ture, ka ahei te Komihana i whakaturia i raro i te Ture o te tau, 1880, ki te uiui ki te whakarite i nga tangata e tika ana hei riwhi mo nga tangata kua mate e tika ana ki te whenua i te wa i mate ai ratou, i roto i te takiwa rau-patu, ki te whakahau ano hoki kia tukua he Karauna karaati ki nga tangata e kitea ana e ia e tika ana hei riwhi mo nga tangata kua mate, a ko nga

karaati e tukua peratia ana e taua Komihana ka mau tonu e kore e ahei kia whakawakia ano a muri mai.

Kahore he mea i roto i tenci Ture e pa ana e whakararu ana i nga mahi me nga mana whakahaere a te Kooti Whenua Maori mo te whakatu riwhi hei whakahaere i nga taonga o nga tangata kua mate.

- Mehemea e puritia ana tetahi rahui e nga Maori, e tetahi tangata ranei ki te taua te a ratou i raro i tetahi Karauna karaati e tau ana nga tikanga here aha ranei ki runga, ka ahei te Kai-Tiaki, nga tangata whai karaati ranei kana e iti ibo i te hawhe o ratou mehemea kua oti a ratou ingoa te karanga, a ratou kai-whakahaere kai-tiaki ranei, a ki te mea kaore i huaina nga ingoa o nga tangata whai karaati, ko nga tangata e ki ana no taua iwi ratou a e whai take ana ki te rahui kua karaatitia, kua e iti iho i te tokorima, ki te tonu atu ki te Kai-Tiaki, a ma te Kai-Tiaki e tonu atu ki te Kawana kia whakakorea, kia unuhia tetahi o nga here, nga here katoa ranei e tau ana ki runga.a

Me whakarongo te Kawana ki aua tonu me ata uiui marire mehemea e whakaae ana te Kai-Tiaki nga tangata ranei no ratou te whenua ki taua tonu, muri iho ka hanga i te ota whakaae ki taua mea e tonoa ana, whakakabore ranei, i runga i taua i kite ai.

I mua o te whakarereke, o te unuhanga ranei o te here e tau ana ki runga ki tetahi whenua rahui, me tatu te mohio o te Kawana tera he whenua kua rahuitia, ka rahuitia ranei mo ake tonu atu hei oranga nui mo te iwi, hapu, tangata rehei nana taua whenua, tetahi wahi ranei.

E kore tenei tekiana e tau ki nga rahui kua herea rawatia kia kua e tukua.

- Ko nga ota katoa e mahia ana hei unu nga here me whaka-mana i runga i te Ota i tuhia i roto i te Kaunihera, a ka pera te mana o taua unu i nga tikanga here me te mea kaore he here i tau ki te whenua; a ko te ota i whakaputaia hei whakakore i tetahi anake o nga here me whakahaere tonu ki runga ki nga tikanga i whakaritea ki roto ki taua ota.
- Me whakatu te Kawana, i ia wa i ia wa, i waho atu o te Kai-Tiaki, i tetahi tangata i etahi tangata ranei ki taua e whakaaro he mea tika kia peratia hei whakahaere i nga tikanga o tenei Ture.
- Me tonu atu te Kai-Tiaki ki nga tangata na ratou te whenua rahui kia tukua tetahi wahi o nga moni reti e toe ana i muri mai o te utunga i era kua whakahuatia i runga ake nei, hei oranga mo nga kura Maori e tu tata aua ki aua rahui.

Ko te nui o aua moni ka tukua peratia, ma nga tangata na ratou te whenua e whakarite, ka rite hei reira me tango mai te Kai-Tiaki i te wahi tika i tohungia e ratou i roto i nga moni a aua tangata e takoto ana i tona ringa, a ma taua Kai-Tiaki e tuku ki runga ki te mea i whakaritea. e te Kawana i ia wa i ia wa, me tau ki nga mea i whakaritea i te tuatahi.

- A notemea kua oti i etahi Maori e whai take ana ki te whenua, ka whai take ranei a mua ake nei ki nga rahui kua karaatitia ka karaatitia ranei i raro i tenei Ture, te rihi inaianei i etahi wahi o aua rahui mo etahi tau ki nga pakeha e noho ana ki taua takiwa, a kua riro i a ratou, kua noho ratou ki runga kua mahia hoki e ratou te whenua kia pai, a notemea hoki kahore i tino whai mana aua rihi: Na ka meingatia ano i runga i te ture,—

Mehemea ka whakaae te Kawana ki te korero whakaatu mai a te Komihana i whakaturia i raro i tenei Ture,—

Ko aua tu rihi he mea pono, a i karaatitia e nga tangata i kitea i muri mai e tika ana ratou ki te whenua i whakahuatia ki roto ki taua rihi, mehemea hoki i muri mai o te tukunga o te Karauna karaati i whakamana taua rihi e aua tangata whai karaati.

† ahua pai hoki nga tikanga i tuhia ki roto ki taua rihi ki te taha ki nga Maori i te wa i whakaaetia ai:

- I utua hoki nga moni reti, i whakahaerea paitia hoki nga tikanga:

Ki te mea ka pera te marama o aua tikanga, hei reira ka ahei te Kawana ki te whakatuturu i taua rihi kia rite ki nga tau i whakaaetia i te tuatahi, ahakoa etahi tikanga i roto i te tekiana te kau matahi o tenei Ture.

Ko te mana whakatuturu e whakataua ana i konei kua e tau ki runga ki nga rihi i tukua i muri mai o te whai mana o "Te Ture Whakawa mo nga Whenua Raupatu, me nga Herehere Maori, 1879."

- Mehemea ka kite te Komihana i whakaturia i raro i tenei Ture e raruraru ana tana mahi Komihana i runga i te mahi hoko waipiro a tetahi Pakeha paparakauhe ki nga tangata Maori, ka whai mana taua Komihana i runga i te Ture ki te tuku i tana ota i raro i tona ringa whakahau kia kua taua tangata e hoko waipiro, e tukua ranei e ia kia hoko waipiro ki te Maori i roto i tona whare raihana, i te wa e whakaaro ai taua Komihana ka raru tana mahi i runga i taua mea.

Ko te tangata e turi ana ki taua kupu i muri mai o te taenga atu ki a ia, ki te tangata ranei e tiaki ana i te wahi o te whare e hokoa ana te waipiro, i tetahi atu wahi ranei o taua whare e hokoa ana te waipiro, ka ahei ia ki te tamana i taua tangata kia haere mai ia ki te aroaro o taua Komihana a mana e whiu, ko te whaina hei utu mo tana hara kua e iti iho i te kotahi te kau pauna kua e nui ake i te rima te kau pauna mo ia hara; a me tuhi taua Komihana i taua hara ki tua o te pukapuka raihana i taua Pakeha nana te raihana paparakauhe.

Apititanga. AHUA O TE TAKIWA RAU-PATU.

Ko tera wahi katoa o te Koroni o Niu Tirenī e uru ana ki roto ki enei rohe, ara: Timata i te Horo i Parininihi, haere atu i reira i ma runga i tetahi raina rere tika ki te Ra-whiti, 20 maero; haere atu i reira i ma tetahi raina a rere atu ki te Haua-uru-ma-tonga ki te Huhi i te Ngaire; haere atu i reira ma runga i te raina e mohiotia ana ko te "Raina Raupatu" a tae atu ki te pito i te wahi e tau ana ki te awa o Waitotara, haere atu ma roto o taua awa a tae noa ki te moana; haere atu i reira ki te Tonga ki te Hauauru ma te taha tai a tae atu ki te timatanga ra ano.

New Zealand. Analysis.

- Title.
- Preamble.

General Provisions.

- Short Title.
- Interpretation.
- Operation of Act. Reserves excepted therefrom
- Validation of reserves and grants thereof.
- Power to frame regulations.

General Administration.

- 6. Reserves to be managed only under this Act.
- 7. Alienable reserves not to be alienated except through Trustee.
- 8. Reserves Trustee appointed.
- 9. Trustee to be receiver of rents.
- 10. Powers of Trustee. Liability of Trustee.
- 11. Power to lease. Express provisions relating to leases.
- 12. If beneficiaries not known.
- 13. Commissioner may decide right of succession. Jurisdiction of Native Land Court not affected.
- 14. Restrictions may be varied or annulled by Governor.
- 15. Effect of order removing restrictions.
- 16. Appointment of officers.
- 17. Portion of rents may be applied for Native schools.
- 18. Confirmation of existing leases.
- 19. Commissioner may prohibit sale of liquor to Natives during meetings. Schedule.

[24th September. 1881]

Whereas by the fourth section of "The West Coast Settlement Preamble.(North Island) Act, 1880," the Governor in Council is empowered to make and set apart reserves for Natives within the confiscated territory, to be inalienable by sale, lease, or other disposition, and to issue Crown grants for the same, subject to such terms, conditions, and limitations as he may think fit; also to make and set apart reserves for the benefit of Natives, to be alienable, but which shall be disposed of under the authority of an Act of the General Assembly to be passed for regulating such disposal, and not otherwise: And whereas it is expedient to make provision accordingly:

Beit therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

General Provisions.

- The Short Title of this Act is "The West Coast Settlement Short Title. Reserves Act, 1881."
- In this Act, if not inconsistent with the context,—
 - "Commissioner" means any Commissioner appointed or acting Interpretation. under "The West Coast Settlement (North Island) Act, 1880:"
 - "Confiscated territory" means all that part of the colony described in the Schedule to this Act:
 - "Native" means an aboriginal native of New Zealand, and includes all half-castes and their descendants by Natives:
 - "Owner" means Native owner:
 - "Reserves" means reserves made by the Governor in Council under "The West Coast Settlement (North Island) Act, 1880," and includes all lands within the confiscated territory given back to Natives or granted to any of them for their benefit, except lands given to them under awards of the Compensation Courts, or by the Governor in respect of special services rendered by such Natives previously to the passing of the said Act:
 - "The said Act" means "The West Coast Settlement (North Island) Act, 1880:"
 - "Trustee" means the Public Trustee appointed under "The Public Trust Office Act, 1872;" and, wherever the Trustee may under this Act give his consent to or join in any alienation or lease, means such Public Trustee and the Board established by the last-mentioned Act.
- Operation of Act.
 - This Act shall have operation only in that part of the colony known as the confiscated territory, and described in the Schedule hereto.
 - Reserves excepted therefrom. All reserves made for Natives within the aforesaid territory and which at the commencement of this Act were actually administered under the provisions of any Act relating to Native reserves are hereby excepted from the operation of this Act.
- Validation of reserves and grants thereof. All reserves of land within the confiscated territory made by the Governor in Council under the said Act, and all grants issued or to be issued for any such reserves containing therein respectively any conditions, restrictions, or limitations on alienation, shall, as regards such conditions, restrictions, and limitations, be and be deemed to be valid and of good effect, whether or not the said conditions, restrictions, or limitations, shall be in conformity with the specific terms of any award, promise, or engagement respectively, in fulfilment whereof any such reserve has been made or grant issued.
- Power to frame regulations.
 - The Governor in Council may, from time to time, make, alter, and revoke regulations for the proper administration and management of West Coast settlement reserves, for the advertising, preparing, and issuing leases thereof, for the mode of application and expenditure of all revenues arising from the same, for the examination and audit of all accounts relating to the same, for defraying the cost of the management of the same, and generally for the more effectual administration of this Act, and for regulating the duties of all officers employed therein; and by any such regulations may, from time to time, appoint fees to be paid in respect of anything done under this Act in relation to any such reserves.
 - All such regulations on being gazetted shall have the same effect as if they had been included in this Act.

General Administration.

- Reserves to be managed only under this Act. Every alienation of reserves, whether partial or absolute, shall be made in accordance with the provisions of this Act, and not otherwise.
- No reserve which has been, made alienable in any way, Alienable reserves not to be alienated except through Trustee. whether or not the same has been granted to Natives, or to any person in trust for any Natives, shall be so alienated except with the concurrence of the Trustee, who before giving his consent shall satisfy himself that the terms of any such alienation are fair and proper, and, in respect of leases, that the proposed lease is in all respects in conformity with the provisions of this Act.
- The Governor may, from time to time, appoint and remove Reserves Trustee appointed. such fit person as he shall approve to be a West Coast Settlement Reserves Trustee, who shall, subject to the direction of the Public Trustee, conduct all or any portion of the routine business relating to reserves devolving upon the Public Trustee by this Act.
 - Such Trustee shall have and exercise over all reserves which come within or are placed under his jurisdiction full power of management and disposition, subject to the provisions of this Act; and, subject to such provisions, and to any conditions, restrictions, or limitations attached to any such reserves, may

exchange, lease, or otherwise dispose of such reserves in such manner as he, in his discretion, shall think fit, with a view to the benefit of the Natives to whom such reserves belong and the promotion of settlement; and it shall be the duty of such Trustee, so far as conveniently may be, in the exercise of the powers given him under this Act, to consult and obtain the assistance of some Native or Natives who shall be best acquainted with the circumstances of any reserve which is being dealt with, and to act as far as possible in accordance with the wishes of the Natives interested in such reserve.

- The Trustee shall be the receiver of all rents payable under Trustee to be receiver of rents. any lease of any reserve, and may, in his own name, ask for and receive such rents when due, and give receipts for the same which shall be valid discharges. And, as soon as possible after the receipt of any such rents, the Trustee shall, after making therefrom any deductions authorized by law, pay over the residue to the Native owners, in such shares and proportions as he shall ascertain to be due to such owners respectively.

No lessee or other person paying money under the provisions of this Act to such Trustee shall be afterwards answerable for such money, or be bound to see to the application thereof.

- All lands, moneys, goods, chattels, and effects whatever, the Powers of Trustee. management whereof shall have been lawfully vested in the Trustee, shall for all purposes of proceedings in any Court, as well criminal as civil, in law or in equity, in anywise touching or concerning the same, be deemed or taken to be, and may in every such proceeding (where necessary) be stated to be, the property of the Trustee for the time being in his proper name without further description:

The said Trustee is hereby authorized to bring and defend, or cause to be brought or defended, any action, suit, prosecution, or other proceeding, criminal as well as civil, in law or equity, touching or concerning the land or property aforesaid, and shall and may in all cases concerning the said property sue and be sued, plead and be impleaded, in any Court of law or equity in his proper name as such Trustee without other description:

No such suit, action, prosecution, or other proceeding shall be discontinued or abate by the death of any such Trustee or his removal from office, but the same shall and may be proceeded with by the succeeding Trustee in the proper name of the Trustee commencing the same; and such succeeding Trustee shall pay or receive the same costs as if the action, suit, or other proceeding had been commenced in his name:

Liability of Trustee. The Trustee shall not be personally liable except for his own act and deed, nor for anything done by him in the execution of his office as Trustee, except in cases where he shall be guilty of wilful neglect or default.

- Power to lease. The Trustee may, from time to time, subdivide any of the reserves under his control, or which may be brought thereunder, into convenient areas not exceeding the maximum hereinafter stated, and may classify such areas, according to their respective locality and quality, into rural or suburban and agricultural or pastoral lands respectively, and may lease any portion of such reserves in respect of which no trust shall have been created inconsistent with the exercise of this power—

For agricultural purposes, to any person or persons for any term not exceeding twenty-one years in possession, subject to such covenants and provisoes as shall seem fair and equitable; and

For building purposes, for any period not exceeding fortytwo years:

- No person, by himself or by or jointly with any other person on his behalf, shall be allowed to hold of suburban land more than forty acres, and of rural land more than six hundred and forty acres; but any person may occupy together suburban and rural lands not exceeding the maximum area thereof respectively.

Express provisions relating to leases. Every such lease shall be subject to such regulations as may be prescribed under this Act, and also to the following conditions, that is to say:—

(a.) Every lease shall be disposed of by public tender or by public auction, after due notification thereof has been given at least twice by advertisement in a newspaper having general circulation in the district wherein the land to be leased is situate, as the Trustee shall think the most fitting in each case.

(b.) The rent to be reserved shall be the best improved rent obtainable at the time.

(c.) No fine, premium, or foregift shall, in any case, be taken upon any lease.

(d.) No person in any way concerned with the administration of this Act shall in any case be personally interested, directly or indirectly, in any lease, nor shall there be imported therein any provision or covenant for the private advantage of any such person.

(e.) Every lease shall be prepared at the cost of the lessee which shall be paid before any such lease shall be signed by the lessor.

(f.)

Every lease held by any person who shall he proved to the satisfaction of the Trustee by himself, or by or jointly with any other person on his behalf, to hold more land than the maximum area allowed in this Act to be held, shall be void and of no effect, and the land, the lease of which is so voided, may be

again dealt with by the Trustee in terms of this Act:

Provided that all leases so rendered void and of no effect shall be proclaimed under the hand of the Trustee to be void and forfeited before the land affected shall be again dealt with, and such notification shall be a sufficient proof of forfeiture in any Court of competent jurisdiction.

- Wherever doubts shall arise as to the persons who may claim If beneficiaries not known. to be beneficially interested in any portion of the land comprised within any reserve, the Trustee shall make inquiry into the case for the purpose of ascertaining the names of all persons who shall be deemed to be beneficially interested therein.

And the Trustee shall determine the question according to such evidence and in such manner as he shall think best, and shall make such order therein as to him shall seem fitting.

- Notwithstanding anything hereinbefore contained, any Commissioner Commissioner may decide right of succession. under the said Act may investigate and decide the right of succession to any lands the property of deceased Natives within the confiscated territory, and recommend the issue of Crown grants to the persons found by him to be so entitled to succeed, and any grant issued in pursuance of the recommendation of such Commissioner shall not be open to further investigation.

Nothing in this Act contained shall be deemed in any way to Jurisdiction of Native Land Court not affected. annul or to limit the jurisdiction of the Native Land Court in cases of succession to the property of deceased Natives.

- Where any reserve held by or for any Natives under Crown Restrictions may be varied or annulled by Governor. grant is subject to any conditions, restrictions, or limitations, the Trustee, or not fewer than one-half of the grantees if they are named, or, if not named, any persons not less than five in number claiming to be of the tribe for which a reserve has been granted, may apply through the Trustee to the Governor to have the same or any of them annulled and removed.

The Governor, on proof in all cases being made of the consent of the Trustee to the application, may make such order in compliance therewith, either in part or in the whole, or otherwise, or reject such application, as he shall think fit.

Before altering or removing any conditions, restrictions, or limitations attached to any reserve, the Governor shall be satisfied that a final reservation has been made, or is about to be made, amply sufficient for the future wants and maintenance of the tribe, hapu, or persons to whom the reserve wholly or in part belongs.

This section shall not apply to any reserves which are made absolutely inalienable.

- Every order removing any such conditions, restrictions, or Effect of order removing restrictions. limitations as aforesaid shall be effected by Order in Council, and shall have the effect of rendering the land described absolutely as free and clear of and from all conditions, restrictions, and limitations as if none had ever been attached thereto; and any order partially annulling or changing any conditions, restrictions, or limitations, shall operate and have effect according to the intent and meaning thereof.
- Appointment of officers. The Governor may from time to time appoint, besides the Trustee aforesaid, such other persons as he shall think necessary for the carrying into effect the administration of this Act.
- Portion of rents may be applied for Native schools.

The Trustee shall require the owners of any reserve to appropriate a certain proportion of the rents or profits accruing therefrom respectively for the support and maintenance of Native schools in the neighbourhood of such reserves.

The proportion to be so appropriated shall be at the discretion of the owners, and, when fixed, the amount thereof in each case may be deducted by the Trustee from any moneys received by him on behalf of the Natives making the appropriation, and shall be paid by the Trustee in such manner as the Governor may from time to time direct, for the purposes for which the same was appropriated respectively.

- Confirmation of existing leases.

And whereas certain Natives entitled, or who may become entitled, to reserves granted or to be granted under the said Act have already leased the same or portions thereof for specified terms of years to various settlers, who have entered into possession, occupied, and improved the same, and the validity of such leases is doubtful: Be it therefore further enacted,—

The Governor in Council, on being satisfied by the report of any Commissioner under the said Act,—
That any such lease was made *bond fide* and granted by the persons since shown to be entitled to the land described in the lease, or that, subsequent to the issue of a Crown grant for such land, the said persons have confirmed such lease:

That the terms of such lease were fair and equitable to the Natives at the time when the lease was granted;

- That the rents and conditions have been duly paid and performed:

may confirm such lease for the term for which it has been made, notwithstanding anything contained

in section eleven of this Act.

The power of confirmation hereby granted shall not extend to any lease which may have been granted since the passing of "The Confiscated Lands Inquiry and Maori Prisoners' Trials Act, 1879."

- Commissioner may prohibit sale of liquor to Natives during meetings.

When any Commissioner appointed under the said Act shall find that the selling of spirituous or fermented liquors to Natives by any person holding a publican's license is interfering with the business of his Commission, it shall be lawful for such Commissioner to issue an order under his hand directing that such person shall not sell any such liquors, or permit the same to be sold, to any Native in his licensed house, so long as the said Commissioner shall consider the same to be obstructive to the business of his Commission.

Any person disobeying such order, after the same shall have been served upon him or upon the person in charge of the bar or other part of his house where such liquor is sold, may be summoned before such Commissioner and fined by him, in any sum not less than ten pounds or more than fifty pounds for each such offence; and the conviction shall be indorsed by such Commissioner on the license of such publican.

Schedule. Schedule. Description of Confiscated Territory.

ALL that part of the Colony of New Zealand comprised within the following boundaries, that is to say: Commencing at the tunnel at Parininihi, or the White Cliffs, and thence by a line running due East, 20 miles; thence by a line running in a South-westerly direction to the Ngairi Swamp; thence by a line known as the "Confiscated Line" to the point where it strikes the Waitotara River, and by that river to the sea; and thence towards the South and West by the sea to the commencing point.

Whakawhaititanga.

- Whakaingoatanga.
- Matua korero.
- Ingoa Poto.
- Whakamaramatanga.
- Ka whai mana to Kooti Whenua Maori ki te whakatu i nga tangata hei whakakapi i nga mea mate. Whenua Maori. Heretitamate.
- Te Wira kaore i mahia tikatia.
- Ma te Kooti e whakaputa i te tiwhikete.
- Kia pera hoki me te riwhitanga mo nga taonga o nga Maori.
- Tiwhikete.
- Ka mahia i runga i nga tikanga o te pukapuka whakahaere.
- Nga tikanga whakahaere mo taua mea.
- Whakakore i te Ture o te tau, 1876.

Notemea e pai ana kia hanga he tikanga e kitea ai he riwhitanga ki nga whenua me era atu mea kua oti te karaati ki nga tangata o te iwi Maori: A notemea tera ano pea he mea tika i runga i etahi tikanga kia kimihia nga tangata e tika ana i runga i te tikanga Maori kia whiwhi ki nga taonga o tetahi tangata Maori kua mate Oha-aki kore:

Natenei ka meingatia heiTURE e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete i runga hoki i te mana o taua Runanga nga ritenga i raro iho nei:—

- Te Ingoa Poto o tenei Ture ka kii ko "Te Ture Riwhi mo nga Maori e mate oha-aki kore ana, 1881."
- I roto i tenei Ture, kei raro iho nei te whakamaramatanga o etahi o nga kupu, ara,—
"Maori" tona tikanga he tangata Maori no Niu Tireni tae atu ki nga hawekaihe me a ratou uri mehemea he Maori nga matua;
"Whenua Maori" tona tikanga he whenua e puritia ana e nga tangata Maori i runga i a ratou tikanga Maori, kua oti ano hoki te whakatau e te Kooti Whakawa Whenua Maori;
"Heretitamate" tona tikanga he whenua, whai taketanga ranei ki te whenua e puritia ana i runga i te karaati i tukua e te karauna.
- Mehemea kua mate, ka mate ranei te tangata Maori e whai Whenua Maori ana ia, heretitamate ranei,

a kaore i oti i a ia te hanga i tetahi wira hei whakatau i aua whenua, ka whai mana te Kooti Whakawa Whenua Maori i runga i te tono a tetahi Maori e ki ana e whai take ana ia, ki te uiui ki te kimi i te tangata e tika ana kia riro i a ia aua whenua, me whakahaere i runga i nga tikanga Maori.

Ko nga whenua Maori me whakahaere e te Kooti i runga i nga tikanga Maori.

Ko nga heretitamate, i runga i nga mea pera ka kii e te Kooti ko nga tangata i marenatia ki ta te Maori tikanga o mua ka mana, ka whakahaerea i runga i nga ritenga o te ture o Niu Tireni.

- Ki te mea ka hanga he wira e te tangata kua mate, ka tuhi ranei i tetahi pukapuka ehara i te mea i mahia ki ta te ture e whakarite ai, a ka whakaarohia e te Kooti ko te tikanga o taua pukapuka he tuku na taua tangata i ona rawa i runga i te hiahia kua oti i a ia te tuhi ki roto, me hanga e te Kooti tetahi ota whakamana i taua mea.

- Kia oti i te Kooti te kimi i te tangata e tika ana ki tana i mahara ai hei whakakapi i te tunga o te tangata kua mate, hei reira ka whakaputa i te tiwhikete whakamana.

Me whakaatu ki roto ki taua tiwhikete te ra i mate ai te tangata, te ahua o te whenua, te ingoa me te wahi e noho ai te kai-tono.

Ka rite te whai mana o taua tiwhikete ano he mea tuhi na te tangata kua mate, pera me te mana o nga pukapuka katoa e tau ana ki a ia i te wa e ora ana ia, a ka ahei te rehita i aua whenua i tukua nei i roto i taua wira, ka rite tonu te mana ki te wira i hanga tikatia.

- I te mea ka mate te tangata Maori a e whai taonga ana ia i roto i Niu Tireni, ko te tangata e whai take ana ki aua taonga i muri i a ia ka tika kia tono ia ki te Kooti kia tukua tetahi tiwhihete whakaatu i te tangata e tika hei kai-riwhi, hei tango i aua taonga.

Mehemea ka waiho tetahi mea tuhituhi e te tangata Maori kua mate, e hara i te wira i hanga tikatia i runga i te ture, a ka whakaaro te Kooti Whenua Maori ko te hiahia o taua tangata kia waiho taua pukapuka hei wira mona mo nga taonga i tuhia e ia ki roto, me tuku te Kooti i te tiwhikete hei whakamana i taua mea kia tuturu ai.

- Ka ahei te Kooti, i muri mai o te uiuinga, mehemea ka kitea he mea tika kia peratia, ki te tuku i tetahi tiwhikete whakaatu i nga ingoa me nga kainga o nga tangata e tika ana kia tau ki a ratou aua taonga aha ranei i runga i nga tikanga Maori.
- Me whakaatu hoki ki roto ki te tiwhikete te tangata nga tangata ranei hei tuhi ki te pukapuka whakamana hei whakahaere i nga mea o taua wira, i raro i nga tikanga o te tekiana tuaiwa. Ka tika ma tetahi Kooti whai mana e tuku i nga pukapuka whakamana ki nga tangata i whakaritea hei whakahaere mo taua wira.
- Ko nga Ture me nga ritenga katoa atu, haunga ia nga mea i roto i tenei Ture, mo runga i te tuku pukapuka whakahaere aha ranei, mo nga mea o nga tangata i mate oha-aki kore, ka tau ki runga ki te tiwhikete pera.
- Ko "Te Ture Riwhi mo nga Maori e mate oha-aki kore ana, 1876," kua whakakorea inaianei.

Analysis.

- Title.
- Preamble.
- Short Title.
- Interpretation.
- Native Land Court may appoint successors. Native land. Hereditaments.
- Informal will.
- Court to grant certificate.
- Similarly as to personally.
- Certificate to be granted.
- Letters of administration to be granted accordingly.
- Rules applicable thereto.
- Repeal.

[19th September. 1881.]

Whereas it is expedient that provision should be made for determining the Preamble. succession to lands owned by and hereditaments granted to persons of the Native race: And whereas it may be necessary in certain cases to ascertain the persons to whom, according to Maori custom or usage, the personal property of any intestate Native ought to descend:

BEIt therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the

authority of the same, as follows:—

- The Short Title of this Act is "The Native Succession Act, 1881." Short Title.
- In this Act, if not inconsistent with the context,— Interpretation.
"Native" means aboriginal natives of New Zealand, half-castes, and their descendants by Natives:
"Native land" means land or any interest therein owned by Natives under their customs or usages of which the title has been determined by the Native Land Court:
"Hereditaments" means land, or any interest therein, held under title derived from the Crown.
- In case any Native has died, or shall die, possessed of any Native land or Native Land Court may appoint successors. of any hereditaments held in severalty or as tenant in common without having made a valid disposition thereof, the Court may, on the application of any Native claiming to be interested therein, inquire and ascertain who ought to succeed to such land or hereditaments.
In respect of Native land the Court shall be guided by Native custom or Native land. usage.
In respect of hereditaments the Court shall assume that marriages according Hereditaments. to the customs and usages of the Natives are valid, and shall then be guided by the law of New Zealand.
- If the deceased Native made a will, or left any writing which, though not Informal will. legally executed as a will, the Court should be of opinion was intended to be a disposition of any property therein mentioned, it shall make the order as nearly as may be in accordance therewith.
- Court to grant certificate.
The Court having determined who, in its judgment, ought to succeed, shall thereupon grant a certificate accordingly.
The certificate so granted shall set forth the death of the owner, a description of the land, and the name and place of abode of the person entitled to succeed, and may fix the date on which he became entitled.
The certificate shall have the same force and effect in favour of the successor as the instrument, under which the deceased Native owner was entitled, had in his favour at the time of his decease, and, as regards hereditaments, shall, for the purpose of registration under the Land Transfer Acts and the Deeds Registration Act, be treated in like manner as a valid will.
- Similarly as to personalty. Where any Native dies intestate possessed of personal estate within New Zealand, any person claiming to be interested or entitled to such personal estate may apply to the Court for a certificate setting forth the name of the person who ought to succeed to such personal estate. If the deceased Native left any writing which, though not legally executed as a will, the Court should be of opinion was intended to be a disposition of any personal estate therein mentioned, it shall grant the certificate as nearly as may be in accordance therewith.
- Certificate to be granted. The Court, after hearing the application, may, if it think fit, grant a certificate setting forth the names and places of abode of the persons entitled to succeed to such personal estate according to Native usage or custom.
- Letters of administration to be granted accordingly. The certificate shall also designate one or more person or persons to whom letters of administration may be granted to administer the estate on behalf of those entitled to succeed thereto, subject to the provisions of section nine. Such person or persons shall be entitled to the grant of such letters by a Court of competent jurisdiction.
- Rules applicable thereto. Except as by this Act specially provided, all laws and rules relating to the grant and issue of letters of administration, and to stamp and other duties imposed upon the grant of administration, of the estates of persons deceased shall be applicable to such certificate.
- Repeal. "The Intestate Native Succession Act, 1876," is hereby repealed.

Whakawhaititanga.

- Ingoa.
- Ingoa Poto.
- Whakamaramatanga.
- Komihana Kaitiaki.
- Te Whakaturanga o te Komihana.
- Ko etahi hoko kaore e whakaaetia.
- Ma te Komihana e titiro mehemea e tika ana te utu i whakaritea.
- Ka ahei te tonono i tetahi Ateha Maori hei hoa mona.
- Ma te Komihana e uiui i nga whakawa, &c.
- Ka whai mana te Komihana ki te tamana i nga kai-whaki korero kia tu ki tona aroaro, ki te kawemai hoki

i nga pukapuka, aha ranei.

- Ka whai mana te Komihana ki te oati i nga kai-whaki korero.
- Ka turi te tangata ki te tono a te Komihana ka ahei ia kia whiua kia utu ia i nga moni £50.
- Te tikanga tuku mo nga tamana.
- Te utu mo nga kai-whaki korero.
- Mehemea ka kore e ea me whakawa.
- Ma tuku te Komihana i tana tiwhikete whakaatu i te ritenga o ana mahi uiui.
- Te mana o te whakawa tuarua.
- Te tikanga whakahaere mo runga i taua mea.
- Ka ahei te tono ano kia puta te Ota.
- Kaore e pokanoa ki te tau ki nga ritenga tuturu o te Kooti Hupirimi.
- Nga utu.
- Nga tikanga whakahaere.
- Whakakore i nga Ture tawhito.

Na Ka Meingatia Hei Ture e te Runanga Nui o Niu Tireni kua huihui mai nei ki roto ki te Paremete, i runga hoki i te mana o tana Runanga, nga ritenga kua tuhia i raro nei:—

- Ko te Ingoa Poto mo tenei Ture ko "Te Ture arai mo te Hoko Tahae i nga Whenua Maori, 1881."
- Ko te whakamaramatanga tenei i nga kupu ka uru ki roto ki tenei Ture, ara:—
"Tangata Maori," nga tangata Maori no Niu Tireni tae atu ki nga hawhekaihe me a ratou uri mehemea he Maori nga matua.

"Te Tuku," he hoko, riihi tuku pehea ranei i te whenua.

"Whenua Maori," tona tikanga he whenua e puritia ana e nga tangata Maori i runga i te tiwhikete, karaati aha ranei, haunga ia nga whenua e puritia ana e ratou i runga i a ratou tikanga Maori.

- Ma te Kawana e whakatu, i ia wa i ia wa i runga i tona waraati, tetahi tangata etahi tangata ranei hei Komihana Tiaki, me tu ia hei pera i te wa e pai ai te Kawana.
- Ko nga Komihana i whakaturia i mua ka waiho ano kia tu ana, pera ano me te mea i whakaturia i runga i tenei Ture.
- E kore e mana te tuku i te whenua a te Maori—
Mehemea kaore taua hoko i mahia i runga i te tika me te whakaaro pai;
Mehemea ranei he whenua e puritia ana i runga i te tikanga tiaki, a ko nga tikanga o taua tiakanga e takahia ana kaore e whakahaerea tikatia ana;
Mehemea ranei i hokona te whenua, ko te utu, tetahi wahi ranei o te utu he waipiro, he pu me etahi atu mea whawhai aha ranei, ko nga pukapuka hoko e mahia penatia ana ka takahi nei i nga tikanga o tenei Ture, ka noa rawa atu e kore e whakamana.
- Ma te Komihana Kaitiaki e uiui i nga tikanga katoa e taea e ia mo runga i nga tuku whenua, kia mohio rawa ia mehemea e tika ana te hoko i whakahaerea hoki i runga i nga ritenga o te tekiana i runga ake nei.

Me uiui hoki ia mehemea ranei e mohio tuturu ana nga tangata na ratou taua hoko ki ta ratou e mahi ai, me te utu ano hoki ka hoatu ki a ratou.

Kia mohio rawa hoki taua Komihana tera ano hoki he wahi whenua i toe hei oranga mo nga tangata na ratou te hoko.

- Ka ahei te Komihana i ia wa i ia wa, ki te tono i tetahi Ateha Maori hei whakahoia i a ia ki te uiui i nga tikanga mo te whenua Maori e meatia ana kia tukua.
- Kia uiuia, kia kimihia ra ano e te Komihana nga tikanga katoa katahi ka ahei te rehitia ki te Tari Rehitia Pukapuka tetahi kupu Whakatau, ota aha ranei kia tau ki runga ki te whenua Maori kia ahei ai te tango i te whenua i runga i te Warati i whakaputaina hei whakaea i tetahi nama aha ranei. Ki te mea ka kore e marama ki te Komihana nga tikanga i whakahaerea mo runga i taua mea, e kore e taea te whenua te hoko te tango ranei hei whakaea i te nama aha ranei a te tangata.
- Kia taea ai te whakahaere i taua mahi uiui, ka ahei te Komihana, nga Komihana ranei ka whakaturia i raro i tenei Ture, ki te te tuku tamana i raro i tona ringa ki te tangata kia haere ki tona aroaro korero ai i tana 1 mohio ai mo runga i taua mea, me whakaatu ki roto ki taua tamana te wahi me te ra e tu ai te whakawa.

Ka ahei hoki te ki atu ki te tangata ka tonoa nei ki te whaki korero kia haria mai e ia nga pukapuka katoa aha ranei i a ia e takoto ana, e taea nei te tono e te Kooti Whakawa i runga i te ture mehemea ka turi te tangata ki te tono a te Komihana.

- Ka ahei te Komihana te oati i nga kai-whaki korero ka tonoa nei e ia kia haere atu ki tona aroaro.
- Mehemea ka tonoa e te Komihana i runga i te tamana kia haere te kai-whaki korero ki tona aroaro, ki te kawae mai hoki i nga pukapuka katoa, a ka hapa i a ia ka turi rauei ia ki te kupu tono i whakahuatia ki

roto ki te tamana, ka kore ranei ia e whakaae kia oatitia ia ki te whakahoki ranei i nga kupu patai a te Komihana.

Ko te tangata pera, ko nga tangata ranei e mahi pera ana ka taea te whiu kia kaua e neke ake i te rima te kau pauna, a ki te mea ka kore ia e utu i taua moni, ma te kooti whakawa e tono; ko te tangata, nga tangata ranei e whaki ana i te korero teka i te mea kua oatitia ia kia whai korero, ka kiia kua he ia i runga i te Ture, a ka whiua ia mo taua hara.

- Ka puta he tamana ko te tauira te mea hei hoatu ki te tangata mona, me hoatu tonu ki tona ringa, a ki te mea ka kore ia e kitea me waiho te tauira ki tona whare ki te wahi ranei e mohiotia e nohoia ana e ia.
E kore e taea te ki atu ki te kai-whaki korero kia haere mai ia i runga i te tono a te Komihana mehemea kaore he kupu ki a ia hei ki atu ka hoatu i te utu tika ki a ia mo tona haere, hei orange hoki mona, a mehemea kaore te tamana i hoatu ki te ringa o te tangata mona a haere ana ia ki te whakawa, ma te tangata nana te whakawa ia e utu ina tonoa e ia kia hoatu i te moni tika.
- Ko nga utu hei hoatu ki nga kai-whaki korero ka pera ano te whakahaere me era kua oti te whakarite e te Kooti Hupirimi, a ma te Komihana e whakarite i te moni hei utu ki a ratou, a ka mutu te whakawa me tuhi ia i tetahi tiwhikete ka hoatu ki te tangata tango utu, whakaatu i te nui o te moni hei hoatu ki a ia.
- Mehemea ka kore e utua nga moni i whakaritea peratia, hei reira ka ahei te kai-tono te haere ki te Kooti whakawa kia tukua he tamana ki te tangata mana aua moni e utu, a ko te tiwhikete a te Komihana hei whakatika i tana i tono ai.
- Mehemea ka tuturu te whakaaro o te Komihana e marama ana nga tikanga o te hoko i te mea kua uiuia e ia, he mea whakahaere tika i runga i tenei Ture, me tuhi ia i tetahi tiwhikete ki tua o te tino pukapuka, whakaatu i taua mea, ka tuhi ai hoki i tona ingoa.
E kore e ahei te rehitia i tetahi pukapuka tuku ki roto ki te Tari Rehitia i te mea kaore ano kia tuhia e te Komihana tana kupu ki tua o taua pukapuka.
- Mehemea e whakaaro ana tetahi tangata he mate i pa ki a ia i runga i te mahi a te Komihana ki te tuku ki te pupuri ranei i taua tiwhikete, ka ahei ia te tahuri atu ki te Kooti Hupirimi ki te whakahe i te mahi a te Komihana, ko taua tono me whakahaere i runga i nga tikanga katoa ka whakahaua kia hanga i muri mai nei mo aua tu mea.
- Mehemea ka kitea e te Kooti Hupirimi i runga i taua whakawakanga he mea tika kia whakaaetia e te Komihana, kia kaua ranei e wkakaaetia e ia taua mea, ka akei te Kooti i reira i runga i te pukapuka wkakakau ki te wkakakakore ki te wkakaae ranei i taua hoko e hiahiatia ana, i runga i te mea e tika ana, a ka pera ano te whai mana o taua whakaae whakakahore ranei ano na te Komihana i kii.
- Mehemea i runga i te uiuinga, ka tuturu te whakaaro o te Komihana he mea whakahaere tika te wkakatau aha ranei, a tetahi whakawa kia riro ai te whenua, me tuku ia i tetahi tiwhikete i raro i tona ringa ki te Minita mo te taha Maori whakaatu i taua mea ki a ia, a mana e tuku atu ki te Kawana i roto i tona Kaunikera, hei reira ma te Kawana e whakahaere i nga tikanga, e whakaputa i ana kupu wkakahau kia whakamana kia ahatia ranei.
E kore e akei te rehitia i tetahi pukapuka wkakatau aha ranei e riro ai te whenua a te tangata, ki roto ki te Tari Rehitia pukapuka i te mea kaore ano kia puta te ota i tukia e te Kawana i roto i tona Kaunihera hei whakaae kia rekitatia, e kore hoki e wkai mana te hoko, te tango ranei i te whenua hei whakaae i tetahi nama aha ranei mehemea kaore ano kia rehitatia peratia taua mea.
- Mekemea ka puta te ota a te Kawana i roto i tona Kaunihera kia rehitatia tetahi pukapuka, a ka kore e whakaaetia, hei reira ka ahei te tangata nga tangata ranei na ratou taua tono, te whai kupu i ia wa ia wa, ki te tono kia whakaarohia ano taua mea kia ahei ai te whakaputa i te ota kia whakaaetia.
- Kaore he mea i roto i tenei Ture e pa ana e pokanoa ana ranei ki to whakahaere ke i te mana me nga ritenga o te Kooti Hupirimi mo te waihotanga mo te whakanoa ranei i nga mahi e puta ke ana i runga i nga tikanga o tenei Ture mo te mahi hoko tahae, ki te tuki ranei i tetahi pukapuka whakahau i runga i ta taua Kooti e whakaaro ai he mea tika kia peratia.
- Ma te Kawana i roto i tona Runanga Whiriwhiri, e whakarite i nga moni hei utu mo te whakahaere tikanga ki te aroaro o nga Komihana i runga i nga tikanga o tenei Ture, a ka tika kia tonoa, kia utua hoki aua moni utu.
- Ma te Kawana i roto i tona Runanga Whiriwhiri, i runga hoki i te whakaae o te Kooti Hupirimi, e hanga i ia wa i ia wa nga tikanga whakahaere, ki te whakarereke ranei i aua tikanga i runga i tenei Ture ki tana e pai ai, a ko aua tikanga whakahaere me ta ki roto ki te *Kahiti o Niu Tireni* hei reira ka whai mana i runga i te ture.
- Ko nga Ture i raro iho nei kua whakakorea inaianei:— 1870, No. 75, -Te Ture arai mo te Hoko Tahae i nga Whenua Maori, 1870.
1873, No. 44,—Te Ture Whakatikatika i te Ture Arai mo te Hoko Tahae i nga Whenua Maori, 1873.

Analysis.

- Title.
- Short Title.
- Interpretation.
- Trust Commissioner.
- Appointment of, continued.
- Alienations in certain cases invalid.
- Commissioner to inquire into circumstances attending alienation.
- May obtain assistance of Native Assessor.
- Judgment, &c. to be inquired into by Commissioner.
- Commissioner may summons witnesses and order production of documents, &c.
- Commissioner may examine witnesses on oath.
- Persons not attending or producing documents subject to a penalty of £50.
- Mode of serving of summons.
- Witnesses entitled to expenses.
- Amount may be recovered.
- If alienation not invalid Commissioner to give certificate.
- Bower of appeal.
- Proceedings thereupon.
- If Commissioner satisfied he shall transmit certificate to Native Minister. No judgment, &c, to be registered without Order in Council.
- Application for order may be renewed.
- Saving ordinary jurisdiction of Supreme Court.
- Fees.
- Rules.
- Repeals.

[23rd September, 1881.]

Be It Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- The Short Title of this Act is "The Native Lands Frauds Prevention Short Title. Act, 1881."
- The words following have the several meanings in this Act respectively Interpretation. attached to them:—
 - "Native" means aboriginal natives and half-castes, and their descendants by Natives.
 - "Alienation" means sale, lease, or other disposition absolute or limited, charge, lien, or incumbrance.
 - "Native land" includes all land held by Natives under any title except their customs or usages.
- The Governor may from time to time, by warrant under his hand, appoint Trust Commissioner. any person to be a Trust Commissioner, who shall hold office during pleasure.
- Trust Commissioners heretofore appointed shall be deemed to be appointed Appointment of, continued. under this Act.
- No alienation of Native land shall be valid,— Alienations in certain cases invalid.
 - ¶ If such alienation or the transaction relating thereto is contrary to equity and good conscience; or,
 - ¶ If the alienation is in contravention of or not in accordance with any trusts to which the land is subject; or,
 - ¶ If the consideration for alienation is either in whole or in part founded directly or indirectly on or arises out of or connected with any sale or gift of any spirituous or fermented liquors, or any arms or other warlike implements or stores, or any contract or promise relating to any such sale or gift.
- Commissioner to inquire into circumstances attending alienation.
 - The Trust Commissioner shall, as far as possible, inquire into the circumstances attending every alienation, and especially ascertain whether the same is valid or invalid according to the intent and meaning of the last preceding section.
 - He shall also inquire as to the nature of the consideration, and shall satisfy himself that the consideration purporting to be paid or given has been paid or given.
 - And shall also satisfy himself that the Natives interested in the lands the subject of alienation have

sufficient land left for their occupation and support.

- May obtain assistance of Native Assessor. The Trust Commissioner may from time to time call in the assistance of a Native Assessor to assist him in making inquiry into the circumstances attending the alienation of any Native land.
- Judgment, &c., to be inquired into by Commissioner. No judgment, order, or decree may be registered in any Deeds Registry Office or in any Land Registry Office, nor shall any land be capable of being seized or sold under any such judgment, order, or decree, or under any writ of *feri facias*, or any other writ, for the purpose of satisfying any such judgment, order, or decree, unless the circumstances attending the same have been investigated by a Trust Commissioner.
- Commissioner may summon witnesses and order production of documents, &c.

For the purpose of any such inquiry or investigation as aforesaid every Trust Commissioner appointed under this Act may, by summons under his hand, require any person to attend as a witness at such time and place as shall be specified in the summons.

Such person may in like manner be required to bring and produce any books, papers, writings, deeds, and documents of which a Court of law could compel the production.

- Commissioner may examine witnesses on oath. The Trust Commissioner may examine upon oath any witness so summoned and attending touching the matter to be inquired into.
- Persons not attending or producing documents subject to a penalty of £50. If any person on whom any summons shall have been served shall fail or neglect to appear, or to produce any books, papers, writings, deeds, and documents according to the exigency of the summons, or shall refuse to be sworn or to give evidence, or to answer such questions as shall be put to him by the Commissioner touching the subject-matter of the inquiry, every such person shall be liable to a penalty not exceeding fifty pounds, to be recoverable in a summary way; and every person wilfully and corruptly giving false evidence on oath shall be guilty of perjury, and punishable accordingly.
- Mode of serving of summons.

A summons may be served by delivering a copy thereof personally, or by leaving a copy at the usual place of abode of the person to be served.

No person shall be compelled to attend until a reasonable sum is tendered to him to pay the probable expenses of his travelling and maintenance, or, if the summons is not personally served, such sum is paid on his demand by the person at whose instance the inquiry or investigation is held.

- Witnesses entitled to expenses. The amount to which witnesses shall be entitled for such expenses shall be according to the scale allowed to witnesses by the Supreme Court, and the amount thereof shall be fixed by the Trust Commissioner, who shall, as soon as the examination is concluded, give a certificate to the person entitled, setting forth the amount allowed.
- Amount may be recovered. If the amount so allowed is not paid, the person entitled thereto may forthwith sue for the same in a Court of competent jurisdiction, and the certificate, on proof of the handwriting thereto of the Trust Commissioner, shall be conclusive evidence that the amount there stated is due to the person in whose favour the certificate is given.
- If upon such inquiry as aforesaid the Trust Commissioner is satisfied If alienation not invalid Commissioner to give certificate. that the alienation is not invalid, according to the true intent and meaning of this Act, he shall indorse on the principal or only instrument a certificate under his hand to that effect.

No deed or other instrument of alienation shall be registered in any registry of deeds or land without such indorsement.

- Any person aggrieved by any act of the Trust Commissioner in relation to Power of appeal. the giving or withholding of any such certificate as aforesaid may appeal to the Supreme Court against the decision of the Trust Commissioner, and such appeal shall be made within such time, and in such form, and with such provisions as to notice of appeal and as to the effect of such notice, and shall be heard and determined in such manner, as shall be fixed and provided in that behalf in the rules of procedure hereinafter directed to be made.
- If upon the hearing of such appeal the Supreme Court shall be of Proceedings thereupon. opinion that the approval of the Trust Commissioner ought to have been withheld or to have been given, as the case may be, the said Court may, by order, prohibit or authorize the proposed alienation, as the case may require, and such order shall have the same force and effect as a refusal or consent, as the case may be, by the Trust Commissioner.
- If, on such investigation as aforesaid, the Trust Commissioner is satisfied If Commissioner satisfied he shall transmit certificate to Native Minister. that the transaction on which any judgment, order, or decree, is founded is not contrary to equity and good conscience, he shall transmit a certificate under his

hand to that effect to the Native Minister, to be submitted to the Governor in Council, who thereupon may give such directions or make such orders as he may think fit.

No judgment, order, or decree shall be registered in any registry of deeds No judgment, &c, to be registered without Order in Council. or land without an Order in Council authorizing the registration thereof; and no alienation of land under any judgment, order, or decree, shall be given any effect to by writ or otherwise without such registration.

- When an Order in Council authorizing registration has been refused, it Application for order may be renewed. shall be competent for any person at any time, and from time to time, to make an application that the case may be reconsidered, and such an order issued.
- Nothing in this Act contained limits or interferes with the power of Saving ordinary juris-diction of Supreme Court. the Supreme Court in its equitable jurisdiction to avoid or set aside any transaction coming within the provisions of this Act on the ground of fraud, or to make such order therein as the said Court may appear just.
- The Governor in Council may, by order in that behalf, fix fees to be Fees. paid in respect of any proceedings before the Trust Commissioners under the provisions of this Act, and such fees shall be demandable and payable accordingly.
- The Governor in Council may, with the approval of a Judge of the Rules. Supreme Court, make, and from time to time alter, revoke, or amend such rules of practice and procedure for regulating proceedings under this Act as to him shall seem fit, and such rules, when published in the *New Zealand Gazette*, shall have the force of law.
- The undermentioned Acts are hereby repealed:— Repeals.
1870, No. 75.—The Native Lands Frauds Prevention Act, 1870.
1873, No. 44.—The Native Lands Frauds Prevention Act Amendment Act, 1873.

Whakawhaititanga.

- Ingoa.
- Matua Korero.
- Ingoa Poto.
- Ka ahei te panui i nga takiwa Ngawha.
- E kore e taea te toko whenua i roto i te takiwa, erangi ma raro anake I nga tikanga o tenei Ture.
- Ko nga Ture katoa o mua ka whakakorea i roto i enei takiwa.
- Ka ahei te Kawana ki te whakarite tikanga mo te whakanohonoho kainga ki nga takiwa.
- Ki te wehe ke hoki i etahi wahi rahui i roto hei painga mo te katoa.
- Ki te hanga tikanga ano hoki hei whakahaere i ana tu rahui.
- Nga moni utu me nga tikanga whaka tau.
- Whakahaere i nga tikanga mo nga pirihihana.
- Te Ture kaunihera Taone ka tau ki nga mahi pirihihana.
- Whakamana i nga rihi.
- Ka ahei te whakatau tikanga ki nga whenua e riro mai ana.
- Ka tau nga tikanga utu takoha ki runga ki nga whenua e riihitia peratia ana.
- Ka whai mana tenei Ture ki nga takiwa Kaute o Tauranga, o Taupo ki te taha Rawhiti.

Notemea hei painga mo te Koroni, hei oranga hoki mo nga tangata Maori no ratou te whenua kei runga nei nga puna rongoa me nga ngawha, mehemea ka tukua kia whakatuhertia aua takiwa kia ahei ai te whakanohonoho kainga ki reira: A he mea tika kia hoatu he mana ki te Kawana kia ahei ai ia te mahi tikanga kia taea ai te whakarite i tenei mea:

NA KA MEINGATIA HEI TURE e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete i runga hoki i te mana o taua Runanga nga Whakaritenga ka whakaaturia i raro iho nei:—

- Te Ingoa Poto o tenei Ture ka kii ko "Te Ture mo nga Takiwa Ngawha, 1881."
- Ka ahei te Kawana i ia wa i ia wa ki te tuku Panui whakarite i nga takiwa o te Koroni hei tuku ki raro ki nga tikanga o tenei Ture, ko aua takiwa he wahi e nui ana te ngawha, nga waiariki, nga puna mahana rongoa ranei, nga roto, nga awa aha ranei, a ka taea hoki i ia wa te whakarereke i nga rohe ki te whakakore ranei i etahi o aua tu takiwa.
- I muri mai o te panuitanga ki roto ki te *Kahiti* o tetahi Panuitanga whakarite i tetahi takiwa pera, katahi ka whai mana tenei Ture ki reira, a e kore e tika i runga i te ture kia hoko whenua Maori te tangata i roto i taua takiwa, erangi kia whakaaetia ra ano i runga i nga tikanga o tenei Ture katahi ano ka taea, ka tau ki a te Kuini anake te mana ki to hoko i nga whenua e uru ana ki roto ki aua takiwa.

- Ma te Panuitanga pera e whakanoa i nga Ture ahua ke aha ranei e tau ana ki aua takiwa i mahia ki reira i mua a kaore e taea ana te whakauru ki roto ki tenei Ture.
- I muri tonu mai o te tukunga i te Panuitanga pera i tonoa e nga Maori i raro i tenei Ture, i muri hoki o te whakawakanga o te whenua e te Kooti Whenua Maori, ka whai mana te Kawana ki te tono atu ki nga tangata Maori na ratou te whenua kia hanga he tikanga e taea ai te whakatuhera i te whenua o te takiwa kia nohoia e te Pakeha, a ka ahei ia i ia wa i ia wa ki te whakahaere i roto i taua takiwa nga mana i raro iho nei:—
 - Ki te korero ki te whakaae ranei kia tukua noatia mai e nga tangata Maori tetahi whenua, ki te whakahaere tikanga ranei mo te hoko, mo te rihi ranei i te whenua e whakaarohia ana e ia he mea tika kia whakataua tenei Ture ki runga, ki te mahi ki te whakaoti i etahi atu mea e kitea ana e ia he mea tika;
 - Kia tu ia hei kai-whakahaere ki te taha ki nga tangata Maori na ratou te whenua e meatia ana kia riihitia ki te tangata e hiahia ana;
 - Ki te korero ki te whakaae i te tono a nga Maori na ratou te whenua kia tukua nga ngawha, nga waiariki, nga roto, nga awa aha ranei hei painga mo te katoa;
 - Ki te whakatakoto ki te ruri i nga wahi hei taone, hei paamu, aha ranei;
 - Ki te hanga, ki te tutaki, ki te whakahaere ke, ki te whakawhanui, ki te whakarereke i nga piriti, nga huarahi, nga rerenga wai ranei;
 - Ki te whakahaere i nga mana hoatu i etahi wahi whenua ki raro ki "Te Ture mo nga Mahi Nunui, 1881," mo nga rerenga wai aha ranei hei painga mo nga taone;
 - Ki te whakawhiti i tetahi rahui, whenua karauna ranei kia ahei ai te tango mai i tetahi whenua ke mo taua tu mea ano, hei painga mo te katoa;
 - Ki te hanga ki te whakaoti i nga pukapuka katoa aha ranei e tika ana kia mahia i runga i te mana i whakataua ki a ia e tenei Ture, a ka mana katoa aua pukapuka me nga mea ke atu e mahia ana e ia ki te taha ki a te Kuini me nga tangata katoa.
- Ka ahei ano hoki te Kawana, i runga i te whakaae a nga tangata Maori na ratou te whenua, ka kimihia i runga i tana e pai ai, ki te whakahaere i enei mea, ara;
 - Ki te whakatau i ia wa i ia wa i tetahi wahi whenua i roto i te takiwa hei painga mo te katoa, ara hei wahi takaro aha ranei, ki te whakanoa ranei i etahi wahi pera i whakaritea i mua hei pera;
 - Ki te wehe ke i etahi wahi hei tuunga kura, hei whakatu whare karakia ranei;
 - Ki te wehe ke i etahi wahi hei tanumanga tupapaku, ki te tutaki ranei i etahi wahi pera e kitea ana he mea tika kia whakakorea;
 - Ki te whakatu i tetahi whare ahua pai, whare ke atu ranei hei painga mo te katoa;
 - Ki te hoatu i tetahi wahi o te whenua hei kaari whakapaipai mo te taone, ki te waiho ranei i etahi wahi hei hono ki nga whare ka whakaaetia kia riihitia;
 - Ki te whakato i aua wahi ki te rakau;
 - Ki te mahi ki te whakahaere i nga puna rongoa katoa, nga puna mahana, nga ngawha, nga waiariki, nga roto, nga awa me nga wai, ki te whakarite, ki te kohikohi i nga moni e utua ana e nga tangata haere ki reira;
 - Ki te whakatu whare kaukau, aha ranei e taea ai te whakahaere pai i nga wai hei kaukau.
- Ka whai mana te Kawana i ia wa i ia wa i runga i te Ota i roto i tona Kaunihera, ki te whakamahi i nga kupu whakahau aha ranei i whakatakotoria mo te whakahaere tika, mo te whakaora, mo te tuku me te awahina i nga whenua i wehea ketia nei, ki te whakatupato i nga tangata e haere ana ki reira, ki te whiu hoki i te tangata kia utu ia i te whaina kaua e nui ake i te *rima pauna* ina takahia e ia nga tikanga i hanga hei painga mo taua wahi.
- Ma te Kawana e whakatu i te tangata hei kohikohi i nga moni raihana, nga moni e utua ana mo te kaukau i roto i nga wai ariki, me nga moni ke atu e tika ana kia utua, ki te utu hoki i nga moni e whakapaua ana hei painga hei oranga mo te taone, mo te takiwa ranei e puta mai ana nga moni i roto.
- Ka whakaurua ki roto ki tenei Tare, ka whakakotahitia "Te Ture Whakahaere i nga Takiwa Maori, 1858."
- Kia tae ano ki te wa e uru ai nga taone ka whakaturia i raro i tenei Ture ki raro ki nga ture kaunihera taone o te koroni, ka ahei te Kawana ki te whakatu i tetahi Runanga, kaua e maha ake i te *rima* tangata te tokomaha, hei whakahaere i nga mea katoa mo te taone, a ka tuku ki a ratou i nga mana katoa e whakataua ana ki a ia e tenei Ture (haunga ia te mana whakatu kai-whakahaere hei tuhituhi i nga pukapuka hoko, riihi aha ranei). Ko nga pukapuka moni katoa a taua Runanga me tuku atu ki te Minita mo te taha Maori i ia hawhe tan i ia hawhe tau, a mana e tuku ki te Tari pukapuka Moni a te Kawanatanga.
- Ko nga riihi i hanga mo nga tau e rua te kau ma-tahi timata mai i te ra i tuhia ai, a kua noho te tangata nana i riihi ki runga ki taua whenua i te rua te kau ma-rima o nga ra o Noema, kotahi mano e waru rau e waru te-kau, ahakoa nga tikanga kua uru ki roto ki tenei Ture, ka tika kia whakamanaa aua riihi e nga

tangata Maori na ratou te whenua, ahakoa i whakaaetia e ratou taua riihi i te wa kaore ano kia whakataua te whenua ki a ratou e te Kooti Whenua Maori.

Ka tau nga tikanga o tenei tekihana ki te whenua anake i Ohinemutu e takoto ana i waenganui o Rotorua Moana i te taha ki te Nota me te huarahi haere atu i te awa o Utuhina ki te whare o Morihini ki te taha ki te tonga, i waenganui hoki i te awa o Utuhina ki te taha ki te Ra-to me tetahi raina haere atu i te whare o Morihini tika tonu atu ki te Nota ki taua roto ano ki te taha ki te Rawhiti.

- Mehemea ko te tikanga i whakaaetia e nga tangata Maori na ratou te whenua he tuku i te whenua hei nohoanga pakeha i runga i te tikanga riihi ka whai mana te Kawana i runga i te whakaae a nga Maori na ratou te whenua, ki te whakahaere i enei mea, ara:—
Ki te whakahaere i aua riihi i aua tuku ranei, i nga peratanga katoa me tuku i runga i te tikanga hoko makete:
Ki te whakamana i te tangata, i runga i te pukapuka tuhi ki a ia i raro i tona ringa, ki te tuhituhi i nga pukapuka riihi aha ranei ki te taha ki nga Maori, ki tetahi iwi Maori ranei i kitea e te Kooti Whenua Maori na ratou ake te whenua ka whakahaerea nei a ka whai mana katoa nga pukapuka e tuhia peratia ana, ka tau te whenua ki te tangata i riro atu nei i a ia te riihi, ko aua pukapuka riihi me tuhi ki te reo Maori ki te reo pakeha, a, me hoatu i te tauira ki nga tangata na ratou te whenua, ki tetahi ranei o ratou;
Ki te whakatu i etahi atu tangata kohikohi i nga reti, kia tu tata ai ki nga tangata e reti ana i te whenua, a ka whai mana katoa nga pukapuka e tuhia ana e ratou;
Ki te hanga tikanga whakahaere aha ranei mo te utu mo te wehewehe i aua moni reti ki nga tangata e tika ana hei tango, ki te kohikohi, ki te whakarite hoki i nga wahi hei utunga me te ahua o te tuku, ki nga tangata Maori na ratou te whenua;
Ki te whakahaere i nga mea katoa e taea ai te tuku pai atu i te whenua ki te tangata e tonoa ana kia riihitia e ia, kia rite ki te mea i whakaaetia i te tuatahi ki nga tangata Maori.
- Kahore he mea i roto i tenei Ture e pa ana e whakararu ana ranei i nga mahi me nga mana whakahaere a te Kooti Whenua Maori, ki te whakatau ranei i tetahi tikanga utu takoha ki runga ki nga tangata riihi whenua i roto i te takiwa i hanga i raro i tenei Ture, a ko aua whenua he mea whakatau na te Kooti Whenua Maori.
- Kia whakahaua ra ano e te Paremete kia tukua ketia, ka whai mana tenei Ture ki nga Takiwa Kaute anake o Tauranga o Taupo ki te taha Rawhiti.

Analysis.

- Title.
- Preamble.
- Short Title.
- Springs districts may be proclaimed.
- No land may be acquired in district except under this Act.
- Other Acts superseded in districts.
- Governor may provide for settlement of districts.
- And for setting apart reserves therein for public uses.
- And regulate the management of such reserves.
- Payment of fees and appropriation thereof.
- Rural police regulations.
- Municipal police law.
- Lease, not exceeding 21 years, of land in which lessee was in occupation on 25th November, 1880, may be validated by Native owners.
- May make acquisition to be subject to conditions.
- Land so acquired to be subject to Native land duties.
- Act in force only in Tauranga and East Taupo Counties.

[24th September, 1881.]

Whereas it would be advantageous to the colony, and beneficial to Preamble. the Maori owners of land in which natural mineral springs and thermal waters exists, that such localities should be opened to colonization and made available for settlement: And it is expedient that powers should be given to the Governor enabling him to make arrangements for effecting that object:

BEIt Therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- The Short Title of this Act is "The Thermal-Springs Districts Short Title. Act, 1881."
- The Governor may issue Proclamations from time to time Springs districts may be proclaimed. defining districts of the colony to be subject to this Act, being localities in which there are considerable numbers of the ngawha, waiariki, or hot or mineral springs, lakes, rivers, or waters, and from time to time may vary the boundaries or abolish any of such districts.
- After the publication in the *Gazette* of any Proclamation No land may be acquired in district except under this Act. defining a district as aforesaid, this Act shall be in force therein, and it shall not be lawful for any person other than Her Majesty to acquire any estate or interest in Native land therein, except by virtue of or through the means prescribed or permitted by this Act.
- Any such Proclamation shall supersede the operation within Other Acta superseded in districts. the district of any statute at variance with this Act, or with any Act incorporated or partly incorporated herewith, or with any regulations made thereunder.
- Land so acquired to be subject to Native land duties. Nothing in this Act shall abridge or affect the duties, powers, or jurisdiction of the Native Land Court, or the liability of lessees of land, within a district constituted under this Act, to the payment of stamp or other duties payable in respect of land whereof the title is derived through the Native Land Court.
- Act in force only in Tauranga and East Taupo Counties. Until otherwise ordered by the General Assembly, this Act shall be in force within the Counties of Tauranga and East Taupo only.

Whakawhaititanga.

- Whakaingoatanga.
- Ingoa Poto.
- Whakamaramatanga.
- Kaua tenei Ture e whai mana ki nga whenua Maori.
- Kaua tenei Ture e whai mana ki nga whenua papa-tupu a te Kawanatanga.
- Ka whai mana tenei Tare ki nga tangata riihi whenua, nga whenua ano hoki taihoa e hokona e ratou.
- Ka whai mana kia utu te tangata e reti ana i te whenua Kawanatanga i te moni takoha mo te hawhe o nga moni i pau mo te hanganga. Te take.

TE HANGA ME TE WHAKAPAI I NGA TAIEPA.

- Te ahua o te taiepa ka kiiia he taiepa tika.
- Ko nga taiepa e tu ana inaiane i ka waiho.
- Ma nga tangata noho tata e utu tetahi wahi o nga moni ka pau i te hanganga i te taiepa.
- Me tuku panui te tangata ki tona hoa noho tata, mehemea ka whakaaro ia kia hanga he taiepa.
- Nga whakahe mo te taiepa, ka kiiia kia hanga.
- Tikanga whakahaere i te mea e ahua ke ana etahi o nga panui whakatu taiepa.
- Mehemea kahore e whakaaetia, ka taea ano te hanga te taiepa.
- Mehemea ka hapa i tetahi te utu i te wahi o te moni e tika ana kia utua e ia, ka ahei kia hanga e te Kai-tono te taiepa, muri iho ka tamana i te tangata i hapa, kia utua e ia tana wahi.
- Me hoatu he moni.
- Mehemea ko nga whenua tu-tata, he whenua na te Kawanatanga, na nga Maori ranei.
- Mo te whakatu taiepa, kaore i oti te whakahua ki te Apiti A.
- Te utu nui mo tetahi hawhe o te taiepa.
- Ka ahei kia tapahia te ngaherehere i te wahi e haerea ana e te taiepa.
- Mehemea he awa, he aha ranei, he rohe Maori, te mana whakaae i te wahi hei haerenga mo te taiepa.
- Ka tika ano mehemea e haere ana tetahi wahi o te taiepa i runga i te whenua tu-tata.
- Ko te tangata e waiho ana i te taiepa hei painga mona ka tika kia utu ia i te takoha mo te hawhe o nga moni i pau.
- Mana ki te hanga taiepa hei tiaki i nga rakau kua whakatokia kia tupu hei taiepa.

TE HANGA HOU I NGA TAIEPA.

- Ma nga tangata noho tata e whakaora i nga taiepa e pakaru ana.
- Te tikanga whakahaere e taea ai te tango mai i te moni ka tonoa hei whakaora i te taiepa wehewehe.
- Moni hei hoatu i te mea ka kino te taiepa.
- Haunga ia nga mea e kino ana i runga i te kore tupato o te tangata.
- Te tikanga mo nga mea e kainga ana e te ahi. Nga meatanga Noatu.
- Ka whai mana kia tonoa te moni takoha.
- Nga tangata e kiia ana e tend Ture kia utu ratou, e taea ai hoki te tono i te moni.
- Te mana o nga Kai-whakawa, Ateha ranei mo runga i nga mea e puta ake ana i raro i tenei Ture.
- Te whakamana i aua kupu whakataua.
- Kua tenei Ture e pokanoa ki nga kirimana.
- Me hanga he keeti ki nga taiepa e whakaturia ana ki runga ki nga whenua a te Kawanatanga.
- Ka ahei kia haere te tangata ki runga ki te whenua tu-tata i te wa mahi ana ia i te taiepa i te mea e hara i te kaari, aha ranei.
- Mehemea ka kino te kaari i te tangata e mahi ana, ka tika kia utua e te tangata nana i kino ai.
- Te whakahaere o te tono i te moni pera, ka taea te tono i runga i te hamene kirimina.
- Te mana o te tangata nana te whenua, ki te haere mai ki te whakahoki kupu i roto i te Kooti mo tana tangata Kai-reti, i raro i nga tikanga o tenei Ture.
- Ka ahei te whakatarewa i to Ture i runga i te Panuitanga, a i muri mai ki te whakamana ano
- Mehemea ka whakatarewatia te mana o tenei Ture, hei reira ka whai mana nga Ture o mua.
- Ka tau ki tenei Ture "Te Ture Whakatarewa i nga Ture Taiepa, 1874," o te Porowini o Akarana.
- Whakatikatika i etahi Ture.
- Nga Apititanga.

Na Ka Meingatia Hei Ture e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete, i runga hoki i te mana o taua Runanga nga whakaritenga ka whakaaturia i raro iho nei:—

- Te Ingoa Poto o tenei Ture ka kiia ko "Te Ture Taiepa, 1881"; ka timata te whai mana i te tahi o nga ra o Hanuere, i te tau kotahi mano e waru rau e *waru tekau ma rua*.

- I te whakamaoritanga o nga ritenga o tenei Ture, koia ano enei kei raro iho nei nga tikanga o nga kupu ka tuhia nei:—

"Te whakaora," tona tikanga he whakapai, he whakahaere, kei kino te taiepa tupu, awa ranei, tetahi wahi ranei o aua mea.

"Te Tuku" me te "Tukunga" tona tikanga he tuku iti i te whenua i runga i te hoko, i te riihi, i te raihana ranei, i te hoko rawa atu, aha ranei.

"Tangata Nana" tona tikanga, ko te tangata nana ake te whenua, kei a ia ranei e pupuri ana te whenua mo nga tau kaore e iti iho ana i te tekau ma-rua tau, i raro i nga tikanga o nga ture nei: Ko te kai-tiaki, tangata ranei e kiia ana i runga i te Ture, kaore e tika ana kia whai mana ia ki te whenua e kore e uru ki roto ki te tikanga o te kupu nei "Tangata Nana," ko te tangata e tuku ana i te moni hei mokete i te whenua, engari, kaore e noho ana ki runga, ka uru ano ia.

"Te tangata e noho ana ki runga ki te whenua," tona tikanga, ko nga tangata katoa e noho ana ki runga ki te whenua, e tika ana ranei kia noho ki runga ki tetahi whenua kua riro mai ki a ia i te Kawanatanga.

"Taiepa Wehewehe" tona tikanga ko nga taiepa wehe i te whenua a tetahi tangata, a tetahi tangata.

"Huarahi," "Tiriti" ranei, tona tikanga ko nga huarahi katoa, ara iti, whakawhitinga, wahi nui ranei, ahakoa hei haerenga kaata, hoiho, waewae ranei.

"Whenua Kawanatanga" tona tikanga ko nga whenua katoa kua oti te kii he whenua Kawanatanga.

"Whenua Maori" tona tikanga ko nga whenua i roto i te koroni na nga Maori ake ano i runga i nga tikanga Maori, a kaore ano kia karaatitia.

"Rahui Maori" ko nga whenua katoa, ahakoa whenua Maori whenua Kawanatanga ranei kua oti te rahui hei painga mo nga tangata Maori.

"Rahui a te Katoa" tona tikanga ko nga whenua a te Kuini kua rahuitia hei painga mo te katoa.

"Karauna Tenata" tona tikanga ko te tangata e reti ana i tetahi whenua ko nga utu reti e tukua ana ki te Kawanatanga, e noho ana ranei ki runga ki nga whenua i rahnitia.

"Pakeha" tona tikanga ko nga tangata katoa e hara i te mea no te iwi Maori.

"Panui" tona tikanga he pukapuka tuhi, he mea ta ranei, hei tuku ki te tangata, hei waiho ki tona whare, a ki te mea e ngaro atu ana te tangata mona, me hoatu taua panui ki tona kai-whakahaere.

A ki te mea kaore ona kai-whakahaere i roto i te koroni, hei reira me panui ki te nupepa o te takiwa kia toru nga panuitanga.

Ma te kai-tuku o te panui e ata whakaatu e oati hoki mehemea kua tae taua panui ki te tangata mona.

- E kore tenei Ture e whai mana ki runga ki nga whenua Maori, haunga ia nga whenua kua whakawakia e te Kooti Whenua Maori, kua puta te pukapuka whakamaharatanga take tiwhikete ranei i

taua Kooti, a e nohoia ana e te Pakeha.

Ka ahei te Kawana i ia wa i ia wa, i nga taima e paingia e ia, i runga i te Ota o te Runanga Whiriwhiri ki te kii me whai mana tenei Ture ki runga ki nga whenua katoa ka whakaaturia ki roto ki taua ota, a hei reira ka tau tenei Ture ki runga.

- E kore tenei Ture e whai mana ki nga whenua papa-tupu a te Kawanatanga; e kore hoki te Kawanatanga, te Kawana, nga Land Board, nga apiha ranei ka whakaturia e te Kawana, e te Kawana ranei i roto i tona Runanga Whiriwhiri hei whakahaere i nga whenua a te Kawanatanga, e tika, i runga i nga tikanga o tenei Ture, kia utu ia i tetahi wahi o te moni mo te hanganga i te taiepa haere i waenganui o te whenua a te tangata me te whenua a te Kawanatanga kia ahei ai te wehe.
- Ka whai mana nga tikanga o tenei Ture ki nga tangata katoa e whiriwhiri whenua ana mo ratou i runga i te tikanga nama, riihi whenua ranei hei paamu, ano na ratou ake nga whenua, ka tika kia utu ratou i nga moni e whakaritea ana hei utu mo nga taiepa, pera ano me nga tikanga ka tau ki runga ki nga tangata na ratou ake nga whenua, ka whakahuatia i raro iho nei.
- Ka rite nga tikanga mo nga Karauna tenata mo te mahi i nga taiepa i runga i nga whenua e nohoia ana e ratou pera ano me te paanga ki nga tangata nana ake te whenua, heoi ano te mea ahua takoto ke ana ko tenei ara,—

Mehemea ka hanga he taiepa hei rohe i nga whenua Kawanatanga, nga whenua ranei e tukua ana i runga i te tikanga raihana, ko nga taiepa he mea whakatu i runga i nga tikanga o tenei Ture, a ka tango te tangata i etahi o nga whenua i runga i te riihi aha ranei, ka waiho mana te whakaaro ki te utu ki nga tangata nana te taiepa i hanga i te hawhe o nga moni mo te hanganga, mehemea ranei ka pai ia kia utu i te moni takoha kia rite ki te kotahi te kau pauna mo ia rau pauna i pau, ko aua moni takoha me utu i ia tau i ia tau e noho ana ia i runga i te whenua.

TEHanga Me Te Whakapai i NgaTAIEPA.

- Ka meingatia e tenei Ture hei taiepa tika nga taiepa katoa e hanga ana Ma rite ki te ahua kua whakahuatia ki roto ki te Apiti A, i raro iho nei.
- Ko nga taiepa e tu ana inaianei, i whakaturia ranei i runga i nga tikanga o nga Ture kua whakakahoretia nei, kaore he tikanga kia hanga ano aua taiepa, kia whai mana ai i raro i nga tikanga o tenei Ture, engari kia kino ra ano ka whakatu ai.
- Ko nga tangata na ratou nga whenua, nga tangata ranei e noho ana i runga i nga whenua tu-tata, kaore ano kia taiepatia tikatia, ka tika kia utua e ratou te hawhe o nga moni c pau i te hanganga i te taiepa wehewehe, ka tika hoki kia utu ratou i tetahi hawhe o te moni hei hanga, ahakoa kaore e puta rawa te taiepa ki te pito whakamutunga o te rohe,
Engari e kore e tika kia utu te tangata i te hawhe o nga moni mehemea kaore i oti rawa tetahi pito ki tetahi pito.
- Ko te tangata e hiahia ana kia tono ia ki tona hoa tu-tata kia utu ia i tetahi wahi o te moni hei hanga i te taiepa wehewehe i raro nga tikanga o tenei Ture, ko te mea tika me tuku ia i tetahi panui pera me te mea kua whakahuatia ki roto ki te Apiti B, i raro iho nei, me whakaatu i te rohe me tetahi kupu ano hoki mo te taiepa ara, te ahua o te taiepa e hiahiatia ana e ia kia hanga.
Mehemea ka hanga noatia e te tangata te taiepa wehewehe, kaore ia i tuku panui atu, e kore e tika kia tono ia ki tona hoa noho tata kia utu ia i tetahi wahi.
- Mehemea ka tukua he panui tono kia hanga he taiepa a ka whakahe te tangata ki te ahua o te taiepa kua tonoa atu kia mahia, ko taua panui he mea tuku i runga i te mana o tenei Ture, a e hiahia ana ia kia whakaturia he taiepa ahua ke ka ahei ia i roto i nga ra e rua tekau ma-tahi i muri mai o taenga atu o te panui ki a ia, te whakahoki i tetahi kupu ki te kai tono me tuhituhi atu me ki atu ia e whakahe ana ia ki te ahua o te taiepa e kiiia ra e ia kia hanga; a hei reira (mehemea ka kore e rite i a raua te ahua o te taiepa hei mahi), ma tetahi Kai-Whakawa e whakarite ka whakahaere ai i runga i nga tikanga o te tekahina *toru tekau ma rua* o tenei Ture, ma tera e whakarite te ahua o te taiepa me nga moni tika hei utu.
- Mehemea ka tuku panui nga tangata noho tata ki tetahi kia hanga nga taiepa wehewehe, a i roto i aua panui tono e ahua ke ana nga taiepa e whakahaua ana kia mahia, hei reira (mehemea ka kore e rite i a ratou ake), ma tetahi Kai-Whakawa e whakariterite a me whakahaere i runga i nga tikanga o te tekahana *toru tekau ma-rua* o tenei Ture, ma tera e whakarite te ahua o nga taiepa hei hanga me nga moni hei utu.
- Mehemea (i roto i nga marama e rua i te mea he whenua watea te whenua hei taiepa, a e ono marama mehemea e kapi ana i te nga-herehere), i muri o te taenga atu o te panui tono kia hanga te taiepa i runga i nga tikanga o tenei Ture, ka kore e oti i a raua te whakarite i nga mea katoa kia ahei ai te mahi i taua taiepa kua tonoa nei, a kahore he pukapuka whakahoki atu a te tangata e tonoa ana, whakahe i te panui

tono i runga i nga tikanga o te tekihana *tekau ma-iwao* tenei Ture, ka ahei i reira kia mahia e te kai-tono te taiepa i runga i te mana o tenei Ture.

- Mehemea ka hapa i tetahi tangata te whakarite i tana wkakaaetanga kua hanga, a kua pahi te marama kotahi hei mahi, ka ahei rawa i reira kia hanga te taiepa e te kai-tono, i roto ranei i nga marama a ono, ko te ahua o taua taiepa kia rite ki te mea i whakaaetia i te tuatahi kia mahia e raua, tetahi taiepa ahua ke ranei kia whai mana i runga i tenei Ture, a muri iho ka taea e ia te tono i te tangata i hapa kia utua e ia te hawhe o nga moni i pau mo te hanganga i taua taiepa.
- A me utu te tangata i tae nei te tono ki a ia i te hawhe o nga moni i pau mo te hanganga i taua taiepa wehewehe, ko aua moni me utu i roto i te marama kotahi i muri mai o te taenga atu o te panui kia ia.
- Mehemea ka whakaturia he taiepa ki runga ki etahi whenua, a i taua wa he whenua kua oti te wehe ke e tenei Ture hei reira mehemea ka nohoia ka riro ranei etahi o nga whenua tu tata, ka tika i roto i te marama kotahi i muri mai i te rironga o te whenua i a ia, kia utu ia i te hawhe o nga moni i pau mo te hanganga i te taiepa wehewehe.
- Mehemea ka hiahia te tangata ki te whakatu i tetahi taiepa wehewehe kia kaua e ahua rite ki te mea e whakahuatia ana ki roto ki te Apiti A, me tuku ia i tetahi panui ki nga tangata noho tata ki atu ki a ratou e hiahia ana ia kia hanga tahitia e ratou he taiepa ahua pera; a ki te mea ka kore ratou e whakahoki kupu mai ki a ia i roto i te marama kotahi whakahe i tana tono, ka ahei ia i reira te mahi i te taiepa e hiahia ana e ia, a ka kiia e whai mana ana taua taiepa i runga i nga tikanga o tenei Ture.

Ka ahei hoki ia te tono atu ki a ratou kia utu ratou i tetahi wahi o nga moni i utua e ia hei hanganga, ko aua moni kaua e nui ake i te moni o waho kua whakaaetia e tenei Ture ara, kaua e nui ake i te hawhe.

- Ko te utu nui hei utu mo tetahi hawhe o te taiepa tika hei tono, kaua e neke atu i te rua te kau hereni mo te tini, i waho ke o nga moni ka utua mo te mahinga i te raina mo te taiepa, ara mo te turaki i nga rakau aha ranei e tu ana kia watea ai.

Otira haunga ia nga taiepa ka hanga ki roto ki te rohe o nga Kawanatanga taone pera te ahua me te mea kua whakahuatia ki roto ki te Apiti A, Nama 3, ko te utu tika mo te taiepa pera kaua e neke atu i te toru te kau ma rima hereni mo te tini.

I nga peratanga katoa ko nga moni ka tonoa kaua rawa e nui ake i te hawhe o te moni i pau hei hanganga i te taiepa.

- Ka whai mana te tangata ki te turaki i nga rakau o te nga-herehere kia watea ai te raina hei haerenga mo te taiepa, mehemea ko te wahi hei taiepa e kapi ana i te ngaherehere, erangi me tuku panui ia ki te tangata nana tetahi wahi o te ngaherehere kia mohio ai ia, ko te whanui o te wahi o te ngaherehere hei tapahi kaua e neke atu i te ono putu i tetahi taha i tetahi taha o te raina taiepa puta noa, ka ahei hoki ia ki te tapahi i te rakau nui ina tu ki te wahi hei haerenga mo te taiepa, etahi rakau ranei e whakaarohia ana e ia tera e hiaga kei pakuru te taiepa; ko te utu ka pau mo runga i taua mahi ka kiia ka tetahi wahi tena o te utu mo te taiepa, a me whakarite marire.
- Mehemea he awa nui, he awa iti ranei te rohe o nga whenua tu tata, ka tika kia whakaae nga tangata na ratou nga whenua. whenua ranei e nohoia ana e ratou, ki te raina hei haerenga mo te taiepa ki te taha o te awa ki ta ratou e pai ai, a mehemea ka kore e whakaae ka ahei i reira kia haere tetahi o ratou ki te Kai-Whakawa o te takiwa a mana e ki mekemea e tika ana kia hanga he taiepa, mana hoki e whakarite i te raina hei haerenga mo te taiepa, mana hoki e kimi mehemea e tika kia utua he moni e tetahi o aua tangata mo te haere o te taiepa i runga i te whenua, mo te whakakino ranei i te whenua.

Otira ahakoa ka whakataua e te Kai-Whakawa kia hanga nga taiepa ki runga ki te whenua a te tangata i runga i te tikanga pena, e kore e waiho hei take whakararuraru i te paanga o te tangata ki te whenua, heoi ano kia ahei ai te whakahaere i runga i nga tikanga o tenei Ture.

- Ka whai mana te tangata e noho ana ki runga ki te whenua, nana ake ranei te whenua, te keru i te awa mo te taiepa ko nga oneone hei hanga i te taiepa—kei a ia te whakaaro kia keria te awe ki te taha ranei ki a ia ki te taha ranei ki tona hoa noho tata.
- E kore e tika kia keria he awa mehemea e tupu ana te tataramoa aha ranei kei kino aua mea erangi me matua whakaae tona hoa katahi ka ahei kia hanga te taiepa pena. Mehemea he pou he reera, he waea, he pou pou ranei te taiepa ka hanga, me whakatu rawa ki i runga ki te raina rohe o te whenua kaua e neke atu.
- Mehemea ka hanga he taiepa e te tangata nana te whenua, whenua ranei e nohoia ana e ia hei rohe i te whenua, ko te rohe o taua whenua he huarahi nui, a ka whakahaerea e tetahi tangata ke tetahi tikanga e waiho ai e ia taua taiepa hei painga mona, ka tika kia utu ia ki te tangata nana taua taiepa i te moni takoha kia rite ki te kotahi te kau pauna i rote i te rau pauna mo nga moni i pau i te hanganga i taua taiepa, ko aua moni me utu i te wa e waiho ana e ia taua taiepa hei painga mona i ia tau i ia tau; ka tika hoki mana a utu tetahi wahi o nga moni e pau hei whakaora i taua taiepa ina ka pakaru.
- E kore e tika kia whakatokia e te tangata te tataramoa ki te tahataha o nga taiepa wehewehe i te mea kaore ano kia matua whakaaetia e nga tangata na ratou te whenua tu-tata; e kore hoki e tika kia whakatokia he

mea pera ki nga tahataha o nga huarahi nui, ki nga wahi rahui, ki nga whenua nui ranei, i te mea kaore i matua whakaaetia e te Kawanatanga; ko nga tangata katoa e takahi ana i nga tikanga o tenei tekihana ka he, ka taea te whiu i a ia kia utu ia i te whaina, kia kaua e neke atu i te *rua tekau pauna*, ka ahei hoki te tangata noho tata ki te tanu i nga awa e keria ana ki te maka atu i aua tataramoa i whakatokia ra, a ma te tangata i hara e utu nga moni ka pau i runga i taua mahi.

- Mehemea ka hiahia tetahi tangata e noho ana i runga i te whenua tu-tata ki te huarahi nui ki te whakato i etahi rakau hei taiepa tupu, ki te hanga i tetahi taiepa hei tiaki i nga rakau kua whakatokia e ia, ka tika kia mahia e ia, engari me matua whakaae te Rori Poata, Kaunihera ranei, a me mahi ia i te taiepa i runga i nga tikanga ka whakahuatia ki a ia, ko taua taiepa kaua e neke atu i te rima putu te mamao atu ki waho o te raina rohe o tona whenua, kaua hoki e whakaitia iho te whanui o te huarahi nui i te rua tekau ma-rua putu.

Mehemea ka whakatokia e te tangata nana te taiepa, nga rakau papai, kia tupu ake hei taiepa tuturu, ka tika kia waiho kia tu te taiepa rakau mo nga tau e ono, ma te Rori Poata ma te Kaunihera ranei e whakaroa atu, mehemea ka tika kia whakaroina te wa, engari kia tupato te tangata nana ki te tiaki i nga rakau kei tupu haere ki te huarahi, kei kino.

TE HANGA HOU I NGA TAIEPA.

- Mehemea ka ahua kino te taiepa rohe, tetahi wahi ranei, ka tika ma nga tangata o tetahi taha o tetahi taha e utu te mahinga, kia rite tahi nga moni hei utu ma raua.
- Ka whai mana te tangata nana to whenua i tetahi taha o te taiepa rohe te tuku Panui atu ki te tangata nana te whenua i tera taha tonu i a ia hei hoa mona ki te whakaora i te taiepa rohe ina ka pakaru, a mehemea ka hapa i a ia, ka kore ranei ia e tahuri mai ki taua tonu i roto te wiki kotahi, ka ahei te kai-tono i reira ki te mahi i taua taiepa pakaru, muri iho ki te tonu i te hawhe o te utu e tika ana kia utua e ia mo taua mahinga.
- Mehemea ka wera te taiepa rohe i te ahi ka kino noa iho ranei ma tetahi o nga tangata e noho ana ki tetahi taha ki tetahi taha ranei e mahi ano taua taiepa, kaore he take kia tukua he Panui tonu kia hanga, ka oti i te tangata nana i mahi ka ahei ia i reira ki te tonu i te hawhe o te utu mo taua mea kia homai e te tangata noho tata ki a ia.
- Mehemea na te kuare o te tangata i wera ai te taiepa i hinga ranei te rakau ki runga ki te taiepa ma taua tangata ano e utu te mahinga houtanga, inahoki nana te he.
- E kore e waiho enei tikanga hei arai i te whakahaere e taea ai te tonu i runga i te tikanga whakawa etahi moni hei utu mo nga taiepa aha ranei i wera i runga i te mahi kuare a te tangata.

NGA MEATANGA NOATU.

- I nga meatanga katoa i te mea ka kiia me utu te tangata i te moni takoha mo te hawhe o nga moni i pau i te hanganga i te taiepa, ka pera ano te whai mana o te tangata ki te tonu i taua moni, ano ko te hawhe o te moni ake tana e tonu ai.
- Ko nga moni katoa ka taea te tonu i runga i nga tikanga o tenei Ture me tonu i nga tangata e kiia ana e tika ana kia utu ratou, a kua tae te panui tonu ki a ratou kia utua te hawhe o nga moni mo te hanganga mo te whakapai ranei i te taiepa, me tonu ranei kia homai e te tangata e haere mai ana ki te whakahoki kupu mo te tonu i puta i runga i nga tikanga o tenei Ture.
Ko nga moni katoa ka tonoa i runga i nga tikanga o tenei Ture ka taea te tonu kia homai e nga tangata e tika ana ma ratou e utu te mahinga o te taiepa.
- Ka taea e tetahi e etahi Kai-Whakawa ranei nga tikanga tautohe, raruraru ranei ka tupu ake i waenganui o nga tangata na ratou nga whenua, nga tangata ranei e noho ana ki runga ki te whenua i runga i te whakahaere i nga tikanga o tenei Ture, ma te Kaiwhakawa e ata whakarongo e whakaoti, ahakoa e puta ke ana ki waho o nga mana kua whakawhiwhia ki a ia. Ka whai mana te Kai-Whakawa ki te whakarongo ki te whakaoti i enei mea ara,—
Ki te whakarongo ki te tuhituhi i nga korero ka korerotia ki tona aroaro ki te tuku i te ota hei whakahau kia mahia te taiepa rohe ki te whakapai ranei i te taiepa pera, ki te tuku hoki i te ota hei ki atu ki te tangata kia tangohia te taiepa kia tu ki te rohe tika o nga whenua tu tata:
Ki te whakarite i te ahua o te taiepa hei hanga, kia waiho kia tu ana ranei, i runga ranei i te whakaaro o te Kooti ka tika kia hanga, i runga i nga tikanga o tenei Ture:
Whakatau i te ra, i te taima me te ahua whakahaere mo te taiepa ka hanga, me te tangata mana e hanga e tiaki ranei:

Whakataua i te utu tika hei mahinga mo taua taiepa hei whakaora ranei, me te wahi tika o te moni hei utu ma ia tangata ma ia tangata.

Ki te kii hoki ki te tangata i he mana e utu nga moni o te whakawa, me wehe ranei ma tetahi e utu tetahi wahi ma tetahi tetahi wahi.

- Ko nga whakawa katoa ka whakahaerea ki te aroaro o te Kai-Whakawa mo runga i nga mea kua oti te whakaatu ki roto ki te tekiana i runga ake nei, etahi mea raruraru ranei ka ahua rite ki era, me whakahaere katoa i runga i nga tikanga e whakawakia ana i raro i "Te Ture Ateha, 1866," etahi atu Ture ranei e whai mana ana i taua wa mo runga i nga Kooti Whakawa pera.

- E kore e tau nga tikanga o tenei Ture ki runga ki nga whakaaetanga, mahi, aha ranei kua rite, ka whakaaetia ranei a muri ake nei, mo runga i te mahi taiepa, i waenganui o nga tangata e noho tata ana i runga i nga whenua, ki etahi atu tangata ranei.

Mehemea kua whakaturia, ka whakaturia ranei he taiepa a muri ake nei ki runga ki nga whenua a te Kawanatanga, ka whai mana te Komihana mo nga whenua a te Kawanatanga o te takiwa te ki atu ki aua tangata kia hanga he keeti ki aua taiepa, mana e tohu-tohu nga wahi hei hanganga ki tana e pai ai hei painga mo nga tangata e haere ana i taua takiwa.

Mehemea ka turi te tangata, ka kore e tahuri ki te mahi i aua keeti i roto i te marama kotahi i muri o te taenga atu o te panui, ka taea ia te whiu kia utu ia i nga moni kua e nui ake i te *rua te kau pauna*, ka whakahaua hoki e te Komihana kia mahia aua keeti a ma taua tangata e utu, a ki te mea ka waiho e te tangata kia tuhera nga keeti ka taea ia te whiu kia utu ia i nga moni kua e nui ake i te wha te kau hereni.

- Ko te tangata e hanga ana i te taiepa i runga i nga tikanga o tenei Ture, ona kai-whakahaere kai mahi ranei, ka whai mana ia mehemea kaore te huarahi e puta atu ai ia i ma runga i tona whenua ake hei haerenga mo nga kau, hoiho, kaata aha ranei, i nga taima tika i te wa e mahia ana te taiepa, ki te haere ki runga ki nga whenua e tu tata ana ki reira mahi ai i nga mea hei whakahaere i taua mahi taiepa:

I nga peratanga katoa kaore he kupu o tenei Ture hei whakamana i te tangata kia haere ki runga ki te whenua mahi ai i te mea pena i te mea e tupu ana te kai, ki roto ranei ki te kaari, wahi e tupu ana nga rakau hua, maara, wahi takaro ranei, erangi me matua whakaae te tangata nana katahi ka tika; e kore hoki e whakamana i te tangata ki te tapahi ki te whakakino ranei i nga rakau hua, engari me matua whakaae katahi ano ka tika.

- Mehemea ka takahia e te tangata nga tikanga kua oti te whakaatu i roto i te tekiana i runga ake nei, ka tika kia utua te tangata nana nga mea i whakakinongia, ma te tangata nana i takahi te ture e utu.

- I runga i te tono a te tangata kia utua nga mea i mate, ka tika kia tamanatia e te Kai-Whakawa te tangata i hara kia haere mai ia ki tona aroaro ko te wahi e tu ai te Whakawa me tuhi ki roto ki te hamene, na hei te taenga mai o te tangata—o nga tangata ranei i hara, ka kore ranei e tae mai erangi ka oati te tangata nana i hoatu te hamene kia mohiotia ai kua tae taua hamene, hei reira me whakarongo e te Kai-Whakawa i nga korero o te kai-whakapae ka whakataua ai i te moni tika hei utu ki a ia, ka ahei taua Kai-Whakawa te oati i te kai-whakapae me ana kai whakatikatika, ma taua Kai-Whakawa hoki e whakarite i nga moni e tika ana hei utu mo te whakawakanga.

Ko nga moni k# whakataua e te Kooti ka taea te tono i runga i te hamene kirimina.

- Ka whai mana te tangata nana te whenua i rihi atu ki te tangata ke kia haere mai ki te whakahoki kupu i roto i te Kooti ina tamanatia taua tangata mo tetahi mea i takahia e ia.

- Mehemea ka tono te Kaunihera o te kaute e mana katoa ana "Te Ture Kaute, 1876," te Poata ranei o tetahi takiwa Rori Poata kaore nei e tau ana te Ture kaute ki reira, ki te Kawana kia whaka-tarewatia e ia te mana o tenei Ture i roto i taua takiwa kaute takiwa rori poata ranei, hei reira me tuku te Kawana i tana Panuitanga whaka-tarewa i te mana o tenei Ture i runga i taua tono.

Ka pera ano, mehemea ka tono atu taua Kaunihera, Rori Poata ranei ki te Kawana kia whakataua ano te mana o tenei Ture ki aua takiwa, hei reira me whakamana e te Kawana i runga i tona Panuitanga kia rite ki ta ratou i tono ai.

- I nga peratanga katoa mehemea ka whakatarewatia te mana o tenei Ture ki tetahi takiwa, hei reira ka whai mana nga Ture Taiepa o mua e mana ana ki taua takiwa i te wa i mahia ai tenei Ture ki reira.

- Ko te Ture i whakaaetia e te Hupiritene me te Kaunihera Porowini o Akarana, i huaina ko "Te Ture Whakakore i nga Ture Taiepa, 1874," ka tau ki runga ki tenei Ture pera ano me te mea i tukua tenei Ture ki roto ki taua Ture, haunga "Te Ture Taiepa 1855," me "Te Ture Taiepa 1855 Ture Whakatikatika, 1874."

- Ko nga Ture katoa kua oti te whakahua ki roto ki te Apiti C., i raro iho nei, kua whakakahoretia inaianei.

Nga Apititanga.

Apiti A.

TE AHUA O TE TAIIPA TIKA.

- Te taiepa pou-reera, ko te tiketike kaua e iti iho i te 4 putu, me rakau kaha, kia u ki te whenua, kaua e neke atu i te 9 inihi i waenganui o ia reera o ia reera, i runga ake hoki te whenua, ko nga pou kaua e neke atu i te 8 putu me to 6 inihi te mataratanga atu tetahi i tetahi.
- Te taiepa nui, tika, me hanga ki te perengi (papa), kaua e iti iho i te 4 putu te iketike, kaua hoki e neke atu i te 4 inihi i waenganui o nga perengi.
- Tetahi taiepa perengi, e 4 putu e 3 iuihi te tiketike, me nga pou, kia rua nga reera, me pou pou pera me te taiepa Maori erangi me neera i nga rakau.
- Tetahi taiepa waea, ko nga rakau hei pou me mea kaha, me rino ranei, kia u rawa ki te whenua, kaua e neke atu i te 9 putu te mataratanga atu o nga pou tetahi i tetahi, ko te waea mo runga ko te Nama 4, kia kaua e iti iho i te 4 putu i runga ake i te whenua; ko nga waea mo raro iho kaua e mama ake i te Nama 6. Ko te whanui o te waea o runga o te mea i raro iho kaua e neke ake i te kotahi putu, ko nga mea i raro iho kaua e neke atu i te 6 inihi. Ka pai ano te oneone ina hanga paitia hei whakakapi i te waea o raro rawa, kia toru inihi i raro iho o te waea whakamutunga; e pia ana ano te rakau hei reera mo runga.
- Tetahi pakitara, me hanga ki te oneone kia u rawa, kaua e iti iho i te 4 putu me te 6 mihi te tiketike.
- Te taiepa tupu, kaua e iti iho i te 4 putu te tiketike, me mea pai kei puta te kau. Ko nga taiepa tataramoa me kotikoti ia tau i ia tau kia pai ai.
- Te taiepa he maha nga mea pera e tu ana, ara te tataramoa aha ranei, kia 4 putu te tiketike.
- Te awa, he mea keru, kaua e iti iho i te 3 putu te whanui kia 2 putu te hohonu, me hanga a runga ki te oneone me nga waea kaua e iti iho i te 3 putu me te 6 iuihi te tiketike, me whakamaro nga waea, kaua e iti iho i te 8 inihi te whanui o te haere o nga waea, kia 6 inihi te waea o raro i runga ake i te whenua, ko nga pou pou rino kia 9 putu te mataratanga atu tetahi i tetahi.
- He awa, awa keru, awa wai ranei kaua e iti iho i te 7 putu te whanui o runga kia 4 putu te whanui o raro, kaua e iti iho i te 3 putu te whanui o raro, kaua e iti iho i te 3 putu i te 6 inihi te hohonu, e rere ana tewai i roto; tetahi taiepa ahua penei ano i tetahi taha i tetahi taha o te awa, kaua e iti iho i te 9 inihi te mataratanga atu o te taiepa oneone i nga tahataha o te awa, kaua hoki e iti iho i te 2 putu te tiketike i runga ake i te whenua.
- Taiepa oneone kaua e iti iho i te 33 inihi a raro, kia 18 inihi i runga; ko te paripari kaua e iti iho i te 26 inihi i runga ake i te whenua, me keru he awa ki tetahi taha ki tetahi taha kia 9 inihi te hohonu, kia toru hoki nga waea kia 9 inihi, me whakamaro katoa; ko te tino tiketike o te taiepa kaua e iti iho i te 39 inihi i runga ake i te whenua.
- Taiepa oneone kaua e iti iho i te 16 inihi i runga ake i te whenua. kia 4 nga waea ki runga, me hanga hoki he awa ki tetahi taha ki tetahi taha kaua e iti iho i te 9 inihi te hohonu; ko te tino tiketike o te taiepa kaua e iti iho i te 39 inihi i runga ake i te whenua.
- Te taiepa Marikena, kia wha nga rakau nunui me whakatakoto whakawhiti tetahi ki runga ki tetahi, kaua e iti iho i te 4 putu me te 6 inihi i runga ake i te whenua.
- Te taiepa pou pou Maori, kia u ki te whenua, kaua e iti iho i te 4 putu i te 6 inihi te tiketike.
- Te taiepa ponga, me pou pou ki te whenua kia 2 putu kia 6 inihi ki roto ki te oneone, kaua e iti iho i te 6 inihi te tiketike, kaua e neke atu i te 5 inihi te tu o nga ponga.
- Ko te taiepa hei hanga ki te whenua repo me awa, kaua e iti iho i te 6 putu te whanui kia 2 putu te hohonu, me hanga hoki he pari oneone hi runga kia 3 putu te tiketike, me etahi pou kaua e iti iho i te 4 putu te tiketike, kia 9 putu te mataratanga atu tetahi i tetahi, me nga reera waea ranei kaua e iti iho i nga mea e toru kia kotahi ranei me nga reera e wha, me pou ranei me nga waea e 7, mehemea ka waiho ko te awa anake kaua he oneone kia 4 putu kia 6 inihi te tiketike o nga pou, kaua e iti iho a te 9 putu te mataratanga o nga pou i te mea he reera, kia 8 putu mehemea he waea, ki i 2 putu te hohonu o nga pou ki te whenua.

Kaua e whakaturia ki nga Taone.

- He awa, kaua e iti iho i te 3 putu te whanui me paripari oneone, me nga ahua pera kua korerotia i runga ake nei i ia taha o te awa, kia 5 puta kia 6 inihi te tiketike timata mai i raro o te awa, kia 3 putu kia 6 inihi i runga ake i te whenua.
- He paripari, awa ranei, kaua e iti iho i te 4 putu i te 6 inihi te tiketike me mea kaha, me hanga ki te oneone nga tahataba, kia 3 putu kia 6 inihi te whanui o raro, me te awa kaua e iti iho i te 3 putu te whanui kia 2 putu te hohonu i ia taha o taua paripari.

Apiti B. PANUI Tono Kia Hanga He Taiepa.

Ki a, tangata e noho ana ki te whenua [te tangata nana ake ranei te whenua kai riihi ranei, kai whakahaere ranei] o [*me whakaatu i konei te whenua tu tata.*]

Whakarongo mai, e hiahia ana ahau kia mahia he taiepa wehewehe taiepa wehe ranei i waenganui [whakaaturia i konei te ahua o nga whenua] me hanga rawa inaianei (i ho mai o te o nga ra o,18), ko taua taiepa kia penei te ahua [*whakaaturia i konei*].

I tuhia i tenei te o nga ra o, 18

A.B.

Tangata e noho ana [tangata nana, kai-riihi Kai whakahaere ranei a, &c.

Apiti C. RARANGI O NGA TURE KUA WHAKAEAHORETIA.

- *Ture a te Kawana me te Whare o Runga o Niu Tireni.* Paramete VIII., 1847, No. 8.—He Ture Whakahau i te mahi Taiepa whenua.
- *Ture o te Paremete.* 1874, No. 85.—Te Ture Taiepa o nga Porowini, 1874.
- *Nga Ture o te Porowini o Akarana.* Paremete II., 1855, No. 5.—He Ture hei whakahaere tikanga me te mahi Taiepa ki te Porowini o Akarana.
Paremete XXIX., No. 23.—Te Ture Taiepa, 1855, Ture Whakatikatika, 1874.
- *Nga Ture o te Porowiai o Taranaki.*
Paremete VIII., No. 3.—Te Ture Tataramoa, 1859.
Paremete XVI., No. 4.—Te Ture Tataramoa, 1868.
Paremete XXIV., No. 5.—Te Ture Taiepa, 1875.
Paremete XXIV., No. 5.—Te Ture Tataramoa, 1868, Whakatikatika, 1875.
- *Nga Ture o te Porowini o Haku Pei.*
Paremete XXI., No. 2.—Te Ture Taiepa, 1874.
Paremete XXII, No. 2.—Nga Ture Taiepa Whakamana, 1874, Whakahaere, 1876
- *Nga Ture o te Porowini o Poneke.*
Paremete XV., No. 10.—Te Ture Taiepa, 1867.
Paremete XXII, No. 9.—Te Ture Taiepa, 1872.
- *Nga Ture o te Porowini o Wakatu.*
Paremete VIII., No. 2.—Te Ture Taiepa Tataramoa o Wakatu, 1861.
Paremete IX., No. 6.—Te Ture Taiepa, 1862.
Paremete X., No. 3.—Te Ture Taiepa Takiwa, 1863.
Paremete XIV., 1866, No. 2.—Te Ture Whakatikatika i te Ture Taiepa o 1862, &c.
- *Nga Ture o te Porowini o Marlborough.*
Paremete VII., No. 2.—Te Ture Taiepa o Marlborough, 1863.
Paremete XV., No. 2.—Te Ture Whakatikatika i te Ture Taiepa, 1866.
- *Nga Ture o te Porowini o Canterbury.*
Paremete XIX., 1861, No. 3.—Te Ture Tataramoa. Paremete XIV., No. 3.
Paremete XXXVII., No. 8.—Te Ture Taiepa o Canterbury, 1872
- *Te Ture o te Porowini o Westland.*
Paremete III., No. 1.—Te Ture Taiepa, 1872.
- *Te Ture o te Porowini o Otakou.*
Paremete XXX., No. 366.—Te Ture Taiepa, 1866.
- *Nga Ture o te Porowini o Southland.*
Paremete XII., No. 73.—Te Ture Taiepa, 1866.
Paremete XX., No. 6.—Te Ture Taiepa, 1866, Ture Whakatikatika, 1868.

ANALYSIS.

- Title.
- Short Title.
- Interpretation.
- Act not to apply to all Native lands.
- Act not to apply to unalienated Crown lands.
- Act to apply to selectors of land on deferred payments or agricultural leaseholders.
- Crown tenant may pay interest on half cost of erection of fence.

Construction And Maintenance Of Fences.

- What deemed a sufficient fence.
- Existing fences preserved.
- Adjoining occupiers to share cost of fencing.
- Notice to fence to be given.
- Objections to proposed fence.
- Provision in cases where fencing notices vary.
- If parties cannot agree, fence may be made.
- If default made by one party, other may fence and recover.
- Contribution thereto to be made.
- Where adjoining lands are Crown lands or Native lands.
- As to erection of fences not in Schedule A.
- Maximum price for half cost of fencing.
- Bush may be cleared on just line of fence.
- Where river, &c., natural boundary, power to agree on line of fence.
- Half of dividing fence may be on adjoining land. Posts to be on boundary line.
- Person using fence on further side of road liable to pay interest on half cost.
- Gorse not to be planted without consent of neighbours.
- Power to construct a fence on road to protect live fence.

Repairs Of Fences.

- Adjoining occupiers to keep dividing fences in repair.
- Procedure to compel contribution to the repair of dividing fences.
- Contribution where fence destroyed by accident.
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- Liability for reckless use of fire.

Miscellaneous.

- Interest recoverable.
- From whom moneys recoverable under this Act may be recovered.
- Jurisdiction of Resident Magistrates in matters arising under Act.
- How proceedings to be enforced.
- Act not to interfere with agreements.
- Fences on Crown lands to be provided with gates or openings, &c.
- Persons constructing fences can enter upon contiguous lands where not orchards, gardens, &c.
- When garden, orchard, crop, &c., damaged, owner entitled to compensation.
- Method of recovering compensation. Compensation may be recovered summarily.
- Power of landlord to come in and defend proceedings against his tenant under this Act.
- Act may be suspended by Proclamation, and afterwards re-enforced.
- During suspension, local ordinances to be enforced.
- The Auckland Provincial Act, "The Fencing Acts Suspension Act, 1874," to apply to this Act.
- Repeals.
- Schedules.

Be It Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- The Short Title of this Act is "The Fencing Act, 1881." Short Title.
It shall not come into force until the first day of January, in the year one thousand eight hundred and eighty-two.
- In this Act, if not inconsistent with the context,— Interpretation.
"To repair" includes to trim, keep, and maintain a live fence, or ditch, or part thereof:
"Alienate" and "alienation" respectively include a limited disposal by lease or license, as well as an absolute disposal by sale or otherwise:
"Owner" includes a tenant in fee-simple, a tenant in tail, a tenant for life, and a tenant for any term of years not being less than ten years, subject to the enactments hereof, and the trustee of any owner as herein defined who is under any legal disability, but shall not include a mortgagee not in possession:
"Occupier" includes any person who is in the actual occupation of or entitled as owner to occupy any land alienated from the Crown:
"Dividing fence" means a fence separating the lands of different occupiers:
"Road" or "street" includes any public highway, by-way, cross-way, or public place, whether it be a carriage-way, horse-way, or footway:
"Crown lands" include all lands Tested in the Crown of whatever description:
"Native lands" means lands in the colony which are owned by the aboriginal natives thereof according to their customs and ways, and which are not held under Crown grant:
"Native reserves" means all reserves, whether of Native lands or Crown lands, made for the use or benefit of aboriginal natives:
"Public reserves" means all reserves of Crown lands made for any purpose of public use or benefit:
"Crown tenant" means an occupier of Crown lands other than land held on deferred payments and agricultural lease-holds, and includes occupiers of public reserves and Native reserves:
"European" includes all persons other than those of the Native race:
"Notice" means a notice in writing or in print, or partly in writing and partly in print, and may be served upon any person either personally or by leaving the same with some adult inmate at his usual residence or place of business, or, if such person or occupier shall be absent from the colony, then by delivering the same to or leaving the same at the residence of his known agent in the same manner:
If there shall be no such agent resident in the colony, or if such first-mentioned person is not known or cannot be found, or any land is unoccupied, then it shall be sufficient to insert such notice at least three consecutive times in some newspaper circulating in the district.
The burden of proving the due service or publication of every such notice shall rest with the giver of the notice.
- Act not to apply to all Native lands.
Except as hereinafter provided this Act shall not apply to any Native lands, except such as, having passed through the Native Land Court, are held under memorial of ownership or certificate of title issued by the said Court, and are occupied by Europeans.
The Governor from time to time, whenever he shall think fit, by Order in Council, may declare that this Act shall apply to all the lands within a district to be defined in such order, and this Act shall apply accordingly.
- This Act shall not apply to any unalienated Crown lands, Act not to apply to unalienated Crown lands. or public reserves, nor shall the Crown, the Governor, any Land Board, nor any public officer appointed by the Governor or by the Governor in Council for the administration, management, or control of the Crown lands, or public reserves, or who may by virtue of his office, however styled, have any such management or control, be liable under the authority of this Act to make any contribution towards the construction or repairing of any dividing fence between the land of any occupier and any Crown lands.
- The provisions of this Act shall apply to all persons being Act to apply to selectors of land on deferred payments or agricultural lease-holders. selectors of land on deferred payments or agricultural leaseholders, as if such persons held the land so selected by them as freehold, and the said persons shall be liable in respect of the fencing of such land in the same manner as freeholders of land are liable hereunder.
- Crown tenants shall be liable in respect of the fencing of the Crown tenant may pay interest on half cost of erection of fence. land in their occupation in the same manner as freeholders are liable hereunder, with the exception following, that is to say,—
Where any fence is constructed under the provisions of this Act dividing any lands held by any person as Crown tenant from any adjoining lands, it shall be at the option of such Crown tenant, instead

of paying half the cost of such fence, to pay to the person who erected such fence, or other person entitled thereto, interest on the said half cost, at the rate of fifteen per centum per annum for each year of his term of occupation, and proportionally for part of any year of such term.

Construction And Maintenance Of Fences.

- A fence of any of the kinds mentioned and described in What deemed a sufficient fence. Schedule A to this Act shall be a sufficient fence within the meaning of this Act.
- Where a sufficient fence has already been erected under Existing fences preserved. the provisions of any enactment hereby repealed, it shall not be necessary that any such fence should, until its re-erection, be made a sufficient fence within the meaning of this Act.
- The occupiers of adjoining lands not divided by a sufficient Adjoining occupiers to share cost of fencing. fence shall be liable to join in or contribute to the construction of a dividing fence between such lands in equal proportions, and notwithstanding that such dividing fence shall not extend along the whole boundary line.

But no occupier shall be liable to contribute to any fence which is not, as far as practicable, continuous throughout its length.
- Any person desiring to compel any other person to contribute Notice to fence to be given. to the construction of a dividing fence under the provisions of this Act may serve on such person a notice to fence, which shall be in the form in the Schedule B hereto, and shall specify the boundary to be fenced, and contain a proposal for fencing the same, and shall specify the kind of fence proposed to be constructed,

If any person shall erect any fence without giving notice as aforesaid, the occupier or owner, as the case may be, of such adjoining land shall not be liable to pay any portion of the value of such fence.
- Objections to proposed fence. If any person upon whom a notice to fence is served shall object to the kind of fence specified in such notice, and shall desire to erect a sufficient fence of a different kind, he may, within twenty-eight days of receiving such notice, signify such objection and desire in writing to the giver thereof; and thereupon (unless the parties can agree upon the kind of fence to be erected) the question of the description of fence which shall be erected, and the cost thereof, shall be determined by a Resident Magistrate in the manner provided by section thirty-two of this Act.
- Provision in cases where fencing notices vary. If the occupiers of adjoining lands shall have served each other with notices to fence, and in such notices the descriptions of the kind of fence which the respective givers thereof desire to be erected shall vary, then (unless the parties can agree upon the kind of fence to be erected) the question of the kind of fence which shall be erected, and the cost thereof, shall be determined by a Resident Magistrate in the manner provided by section thirty-two of this Act.
- If parties cannot agree, fence may be made. If, within two months when the land to be fenced is open land, and within six months when the land is covered with standing bush, after the service of a notice to fence, the giver and receiver thereof do not enter into an agreement as to the nature of the fence to be made and the cost thereof and the mode and time of making the same, and if the receiver thereof shall not serve on the giver thereof an objection to the kind of fence specified in manner provided by section eleven of this Act, then the person giving the notice to fence may proceed to erect a fence sufficient within the meaning of this Act.
- If default made by one party, other may fence and recover. If either party shall neglect or fail for the space of two months to perform his part of any such agreement which may be so made, the other party may thereupon, or at any time within six months thereafter, make a fence of the kind or description so agreed upon, and may immediately thereupon or at any time thereafter recover from the defaulting party one-half of the actual cost of making such fence.
- Contribution thereto to be made. The occupier of the adjoining land to whom a notice to fence shall have been given, or, when such half cost has not been previously paid, any person who, during the continuance of a dividing fence, shall go into occupation of such adjoining land, shall be liable for and shall pay to the person who constructed the fence, or his assigns, one-half of the original value of such dividing fence, within one month after a demand made upon him for the purpose by due notice.
- Where adjoining lands are Crown lands or Native lands. When a fence is erected on any land, and the lands adjoining thereto are at the time of the erection of such fence excepted from the application of this Act, then the occupier thereafter of such adjoining lands shall, not later than one calendar month after the time of his becoming the occupier, after a demand made upon him by notice given, pay to the person who has erected the fence, one-half of the then value of such fence: Provided that the sum so to be paid shall

not exceed the maximum price to be paid by any person in respect of an efficient fence.

- If any person shall desire to put up a dividing fence of a description different from any fence mentioned in Schedule A, he shall give the required notice, as hereinbefore provided, to the parties whom he wishes to join in the making of such fence; and if the said parties shall not, within two months of the delivery of the aforesaid notice, object in writing to the erection of such fence, then such person first mentioned may proceed to erect such fence accordingly, and such fence shall be deemed to be a sufficient fence under this Act.

Such persons shall be entitled to recover from the occupiers of the adjoining lands a contribution towards the cost of erecting such fence, not exceeding in amount the maximum price allowed by this Act as the half cost of erecting a sufficient fence hereunder.

- The maximum price to be paid in respect of one-half of the Maximum price for half-cost of fencing, actual cost of erecting any sufficient fence shall not exceed twenty shillings per chain, exclusive of any extra cost for clearing bush along the line of such fence.

But in the case of a fence erected in any borough of the description mentioned in Schedule A, numbered three, the maximum price mentioned above shall not exceed thirty-five shillings per chain in respect of one-half of the cost.

Provided always that no greater sum shall be charged for the erection of any fence than the absolute half of the cost of such fence.

- Where any fence is required to be erected on land covered with standing bush, and the required notices as hereinbefore provided have been given, the person erecting such fence shall be entitled to clear the bush for a width not exceeding six feet on each side along the entire length of such fence, and may fell any tree standing in the immediate line of any such fence; and the cost of such clearing shall be added to the cost of the erection of such fence, and be apportioned accordingly.

- When a river, creek, natural watercourse, or rocky or Where river, &c., natural boundary, power to agree on line of fence. impracticable land, forms the boundary of contiguous lands, the occupiers of such contiguous lands may agree upon a line of fence on either side of such river, creek, or natural watercourse, and in the event of their not making any such agreement either party may apply to the Resident Magistrate of the district, who may appoint one or more persons to inspect the proposed line of fencing and who shall determine whether any fence is necessary, and decide the line of fence to be erected, and whether any and what compensation in the shape of an annual payment shall be paid to either of the parties occupying such contiguous lands in consideration of loss of occupation of land.

The occupation of lands on either side of such line of fence shall not be deemed adverse possession, and shall not affect the title to or possession of any such lands, save for the purposes of this Act.

- The occupier of any land may, in making a ditch and bank Half of dividing fence may be on adjoining land. fence dividing his land from the land thereto adjoining, make a ditch on such adjoining land (Crown lands inclusive), and use the soil taken therefrom towards the making of a bank, or he may make the ditch on his own land and place the bank on such adjoining land.

But no ditch or bank shall be made upon any such adjoining land in any case where a hedge of live thorns, gorse, or other live hedge may have been planted and kept in good thriving condition thereon so as to disturb or injure such hedge, without the consent of the occupier of such land first obtained.

Posts to be on boundary line. Where a dividing fence is made of posts and rails, or wire, or palings, the posts of such fence shall, as near as may be, be placed on the boundary line.

- Person using fence on further side of road liable to pay interest on half cost. If the occupier of any land bounded by a road shall have erected a fence on the common boundary of his land and such road, and any other person shall adopt any means by which such fence shall be rendered of beneficial use to himself, and shall avail himself of such fence, such person shall be liable to pay to the person who erected such fence, or to the occupier of the land whereon such fence is erected, interest on half the then value of such fence, at the rate of ten per centum per annum for so long as he shall continue to avail himself of such fence; and shall also, as long as aforesaid, be further liable for half the cost of the repairs of such fence.

- Gorse not to be planted without consent of neighbours. No person shall plant gorse, sweetbriar, bramble, or blackberry upon or alongside any boundary line or dividing fence without the consent of the occupiers of the adjoining lands; and no person shall plant as aforesaid upon any fence bounding or abutting upon any public reserve, or Crown lands, without the consent first obtained of the proper authority having control over such reserve or Crown lands; and any person who shall contravene the provisions of this section shall be liable, for every such offence, to a penalty not exceeding twenty pounds; and the occupier of the adjoining land as aforesaid shall be entitled to take up and destroy such gorse, sweetbriar, bramble, or blackberry fence, and to recover in any Court of Competent jurisdiction the cost of such work from the

person who shall have so contravened the provisions of this section.

- Power to construct a fence on road to protect live fence.

If the occupier of any land bounded by a road desire to plant a live fence on the common boundary of his land and such road, and for that purpose to construct a fence upon such road until such live fence shall have grown up, he may at any time, with the consent of the Road Board or Council having control of such road and on conditions to be prescribed by it, proceed to construct a fence on such road, so that no part of such fence be more than five feet distant from the nearest point on the boundary of his land, and that the width of such road available for traffic after the construction of such fence be in no place where the same is reduced by the construction of such fence less than thirty-three feet.

And if such occupier forthwith after the construction of such fence proceed to plant a live fence on the boundary of his land and such road, constantly with all proper diligence keeping, maintaining, and protecting from injury such live fence, he may maintain on such road the fence so constructed for such time not exceeding six years, or such longer time as the Road Board or Council having the control of such road may in writing allow, until such live fence becomes a sufficient fence within the meaning of this Act.

Repairs of Fences.

- Adjoining occupiers to keep dividing fences in repair. When any dividing fence, or part thereof, made or to be made shall be out of repair or become insufficient, the occupiers of land on either side thereof shall be liable to the cost of repairing such fence in equal proportions.
- The occupier of any land separated from any adjoining land Procedure to compel contribution to the repair of dividing fences. by a dividing fence may serve a notice upon the occupier of such adjoining land requiring him to assist in repairing such fence, or part thereof, and, if such occupier shall refuse or neglect for the space of one week after the service of such notice to assist in repairing such fence, such first-mentioned occupier may repair such fence, and demand and recover of and from such other occupier half the cost of repairing the same.
- If any dividing fence or any portion thereof is destroyed Contribution where fence destroyed by accident. by accident, the occupier of land on either side may immediately repair the same without any notice, and shall be entitled to recover half the expense of so doing from the occupier of the adjoining land.
- In case any dividing fence is destroyed by fire, or by the falling Exception where accident results from neglect. of any tree or trees, the occupier through whose neglect (if any) such fire shall have originated or have caused injury to the fence or such tree or trees shall have fallen, or by whose stock such fence shall have been damaged, shall be the party bound to repair the entire of the fence so damaged as aforesaid.
- Nothing herein shall be deemed to take away or interfere with Liability for reckless use of fire. the right of any person to sue for and recover compensation for or in respect of any damage or injury to any fence occasioned by the reckless or negligent use of fire.

Miscellaneous.

- In any case where a person shall elect or be liable to pay Interest recoverable. interest on the half cost of a dividing fence, the person entitled to such interest shall have the same remedy for the recovery thereof as he would have for the recovery of the half cost of such fence.
- All moneys recoverable under this Act in respect of the construction From whom moneys recoverable under this Act may be recovered. or repairing of any fence, by any person serving any notice to fence or repair, may be recovered from any person liable to contribute to the cost of constructing or repairing such fence who is served with notice to fence or repair, or from any person who may come in and defend under the provisions of this Act any proceedings consequent on such notice.

All moneys recoverable under this Act by any person served with any notice to fence or repair may be recovered from the person serving the same, or from any person liable to contribute to the construction or repair of such fence.
- Any Resident Magistrate may hear and determine all matters jurisdiction of Resident Magistrates in matters arising under Act. or questions arising between owners or occupiers of property liable to the provisions of this Act, notwithstanding that the decision of any such matter or question shall be beyond the ordinary jurisdiction of such Resident Magistrate, in so far as relates to,—

Hearing and taking evidence and making any order as to the erection or repair of dividing fences, and

making any order as to the removal of dividing fences if not erected on the proper boundary between adjoining lands:

Deciding upon the description or kind of fence to be erected or maintained, or that in the opinion of the Court ought to be erected or maintained, in accordance with this Act:

Determining the date, time, and manner in which such fence should be erected, and by whom it should be erected or repaired:

Determining the expense of erecting or repairing any such fence, and the proportion of such expense to be borne and paid by any person:

Awarding that the costs incident to such hearing and determination shall be borne by the party against whom the decision shall be given, or shall be divided between the parties.

- How proceedings to be enforced. All proceedings before any Resident Magistrate upon or in respect of any of the matters in the last preceding clause, or of any combination or modification thereof, shall and may be taken and conducted, and any order may be enforced and acted upon, in like manner as the proceedings and orders of such Courts are taken, conducted, and enforced in their summary jurisdiction under "The Justices of the Peace Act, 1866," or any other Act for the time being in force relating to such Courts.
- Act not to interfere with agreements. Nothing in this Act contained shall be deemed or taken to affect any covenant, contract, or agreement made, or hereafter to be made, relative to fencing, between landlord and tenant, or between occupiers of adjoining land, or between any other persons whomsoever.
- Fences on Crown lands to be provided with gates or openings, &c.

Where any person shall have erected, or shall hereafter erect, any fence upon any Crown lands, the Commissioner of Crown Lands of the district may direct such person to make such gates at such places in such fence as he may deem necessary for the public convenience of the district.

If such person shall not comply with such direction within one calendar month after the receipt thereof, he shall be liable to a penalty not exceeding twenty pounds, and such Commissioner may forthwith have such gates made at the expense of the person so failing to do so; and any person wilfully leaving such gates open shall be liable to a penalty not exceeding; forty shillings.

- Persons constructing fences can enter upon contiguous lands where not orchards, gardens, &c.

Any person constructing or repairing a fence under this Act, his agents and servants, may, if there be no available access thereto over their own land, with or without horses, cattle, carts, or carriages, at all reasonable times during such construction or repairing, enter upon any portion of the contiguous lands and do thereon such acts, matters, and things as are necessary or reasonably required to carry into effect the construction or repairing of such fence.

Provided always that nothing herein contained shall authorize the entry, for the purpose aforesaid, upon any land in crop, or upon any garden, orchard, plantation, shrubbery, or pleasure ground, without the consent of the owner thereof; or shall authorize any person to cut down, lop, or injure any fruit, exotic, or ornamental tree or shrub without the special sanction of the aforesaid owner.

- When garden, orchard, crop, &c., damaged, owner entitled to compensation. Every owner or occupier of any land who shall incur or suffer any loss or damage by any act or thing done by any person wilfully acting contrary to the provisions of the last foregoing section shall be entitled to compensation for the same.
- Upon the application of any person claiming such compensation Method of recovering compensation. as aforesaid, any Resident Magistrate may summon the person complained of to appear before him, at a time and place to be named in the summons, and upon the appearance of the parties, or, in the absence of either of them, upon proof of the service of the summons, the said Resident Magistrate shall hear the question and determine the amount of compensation, and for that purpose may examine the said parties or either of them and their witnesses upon oath, and the costs of every such inquiry shall be at the discretion of the said Resident Magistrate, and he shall settle the amount thereof.

Every sum awarded by way of compensation or of costs shall be Compensation may be recovered summarily. recoverable in a summary manner.

- Any person may come in and defend any proceeding under Power of landlord to come in and defend proceedings against his tenant under this Act. this Act against any tenant of such person in consequence of which such person may ultimately incur any liability, and any defence which the person originally proceeded against might set up shall be available to the person so coming in to defend.
- If the Council of any county in which the whole of "The Act may be suspended by Proclamation, and afterwards re-enforced. Counties Act, 1876," is in operation, or the Board of any road district within a county in which the whole of such Act is not in operation, shall, by resolution, request the Governor to suspend the operation of this Act within such county or road district, the Governor shall, by Proclamation,

suspend this Act accordingly.

In like manner, if such Council or Road Board shall, by resolution, request the Governor to again bring this Act into operation within such county or road district, the Governor shall, by Proclamation, bring this Act into operation accordingly.

- Wherever, and during the time the operation of this Act is During suspension, local ordinances to be enforced. suspended, the laws relating to fencing in the county or Road Board in which such suspension takes place in force at the time this Act comes into operation shall become, be, and remain in force during such suspension.
- An Act passed by the Superintendent and Provincial Council The Auckland Provincial Act, "The Fencing Acts Suspension Act, 1874," to apply to this Act. of Auckland, intituled "The Fencing Acts Suspension Act, 1874, "shall apply to this Act in like manner as though this Act had been specified in the said Suspension Act instead of "The Fencing Act, 1855," and "The Fencing Act 1855 Amendment Act, 1874."
- The several enactments enumerated in the Schedule C hereto Repens. annexed are hereby repealed.

Schedules. Schedules.

Schedule A.

DESCRIPTION OF SUFFICIENT FENCE.

- A post-and-rail fence, at least 4 feet in height, of substantial material, firmly erected, with no greater distance between the rails or between the rails and the ground than 9 inches, and the posts not more than 9 feet asunder.
- A substantial upright paling, at least 4 feet in height, with no greater distance between the palings than 4 inches.
- Any paling fence, 4 feet 3 inches high, with posts and two rails, and having split or sawn timber placed perpendicularly, and well nailed to both rails, there being not more than 4 inches of opening between each perpendicular piece of timber.
- A substantial wire fence, having not less than seven wires tightly stretched, or six wires with a top rail, with posts of durable wood or iron, well and substantially erected, the posts or standards to be not more than 9 feet apart, top wire not to be less than 4 feet from the surface of the ground; and the wires to be not lighter than No. 8 in iron or No. 12 in steel. The space between each of the three bottom wires, or the bottom wire and the ground, not to exceed 6 inches. A bank may be substituted for the lower wires, provided always that such bank be well formed, and made up to within 3 inches of the lower wire; provided also that a wooden rail may be substituted for the top wire.
- A stone wall not less than 4 feet in height, exclusive of the coping, and not less than 2 feet 6 inches in width at base.
- A bank or wall of substantial materials, at the least 4 feet 6 inches in height, of which the slope is not more than 1 foot from the perpendicular.
- A close and sufficient live fence, at least 4 feet in height, proof against cattle; such fences to be kept properly trimmed.
- A combination of the above kind of fences, at least 4 feet in height.
- A ditch not less than 3 feet in width and 2 in depth, with a bank and wires not less than 3 feet 6 inches in height, the wires to be tightly strained, with not more than 8 inches between the wires, and 6 inches between the bottom wire and the bank, and the standards or binding wires to be not more than 9 feet apart.
- A double sod wall not less than 33 inches wide at the bottom, and 18 inches at the top: the sod work to be not less than 26 inches above the level of the ground, with a ditch on each side not less than 9 inches below the level of the ground, and three wires above the wall tightly strained; the total height of the fence to be not less than 39 inches above the level of the ground.
- A sod wall not less than 16 inches above the level of the ground, with four wires above the wall, with a ditch on each side not less than 9 inches below the level of the ground; the total height of the fence to be not less than 39 inches above the level of the ground.
- An American chock-and-log fence, not less than four logs, and not less than 4 feet 6 inches from the surface of the ground.
- A stub fence, not less than double chock and logs, and sound timber firmly studded in, not less than 4 feet

- 6 inches above the surface of the ground.
- A fence of butts of fern trees, erected perpendicularly, and stuck not less than 2 feet 6 inches in the ground, not less than 4 feet 6 inches above the surface of the ground, nor more than 5 inches apart.
- For swampy land a ditch, not less than 6 feet wide and 2 feet deep, with bank not less than 3 feet high, with posts not less than 4 feet high from the surface of the ground, and more than 9 feet apart, with not less than two rails or three wires, or with one rail and two wires, or posts and four rails, or posts and seven wires, with ditch, as already described, and no bank, the posts being not less than 4 feet 6 inches high from the surface of the ground, nor more than 9 feet apart where rails are used, nor more than 8 feet apart where wires are used, the posts being inserted into the ground not less than 2 feet.
- Any other description of fence mutually agreed upon by the persons interested.
- A fence made in any other way equal in efficiency to any of the above-mentioned fences.

Not to be erected within Towns,

- A ditch, not less than 3 feet broad, with a bank or any fence or combination of the above sorts of fences on either side thereof, the top of which shall be at least 5 feet 6 inches from the bottom of the ditch and 3 feet 6 inches above the level of the ground, and where the slope of the bank on the ditch side thereof is not more than 1 in 3 and the slope of the ditch on the bank side not more than 1 in 2.
- A bank or dyke, not less than 4 feet 6 inches high, substantially formed, with turf on both sides, on a base not less than 3 feet 6 inches broad, and having a ditch not less than 3 feet wide and 2 feet deep on each side of such bank.

Schedule B. Notice To Make Fence.

To, occupier [owner, lessee, agent, as the case may be] of [describing adjoining land].

TAKE NOTICE that I desire that a boundary or dividing fence between [describing the lands] be made immediately (on or before the day of, 18), and that such fence shall be a [describe the fence]. Dated the day of, 18.

A.B., Occupier [owner, lessee, agent] of, &c.

Schedule C. SCHEDULE OF ACTS AND ORDINANCES REPEALED.

- *Ordinance of the Governor and Legislative Council of New Zealand.*
Sess. VIII., 1847, No. 8.—An Ordinance to encourage the Fencing of Land.
- *Acts of the Province of Auckland.*
Sess. II., 1855, No. 5.—An Act to make Provision relative to Fencing Land in the Province of Auckland.
Sess. XXIX., No. 23.—The Fencing Act 1855 Amendment Act, 1874.
- *Ordinances of the Province of Taranaki.*
Sess. VIII., No. 3.—The Furze Ordinance, 1859.
Sess. XVI., No. 4— The Furze Ordinance, 1868.
Sess. XXIV., No. 2.—The Fencing Ordinance, 1875.
Sess. XXIV., No. 5.—The Furze Ordinance 1868 Amendment Ordinance, 1875.
- *Acts of the Province of Hawke's Bay.*
Sess. XXI., No. 2.—The Fencing Act, 1874.
Sess. XXII., No. 2.—The Provincial Fencing Laws Empowering Act 1874 Adoption Act, 1875.
- *Acts of the Province of Wellington.*
Sess. XV., No. 10.—The Fencing Act, 1867. Sess. XXII., No. 9.—The Fencing Act, 1872.
- *Acts of the Province of Nelson.*
Sess. VIII., No. 2.—The Nelson Gorse Hedges Act, 1861.
Sess. IX., No. 6.—The Fencing Act, 1862,
Sess. X, No. 3.—The Pastoral Districts Fencing Act, 1863.
Sess. XIV., 1866, No. 2.—An Act to repeal the Fencing Act, 1862, so far as relates to Districts constituted under the Pastoral Districts Fencing Act, 1863.
- *Acts of the Province of Marlborough.*
Sess. VII., No. 2.—The Marlborough Fencing Act, 1863.
Sess. XV., No. 2.—The Fencing Act Amendment Act, 1866.
- *Ordinance of the Province of Canterbury.*
Sess. XIV., 1861, No. 3.—The Gorse Ordinance, Session XIV., No. 3.

Sese. XXXVII., No. 8.—The Canterbury Fencing Ordinance, 1872.

- *Ordinance of the Province of Westland.*
Sess. III., No. 1.—The Fencing Ordinance, 1875.
- *Ordinance of the Province of Otago.*
Sess. XXX, No. 366.—The Fencing Ordinance, 1872.
- *Ordinances of the Province of Southland.*
Sess. XII., No. 73.—The Fencing Ordinance, 1866.

Whakawhaititanga.

- Ka tu tonu nga Takiwa Maori i whakaritea i mua. Ka ahei Te Kawana ki te whakarite i etahi Takiwa Maori hou.
- Mahi a nga Komiti i roto i nga Takiwa Maori.
- Me whakatu he Ateha Maori. Ko nga Ateha katoa e tu ana inaianei, me tu tonu a tae noa ki te mutunga o te pootitanga tuatahi.
- Ka uru te Ateha ki roto ki te Komiti tuku Raihana.
- Kia whakaae ra ano te Komiti tuku Raihana. katahi ka ahei te tuku i tetahi Raihana hoko waipiro.
- Nga tikanga mo runga i nga Raihana i roto i nga takiwa Maori. Me whai kupu te Ateha mo te tuku i nga Raihana. E kore e ahei te tuku Raihana i te mea e ngaro ana te Ateha. Ka whai mana te Ateha ki te whakakore i te tono Raihana. Ko te kupu whakatau ma te nuinga e whakatuturu. Kauga te Ateha e pooti ki nga Raihana mo waho o tona takiwa ake. Ko etahi Raihana e takoto ke ana.
- Kauga e hoatu he waipiro ki te tangata Maori i roto i tetahi Takiwa Raihana Maori.
- Te whiu mo te tangata e takahi ana i tenei Ture. Tetahi tikanga ano.
- I runga i te tono a etahi tangata na ratou te whenua, ka whai mana te Kawana te ki kia kauga e whakaaetia he Raihana waipiro i roto i te takiwa e tonoa ana e ratou kia kapea ki waho.

Na Tenei Ka Meingatia Hei Ture e te Runanga Nui o Niu Tirenī e noho huihui ana i roto i te Paremete i runga hoki i te mana o taua Runanga nga ritenga i raro iho nei:—

- Te Ingoa Poto o tenei Ture ko "Te Ture Raihana Waipiro, 1881," ka timata te whai mana i te *tahio* nga ra o *Oketopa*, kotahi mano e waru rau e waru *tekau ma tahi*.

Nga Takiuoa Raihana Maori.

- Ko nga wahi katoa o te Koroni e panuitia ana hei takiwa, kei raro nei i te "Ture Hoko Waipiro i nga Takiwa o Waho, 1870," me nga takiwa e whakamaramatia ana i roto i te kupu apiti e mau ana ki te "Ture Whakatikatika Raihana, 1875," a e ara nei aua wahi i te timatanga o tenei Ture, me tau ena wahi katoa hei Takiwa Raihana Maori i raro i tenei Ture.
- Ko te Komiti whakaputa Raihana o ia Takiwa Raihana e whakahaere ana i ana mahi mo nga raihana e whakamana ana i roto i tetahi wahi o tetahi Takiwa Raihana Maori, me mahi i runga i nga tikanga e mau nei i roto i tenei Ture.
Ma te Kawana i roto i tona Kaunihera i ia takiwa i ia takiwa e whakarereke nga rohe o aua Takiwa, e tino whakakore atu ranei; a ka taea ano e ia te hanga hou, te whakarereke, me te whakakore i nga takiwa hou Raihana Maori i raro i enei tikanga:
Kauga e whakaturia tetahi Takiwa Raihana Maori mehemea i runga i te whakaaro a te Kawana i roto i tona Kaunihera, kaore i tae ki te hawhe te nuinga o nga Maori o taua takiwa;
Kauga tetahi Taone e whakaurua ki roto ki aua tu takiwa.
- I roto i nga Takiwa Raihana Maori katoa me pooti he Ateha i ia tau i ia tau e te nuinga o nga tangata e tika nei kia pooti mo te whakatunga o te mema mo te Paremete.
Ko nga Ateha katoa kua oti nei te whakatu i raro i nga tikanga o te "Ture Hoko Waipiro i nga Takiwa o Waho 1870," a e tu nei hei Ateha inaianei, me tu tonu hei Ateha mo aua takiwa i whakaturia ai ratou a tae noa ki te mutunga o te pootitanga tuatahi.
- Ko aua Ateha katoa me uru ki te Komiti tuku Raihana o roto o te Takiwa Raihana Maori i pootitia nei ia hei Ateha i roto i taua takiwa; engari kia kotahi tonu Ateha e ahei ki te noho i roto i ia hui i ia hui o aua Komiti Raihana hei tuku i nga Raihana.
- Kauga e whakaputuina he Raihana Hoko topu, tetahi atu Raihana ranei (haunga enei e whai ake nei) whakamana i te hoko waipiro, kia mana ki tetahi taha o tetahi Takiwa Raihana Maori, i runga i te whakaputa a etahi atu tangata; engari ma te whakaae ra ano a te Komiti Raihana e whaimana nei to ratou

- mahi ki roto ki taua takiwa.
- Koia nei nga tikanga e mana ai te whakaputa, te whakahou, te tuku, te tango ranei i nga Raihana mo te hoko waipiro i roto i nga Takiwa Raihana Maori, ara:—
Kaua tetahi tono Raihana mo tetahi Takiwa Maori e whakamanaia e tetahi Komiti Raihana, mehemea kei te iti iho i te tokotoru nga mema i te huihuinga, haunga hoki te Ateha Maori.
I roto i aua huihuinga mo aua tono Raihana kaua e ngaro tetahi o nga Ateha i pootitia mo te takiwa Raihana Maori e tonoa ana te Raihana
Me whakaae rawa taua Ateha ka mana. ai te whakaae i aua tono.
Ko nga korero katoa e ara ana i runga i aua tono ma nga pooti e whakatuturu; ki te rite tahi nga pooti, ma te tiamana e pooti i runga i tana pooti tuarua hei whakatau:— E hara tenei i te whakakore i nga tikanga kua tuhia iho nei
Kaua e mana te kupu, te pooti, ranei a te Ateha mehemea e tonoa ana te Raihana mo tetahi takiwa ke atu i tera i pootitia ai ia.
Kaore enei tikanga e pa ki nga Raihana mo te takiwa poto me nga Raihana kaipuke.
- Kaua rawa e whaimana tetahi tangata ki te hoko, ki te tuku, ki te hoatu ranei, i etahi waipiro, ki te tangata o te Iwi Maori i roto i tetahi Takiwa Raihana Maori.
- Me ka tuku, ka hoko, ka hoatu ranei, he waipiro ki etahi Maori i runga i nga ritenga e whakahengia nei e tenei Ture; me whiu ia ki te utu, kaua e nui ake i te rua tekau pauna; a me tango noa mai taua utu, i tua atu ano hoki i nga whiu tika mo te hoko huna a te tangata kaore i raihanatia:—Otira kaua e taea te tango i enei utu whiunga me e kitea ana i tukua tikatia aua waipiro hei rongoa.
- Ma te Kawana i runga i te tono a nga tangata whai take ki tetahi whenua Maori, kaore nei he raihana hoko waipiro i taua takiwa, ki te panui ki te *Kahitikia* kaua e whakaaetia he raihana waipiro i roto i taua takiwa, a kaua te Komiti tuku Raihana e ahei ki te whakaputa Raihana i roto i taua papa whenua i panuitia peratia e te Kawana.

Analysis.

- Title.
- Short Title.
- Saving of Acts.
- Saving of persons.
- Interpretation.
- "Regulation of Local Elections Act, 1876," incorporated.

Part I.—Licenses. Licensing Districts.

- Governor to proclaim new districts. Ordinary districts. Special districts.
- Progressive operation of Act.
- Thinly - populated place proclaimed special district.
- Jurisdiction Over jetties, wharves, &c.
- Centre of road to be boundary.

The Licensing Committee.

Disqualification.

- All persons interested in manufacture or sale of liquor or in licensed premises disqualified. All paid officers disqualified.
- Penalties. Exceptions.

Ordinary Districts.

- Constitution of Licensing Committee within ordinary districts. Provisions applicable to all Committees.

Special Districts.

- Licensing authority constituted within special districts, with powers of Licensing Committee.
- Quorum of Committee in special districts.
- Governor may regulate issue of licenses, &c, and administration of Act, within special districts.

Native Licensing Districts.

- Existing Native districts unaffected. Governor may constitute new Native districts.
- Functions of Committee in Native districts.
- Native Assessors to be elected. Assessors heretofore appointed to continue in office till after first election.
- One Assessor *ex officio* member of Licensing Committee.
- No license to be granted except with sanction of Licensing Committee.
- Conditions for licenses in Native districts.
 - Assessor to have a voice in respect of the granting of every license.
 - No license may be granted in absence of Assessor.
 - Assessor may veto any license.
 - Decision to be by majority of voices.
 - Limitation to vote of Assessor.
 - Certain licenses excepted.
- Intoxicating liquor not to be supplied to Natives within Native licensing district.
- Penalty for supplying intoxicating liquor to Natives contrary to Act. Proviso.
- Governor, on application of owners, may prohibit licenses on certain areas of Native land.

Of Licensed Premises And Licensed Persons. *Licenses.*

- All provisions of Act to apply equally in all districts.
- Present licenses subject to Act.
- All licenses to be granted under Act.
 - Railway-station licenses.
 - Auctioneers, constables, and bailiffs not to hold license.
 - Spirit merchants not to be licensed under "Distillation Act, 1868."
 - Unmarried woman may hold license.
- Description of licenses, First Schedule.
- Effect of publican's license.
- Effect of New Zealand wine license.
- Effect of accommodation license.
- Effect of bottle license. Limited to particular districts.
- Effect of packet license.
- Effect of wholesale license.
- Effect of conditional license. Races, regattas, &c.
- Midnight licenses. Additional bars.
- Accommodation required in publichouses within boroughs.
- Requirements for houses, &c., on cricket-ground, &c.

Licensing Meetings. *Conduct of Business.*

- Quarterly licensing meetings to be held,
- One month's notice thereof to be given.
- Applications to be heard in open Court. 48. Licensing meetings may be adjourned.
- Regulations for conduct of business before Licensing Committee.

Conditions Of. Obtaining New Licenses.—Local Option.

- New licenses to be granted subject to vote of ratepayers.
- Chairman to appoint day for taking poll of ratepayers.
- Question to be submitted to vote.
- Taking of poll. Second Schedule.
- Result to be publicly notified.
- Affirmation of question not to be imperative on Court.
- Roll of voters when no ratepayers' roll in force.
- If election miscarry, another day to be appointed.
- Costs of poll to be paid out of license fees.
- Local option not in force within special districts.

Hearing Applications For Licenses. — Objections.

- New licenses to be granted only at annual meeting.
- Mode of applying for all licenses other than packet, wholesale, or conditional licenses. Third Schedule. Fourth Schedule.
- Objections to licenses by ratepayers. Fifth Schedule.
- Particulars required in memorial.
- Objections by police and others.
- Objections by corporate bodies.
- Objections within Native districts.
- Grounds of objection to grant of license.
- Licensing Committee may, of their own motion, take cognizance of objections.
- Objectors only to appear against license.
- Licensing Committee may make rules as to costs.
- Costs of objectors, if successful, may be ordered.
- Applications may be renewed.
- Not in case where objection is personal.
- Certificate in duplicate to be granted for license. Sixth Schedule. Issue of license.
- Certificate void unless license fee paid within fourteen days.
- Granting of packet and wholesale licenses.
- Wholesale licenses in partnerships may be granted.
- Conditional licenses may be granted at any time.
- Provision for licenses in special districts.
- Grant of licenses to be at discretion of Committee.
- Licenses may be cancelled for keeping house improperly.
- Disqualification for licenses.

Renewals, Transfers, And Removals Of Licenses.

Renewals.

- Renewal of license on payment of fee. To be granted only at annual licensing meeting. Saving as to current licenses. Proportionate reduction of fees.
- Accommodation license may be varied on renewal.

- Renewal may be refused.
- Objections to renewal.
- Licenses in boroughs not to be renewed except on conditions.
- Notice of objection to be given to applicant.
- Committee may adjourn application.
- On refusal, applicant may obtain adjournment in certain cases.
- Application by other parties for license when refused.

Transfers.

- Objections to transfer may be made.
- Applications for transfers.
- Transfer of licenses by Licensing Committee. Seventh Schedule. License of transferee subject to confirmation.
- Purchasers of licensed premises may obtain temporary transfer of license.
- License to be deposited until confirmed.
- Liabilities of transferee.
- No transfer allowed within three months of original issue.
- Transfer of license on ejection.
- Two members of Licensing Committee may transfer license where licensee refuses to transfer. Or on desertion of or ceasing occupation of premises.
- Continuance of forfeited license to owner of premises in certain cases.

Removals.

- Applications for removal of license.
- Effect of removal of license as to old and new premises. Eighth Schedule.

Deaths, Casualties, Etc.

- Provision in case of death of licensee.
- In case of death immediately before expiry of license.
- Provision in case of insolvency of licensee.
- Duties and liabilities of executors, &c.
- In case of marriage of female licensee, license to be subject to confirmation.
- In case of lunacy.
- In case of continued lunacy.
- Lost license—duplicate license. Ninth Schedule.
- Temporary license in case of accident to premises by fire, &c.

Fines, Fees, Forfeitures, And Penalties.

- Fees to be paid in respect of licenses.
- Application of fees.
- Fees in respect of applications for licenses. Tenth Schedule.
- No fees to be charged to police.
- Application of fines, penalties, &c.

Part II—Licensed Premises. Registers OF Licenses.

- Register of all licensed premises to be kept. Also record of all applications.
- Governor to regulate intertransmission of extracts of registers, &c.
- Application to state owner of premises.
- Owners of premises and co-owners may be registered as owners.

- Registers to be open to inspection.
- Separate registers may be for divisions of districts.
- Registration fee.
- Registers to be evidence of matters therein.
- Indorsements on licenses to be evidence.

Duties And Liabilities Of Licensees And Others.

- Licensee to produce license on lawful demand.
- Name of licensee to be affixed to premises.
- Outdoor lamp to be kept burning all night. Exemption.
- Sanitary precautions.
- Limit of hours of employment of females.
- Engagements with girls for dancing void.
- Penalty for permitting room to be used as a dancing saloon.
- Penalty for refusing to provide accommodation.
- Penalty for not keeping stabling accommodation.
- Penalty for paying wages in licensed premises. 132. No post office to be kept nor rates to be paid at licensed premises.
- No debts for liquor recoverable.
- Liquor to be sold for money only, Not to be paid for in advance.
- Forfeiture of license for neglect of premises.
- Inquests to be held in publichouse when no public morgue near.

Protection Of Licensees.

- Protection of property of guests.
- Remedy in case of distress.
- Limit of liability of landlord for property of guests.
- Power to licensed publican to sell goods and chattels of guests and unclaimed goods. Sales, &c., to be subject to conditions.
- Innkeeper may sell unclaimed goods.

Offences Against Public Order.

- Forfeiture of license for felony, &c.
- Penalty on persons found drunk.
- Penalty on persons found drunk while in charge of horses, &c., or loaded firearms.
- Drunken persons to be visited while in custody. Magistrate may remand such persons to hospital or elsewhere for treatment. Expenses and cost of maintenance to be paid by persons arrested.
- Penalty for permitting drunkenness.
- Penalty for keeping disorderly house.
- Penalty for harbouring constables.
- Penalty for permitting gaming.
- Convictions for certain offences to be recorded on license.
- Forfeiture of license for permitting house to be a brothel.
- Power to exclude persons from premises and to refuse liquor.
- Penalty for refusing to quit premises on demand. illicit sales.
- Closing-hours for licensed premises.
- Penalty for sale of liquor at unauthorized times.
- Saving as to *bonâ fidetravellers* and lodgers.
- Onus of proof in such cases.
- Penalty for false representation as a traveller.

- Penalty for sale of liquor by unlicensed persons or at unauthorized places.
- Occupier of unlicensed premises liable for sale of liquor.
- Seller liable for drinking on premises contrary to license.
- Evasion of law as to drinking on premises contrary to license.
- Penalty on internal communication with unlicensed premises.
- Penalty on using bars beyond the number licensed.
- Penalty for selling at races, &c., without conditional license, or at railway stations without publican's license.
- Penalty for supplying children with liquor.
- Supply of liquor to drunkards prohibited.
- Prohibition renewable.
- Penalty for procuring liquor for prohibited persons.
- Evidence of sale or consumption of liquor.
- Unlawful sale of liquor provable by purchaser thereof.
- Persons deemed unlicensed if not producing license. *Prima facie* evidence of unlicensed premises.
- Forging, counterfeiting license, &c., felony.
- Penalty for having, &c., labels for bottling contrary to Act.
- Penalty for using bottles with labels more than once.

Part III.—Inspection And Legal Procedure. Inspectors Of Licensed Premises.

- Governor to appoint Inspectors. Officers of police to be *ex officio* Inspectors.
- Inspectors to be Inspectors under any Act relating to adulteration.
- Duties of Inspectors.
- Further duties in relation to infringement of trade-marks.
- Inspectors may enter premises and search for adulterated drink.
- Penalty for obstructing Inspector.
- Penalty on Inspectors receiving bribes, &c.
- Penalty for offering bribes, &c., to Inspectors.

Regulations As To Entry On Premises.

- Inspector or constable may enter on premises for enforcement of Act.
- Penalty for refusing entrance.
- Search-warrant for detection of liquors sold or kept contrary to law.
- Liquors to be forfeited.
- Persons found on premises where seizure made deemed to be illegally dealing in liquor.
- Names of persons found on premises may be demanded.
- Penalty on refusal, or giving false name.

Adulteration.

- Penalty for selling adulterated liquor.
- Conviction under any Act for adulteration to be recorded on license. License to be forfeited and premises disqualified.
- Placard to be posted on premises where adulterated liquor is sold.
- Offender's name to be published on second offence.

General Provisions.

Legal Procedure.

- Summary proceedings for offences under Act.
- Costs and expenses recoverable summarily.
- On committal, hard labour may be added.
- Description of offence in words of Act sufficient. Excuse, exception, &c.
- No *certiorari*. Conviction not to be quashed for want of form.
- Mitigation of penalties.

Record of Convictions.

- Mode of recording convictions on license.
- Record of convictions on license at discretion of Justices.
- As to record in cases of several offences.

Repeated Convictions.

- Conviction after five years not receivable in evidence.
- Forfeiture of license for two convictions in six months.
- Disqualification of persons for offences committed by them.
- Disqualification of premises in respect of offences committed thereon.
- Protection of owners in case of offences by tenants.
- Notice of disqualification of premises to be given to owners.
- Where omission is made in recording a conviction on license.
- Penalty for defacing indorsements on license.

Closing Premises.

In Case of Riot.

- Justices may order premises to be closed in case of riot.
- Force may be used if necessary.

Within Disturbed Districts.

- Districts may be proclaimed.
- Liquors not to be sold therein without permission.
- Penalty for selling without permit.
- Conditions may be attached to permit.
- Forfeiture of liquors sold without permit.

Miscellaneous.

- Service of notices.
- Protection of officers in execution of Act.
- Penalty for insulting officers or interrupting proceedings.
- Giving false evidence, perjury.
- Enforcement of orders of Licensing Committee.
- Regulations as to form of future licenses.
- Forms of notices, &c., may be altered.
- Governor in Council may make regulations for effective working of Act.
- Governor may rectify irregularities.
- Saving of indictments under other Acts.

Clubs.

- Special provisions relating to clubs.

Repeals.

- Acts and Ordinances repealed. Eleventh
- Schedule.

Schedules.

- Schedules.

[23rd September, 1881.]

Be It Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- Short Title. The Short Title of this Act is "The Licensing Act, 1881," and it shall commence on the first day of October, one thousand eight hundred and eighty-one.
- Saving of Acts. Nothing in this Act contained shall derogate from or annul any of the provisions of "The Distillation Act, 1868," "The Adulteration Prevention Act, 1880," "The Native Licensing Act, 1878," or any enactment passed in amendment or substitution of any of the said Acts, further than as is herein expressly mentioned.
- Saving of persons. Nothing in this Act shall apply—
 - ¶ To any person selling any spirituous or distilled perfume *bonâ fideas* perfumery; nor
 - ¶ To any apothecary, chemist, or druggist who may administer or sell any spirituous, distilled, or fermented liquors for medicinal purposes; nor
 - ¶ To any person who may sell wine, cider, or perry, in quantities of not less than two gallons at any one time, the produce of grapes, apples, pears, or other fruits respectively of his own growth, and not to be consumed on the premises; nor
 - ¶ To any person who holds a license as auctioneer, selling liquor at public auction in quantities of not less than five gallons at any one time; nor
 - ¶ To any person selling liquor in any refreshment-room at the Houses of Parliament by the permission and under the control of the Houses of Parliament; nor
 - ¶ To any military canteen established by law.
- Interpretation.
 - In this Act, if not inconsistent with the context,—
 - "Borough" means any city, town, or borough incorporated under any enactment of any Legislature;
 - "Chairman" means the Chairman of the Licensing Committee of a licensing district;
 - "Chief officer of police" means and includes any Superintendent or Inspector of Police, and also the chief or only officer of police other than any such Superintendent or Inspector, residing in or stationed in any licensing district;
 - "County" means a county constituted under "The Counties Act, 1876," wherein the whole of the said Act is in force;
 - "Court of summary jurisdiction" or "Court" means a Court of two or more Justices of the Peace, acting in their summary jurisdiction;
 - "Date of license" means the time when the license takes effect;
 - "District" means a licensing district;
 - "Grant of license" includes the granting of the certificate authorizing the issue of a license;
 - "Habitual drunkard" means any person who is convicted of drunkenness three times within a period of six months;
 - "Innkeeper" means a licensed publican, and includes the holder of an accommodation license;
 - "Inspector" means an Inspector of Licensed Premises, and includes every person having the authority of such Inspector;
 - "Intoxicating liquor" or "liquor" means any spirits, wine, ale, beer, porter, cider, perry, or other fermented, distilled, or spirituous liquor of an intoxicating nature;
 - "License" means any license for the sale of liquors granted under this Act or under any enactment heretofore in force;

"Licensed person" or "licensee" means a person holding any license under this Act;

"Licensed premises" means premises in respect of which a license under this Act or under any enactment heretofore in force has been granted and is in force;

"Licensed publican" means a person holding a publican's license under this Act;

"Minister" means the Minister of Justice or other Minister of the Crown acting for him and administering this Act;

"New publican's license" means a license granted in respect of premises in respect whereof a similar license has not been granted at any time before the commencement of this Act, and includes a license granted in respect of premises in respect whereof a similar license has at any time previously been removed, taken away, or abolished;

"Owner" of licensed premises means the person for the time being entitled to receive, either on his own account or as mortgagee or other encumbrancer in possession, the rent of such premises; or, if he shall be absent from the colony, it means the attorney or agent of such person capable of giving a valid receipt for such rent;

"Premises" includes house or place, and shall be construed to mean and to extend to every room, billiard-room, closet, cellar, yard, skittle-ground, stable, outhouse, shed, or any other place whatsoever of, belonging or in any manner appertaining to, such house or place;

"Public bar" or "bar" means and includes any room, passage, or lobby in any licensed premises open immediately to any street, highway, public place, or public thoroughfare wherein the public may enter and purchase liquors;

"Publican's license" means a license authorizing the holder thereof to sell and dispose of any liquors in any quantity on the premises therein specified, within certain hours; "Ratepayers" includes all persons whose names appear on any ratepayers' roll as herein defined;

"Ratepayers' roll" means a roll of county electors, or a burgess roll, or a ratepayers' roll, entitling the electors, burgesses, or ratepayers within a borough, riding of a county, or road district respectively, or any ward or other division thereof respectively, to vote at elections of members of a Borough Council, County Council, or Road Board respectively;

"Resident" includes all males and females of twenty-one years of age and upwards;

"Resident Magistrate" includes a Warden within any mining or goldmining district;

"Road" means a public highway, whether carriage way, bridle path, or footpath, and includes private streets;

"Road Board" means the Council, Board, Trustees, or other persons or body, as the case may be, having the management, control, or care of roads or highways under any Act of the General Assembly, or under any Provincial Ordinance in force at the commencement of this Act;

"Road district" means any road, highway, or other district within the jurisdiction of a Road Board, as herein defined;

"Spirit merchant" means any vendor of duty-paid spirituous liquors, wine, or fermented malt liquors in quantities of not less than two gallons, or not less than twelve reputed quart bottles, or twenty-four reputed pint bottles, or any person who exposes the same for sale in any shop, warehouse, or other premises, except an auctioneer or a broker selling on account of a licensed wine and spirit merchant or brewer, or a licensed publican;

"The Licensing Committee" means the Licensing Committee of the licensing district wherein a license is intended to take effect;

"Treasurer" includes any person acting as Treasurer for any county, borough, or road district, and also any Receiver of Revenue appointed to receive license fees under this Act.

- "Regulation of Local Elections Act, 1876," incorporated. "The Regulation of Local Elections Act, 1876," is hereby incorporated with this Act.

Part I.—Licenses. Licensing Districts.

- Governor to proclaim new districts.

The Governor shall, as soon as conveniently may be after the commencement of this Act, by Proclamation in the *Gazette*, from time to time define districts to be licensing districts under this Act, and from time to time may alter and redefine the boundaries of the same.

Such districts shall, as far as possible and convenient, be identical and conterminous respectively with existing and future—

• Undivided boroughs;

Wards of divided boroughs;

Ridings of counties; the smallest of such divisions being in every case adopted: Provided that no licensing district shall contain less than one hundred ratepayers:

Road districts outside the counties aforesaid;

Such other districts, in parts of the colony not comprised within any of

Ordinary districts. The districts within or comprising boroughs, ridings of counties, and the road districts aforesaid, are ordinary licensine districts.

Special districts. The remainder are special licensing districts.

- Progressive operation of Act.

Whenever any licensing district existmg at the passing of this Act (hereinafter called an "old district"), or any part thereof, is included in a licensing district constituted under this Act (hereinafter called a "newdistrict"), such old district, or such portion thereof as is so included, shall cease to be subject to any law relating to licensing other than the provisions contained in this Act,

Whenever a part only of an old district is included within a new district, that part of the old district not so included shall be a "separate district"(and is hereinafter so called), until the same is included within a new district.

Every enactment and law in force at the coming into operation of this Act in any old district or separate district shall be and continue in force until such old district or separate district respectively shall be included in a new district under this Act, and the Licensing Court shall continue to act, and all things be done therein, as though this Act had not been passed.

- Notwithstanding anything in this Act contained, the Governor in Council Thinly-populated plaee proclaimed special district. may from time to time proclaim and define any place or district to be a special licensing district under this Act,—

Where, owing to a sudden increase of population or otherwise, the necessity for the immediate grant of publicans' licenses exists;

Where the population is sparse or much scattered, and the ordinary administration of this Act could not conveniently be carried out.

The limits of any special district may, by Order in Council, from time to time be altered, and any such district may be abolished in a similar manner.

- For all the purposes of this Act any pier, quay, jetty, mole, or work Jurisdiction over jetties, wharves,&c. extending from any place within the jurisdiction of any Licensing Committee or Court of summary jurisdiction into or over any part of the sea, or any part of a river within the ebb and flow of the tide, shall be deemed to be within the jurisdiction of such Committee and Court.
- For the purposes of tms Act, where a road runs between or forms Centre of road to be boundary. the boundary of two or more licensing districts, a line running along the length of such road in its centre shall be the boundary line between such districts.

The Licensing Committee.

Disqualification.

- No person shall be qualified to be elected or to act as a member of All persons interested in manufacture or sale of liquor or in licensed premises disqualified. a Licensing Committee—
 - Who is a brewer, wine or spirit merchant, maltster, distiller, importer for sale of or a dealer in liquors, or in partnership with any such person, or who acts as the agent or auctioneer for any such person;
 - Who is interested in any such business, or in any such house or building or premises as mortgagee or otherwise;
 - Who is the owner in fee or for any less estate of any licensed house, or house or building or premises in which any trade in or manufacture of liquors is carried on;
 - Who has within four years been bankrupt or insolvent, and has paid a less dividend than ten shillings in the pound upon his debts.
- No person shall be qualified to be elected or to act as a member of a Licensing All paid officers disqualified. Committee during the time he holds a paid oflice under the Government of the colony, or under the Council of any county or borough.
- Any person so disqualified acting or sitting as a member of a Licensing Penalties. Committee shall be liable to a penalty of fifty pounds for every such offence: Provided that— Exceptions.

No person shall be disqualified by reason of his having vested in him a legal interest only and not a beneficial interest in any premises herein mentioned or the profits thereof;

No person shall be liable to a penalty for more than one offence committed by him before the institution of any proceedings for the recovery of such penalty;

No act done by any disqualified person shall by reason only of such disqualification be invalid;

No objection shall be made to any licenses granted, renewed, or removed in pursuance of this Act on the ground merely that the Licensing Committee who granted, renewed, or removed the same were not qualified to make such grant, renewal, or removal.

Ordinary Districts.

- The Licensing Committee for an ordinary licensing district shall be constituted as follows, that is to say,—
 - Constitution of Licensing Committee within ordinary districts. The Committee shall consist of—
 - Five persons, who may be residents either within or outside of the district, to be elected annually by the ratepayers of the district in manner provided by "The Regulation of Local Elections Act, 1876."
 - The Resident Magistrate within whose jurisdiction the licensing district lies, and who is hereinafter called "the Returning Officer," shall be the Returning Officer for such district, and shall preside at every election therein under this Act.
 - If there be no Resident Magistrate having jurisdiction within any licensing district, or, if there be more than one such Resident Magistrate, then the Governor shall appoint such Resident Magistrate or other person as he may think fit to be the Returning Officer of the district.
 - As soon as conveniently may be after the constitution of a district under this Act, the Returning Officer shall, by public advertisement, appoint some convenient day, and thereafter in the same month in every year, but not earlier than fourteen days after the first publication of such advertisement, for the election of the required number of members of the Licensing Committee within such district; and such election shall be conducted in the same manner as elections of members of Borough or County Councils or Road Boards are elected, subject to the condition following:—
 - Each ratepayer shall only have one vote within any district, but there may be more polling-booths than one in each district.
 - Where any new district comprises within its limits more than one subdivision of a borough or county, having separate ratepayers' rolls in force therein respectively, such separate rolls shall together form the district ratepayers' roll for the district.
 - Every ratepayer in any such district shall, notwithstanding his name appears on several of the separate rolls, have one vote and no more, in respect of each member of a Licensing Committee to be elected at any election.
- The names of the elected candidates shall be returned to the Colonial Secretary by the Returning Officer, and duly gazetted.
- In case any district shall fail or neglect to elect a Licensing Committee at the time appointed, the Governor shall in such case appoint the same; and every Committee so appointed, and every member thereof respectively, shall be deemed to have been elected under this Act.
- Every member of a Licensing Committee shall come into office on his election, and shall hold office for twelve months.
- All costs and expenses incident to the election of any Licensing Committee under this Act shall be defrayed in the same manner as is provided by section fifty-three of this Act, in respect to defraying the expenses of taking any poll of ratepayers under this Act.
- Any member of a Licensing Committee may, by writing under his hand addressed to the Governor, resign his office.
- If any member of a Licensing Committee shall die, resign, become disqualified, or shall absent himself from two consecutive quarterly licensing meetings of such Committee (unless in case of sickness or other lawful excuse), his office shall become vacant.
- Every vacancy created as above mentioned is an extraordinary vacancy, and the Governor shall appoint some other person to supply the vacancy, who shall hold office only until the next election.
- The members of a Licensing Committee retiring at the end of their term of office may be re-elected or reappointed.
- The Governor shall, from time to time, appoint such person as he may think fit to be Clerk to the Licensing Committee of any one or more districts; and any such Clerk may be removed from office by the Governor.

Every Licensing Committee shall hold its meetings in the place used as a Courthouse by the Resident Magistrate in the licensing district, or, if there be no such Courthouse in such district, then at such place, not being licensed premises, as may from time to time be appointed by the Chairman.

The quorum of a Licensing Committee, except within Native licensing districts, shall be three members, inclusive of the Chairman.

Any Licensing Committee may act if a quorum exists, notwithstanding vacancies therein.

In case of any extraordinary vacancy, the vacating member may act as member of the Committee until his successor is elected or appointed.

Every Licensing Committee shall, notwithstanding its term of office has expired, continue to act until their successors are elected or appointed and take office.

Any person may be appointed or elected to more Licensing Committees than one.

The members of the Licensing Committee shall, at their first meeting, elect one of their number to be Chairman thereof (herein referred to as "the Chairman"), who shall have an original and casting vote, and shall hold such office during the continuance of the period for which such Committee was elected or appointed.

The Chairman shall sign on behalf of the Committee all certificates and other documents (if any) issued or recorded by it.

In case of the absence of the Chairman from any meeting of the Licensing Committee, the members present at such meeting shall elect one of their number to be Chairman, and such Chairman shall act only for the occasion for which he is so elected.

Subsections ten to twenty-three, both inclusive, of this section shall apply, Provisions applicable to all Committees. as far as may be, to every Licensing Committee within the colony.

Special Districts.

- The Governor may appoint within any special district some person or Licensing authority constituted within persons to grant licenses therein, and such person or persons shall, within the special districts, with powers of Licensing Committee. districts to which he or they are so appointed, have all the powers of a Licensing Committee within an ordinary licensing district, and shall, as far as circumstances will admit, be guided by the provisions of this Act in the exercise of such powers.

Where one person only is appointed as aforesaid, such person shall also have all the powers and functions conferred by this Act on a Chairman of a Licensing Committee.

- Quorum of Committee in special districts. In special districts, the limits whereof extend into any part of a Native licensing district, the Licensing Committee shall consist of not less than three members, exclusive of the Assessor hereinafter named.
- Governor may regulate issue of licenses, &c., and administration of Act, within special districts. The Governor in Council may from time to time frame regulations as occasion may require for the more convenient administration of this Act within special districts, and for the issue of licenses and the payment of license fees, and by such regulations may exclude any provisions of this Act from operation within such districts.

Any such regulations may similarly from time to time be varied or abolished.

Native Licensing Districts,

- Existing Native districts unaffected. All parts of the colony proclaimed districts under the provisions of "The Outlying Districts Sale of Spirits Act, 1870," and the districts described in the Schedule annexed to "The Licensing Amendment Act, 1875," as the same respectively existed at the commencement of this Act, are Native licensing districts under this Act.

Governor may constitute new Native districts. The Governor, by Order in Council, may from time to time alter the limits of any such districts, or abolish the same; he may also in like manner constitute, vary, and abolish new Native licensing districts, subject to the following conditions:—

- No Native licensing district shall be constituted unless, in the opinion of the Governor in Council, at least one-half of the inhabitants thereof are persons of the aboriginal native race.
- No part of any borough shall be included in any such district.
- Functions of Committee in Native districts. The Licensing Committee of any ordinary or special licensing district, when exercising its functions in relation to licenses intended to take effect within any portion of the district which lies within the limits of a Native licensing district, shall conform to the special provisions herein contained.

- Native Assessors to be elected. In every Native licensing district an Assessor shall be elected annually by a majority of the inhabitants qualified to vote for Maori representatives in Parliament.
Assessors heretofore appointed to continue in office till after first election. Every Assessor appointed under the provisions of "The Outlying Districts Sale of Spirits Act, 1870," and now holding office, shall continue Assessor for the district for which he was acting at the commencement of this Act until after the first election.
- One Assessor *ex officio* member of Licensing Committee. Every such Assessor shall, by virtue of his office, be a member of every Licensing Committee having jurisdiction within any part of the Native licensing district to which the said Assessor is elected; but one only of such Assessors at a time shall be competent to sit and act at any meeting of a Licensing Committee for licensing purposes.
- No license to be granted except with sanction of Licensing Committee. No wholesale license, or other license of any sort (except as hereinafter mentioned) authorizing the sale of liquors, and intended to take effect within any part of a Native licensing district, shall be issued by any person whomsoever, unless the issue of such license shall first have been approved of by the Licensing Committee having jurisdiction within such last-named district.
- The conditions under which licenses for the sale of liquors within Native licensing districts may be granted, renewed, transferred, or removed are as follow, that is to say,—
 - ¶ No application in respect of any license intended to take effect within any Native licensing district shall be entertained at any licensing meeting by any Licensing Committee, unless at least three members of such Committee, exclusive of the Native Assessor, are present at such meeting.
 - ¶ At every such meeting, in respect of any application as aforesaid, no license may be granted in absence of Assessor elected for the Native licensing district wherein the license is intended to take effect must be present.
 - ¶ The consent of such Assessor shall be indispensable for the granting of any license. of any application.
 - ¶ Except as hereinbefore provided, all questions in respect of any application for a license to be by majority of voices. as aforesaid shall be decided by a majority of votes, and in case of equality of votes the Chairman shall have a second or casting vote.
 - ¶ The Assessor aforesaid shall have no voice or vote in respect of any application for a license not intended to take effect within the district to which he is elected.
 - ¶ The foregoing subsections shall not apply in respect of a conditional license or of a packet license.
- It shall not be lawful for any person whomsoever either to sell, or to supply, or to give any intoxicating liquor to any person of the Native race within any Native licensing district.
- If any person shall sell, supply, or give any such intoxicating liquor to any Native, contrary to the provisions of this Act, he shall forfeit and pay for any such offence any sum not exceeding twenty pounds, to be recovered in a summary way, over and above any penalty which may be incurred for the sale of any such liquor without a license: Provided always that no penalty shall be recoverable for supplying intoxicating liquor to any person of the Native race, in case it shall be satisfactorily proved that the intoxicating liquor so supplied was administered medicinally.
- The Governor, on the application of the owners of any block or area of Native land on which no publican's license has been hitherto granted, may, by Proclamation in the *Gazette*, declare that no license shall be granted within such block or area, and it shall not be lawful for the Licensing Committee to issue any license to take effect within any block or area so proclaimed.

of licensed premises and licensed persons. *Licenses.*

- Subject to any special provisions contained in this Act, all the provisions of Act to apply equally in all districts. hereof shall apply throughout the colony in respect of all licensed persons or premises,
- All licenses held at the commencement of this Act, and all licensed persons and licensed premises holding or in respect of which a license is held at the aforesaid time, shall be under and subject to the provisions of this Act:
 Provided that nothing herein contained shall be deemed to exempt any such license from forfeiture for any

cause for which the same may be forfeited under the Act or Ordinance under which the same was issued.

- After the commencement of this Act—

All licenses to be granted under Act. No licenae whatever authorizing the sale of intoxicating liquore shall be granted, transferred, or renewed by any pereon except under the provisions of this Act:

Raiiway-station licenses. Every license in force at the commencement of this Act granted by the Minister of Public Worka in respect of refreshment rooms at railway stations is hereby extended, and shall continue in force after the expiration thereof until the then next following period appointed for the renewals of licenses under this Act: Such licenses shall hence-forth be deemed to be publicans' licenses, subject to such special conditions in respect to the accommodation to be provided, the houre of keeping open, aud other mattera as the Licensing Committee in each case may think proper to impose:

Auctioneers, constables, and bailiffs not to hold license. No license shall be granted, renewed, or transferred, as hereinafter mentioned, to any person carrying on business as an auctioneer, or being in partnership with any one carrying on such business, or to any constable or bailiff; nor shall any license be granted, renewed, or transferred in respect of any house or premises of which any such peraon is owner or wherein he is directly or indirectly interested:

Spirit merehants not to be licensed under "Distillation Act, 1868." It shall not be necessary for any spint merchant to be registered, or take out a license under "The Distillation Act, 1868:"

Unmarried woman may hold license. Description of licenses. Nothing in this Act contained shall be held to prevent an unmarried woman from holding a license under the authority hereof.

Licenses may be granted under this Act of the several descriptions following, that is to say,—

Publicans' licenses;

New Zealand wine licenses;

Accommodation licenses;

Bottle licenses;

Packet licenses;

Wholesale licenses;

First Schedule. Conditional licenses.

Such licenses respectively shall be in such one of the forms in the First Schedule as shall be applicable, and shall, with the exception of the conditional license, be in force to the thirtieth day of June following the date of the license.

- Effect of publican's license. A publican's license shall authonze the licensee to sell and dispose of any liquor, in any quantity, on the premises therein specified, between the houre of six in the morning and ten at night.
- Effect of New Zealand wine license. A New Zealand wine license shall authorize the licensee to sell and dispose of on the premises therein specified, between the hours of six in the morning and ten at night, any wine, cider, and perry the produce of fruit grown in the colony, of a strength not exceeding twenty per centum of proof spirit, in any quantity not exceeding two gallons at any one time to any one pereon: Provided that such licenses be granted in boroughs only.
- Effect of accommodation license. An accommodation license shall authorize the licensee to sell and dispose of any intoxicating liquor on the premises therein specified, and such license may be granted on the terms of repairing or keeping in repair any road or bridge in the vicinity of such premises, or providing good accommodation for travellers, or on such of the former or such other terms as the Licensing Committee shall think fit, including the payment of a fee of not exceeding twenty pounds, to be fixed by the Licensing Committee.

No accommodation license shall be granted in respect of any premises situate within five miles by public road of any other premises for which either a publican's license or an accommodation license has already been granted and is in force at the time of the hearing of the application for the license first above mentioned,

- A bottle license shall authorize the licensee to sell and dispose of, on Effect of bottle license. the premises therein specified, but not elsewhere, any liquors iu bottles corked and sealed, capsuled or wired, of sizes of which six or twelve are usually reckoned to the gallon, aud not to be drunk in or upon the premises for which the license is grauted: Provided that not less than one bottle containing not less than a reputed quart shall be sold or disposed of at any one time to any one person:

Provided also that bottle licenses shall be issued only within such districts,Limited to particular districts. and in such parts thereof respectively, wherein on the day before the commencement of this Act the issue of such licenses was authorized by law.

- A packet license shall authorize the master of the steam-packet or Effect of packet license. other vessel therein mentioned, beug a vessel by which passengers are conveyed from any place within the colony or its dependencies to any other place within or beyond the colony, to sell aud dispose of liquor during her

passage between such places to any passenger on board of such packet or vessel:

Provided that no license shall be necessary to authorize the granting of allowances of liquor to the crew of such packet or vessel.

- A wholesale license shall authorize the licensee to sell and deliver Effect of wholesale license. liquors, in quantities of not less than two gallons to be delivered at any one time, such liquors not to be consumed in or upon the vendor's house or premises.
- A conditional license shall authorize the licensee, being also the holder Effect of conditional license. Races, regattas, &c. of a publican's license, to sell and dispose of liquor at any fair, military encampment, races, regatta, rowing-match, cricket-ground, or other place of public amusement, for a period not exceeding, with any renewal or renewals thereof, seven days, subject to such restrictions and conditions as the persons granting the license shall think fit.
- The Licensing Committee may, at any annual or quarterly licensing!Midnight licenses. meeting,—
Grant to any holder of a publican's licenae, on payment of an additional fee of ten pounds, an extension of the time hereinbefore prescribed for the sale of liquors, until twelve o'clock at night, on being satisfied of its being for the benefit and convenience of the public.

Such extension of license shall be granted by an indorsement on the certificate and license respectively.

- Authorize any licensed publican to open and use ou his licensed Additional bars. premises more than one bar,

The number of bars in any licensed premises shall appear on the face of the license; and there shall be paid, in respect of every bar exceeding one in any licensed premises, a license fee at the rate of one-third of the fee payable for a publican's license.

An indorsement shall be made on the license in every case where more than one is authorized.

- No publican's license shall be granted in respect of any Accommodation requred. in public-houses within boroughs. house in any borough unless such house shall have a frount or principal entrance separate from and in addition to the entrance to the bar or to the place where liquors not to be drunk on the premises are sold, aud shall contain, for public accommodation, not less than six rooms, besides the billiard-room (if any) and the rooms occupied by the family of the applicant; nor unless such house is furnished with sufficient doors or facilities for escape therefrom in case of fire; and such house be provided with a place of convenience on the premises for the use of the public, and also, where necessary, in the opinion of the Licensing Committee, with stabling sufficient for the accommodation of not less thau three horses,
- Requirements for house, &c., on cricket-ground, &c. Nothing in the last preceding section shall apply to any house or room or booth situated on a cricket-ground, or to any other place set apart for any lawful game or pastime.

licensing meetings. *Conduct of Business.*

- At noon on such one of the first ten days in the months of December, March, June, and September in each year, as shall be appointed by the Returning Officer in each district, there shall be holden in each licensing district a meeting of the Licensing Committee appointed for such district, to be called "the quarterly licensing meeting," for the purpose of taking into consideration all applications for certificates for such licenses as by this Act are authorized to be granted by the Licensing Committee, and the renewal, or transfer, or removal of such licenses, of which due notice shall have been given to the Clerk of the Licensing Committee for the district in which the premises in respect of which such application is made are situate.

Quarterly licensing meetings to be held. The quarterly licensing meeting to be held in the month of June shall be the "annual licensing meeting."

If any cause shall prevent a quorum of the Licensing Committee being present at any licensing meeting on the day advertised, or at any adjournment of a meeting on the appointed day, the said meeting or adjournment shall stand adjourned from day to day until a quoram can be present to hold snch meeting.

- One month's notice thereof to be given. The Clerk of the Licensing Committee in every licensing district at which any quarterly licensing meeting is to be held shall, one calendar month at least before the holding of such meeting, cause a notice thereof to be fixed to the outer door of the Courthouse or other building where the meetings of the Licensing Committee are held, and of every other Courthouse within the licensing district, whether the same be a Courthouse where meetings of the Licensing Committee are held or not, and shall also cause an advertisement of the time and place of holding such licensing meeting to be inserted at least thrice in at least one newspaper circulating in the district.
- Applications to be heard in open Court. Every application for a license, or the renewal, transfer, or removal of a license, and all objections to every such application, shall (except as hereinafter provided) be

heard and determined at a licensing meeting by the Licensing Committee for the district wherein the premises in respect of which the license is sought, or to which it relates, as the case may be, are situated.

Every such hearing shall be open to the public, and every applicant for a license (except as hereinafter provided) shall attend personally at such hearing, unless hindered by sickness or infirmity; and the Licensing Committee may summon, and examine on oath, such witnesses as they may think necessary, and as near as may be in the manner directed by any Act now or hereafter to be in force relating to the duties of Justices in summary convictions and orders.

- Licensing meetings may be adjourned. Any licensing meeting may, at the discretion of the Committee holding the same, be adjourned from time to time to the same or any other Courthouse or building within the district. If any applicant for a license shall, as hereinafter mentioned, require an adjournment, the meeting may be adjourned from time to time, during the period of one calendar month, to the same or any other Courthouse or building within the district, upon such terms as to costs or otherwise as the Committee may think proper.
- Regulations for conduct of business before Licensing Committee. The following provisions shall be observed in the conduct of business before all Licensing Committees:—
• An Inspector of Licensed Premises in every district shall obtain and furnish to the Clerk of the Licensing Committee in each licensing district, at least ten days before each quarterly meeting, a report as to every licensed house in such district.

Such report to contain a description of the condition of the house, premises, and furniture, the manner in which the house has been conducted during the past twelve months, the character of the persons frequenting the house, and a statement of the number, locality, and distance of other licensed houses in the neighbourhood.

- An Inspector shall similarly report as to applications in respect of premises not previously licensed (hereinafter called "new houses") or new applications in respect of premises previously licensed (hereinafter called "old houses") as soon after the application as possible.
- It shall be the duty of an Inspector to be present at every quarterly licensing meeting for the purpose of substantiating any matters contained in any such report, and otherwise for giving evidence before the Licensing Committee on matters brought under their cognizance.
- In the case of applications for new houses, and new applications for old houses, and of transfers of licenses, it shall be the duty of the Clerk to the Licensing Committee to search the register to be kept by him as hereinafter provided, and, upon the consideration of such application, to report to the Committee whether the applicants, or, in case of transfers, whether the intended transferees, have previously applied for any licenses, or have been intended transferees of licenses, together with the result of such applications respectively, and, in case of the refusal or rejection thereof, then the cause of such rejection or refusal.
- At the annual licensing meetings, the applications for new houses shall take precedence, the new applications for old houses shall be taken next, and the rest of the business shall follow.
- The Clerk to the Licensing Committee shall give notice to applicants applying for a renewal of their licenses, when such licenses have been objected to, to attend at the meeting, and such applicants shall be heard immediately after the applications for new houses; and in such notices the said Clerk shall state the nature of the objections.
- On any application for a license for a new house the applicant shall produce to and deposit with the Clerk, for the information of the Licensing Committee, plan of such house; and such Committee may require the applicant to give such explanation thereof by skilled witnesses as they shall think fit.

In the event of such plans showing that any portion of such house is fitted up as a store, theatre, concert-room, or dancing-hall, it shall not be lawful for the Licensing Committee to grant such application.

- At any licensing meeting the Licensing Committee shall hear and determine all applications, and also all objections which may be made to such applications, on such evidence as shall seem to them sufficient, whether the same be strictly legal evidence or not.
- In addition to any powers of adjournment given by this Act, the Licensing Committee may from time to time adjourn any licensing meeting to such other day as they shall think fit, but no applications that have been decided at any licensing meeting shall be reopened at any adjourned meeting, unless in pursuance of leave granted at the original meeting.
- On the hearing of any application, except for renewals, the applicant, by himself or his counsel or solicitor, shall open his case; then the objectors who have given due notice are to be heard, by themselves or their counsel or solicitor, and the applicant may reply.

The persons signing any memorial against the granting of any license, or any of them, may appear to support such memorial by counsel or in person.

- In the case of applications for renewal, the objectors shall commence, and the applicant shall reply only.

- The Licensing Committee shall then consider the application, and, if unanimous, shall give their decision through their Chairman; but, if not, they shall decide by vote whether the license shall be granted or refused. The decision, and all remarks made thereon, shall be given through the Chairman, and the other members of the Committee shall not comment upon the decision announced or the remarks made by the Chairman.
- In case of an equality of votes, the Chairman of the Committee shall have a casting vote in addition to his original vote; and such Chairman shall, on behalf of the Committee, sign all certificates and other documents, if any, issued or recorded by it.
- The decision of the Committee, when once announced by the Chairman, shall not be questioned or reconsidered.
- No objection in respect of the character of any applicant shall be entertained unless three days' notice has been given to the applicant; and, should any such objection appear to the Committee to be frivolous, the costs occasioned by any such objection shall be ordered by the Committee to be paid by the party making the same: Provided that no such costs shall be given against any officer of police who shall have made any such objection.
- No objection from any Inspector shall be entertained unless the nature of the objection shall have been stated in the report furnished to the Clerk of the Licensing Committee.
- No objection of any kind whereof notice is required to be given shall be entertained unless notice thereof shall have been given in the terms of this Act.

conditions of obtaining new licenses.—local option.

- New licenses to be granted subject to vote of ratepayers. From and after the commencement of this Act no new publican's, New Zealand wine, accommodation, or bottle license, (except respectively for premises in respect of which a license is held and is in force at the aforesaid time,) shall be granted until the ratepayers shall have previously determined, in manner hereinafter provided, whether the number of such licenses may or may not respectively be increased.
- chairman to appoint day for taking poll of ratepayers. The Chairman of the Licensing Committee of every licensing district shall, by public advertisement, appoint some convenient day in the year one thousand eight hundred and eighty-two, and thereafter in the same month in every third year, but not earlier than fourteen days after the first publication of the aforesaid advertisement, for taking the aforesaid determination of the ratepayers by a poll, to be taken in manner prescribed by "The Regulation of Local Elections Act, 1876."
- Question to be submitted to vote. At such poll the several proposals following shall be submitted, and no other, that is to say,—

The proposal that the number of publicans', or New Zealand wine, or accommodation, or bottle licenses may be respectively increased in the licensing district for which the poll is to be taken.

- The poll shall be taken as follows:—Taking of poll.
 - ¶ The Chairman shall appoint such person as he thinks fit to be "Presiding Officer," and to act as such at the taking of any poll as hereinafter provided.
 - ¶ The Chairman shall give notice in writing to the Presiding Officer, requiring him to take the poll upon the day appointed.
 - ¶ The Presiding Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by "The Regulation of Local Elections Act, 1876," for taking a poll at any election, and shall provide voting papers and all things necessary for taking the poll.
 - ¶ The voting papers shall be printed in the form in the Second Schedule, Second Schedule. setting forth the proposal mentioned in the last foregoing section, with respect to each particular kind of license which is to be put to the vote.
 - ¶ The voter shall erase one or other of the said lines in each case, and his vote shall be deemed to be given in respect of each proposal, according to the one of the said lines which he leaves un erased.

If the voter fails to erase one of the said lines as aforesaid, the ballot-paper shall not be void, but shall remain good as respects any particular proposal for or against which any vote has been given.

- Each ratepayer shall have only one vote, but there may be more polling-booths than one in each district.
- All the provisions of "The Regulation of Local Elections Act, 1876," as regards taking a poll, and the penalties incurred in any respect in connection therewith, shall, *mutatis mutandis*, so far as they are applicable, and except as by this Act is otherwise provided, apply to the taking a poll on the aforesaid proposal.
- In the Act last named the words "Presiding Officer" shall be read, instead of the words "Returning

Officer," wherever the same occur.

- As soon as conveniently may be after the result of the poll has been ascertained, the Chairman shall give public notice of the number of votes recorded Result to be publicly notified. for and against the several proposals as above provided, and shall declare the resolution to be carried or rejected as the case may be.

If the majority of the votes that have been given are in favour that the number of licenses, of the kind in respect whereof the vote has been taken, is not to be increased, then that shall be the determination.

- The affirmation of any of the above-mentioned proposals shall in no case render it imperative upon the Licensing Committee to issue any such new Affirmation of queation not to be imperative on Court. licenses.

Every determination shall continue in force until another determination shall subsequently have been made.

- In districts where no ratepayers' roll is in force, the Clerk of the Licensing Committee of the district shall make out a list of all those persons Roll of votera when no ratepayers' roll in force. whose names appear on the roll of electors of members of the House of Representatives for the electoral distriect wherein the licensing district or any part thereof is comprised, in respect of any qualification situate within the district last mentioned.

The Returning Officer for every electoral district wherein any part of a licensing district is contained shall furnish the electoral rolls in his custody to the aforesaid Clerk, and permit him to make out such lists, and when such lists are so made out the said Returning Officer shall sign the same as correct.

The lists so made out shall be deemed to be the ratepayers' roll for the licensing district for the purpose of every poll to be taken under this Act within such district.

- If election miscarry, another day to be appointed. If from any mischance or misadventure no determination is arrived at at the appointed time for the poll in any district as hereinbefore provided, the Governor in Council may, on the application of any two ratepayers of such district, and if it seems fit, appoint some other convenient day, being not less than fourteen days previous to the day appointed for the meeting of the Licensing Committee in June of the same year, for the holding another election at which a determination may be arrived at in manner aforesaid.
- Costs of poll to be paid out of license fees. All costs and expenses incident to the taking of any poll of ratepayers under this Act shall be paid out of the fees accruing in the licensing distriect in respect of any license granted by the Licensing Committee, and shall be defrayed out of such fees by the person receiving the same, on the written authority in that behalf of the Chairman of the Licensing Committee of such district.
- Local option not in force within special districts. The preceding conditions in relation to the obaining of new licenses shall not have application within any special licensing district.

hearing applications for licenses. —objections.

- New licenses to be granted only at annual meeting. After the end of the month of December next, new publicans' licenses, New Zealand wine licenses, accommodation licenses, and bottle licenses shall be granted only at the annual licensing meeting to be held in the month of June in each year.
- Mode of applying for all licenses other than packet, wholesale, or conditional licenses. Every person who shall desire to obtain a license under this Act, not being a packet or wholesale or conditional license, at least twenty-one days before he shall make his application, shall deliver to the Clerk of the Licensing Committee of the licensing district wherein the premises to which such licensc is intended to apply are situate, and, not later than as aforesaid, affix on the outer side or front of the principal entrance-door of the said premises, there to be kept until the day upon which the licensing meeting shall be holden, and publish on three consecutive days in a newspaper curculating in the place wherein the premises are situate, a notice in writing, signed by such applicant, setting forth the applicant's name, abode, addition, and such desire.

Third Schedule. In all cases the notice of application shall be in such one of the forms in the Third Schedule as shall be applicablc, or to the like effect, and shall be delivered in duplicate to such Clerk of the Licensing Committee; and the said Clerk, immediately after the receipt of such notices, shall make lists thereof, and post or cause to be posted one of such lists inside and another outside on some cospicuous part of the building or Courthouse in which the meeting shall be held, there to remain until the day whereon the licensing meeting shall be held.

Fourth Schedule. Every application for a publicau's or New Zealaud wine or accommodation or bottle license (but not for any renewal thereof) shall be accompanied by a certificate, signed by at least ten householders, in the form in the Fourth Schedule hereto, in respect of the fitness of the applicant to have such license.

- Objections to licenses by ratepayers. It shall be the right and privilege of any ten or more ratepayers or adult male or female residents in any ordinary or special licensing district in which the premises in respect of which a license is sought, or to which it relates are situated, to object, by petition or memorial, which may be in the form in the Fifth Schedule to this Act or to the like effect, at any licensing meeting to Fifth Schedule. the granting or renewal of a license.

- Every petition or memorial having reference to the granting, renewal, Particulars required in memorial. or removal of a publican's or New Zealand wine or accommodation or bottle license,—

Shall have, in addition to each signature thereon, a statement of the approximate distance from the premises intended to be affected by such petition or memorial of the residence or property of each person signing the same; and a statement that each person so signing is over the age of twenty-one; and

Shall be lodged with the Clerk of the Licensing Committee of the district not less than seven days before the day appointed for the next sitting of the Committee.

The said Clerk shall keep a list posted in his office, for seven days previous to each sitting of the Licensing Committee, of all petitions or memorials lodged with him as aforesaid, and every such list and petition or memorial shall be open for public inspection without fee.

The Licensing Committee shall, on receiving any such petition or memorial as aforesaid, erase therefrom all names whereto the foregoing particulars are not appended.

- Any Inspector, in any ordinary or special licensing district wherein the Objections by police and others. premises are situated in respect whereof a license is sought, or to which it relates, or any adult male or female resident or residents in the neighbourhood of such premises, or the owner thereof, may object personally at any licensing meeting to the granting or renewal of a license.

It shall not be necessary for the objectors in this section mentioned to give to the applicant any previous notice of objections to the granting of a license unless such objection be in respect of the character of the applicant.

The applicant shall, if he so requires, on objections being raised at the hearing to the granting of a license to him, of which previous notice has not been given to him three days before such hearing, be entitled, on payment of costs, to an adjournment thereof.

- The Council of any county or borough, or the governing body of a Objections by corporate bodies. corporate town not being a borough, respectively, may authorize any person to object, in a similar manner, on behalf of the ratepayers of such respective county, borough, or town, as the case may be, to the granting or renewal of a license in such county, borough, or town.
- Where the premises in respect of which the license is sought are within Objections within Native districts. any Native licensing district, then, besides the persons in the foregoing sections mentioned as being entitled to object to the granting or renewal of a license, any five or more adult male or female Natives whose ordinary permanent abode is within such district may personally object to the granting or renewal of such license.
- The objections which may be taken to the granting of a license may be Grounds of objection to grant of license. one or more of the following:—
 - ¶ That the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or that the applicant has been convicted of selling liquor without a license within a period of three years; or
 - ¶ That the premises in question are out of repair, or have not the accommodation hereby required, or reasonable accommodation if the premises be not subject to the said requirements; or
 - ¶ That the licensing thereof is not required in the neighbourhood, or that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which such premises are situated will be disturbed if a license is granted.
- Licensing Committee may, of their own motion, take cognizance of objections. Notwithstanding anything in this Act contained, the Licensing Committee may of their own motion take notice of any matter or thing which in their opinion would be an objection to the granting of a license, or to the renewal, transfer, or removal of a license, although no notice of objection has been given as by this Act is provided. In any such case the Licensing Committee shall inform the applicant, and shall adjourn the further hearing of the application, if requested by the applicant, for any period not less than seven days, and not exceeding fourteen days, in order that the person affected by any such matter of objection may have an opportunity of replying to the same.

The Committee shall forthwith, after such adjournment, cause full notice in writing of the matter or thing which, in their opinion, would be such an objection as aforesaid, to be given to the person or persons affected thereby, or, if he or they cannot be found, to be left at his or their last known place of abode in the place where such application shall be made. Such notice shall also specify the day on which the adjourned application shall

be heard.

- Objectors only to appear against license. No person, other than a person entitled to appear before the Licensing Committee and object personally to the granting of a new license, may appear and oppose the granting of such license; and the Licensing Committee may award such costs as they shall deem just to the party who shall succeed in the proceedings before them.
- Licensing Committee may make rules as to costs. The Licensing Committee shall make rules as to the proceedings to be adopted for the granting of new licenses, and the costs to be incurred in any such proceedings, and the person by whom such costs are to be paid.
- Costs of objectors, if successful, may be ordered. If the Licensing Committee shall refuse to grant any application, they may order payment of a sum to meet the reasonable costs and expenses of the person who shall have objected successfully to the granting of such application to be paid to such person by the unsuccessful applicant; and, if the opposition to any application shall appear vexatious or malicious, the Licensing Committee may order payment of a sum to meet the reasonable costs and expenses of the successful applicant, to be paid to him by the person unsuccessfully opposing the application.
- Applications may be renewed. Refusal of any application for a license, or for the renewal or removal of a license, shall not prevent an application for a license being made in respect of the same premises at any subsequent annual licensing meeting.

But, if an application for a license is refused, and a license of the same description has been previously refused in respect of the same premises within the period of twelve months, then no such license in respect of those premises shall be granted until after the expiration of twelve months from such second refusal.

In case of the refusal of an application, the Licensing Committee refusing the same shall, at the time of such refusal, make known the objection or objections causing such refusal.

- Not in case where objection is personal. When any application for any license has at any time or anywhere been refused on the ground that the applicant is not a fit person to hold a license, no application by the said applicant, or by any one on his behalf, shall be entertained by any Licensing Committee within a period of three years from the date of the last of such refusals.
- Certificate in duplicate to be granted for license. If the Licensing Committee shall grant an application, they shall issue to the applicant a certificate in such one of the forms in the Sixth Schedule as shall be applicable, or to the like effect, and shall, in every case in which the license Sixth Schedule. fee is payable to the fund of a county, borough, or road district, cause to be transmitted to the person acting as treasurer of such county, borough, or road district, and in all other cases shall cause to be transmitted to the Colonial Treasurer, or to such Receiver of Revenue as such Colonial Treasurer shall direct, a duplicate of such certificate.

And such officer shall forthwith, after the receipt of every duplicate certificate Issue of license. and payment, issue such license as is authorized by such duplicate.

- Every certificate shall be void unless the sum required to be paid for the Certificate void unless license fee paid within fourteen days. license thereby authorized be paid to the proper officer entitled to receive the same within fourteen days after the granting of such certificate.
- Packet licenses may be granted at any time without notice by the Chairman Granting of packet and wholesale licenses. of the Licensing Committee, or by the Licensing Committee at the licensing meeting held nearest to the place or port to or from which the vessel in respect of which the license applied for ordinarily plies.

Wholesale licenses may be granted at any time by the Chairman of the Licensing Committee, as well as by the Licensing Committee at a licensing meeting, subject in every case to the following notice:

Provided that every person desirous to obtain a wholesale license shall give not less than seven days' notice in writing of his intention to apply, in form in the Third Schedule, to the Clerk of the Licensing Committee.

Such notice shall be signed by the applicant, and shall set forth his name, abode, and description.

- Wholesale licenses may be issued in the name of the firm or copartnership Wholesale licenses in partnerships may be granted. where two or more persons carry on business as spirit merchants in copartnership, but a separate license shall be required in respect of every separate district wherein such firm carries on business.
- Conditional licenses may be granted at any time. time, without notice or any formal application at a licensing meeting, by any two members of the Licensing Committee.
- Applications for publicans' licenses in respect of premises situate in a Provision for licenses in special districts. place or district where, owing to a sudden increase of population or otherwise, the necessity for the immediate grant of publicans' licenses exists, may be heard and determined at any time by any Resident Magistrate or Warden so soon as the aforesaid place has been declared a special district under

this Act, in case no special regulations for the issue of licenses therein have been prescribed.

The license to be granted in the first instance under the provisions of this section shall be a conditional license, but the same fee shall be paid for the same as for a publican's license.

No license granted under the provisions of this section shall be renewed or transferred; but it shall be necessary for the licensee, in respect of the following year, to apply for a publican's license to the Licensing Committee of the district at the annual licensing meeting held in the month of June, in the same manner as if he were not a licensed person.

- The Licensing Committee shall exercise their discretion in granting or Grant of licenses to be at discretion of Committee. refusing any certificate for any description of license, and shall not be obliged to grant the same merely because the requirements of the law as to accommodation or personal fitness of the applicant are fulfilled, unless in their opinion there is a necessity for the publichouse or other establishment for the sale of intoxicating liquors for which application is made.
- It shall be lawful for the Licensing Committee, at any quarterly licensing Licenses may be cancelled for keeping house improperly. meeting, to determine and put an end to any license then current, if it shall be proved to their satisfaction that the licensed house is conducted in an improper manner, or that the holder of such license is openly and repeatedly intoxicated, or that any conditions upon which the license was granted have not been fulfilled in a satisfactory manner.
- Disqualification for licenses. No license shall be granted under this Act to any person or in respect of any premises declared by or in pursuance of this Act to be a disqualified person or disqualified premises during the continuance of such disqualification. Any license held by any person so disqualified or attached to premises so disqualified shall be void.

renewals, transfers, and removals of licenses. *Renewals.*

- Renewal of license on payment of fee. Every licensed person shall, subject to objections as hereinbefore provided for, and to the discretionary power vested in every Licensing Committee by this Act, be entitled to obtain from the Licensing Committee a certificate authorizing the renewal of his license on producing such license, and upon payment to the proper officer of the annual fee due in respect of such license, provided such license has not been allowed to expire, or has not been forfeited or become void from any cause whatever:

To be granted only at annual licensing meeting. Provided that after the end of the month of March next, the renewal of any license shall be granted only at the annual licensing meeting to be held in the month of June in each year.

Saving as to current licenses. Provided further that, in the year one thousand eight hundred and eighty-two, renewals of licenses may be granted at the quarterly licensing meetings to be held in the months of March, September, and December, for licenses expiring during the said months respectively; but such renewals shall be granted only for the period intervening between the grant of the renewal and the succeeding annual licensing meeting.

Proportionate reduction of fees. A proportionate fee shall be paid in respect of the renewals last aforesaid, as follows, that is to say,—

- For all renewals of licenses granted at the aforesaid meeting in March, one-fourth of the annual license fee prescribed under this Act:
- For all renewals of licenses granted at the aforesaid meeting in September, three-fourths of the annual license fee Prescribed as aforesaid;
- For all renewals of licenses granted at the aforesaid meeting in December, one-half of the annual license fee prescribed as aforesaid.
- Accommodation license may be varied on renewal. On application for the renewal of any accommodation license, the Licensing Committee may—
 - Vary the conditions upon which any such license shall be renewed: or
 - At the request of the applicant, grant to him a publican's license instead of renewing his accommodation license, if they shall see fit and think the accommodation provided to be sufficient; or
 - Require the applicant to enlarge his premises within a certain time to be specified by the Committee, and to take out a publican's license for the same, renewing his accommodation license only for the time so specified, on such conditions as they shall think fit.
- Renewal may be refused. The Licensing Committee may refuse to grant a certificate of renewal of any license if it shall be proved to their satisfaction that such license is liable to be forfeited under any of the provisions of this Act.
- Objections to renewal. The objections that may be taken to the renewal of a license may be one or any of

the following:—

That the applicant is of bad fame and character, or of drunken habits: or

That the premises in question are not maintained at the required standard, or are out of repair, or that the rooms are insufficiently furnished for public accommodation, or that the place of convenience is not kept in a clean and wholesome state; or

That the house is conducted in an improper manner, and drunkenness permitted therein; or

That any of the conditions upon which the license was granted have not been satisfactorily fulfilled; or

That the licensing thereof is not required in the neighbourhood, or that the quiet of the place in which such premises are situate will be disturbed if a license is granted.

- It shall not be lawful for the Licensing Committee to renew any publican's Licenses in boroughs not to be renewed except on conditions. license within any borough, except upon the condition that no portion of the licensed premises shall, after a day to be fixed, be used as a retail shop or store, theatre, concert-room, or dancing hall.
- No licensed person applying for a renewal need attend in person at the Notice of objection to be given to applicant. licensing meeting unless he shall be summoned by the Chairman of the Licensing Committee, or unless a written notice of an intention to oppose such renewal shall have been served upon him at least three days before the commencement of such licensing meeting.

The aforesaid notice shall not be valid unless it states in general terms the grounds of objection to the renewal of the license.

- The Licensing Committee, on an objection being made to the granting Committee may adjourn application. of any renewal, may, notwithstanding that no notice of such objection has been given to the applicant, adjourn the hearing of the application to a future day, and require the attendance of the holder of the license on such day, when the case will be heard and the objection considered as if the notice heretofore prescribed had been given.

The Licensing Committee shall not receive any evidence with respect to any objection to the renewal of a license which is not given on oath.

- When the renewal of any license is refused for some reason personal to On refusal, applicant may obtain adjournment in certain cases. the licensed person, the licensing meeting at which such refusal shall be made may, if the Licensing Committee think fit so to do, be adjourned to such day, not being less than twenty-one days nor more than thirty days after such meeting, at the same or any other Courthouse or building within the district, as the Licensing Committee may determine.
- Application (not being by the person so refused) for a license of the Application by other parties for license when refused. same description as that refused in respect of the same premises may be heard and determined at such adjourned meeting.

The provisions herein contained as to hearing of applications, objections, costs, giving of notices, and rehearing, shall apply to such application as if such provisions were here repeated, with such alterations only as the circumstances of the case require.

Transfers.

- All the provisions of this Act with respect to the time and mode of Objections to transfer may be made. objections to the granting of any license, and the persons by whom the same may be made, shall be applicable to proceedings for the transfer of any license under the provisions of this Act.
- Applications for transfers. If any holder of a license (except a packet license, a wholesale license, or a conditional license) shall desire to transfer his license to any other person, he shall give notice, in such one of the forms in the Third Schedule as shall be applicable, of his intended application in the same manner as notice is required to be given of an application for a license; and such application for transfer of licenses shall be heard at the next quarterly meeting to be held after the delivery of such notice.
- Transfer of licenses by Licensing Committee. Seventh Schedule. The Licensing Committee may transfer any license (except as aforesaid) to the appointee of the holder of such license by an indorsement upon the license in the form in the Seventh Schedule, or to the like effect:

Provided that such transfer shall not be granted unless the appointee of the holder is approved of by the Committee as such appointee:

License of transferee subject to confirmation. Provided also that such transferee shall at the next annual licensing meeting apply for a license in the same manner as if he were not a licensed person.

- Purchasers of licensed premises may obtain temporary transfer of license. Any person, being the holder of a license under this Act other than a packet license, a wholesale license, or a conditional license, who shall during the currency thereof sell or assign his house or premises in respect of which such license was

granted, may make application to the Chairman or any two members of the Licensing Committee, in such one of the forms in the Third Schedule as shall be applicable, for a temporary transfer of such license to the person named in such notice, at any time after he shall have delivered a notice of his intended application in the same manner as notice is required to be given of an application for a license.

If such Chairman or any two members of the Licensing Committee think fit, he or they may at once, upon production of a receipt for the payment by the applicant of a fee of two pounds to the proper treasurer, by a memorandum under his or their hand indorsed upon the original license in the form in the Seventh Schedule, or to the like effect, grant such temporary transfer of such license accordingly:

And the effect thereof shall be to authorize the person named in such memorandum to carry on the business specified in such license, at the house or premises in respect of which the same is held, until the next quarterly licensing meeting after such temporary transfer shall have been granted, and no longer.

- License to be deposited until confirmed. Every license when indorsed as aforesaid shall forthwith be deposited with the Clerk of the Licensing Committee of the licensing district wherein are situated the premises in respect of which such license is held, and be retained by such Clerk until the granting or refusal of the license to be applied for by any transferee as aforesaid; and, in the event of a refusal or of the neglect of the transferee to apply, the said transferred license shall revert to the transferor.
- Liabilities of transferee. Upon the transfer of any license, the transferee shall, until the end of the period for which the license was granted, possess all the rights of the original licensed person, and shall be subject and liable to the same duties, obligations, and penalties as if such license had been originally granted to him.
- No transfer allowed within three months of original issue. No transfer of any license shall be made, nor shall any application for such transfer be entertained, until the expiration of three months from the time of the granting or previous transfer of such license.
- Transfer of license on ejection. Where a licensee has been legally ejected from any licensed premises, the Licensing Committee may, notwithstanding the non-production of the license therefor, on the application in writing of the owner thereof and the proposed new tenant, grant a special certificate of transfer of such license, in such form as they shall think applicable, to such tenant, if approved of by the Committee; for which indorsement or special certificate a fee of two pounds shall be paid to the proper treasurer.
- Any two members of the Licensing Committee may by order authorize Two members of Licensing Committee may transfer license where licensee refuses to transfer. any person they may think entitled to the benefit of any license, (other than a packet license, a wholesale license, or a conditional license,) to carry on the business in the licensed premises for the remainder of the term for which the license was granted, in the same manner as if such license had been formally transferred to such person, in any of the following cases, that is to say,—
 - ¶ Whenever any person to whom a license has been granted deserts the licensed premises, or refuses or neglects to transfer the license when justly required so to do; or
 - ¶ If, during the currency of any such license, the holder thereof ceases to Or on desertion, or ceasing occupation of premises. occupy the premises in respect whereof the license is held, or his tenancy of such premises is determined by effluxion of time, or by notice to quit, or by any other means whatsoever other than the bankruptcy of the licensee, and he refuses or neglects to transfer the license as aforesaid.
- Where any licensed person is convicted of any offence, and in consequence Continuance of forfeited license to owners of premises in certain cases. either becomes personally disqualified or has his license forfeited, any two members of the Licensing Committee, upon the application by or on behalf of the owner of the premises in respect of which the license was granted (where the owner is not the occupier), and upon being satisfied that such owner was not privy to nor a consenting party to the act of his tenant, and that he has legal power to eject the tenant of such premises, may by order authorize an agent to carry on the business of such premises until the end of the period for which such license was granted, in the same manner as if such license had been formally transferred to such agent.

Removals.

- If any holder of a license (except a packet license, Applications for removal of license. a wholesale license, or a conditional license) shall desire to remove his license from his licensed premises to any other house in the same licensing district, he shall give notice, in such one of the forms in the Third Schedule as shall be applicable, of his intended application in the same manner as notice is required to be given of an application for a license. A copy of the notice shall be personally served upon, or sent by registered letter to, the owner of the premises from which the license is to be removed:

Provided, however, that objections to the removal of any license may be made in manner provided herein in respect to objections to the granting of licenses.

- The Licensing Committee to whom the application is made shall not Effect of removal of license as to old and new premises. make an order of removal unless they are satisfied that no objection to such removal is made by the owner of the premises to which the license is attached. If the Licensing Committee shall grant the application, they shall make an indorsement upon the license in the form in the Eighth Schedule, and thereupon Eighth Schedule. the license shall have the same effect as if it had been originally granted in respect of the premises to which it shall be so removed, and the premises from which it shall be so removed shall cease to be licensed premises:

Provided that before such indorsement shall be made the applicant shall pay to the proper treasurer a fee of two pounds in respect of such order of removal.

If the Licensing Committee shall remise the application, the effect of the license shall not be prejudiced.

deaths, casualties, etc.

- Provision in case of death of licensee. In the case of the decease of a licensed person before the expiration of his license, his widow, or, if he shall not have left a widow, any member of his family of the age of twenty-one years, or any person on behalf of such family, may, if specially authorized in writing by the Chairman or any two members of the Licensing Committee, carry on the business of such licensed person until the next quarterly meeting of the Licensing Committee, and no longer.

At such next quarterly meeting the Licensing Committee may authorize such widow or other person to carry on the business of such licensed person for a further period, not exceeding three months, if probate of the will of the deceased or administration of his estate shall not be sooner granted or his license sooner expire.

Every such widow or other person shall be subject to the same obligations as if she or he were the licensee named in the license.

- In case of death immediately before expiry of license. In case of the decease of a licensed person within the period of two calendar months before the expiration of his license, a renewal of such license for one year may, on payment of the proper annual fee, be granted to and in the name of his executor or administrator, or, if probate of his will or administration of his estate shall not have been granted before the next quarterly licensing meeting, then to such person as the Licensing Committee shall consider entitled to obtain probate of his will or administration of his estate, and, if there be more than one of such executors or persons, then to such one of such executors or persons as the Licensing Committee may select.
- Provision in case of insolvency of licensee. In the case of the insolvency of a licensed person, or where any licensed person is adjudged a bankrupt, or his affairs are liquidated by arrangement before the expiration of his license, his assignees or trustees may, by an agent specially authorized in writing by the Chairman or any two members of the Licensing Committee, carry on the business of such licensed person until the next quarterly meeting of the Licensing Committee, and no longer. At such next quarterly meeting the Licensing Committee may authorize such agent to carry on the business for a further period not exceeding three months, in case the insolvency or bankruptcy has occurred within the three weeks immediately previous to such meeting.

Every such agent shall be subject to the same obligations as if he were the licensee named in the license.

- Duties and liabilities of executors, &c. Every license under this Act shall confer upon the executor or administrator, assignee or trustee, the same privileges and (if such executor or administrator, assignee or trustee, avail himself of such privileges) shall impose on him the same duties, obligations, and liabilities as if such license had been granted to him originally.
- In case of marriage of female licensee, license to be subject to confirmation. In case of the marriage of any female being a licensed person, the license held by her shall confer on her husband the same privileges and shall impose on him the same duties, obligations, and liabilities as if such license had been granted to him originally:

Provided that at the quarterly licensing meeting occurring next after any such marriage, the husband of the licensed woman shall apply to the Licensing Committee for the confirmation to him of his wife's license for the remainder of the term of the duration thereof.

Such confirmation shall be made if the Committee are satisfied that no objection can be made to the character of the husband, and that he has not forfeited a license within the preceding three years.

- In case of lunacy. In case any licensed person becomes a lunatic within the meaning of the Act for the time being in force relating to lunacy, the Chairman or any two members of the Licensing Committee may, upon the application of the wife or any member of the family of such lunatic, or any person on

behalf of such family, authorize an agent to carry on the business of the licensed premises of such lunatic until the end of the period for which his license was granted, unless he shall be sooner discharged; and thereupon such agent shall be subject and liable to the same duties, obligations, and penalties as if he were licensed in respect of such premises.

- In case any licensed person shall continue or be a lunatic when In case of continued lunacy. the time for the renewal of his license arrives, a renewal of such license may be granted by the Licensing Committee to and in the name of his wife or any member of his family, or to any person nominated for that purpose by the Supreme Court Judge of the district.

The provisions hereinbefore contained relating to the renewal of licenses, objections thereto, notices of objections, and otherwise, shall extend and apply to applications for renewals of licenses under this section.

- Whenever any license shall be lost or destroyed, the person thereby Lost license—duplicate license. licensed may apply to the Chairman or any two members of the Licensing Committee for a certificate under his or their hand that such license had been issued to such person; and such Chairman or any two members of the Licensing Committee, on being satisfied that such license is lost or destroyed, and has not been forfeited or transferred, may grant a certificate in the form in the Ninth Schedule, or to the like effect; and upon production of such Ninth Schedule. certificate, and on payment of a fee of one pound, the issuer of such license, or his successor in office, shall deliver a duplicate of such license, which shall be of the same force as the original license.
- If the licensed premises of any licensed publican shall be rendered Temporary license in case of accident to premises by fire, &c. unfit for the carrying on of his business, by fire, tempest, or other calamity, any Chairman or any two members of the Licensing Committee, upon the application by or on behalf of such licensed publican, may, if he or they shall see fit so to do, by order under his or their hand, authorize such licensed publican temporarily to carry on his business in some neighbouring house (although not having the accommodation required by this Act) for any period not exceeding six calendar months, to allow of the rebuilding or repair of the premises so rendered unfit as aforesaid.

fees, fines, forfeitures, and penalties.

- The annual fees which shall be paid for licenses under this Act shall Fees to be paid in respect of licenses. be respectively as follow:—
 - For a publican's license within the limits of any borough, forty pounds; outside the aforesaid limits, twenty-five pounds:
 - For a New Zealand wine license, one pound:
 - For an accommodation license, such a sum not exceeding twenty pounds as shall be named therein by the Licensing Committee granting the same:
 - For a bottle license, forty pounds:
 - For a packet license for a vessel exceeding fifty tons register, ten pounds; for a vessel not exceeding fifty tons register, five pounds:
 - For a wholesale license, twenty pounds:
 - For a conditional license, such a sum not exceeding thirty pounds, according to duration of license, as shall be named therein at the discretion of the proper authorities granting the same:all which fees shall respectively be paid within fourteen days after the granting of the certificate authorizing the issue of the license,
- Application of fees. The fees for all licenses granted in respect of premises situate in each borough and county as herein defined, and each road district outside of such boroughs and counties, shall respectively be paid to the person acting as treasurer for such borough, county, or road district, and shall form part of the Borough, County, or Road Board Fund, subject however that the Council of such borough or county respectively, and the Road Board of such road district, shall, out of such fees, pay the cost of all charges for printing and advertising the necessary notices relating to the meetings of the Licensing Committee in such borough, county, or road district respectively, as also the actual cost of the travelling expenses incurred by any member of a Licensing Committee or the Clerk thereof in attending any such meeting.

The fees for all licenses granted in respect of premises situate outside of the aforesaid boroughs, counties, and road districts shall be paid into the Public Account.

For the purpose of this section a packet license shall be treated as issued in respect of premises situate at the place where the application is granted.
- Fees in respect of applications for licenses. Tenth Schedule. The fees mentioned in the Tenth Schedule hereto, or such other fees as the Governor in Council shall from time to time prescribe, shall and may be taken from any person making any application for a license, or a renewal, transfer, or removal thereof,

under this Act, or otherwise in respect of any matter in such Schedule mentioned.

Such fees shall be paid to the Clerk of the Licensing Committee before the time when the proceedings in respect of which such fees are payable are taken, and all such fees shall be paid into the Public Account.

- No fees to be charged to police. No fees as aforesaid shall be charged to any officer of police or to any other public officer who may lodge any notice of objection to the grant of a certificate or the issue of any license, or for or in respect of any other proceeding taken by any such officer of police, or other officer, under the provisions of this Act.
- Application of fines, penalties, &c. All forfeitures shall be sold or otherwise disposed of in such a manner as the Court, or the Justice or Justices making the order, may direct, and the proceeds of such sale or disposal (if any), and all fees, fines, and penalties imposed by this Act, save as is herein otherwise provided, shall be paid into the Public Account.

Part II.—Licensed Premises.

registers of licenses.

- Register of all licensed premises to be kept. There shall be kept in every licensing district by the Clerk of the Licensing Committee of each district, in such form as may be prescribed by such Committee—
A register, to be called "the register of licenses," containing the particulars of all licenses granted in the district, the premises in respect of which they are granted, the names of the owners of such premises, and the names of the holders for the time being of such licenses.

There shall also be entered on the register all forfeitures of licenses, disqualifications of premises, records of convictions, and other matters relating to the licenses on the register.

- Also record of all applications. A record of all applications made to the Licensing Committee, or any member thereof, showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the date on which the applications were heard, and the manner in which the same was disposed of, including, in case of a refusal, the cause thereof.

Every Clerk of a Licensing Committee shall, on request, forthwith transmit extracts from any such register of licenses or record of applications to any other Clerk of a Licensing Committee, or to any Inspector, or to any Clerk of a Court of summary jurisdiction.

- The Governor may make regulations prescribing the manner in which Governor to regulate intertransmission of extracts of registers, &c. extracts from any register of licenses or record of applications shall be transmitted by the Clerks of the Licensing Committees to each other, or to any Inspector, or to Clerks of Courts of summary jurisdiction.
- Every person applying for a new license, Application to state owner of premises. or the renewal of a license, shall state the name of the owner or mortgagee (if any) of the premises in respect of which such license is granted or renewed, and such name shall be indorsed on the license.

The person whose name is so stated shall, subject as hereinafter mentioned, be deemed for the purposes of this Act to be the owner of the premises.

- A Court of summary jurisdiction, on the application of any person who proves to the Court that—
He is entitled to be entered as owner of any premises in place of the person appearing on the register to be the owner; or that
He possesses an estate or interest in premises licensed for the sale of liquors, whether as owner, lessee, or mortgagee, prior or paramount to that of the immediate occupier,
may make an order directing the names of such person to be registered as owner or one of the owners of such premises.

When such estate or interest is vested in two or more persons jointly, one only of such persons shall be registered as representing such estate or interest.

Every such order shall be obeyed by the Clerk of the Licensing Committee, and a corresponding correction may be directed to be made on the license granted in respect of the premises of which such applicant claims to be the owner.

- Any ratepayer, any owner of premises to which a license is attached, Registers to be open to inspection. and any holder of a license within a licensing district shall, upon payment of a fee of one shilling, and any officer of police or Inspector of Licensed Premises without payment, shall be entitled, at any reasonable time, to inspect and take copies of or extracts from any register of licenses for such district.

The Clerk of the Licensing Committee and every other person who prevents the inspection or taking copies

of or extracts from the same, or demands any unauthorized fee therefor, shall be liable to a penalty not exceeding five pounds for each offence.

- The Licensing Committee may, if they think fit, cause the register of Separate registers may be for divisions of districts. licenses to be divided into parts, and assign a part to any portion of the licensing district.
- There shall be paid by each licensed person, and by each person Registration fee. registered as an owner of licensed premises, to the Clerk in respect of such registration the sum or fee of one shilling for every license granted or renewed.
- The registers of licenses kept in pursuance of this Act shall be receivable Registers to be evidence of matters therein. in evidence of the matters required by this Act to be entered therein.
- Every indorsement upon a license, and every copy of an entry made Indorsements on licenses to be evidence. in the registers of licenses in pursuance of this Act, purporting to be signed by the Clerk of the Licensing Committee, and (in the case of a copy) certified by the said Clerk to be a true copy, shall be evidence of the matters stated in such indorsement and entry without proof of the signature or authority of the person signing the same.

duties and liabilities of licensees and others.

- Licensee to produce license on lawful demand. Every holder of a license under this Act shall, by himself, his agent, or servant, produce such license within a reasonable time after the production thereof is demanded by a Justice of the Peace, constable, or Inspector of Licensed Premises, and deliver the same to be read and examined by him.

Every person who acts in contravention of this section shall be liable to a penalty not exceeding ten pounds.

- Name of licensee to be affixed to premises. Every licensed person, except the holder of a packet or wholesale license, shall cause to be painted or fixed, and shall keep painted or fixed, on the front of the premises in respect of which his license is granted, in a conspicuous place, and in letters three inches at least in length, his name, with the addition after the name of the word "licensed," and of words sufficient to express the business for which his license has been granted; and no person shall have any words or letters on his premises importing that he is licensed in any way other than that in which he is in fact duly licensed.

Every licensed person who acts in contravention of or who fails to comply with the provisions of this section shall be liable to a penalty not exceeding, for the first offence, five pounds, and not exceeding, for the second and any subsequent offence, ten pounds.

- Outdoor lamp to be kept burning all night. Every licensed publican shall keep a lamp affixed over the door of his licensed premises, or within twenty feet thereof, lighted during the whole of every night, from sunset to sunrise, during the time of his holding such license.

Every person who acts in contravention of or who fails to comply with any provision of this section shall forfeit and pay for each such offence a penalty not exceeding forty shillings.

Exemption. The Licensing Committee may, by indorsement on his license, exempt any publican from compliance with this provision in cases where they shall think the street or particular place, where his licensed premises are situate, to be otherwise sufficiently lighted.

- Sanitary precautions. Every holder of a license under this Act shall thoroughly cleanse and disinfect all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, closets, cesspools, and drains of the licensed premises, to the satisfaction of and so often as shall be required by or in accordance with any direction of an Inspector.
- Limit of hours of employment of females. No female other than the licensee or the wife or daughter of the licensee, as the case may be, shall be employed in the bar of any licensed house for more than ten hours in each day of twenty-four hours; and no female, except as aforesaid, shall, with or without her consent, be employed in the bar of any licensed house after the hour of eleven post meridiem.

Every holder of a license who shall permit the provisions of this section to be broken upon his licensed premises shall be deemed guilty of a breach of this Act, and shall forfeit and pay for every such offence any sum not exceeding twenty pounds.

- Engagements with girls for dancing void. Whereas a practice exists in certain parts of the colony of hiring women and young girls to dance in rooms and places where liquors are sold: any contract by which any females shall be hired to dance in any such room or place shall be null and void.

Any room or place in which females shall be so employed or permitted whether by contract or by a share of the produce of a sale of tickets, or in any other way, shall be taken to be a disorderly house and the licensee of the premises on which such dancing goes on shall be liable, on conviction, to a penalty of twenty pounds for the

first offence, and fifty pounds for a second offence, together with the forfeiture of his license; and a record of every such conviction shall be indorsed on the license by the convicting Justice.

- If any licensed person shall permit any room or portion of his licensed Penalty for permitting room to be used as a dancing-saloon. premises, or the appurtenances thereof, to be used or occupied as a dancing, concert, or theatrical saloon, or as a place of common resort to which persons shall be admitted by ticket or otherwise, he shall be liable to forfeit his license.

But nothing herein contained shall extend to prevent private societies or assemblies of persons from hiring and using such room or place, and keeping the exclusive control over admission to such room or place, independent of or unconnected with the proprietor or keeper of such house; and, on every occasion of the hiring of such room or place, special leave shall be applied for in writing by one or more of the persons desiring such leave, and such leave shall be obtained in writing from and under the hand of two members of the Licensing Committee of the district; and the occasion on which, and the name or names of one or more of the persons by or on behalf of whom, such room or place is required shall be stated on the face of such written application and leave respectively: Provided that such members of the Committee may, if they think fit, altogether refuse to grant such application.

- Every innkeeper failing or refusing, either personally or through any Penalty for refusing to provide accommodation. one acting on his behalf, except for some valid reason, to supply lodging, meals, or accommodation to travellers, shall for each offence be liable, on conviction, to forfeit and pay any sum not exceeding: ten pounds.
- Every innkeeper whose license is granted in respect of premises to be Penalty for not keeping stabling accommodation. provided with stabling shall at all times keep upon his licensed premises a sufficient supply of hay, corn, or other provender for the use of travellers; which shall, in respect of such last-mentioned publicans, be included in the term "accommodation" in the previous section mentioned.
- If any master or other person employing journeymen, workmen, servants, Penalty for paying wages in licensed premises. or labourers, shall pay, or cause any payment to be made to, any such journeymen, workmen, servants, or labourers in or at any licensed premises, or in any house in which liquor shall be sold, he shall for every such offence forfeit and pay any sum not exceeding ten pounds: Provided always that nothing herein contained shall extend to any licensed person paying his own journeymen, workmen, servants, or labourers employed solely in his business as licensed person in his licensed house.
- No post office or other public office shall be established, or any sitting No post office to be kept nor rates to be paid at licensed premises. of any established Court held, in or at any licensed premises, except by special permission of the Licensing Committee. No local rates of any sort shall be paid thereat.
- No innkeeper shall recover any debt or demand on account of any No debts for liquor recoverable. liquor supplied by him to any person for consumption on the premises; but such person may sue for and recover the value of any liquor supplied in moderate quantity with meals to any person *bond fide* lodging in the house.
- If any innkeeper shall receive in payment or as a pledge for any Liquor to be sold for money only. liquor or entertainment supplied in or from his licensed premises anything except current money, or cheques on bankers, or orders for payment of money, he shall for each such offence pay a penalty not exceeding ten pounds.

The person to whom belongs anything given as a pledge as aforesaid shall have the same remedy for recovering such pledge, or the value thereof, as if it had never been pledged.

Not to be paid for in advance. No innkeeper shall receive payment in advance for any liquor to be supplied; and any payment so made in advance may be recovered, notwithstanding that any liquor may have been supplied subsequently to such payment.

- Forfeiture of license for neglect of premises. If any innkeeper shall permit any person to manage, superintend, or conduct the business of his licensed premises during his absence for a longer period than fourteen days in any one year without the previous consent in writing of two members of the Licensing Committee, or shall, whether present in such premises or not, permit any unlicensed person to be in effect the keeper thereof, or shall fail to maintain such premises and the accommodation thereof at the standard hereby required, or, if the license in respect of such premises was granted prior to the commencement of this Act, at the standard heretofore required, or shall allow such premises to become ruinous or dilapidated, he shall be liable to forfeit his license.

But if such premises shall have become ruinous or dilapidated by reason of fire, tempest, or other cause beyond the control of the licensee, the license shall not be forfeited until a reasonable time has elapsed for the reinstatement of such premises.

- Inquests to be held in publichouse when no public morgue near. Every innkeeper shall, at the request of any officer or constable of police, receive into the house mentioned in such license or upon the premises

occupied therewith (not being a house or premises situated within a distance of two miles from any morgue), anything in the seventeenth section of "The Coroners Act, 1867," to the contrary notwithstanding, any dead body that may be brought to such house for the purpose of an inquest being held thereon; and, for every dead body so received and inquest held thereon, he shall be paid the sum of one pound out of any money which may be appropriated for such purpose.

And if he shall refuse to receive such dead body for the purpose aforesaid, he shall be liable to a penalty of any sum not exceeding five pounds.

protection of licensees.

- Protection of property of guests. Every house for which a publican's license, or an accommodation license, shall be granted shall be considered as a common inn; and no goods or chattels whatsoever *bona fide* the property of any lodger or stranger, and being in such licensed house or the appurtenances thereof, or any place used or occupied therewith in the ordinary course of resort at such licensed house, shall be subject to be distrained or seized for or in respect of any claim of rent for such licensed house or appurtenances, or in respect of any other claim whatsoever against the said house or appurtenances, or the owner thereof.
- Remedy in case of distress. If any such goods or chattels shall be distrained or seized for rent, or in any other manner contrary to the provisions of this Act, it shall be lawful for any two Justices to inquire into any complaint made in respect of such distress or seizure in a summary manner, and to order such goods or chattels to be restored to the owner or proprietor thereof, and further to order payment of such reasonable costs as shall be incurred by such summary proceedings.
- Limit of liability of landlord for property of guests. No innkeeper shall be liable to make good to any lodger or guest any loss of or injury to goods or property brought to his licensed premises, not being a horse or other live animal, or any gear appertaining thereto, or any carriage, to a greater amount than the sum of thirty pounds, except in the following cases, that is to say,—
 - Where such goods or property shall have been stolen, lost, or injured through the wilful act, default, or neglect of such licensee, or any servant in his employ:

• Where such goods or property shall have been deposited expressly for safe custody with such licensee:

Provided always that in the case of such deposit it shall be lawful for such licensee, if he think fit, to require as a condition of his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

If any innkeeper shall refuse to receive for safe custody as before mentioned any goods or property of his lodger or guest, or if any such lodger or guest shall, through any default of such licensee, be unable to deposit such goods or property as aforesaid, such licensee shall not be entitled to the benefit of this Act in respect of such goods or property.

- Every innkeeper shall, in addition to his ordinary lien, have the Power to licensed publican to sell goods and chattels of guests, and unclaimed goods. right absolutely to sell and dispose of by public auction any goods, chattels, carriages, horses, wares, or merchandise which may have been deposited with him, or left in the house he keeps, or in the coachhouse, stable, stable-yard, or other premises appurtenant or belonging thereto, where the person depositing or leaving such goods, chattels, carriages, horses, wares, or merchandise—

Shall be or become indebted to the said innkeeper either for any board or lodging, or for the keep and expenses of any horse or other animals left with or standing at livery in the stables or fields occupied by such innkeeper:

Provided that the debt for the payment of which a sale is made shall not be any other than a debt due to the innkeeper for board and lodging, or for the keep and expenses of any horse or other animals left with such innkeeper as aforesaid:

Sales, &c., to be subject to conditions. No such sale shall be made until after the said goods, chattels, carriages, horses, wares, or merchandise shall have been for the space of two months in such charge or custody, or in or upon such premises, without such debt having been paid or satisfied.

At least one month before any such sale, the innkeeper shall cause to be inserted in one newspaper circulating in the district where such goods, chattels, carriages, horses, wares, or merchandise, or some of them, shall have been deposited or left, an advertisement, to be repeated once weekly during the whole month, containing notice of such intended sale, and giving shortly a description of the goods and chattels intended to be sold, together with the name of the owner or person who deposited or left the same, where known.

Such innkeeper, after having out of the proceeds of such sale paid himself the amount of any such debt, together with the costs and expenses of such sale, shall, on demand, pay to the person depositing or leaving any

such goods, chattels, carriages, horses, wares, or merchandise, the surplus (if any) remaining after such sale.

- Every innkeeper shall have the right absolutely to sell and dispose of Innkeeper may sell unclaimed goods. by public auction any goods, chattels, wares, or merchandise which may have been left in his charge, where the person leaving the same does not reclaim them within six months after having so left them.

No such sale shall be made until the same has been advertised during one month, in manner as provided in the last preceding section.

offences against public order.

- Forfeiture of license for felony, &c. If any licensed person shall be convicted of felony, perjury, infamous offence, or misdemeanour followed by sentence of imprisonment, he shall forfeit his license.
- Penalty on persons found drunk. Every person found drunk in any highway or other public place, whether a building or not, or on any licensed premises, may be apprehended, and, on conviction before any one or more Justices of the Peace, shall be liable to a penalty of not less than five shillings nor more than twenty shillings, and, in default of payment thereof, may be imprisoned for any period not exceeding forty-eight hours; and, on a second conviction within a period of six months, shall be liable to a penalty not exceeding sixty shillings, and in default may be imprisoned for any period not exceeding seven days; and on a third or subsequent conviction, within such period of six months, shall be liable to be imprisoned for any period not exceeding fourteen days, or, at the discretion of the convicting Justices, to a penalty not exceeding one hundred shillings, and fourteen days' imprisonment in case of default.
- Penalty on persons found drunk while in charge of horses, &c., or loaded firearms. Every person who in any highway or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who is drunk while in charge, on any highway or other public place, of any carriage, horse, cattle, or steam-engine, or who is drunk when in possession of any loaded firearms, may be apprehended, and, on conviction before any one or more Justices of the Peace, shall be liable to a penalty of not less than twenty shillings nor more than sixty shillings, or, in the discretion of the convicting Justices, to imprisonment, with or without hard labour, for any term not exceeding one month.
- Drunken persons to be visited while in custody. Where any person shall be arrested in a state of helpless drunkenness—

It shall be the duty of the constable for the time being in charge of such person, until such person shall be brought before the Magistrate or Justices, to visit the said person from time to time, so that not more than three hours shall intervene between any two of such visits. Proper remedies shall be used in order that such person shall not perish from cold or exhaustion, and, if the senior constable present shall think it necessary, medical assistance shall be procured without delay for such person.

Magistrate may remand such persons to hospital or elsewhere for treatment. The Magistrate or Justices before whom any such person as aforesaid shall be brought may, if he or they shall think fit, remand such person for not more than seven days, and thereafter for such further time as he or they may think proper, to some hospital, infirmary, or other fitting place for curative treatment and care.

When any person shall be so remanded, he shall be deemed to be in the custody of the gaoler, and he may be brought from the place to which he has been sent, and taken before the aforesaid Magistrate or Justices, to be proceeded against for the offence in respect of which he was originally arrested.

Expenses and cost of maintenance to be paid by persons arrested. All expenses incident in either of such cases, and the cost of his maintenance in any hospital, infirmary, or other place to which he may have been sent for curative treatment, shall be paid by such person aforesaid, and shall be recovered from him in a summary way.

The Magistrate or Justices before whom he shall be brought shall make an order in that behalf, separate from any other order made by him or them in respect of such person or his offence.

In default of payment of such expenses and cost of maintenance, such person may be committed to imprisonment, with or without hard labour, for any term not exceeding three months.

- If any innkeeper permits drunkenness, or any violent, quarrelsome, or riotous conduct to take place on his premises, or sells any liquor to any person already in a state of intoxication, or by any means encourages and incites any person to drink, he shall be liable to a penalty not exceeding, for the first offence, twenty pounds, and not exceeding, for the second and any subsequent offence, fifty pounds.
- If any innkeeper permits his premises to be the habitual resort of Penalty for keeping disorderly house. or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall, if he allow them to remain thereon longer than is necessary for the purpose of

obtaining reasonable refreshment, be liable to a penalty not exceeding, for the first offence, ten pounds, and not exceeding, for the second and any subsequent offence, twenty pounds.

- If any innkeeper—

Knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order, or in execution of his duty; or

Supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty, unless by authority of some superior officer of such constable; or

Bribes or attempts to bribe any constable,— he shall be liable to a penalty not exceeding, for the first offence, ten pounds, and not exceeding, for the second or any subsequent offence, twenty pounds.

- If any innkeeper—

Suffers any unlawful game to be carried on on his premises; or

Opens, keeps, or uses, or suffers his premises to be opened, kept, or used, for the purpose of fighting, or baiting any dog, cock, or other kind of animal, whether of domestic or wild nature,— he shall be liable to a penalty not exceeding, for the first offence, ten pounds, and not exceeding, for the second and any subsequent offence, twenty pounds.

The penalties in this section mentioned shall be irrespective of and in addition to any other penalties to which any person may be liable under any law relating to gaming or cruelty to animals respectively.

- A record of every conviction of an offence against any of the last four sections shall be indorsed on the license of the person convicted.
- If any innkeeper is convicted of permitting his premises to be a brothel, he shall be liable to a penalty not exceeding twenty pounds, and shall forfeit his license, and he shall be disqualified for ever from holding any license for the sale of liquors.
- Any innkeeper may refuse to admit to and may turn out of the premises any person who is drunken, or who is violent, quarrelsome, or disorderly, whether drunken or not, and any person whose presence on his premises would subject him to a penalty under this Act, and may refuse to serve any such person with liquor if demanded only as a pretext for remaining on the premises.
- Any such person who, upon being requested by such innkeeper, or his agent or servant, or any constable, to quit such premises, refuses or fails so to do, shall be liable to a penalty not exceeding five pounds; and all constables are required, on the demand of such innkeeper, agent, or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

illicit sales.

- Closing-hours for licensed premises, Subject as hereinafter mentioned, all licensed premises shall be closed as follows, that is to say,—

On Saturday night, from ten o'clock until six o'clock on the following Monday morning;

On the nights of all other days, from ten o'clock until six o'clock on the following morning.

If an extension of time for the sale of liquors has been granted,—

- On Saturday night, from midnight until six o'clock on the following Monday morning;
- On the nights of all other days, from midnight until six o'clock on the following morning.

All such premises shall be closed on Christmas Day and Good Friday, and on the days preceding Christmas Day and Good Friday respectively, as if Christmas Day and Good Friday were respectively Sunday, and the preceding days were respectively Saturday; but this provision shall not alter the hours during which such premises shall be closed on Sunday, when Christmas Day immediately precedes or succeeds Sunday.

- Penalty for sale of liquor at unauthorized times. Any person who, during the time at which licensed premises are directed to be closed by or in pursuance of this Act, sells or exposes for sale in such premises any liquor, or opens or keeps open such premises for the sale of liquors, or allows any liquor, although purchased before the hours of closing, to be consumed in such premises, or during such aforesaid time allows any one whomsoever to play at billiards, or bagatelle, or at any other game in such premises, shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.
- Any conviction for an offence against this section shall be recorded on the license of the person convicted.
- Saving as to *bonâ fide* travellers and lodgers. Nothing in this Act shall preclude an innkeeper who is licensed to sell liquor to be consumed on the premises from selling such liquor at any time to *bonâ fide* travellers or to persons lodging in his house.

Nothing in this Act contained as to hours of closing shall preclude the sale at any time, at a railway station, of liquors to persons arriving at or departing from such station by railroad, by any person duly licensed in that respect.

- Onus of proof in such cases. If, in the course of any proceedings which may be taken against any innkeeper for infringing the provisions of this Act relating to closing, such person (in this section referred to as "the defendant") fails to prove that the person to whom the liquor was sold (in this section referred to as "the purchaser") is a *bonâ fide* traveller, but the Justices are satisfied that the defendant truly believed that the purchaser was a *bonâ fide* traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the Justices shall dismiss the case as against the defendant; and, if they think that the purchaser falsely represented himself to be a *bonâ fide* traveller, it shall be lawful for the Justices to direct proceedings to be instituted against such purchaser under the next following section of this Act.

A person, for the purposes of this Act, shall not be deemed to be a *bonâ fide* traveller unless the place where he lodged during the preceding night is at least three miles distant from the place where he demands to be supplied with liquor, such distance to be calculated by the nearest public thoroughfare.

- Every person who, by falsely representing himself to be a traveller or Penalty for false representation as a traveller. a lodger, buys or obtains, or attempts to buy or obtain, at any premises, any liquor during the period during which such premises are closed in pursuance of this Act. shall be liable to a penalty not exceeding five pounds.
- No person shall sell or expose for sale any liquor without being Penally for sale of liquor by unlicensed persons or at unauthorized places. duly licensed to sell the same, or at any place where he is not authorized by his license, to sell the same.

Any person selling or exposing for sale any liquor which he is not licensed to sell, or selling or exposing for sale any liquor at any place where he is not authorized by his license to sell the same, shall be subject to the following penalties, that is to say,—

- For the first offence he shall be liable to a penalty not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a term not exceeding one month;
- For the second offence he shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment, with or without hard labour, for a term not exceeding three months, and he may, by order of the Court by which he is tried, be disqualified for any term not exceeding five years from holding any license for the sale of liquors;
- For the third and any subsequent offence he shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment, with or without hard labour, for any term not exceeding six months, and may, by order of the Court by which he is tried, be disqualified for any term of years, or for ever, from holding any license for the sale of liquors.

In addition to any other penalty imposed by this section, any person convicted of a second or any subsequent offence under this section shall, if he be the holder of a license, forfeit such license, and, in the case of a conviction for any offence under this section, the Court may, if it thinks expedient so to do, declare all liquors found in possession of any such person as last aforesaid, and the vessels containing such liquor, to be forfeited.

- The occupier of any unlicensed premises on which any liquor is sold, Occupier of unlicensed premises liable for sale of liquor. or, if such premises are occupied by more than one person, every occupier thereof, shall, if it be proved that he was privy or consenting to the sale, be subject to the penalties imposed upon persons for the sale of liquors contrary to license.
- If any purchaser of any liquor from a person who is not licensed to Seller liable for drinking on premises contrary to license. sell the same to be drunk on the premises drinks such liquor on the premises where the same is sold, the seller of such liquor shall, if it shall appear that such drinking was with his privity or consent, be subject to the following penalties, that is to say.—

For the first offence he shall be liable to a penalty not exceeding ten pounds:

For the second and any subsequent offence he shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission.

A record of every conviction for an offence against this section shall be indorsed on the license of the person convicted.

- Evasion of law as to drinking on premises contrary to license If any person having a license to sell liquors not to be drunk on the premises himself takes or carries, or employs or suffers any other person to take or carry, any liquor out of or from the premises of such licensed person for the purpose of being sold on his

account or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such licensed person, or hired, used, or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person with his privity and consent, and such licensed person shall be punished accordingly in manner provided by this Act.

A record of every conviction for an offence against this section shall be indorsed on the license of the person convicted.

In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to or were hired, used, or occupied by the seller, if proof be given to the satisfaction of the Court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license.

- Penalty on internal communication with unlicensed premises. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainments or resort, or as a refreshment-house, shall be liable to a penalty not exceeding ten pounds for every day during which such communication remains open.

In addition to any penalty imposed by this section, any person convicted of an offence under this section shall, if he be the holder of a license, forfeit such license.

- Penalty on using bars beyond the number licensed. After the grant of a publican's license no bar, beyond the number stated on the license, shall be opened or used in or upon the licensed premises, except with the consent of the Licensing Committee of the district, which consent shall be indorsed on the license.

If any person shall open or use any such bar for the sale of liquors, or shall knowingly permit the same to be opened or used for such sale, without such consent as aforesaid, and the payment of the fee in respect thereof hereinbefore provided, he shall be deemed to have been guilty of selling without a license.

- Penalty for selling at races, &c., without conditional license, or at railway-stations without publican's license Any person selling or exposing for sale any liquor

In any booth, tent, or place within the limits of any space allotted for holding any lawful and accustomed races, sports, or games, without a conditional license; or

In any rooms or buildings attached to or connected with a railway-station without having a publican's license, shall, notwithstanding anything contained in any Act to the contrary, be deemed to be a person selling or exposing for sale liquor at a place where he is not authorized by his license to sell the same, and be punishable accordingly:

Provided that this section shall not apply to any person selling or exposing for sale liquors in premises in which he is duly authorized to sell the same throughout the year, although such premises are situate within the limits aforesaid.

For the purpose of so much of this Act as relates to offences against public order, illicit sales, and the adulteration of liquor, and the sections for giving effect to the same, a person taking out a conditional license shall be deemed to be a licensed person within the meaning of the said sections, and the place in which any liquors are sold in pursuance of any such license shall be deemed to be licensed premises, and to be the premises of the person taking out such license,

- Any licensed person who allows to be supplied in Ms licensed premises, Penalty for supplying children with liquor. by purchase or otherwise, to be consumed on the premises—

Any description whatever of spirits, or of wine, ale, beer, or porter, to any person apparently under the age of sixteen years, of either sex, not being resident on the premises or a *bonâ fide* guest, lodger, or traveller,— shall, as well as the person who actually gives or supplies the spirits, wine, ale, beer, or porter, be liable to pay a penalty not exceeding ten pounds for every such offence.

Upon a conviction for a first offence against this section, the convicted person, if licensed, shall be liable to have his license suspended for six months; and, in case of a second or any subsequent offence, he shall be liable to forfeit his license, and the premises in respect of wMeh such license is granted shall be liable to be declared disqualified for a period of not less than two years nor exceeding five years.

- When it shall be made to appear in open Court that any person, by Supply of liquor to drunkards prohibited. excessive drinking of liquor, misspends, wastes, or lessens his or her estate, or greatly injures his or her health, or endangers or interrupts the peace and happiness of his or her family, the Justices presiding in such Court shall, by writing under the hands of any two such Justices, forbid any licensed person to sell to him or her any liquor for the space of one year, and such Justices, or any other two Justices, may, at the same or any other time, in like manner, forbid the selling of any such liquor to the said drunkard by any such licensed persons of any other city, town, or district to which the drunkard shall or may be likely to resort for the same.

- The said Justices, or any two of them, shall, in like manner, from year to year, renew any such prohibition as aforesaid as to all such persons as have not, in their opinion, reformed within the year; and if any licensed person shall, during any such prohibition, after service of a copy thereof upon him or her, or with a knowledge thereof in any other manner acquired, sell to any such prohibited person any liquor, he or she shall forfeit upon conviction, for every such offence, a sum not exceeding ten pounds.
- Whenever Justices shall, in execution of the foregoing provisions, have Penalty for procuring liquor for prohibited persons. prohibited the sale of liquor to any such drunkard, if any other person shall, with a knowledge of such prohibition, give, sell, purchase, or procure for or on behalf of such prohibited person, or for his or her use, any such liquor, he or she shall forfeit upon conviction, for every such offence, a sum not exceeding five pounds.
- In proving the sale or consumption of liquor for the purpose of Evidence of sale or consumption of liquor. any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed or any liquor was actually consumed, if the Court hearing the case be satisfied that a transaction in the nature of a sale actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor, on premises to which a license under this Act is attached, by some person other than the occupier of or a servant in such premises, shall be evidence that such liquor was sold to the person consuming, or being about to consume, or carrying away the same, by or on behalf of the holder of such license.
- The evidence of any person shall be admitted in proof of unlawful Unlawful sale of liquor provable by purchaser thereof. sale of liquor, although he may have himself purchased the same, and such evidence, if otherwise good, shall be sufficient to support a conviction for such offence.
- Persons deemed unlicensed if not producing license. In all proceedings against any person for selling or allowing to be sold any liquor without a license, such person shall be deemed to be unlicensed unless he shall at the hearing of the case produce his license.

Primá facie evidence of unlicensed premises. The fact of any person, not being a licensed person, keeping up any sign, writing, painting, or other mark in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or of there being on such premises more liquor than is reasonably required for the use of the persons residing therein, shall be deemed *primá facie* evidence of the unlawful sale of liquor by such person.

- Forging, counterfeiting license, &c, felony. Every person shall be guilty of felony who shall forge, counterfeit, or alter, or cause to be forged, counterfeited, or altered, any license, or any seal or signature to any license, or shall use or tender in evidence any such forged, counterfeited, or altered license or seal or signature, knowing the same to be forged, counterfeited, or altered.
- Penalty for baying, &c., labels for bottling contrary to Act. Any person having in his possession or under his control, or selling or purchasing or contracting to sell or purchase, any labels, appropriate and intended for the purpose of labelling bottles containing liquor, such labels not containing imprinted thereon in plain and legible characters the words "Bottled in New Zealand," and the name of the bottler using the said labels, shall be liable to a penalty of not less than twenty pounds nor more than one hundred pounds, and all such labels shall be forfeited.
- Penalty for using bottles with labels more than once. Any person who, having in his possession or under his control any bottles with labels affixed thereon, shall without destroying such labels make use of such bottles for the purpose of bottling liquor for sale, shall be liable to a penalty of not less than twenty pounds nor more than two hundred pounds for each offence; and any person knowingly selling or purchasing such liquor so bottled shall be liable to a like penalty for each offence.

Part III.—Inspection and Legal Procedure.

inspectors of licensed premises.

- Governor to appoint Inspectors. The Governor may appoint a sufficient number of proper persons to be Inspectors of Licensed Premises (herein called "Inspectors"), and may remove any such person and supply any vacancy thereby or otherwise occurring. Such persons shall be under the control of the Minister.

Officers of police to be *ex officio* Inspectors. Every chief officer of police, as herein defined, and every

other officer of police not below the grade of sergeant of police, shall, by virtue of his office, be an Inspector of Licensed Premises under this Act.

- Inspectors to be Inspectors under any Act relating to adulteration. Every Inspector of Licensed Premises shall have all the powers, duties, and authorities which an Inspector of Nuisances or other Inspector has under the provisions of any Act in force relating to the prevention of adulteration.
- Duties of Inspectors. It shall be the duty of the Inspectors to enforce and superintend the carrying out of this Act in every respect.
- Further duties in relation to infringement of trade-marks. It shall also be the duty of the Inspectors to prosecute any licensed person, or person licensed or registered under "The Distillation Act, 1868," guilty of any infringement of any Act in force relating to the registration of trade-marks.
- Inspectors may enter premises and search for adulterated drink. Any Inspector may at all times during business hours, and after such hours for reasonable cause, enter on any premises licensed under this Act, or premises registered under "The Distillation Act, 1868;" he may also examine every room and part of such premises, and take an account of all liquor therein, and may demand, select, and obtain any samples of liquor which may be in such house or premises, such samples to be sealed by the Inspector in the presence of the licensed or other person in charge of the premises, and, if such licensed or other person shall so desire, with the seal of such licensed or other person, and, on paying or tendering payment for such samples of liquor, may remove the same for the purpose of analysis or otherwise.
- If any licensed or other person in charge of any premises refuses or Penalty for obstructing Inspector. fails to admit any Inspector demanding to enter in pursuance of this section, or refuses to permit any Inspector to select or obtain such samples, or refuses or fails to furnish him with such light or assistance as he may require, or obstructs such Inspector, or causes or permits him to be obstructed or delayed in the discharge of his duty, such licensed or other person shall be liable to a fine not exceeding twenty pounds.
- If any Inspector takes or receives any fee, perquisite, gratuity, or Penalty on Inspectors receiving bribes, &c. reward, whether pecuniary or of any other sort or description whatever, directly or indirectly, from any person on account of anything done or to be done by him in or in any way relating to his office or employment, except such as he shall receive from the Government or under any order or permission of the Minister, every such Inspector so offending shall, on proof thereof to the Minister, be dismissed from his office, and shall also, on conviction, be liable to imprisonment for a term not exceeding twelve months.
- If any person directly or indirectly gives, offers, or promises to give Penalty for offering bribes, &c., to Inspectors. to any Inspector any fee, perquisite, gratuity, or reward, such person shall, for every such offence, forfeit a sum not less than twenty pounds nor more than one hundred pounds.

regulations as to entry on premises.

- Any Inspector or constable may, for the purpose of preventing or Inspector or constable may enter on premises for enforcement of Act. detecting the violation of any of the provisions of this Act which it is his duty to enforce, at all times enter on any licensed premises, or any premises in respect of which an occasional license is in force.
- Every person who, by himself or by any person in his employ or Penalty for refusing entrance. acting by his direction or with his consent, refuses or fails to admit, without any unnecessary delay, any constable in the execution of his duty demanding to enter in pursuance of this section, shall be liable to a penalty not exceeding, for the first offence, five pounds, and not exceeding, for the second and every subsequent offence, ten pounds.
- Any Justice of the Peace, if satisfied by information on oath that there Search-warrant for detection of liquors sold or kept contrary to law. is reasonable ground to believe that any liquor is sold, or exposed or kept for sale, at any place, whether a building or not, in which such liquor is not authorized to be sold, may, in his discretion, grant a warrant under his hand by virtue whereof it shall be lawful for any constable named in such warrant, at any time or times within one month from the date thereof, to enter, and, if need be, by force, the place named in the warrant and every part thereof, and examine the same, and search for liquor therein, and seize and remove any liquor found therein which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor.
- In the event of the owner or occupier of any premises being convicted Liquors to be forfeited. of selling, or exposing, or keeping for sale, any liquor which he is not authorized to sell, the liquor so seized, and the vessels containing such liquor, shall be forfeited.
- Persons found on premises where seizure made deemed to be illegally dealing in liquor. When any

Inspector or constable has, in pursuance of a warrant, entered any premises and seized any liquor therein, any person found at the time on the premises shall, until the contrary is proved, be deemed to have been on such premises for the purpose of illegally dealing in liquor, and be liable to a penalty not exceeding forty shillings.

- Names of persons found on premises may be demanded. Any Inspector or constable may demand the name and address of any person found on the premises on which he seizes or from which he removes any such liquor as aforesaid, and, if he has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or to answer satisfactorily the questions put to him by the constable, apprehend him without warrant, and carry him as soon as practicable before a Justice of the Peace.
- Penalty on refusal, or giving false name. Any person, required by an Inspector or constable under this section to give his name and address, who fails to give the same, or gives a false name or address, or gives false information with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

adulteration.

- Penalty for selling adulterated liquor. Every person who shall sell, or offer for sale, any liquor with which is mixed any ingredient or material injurious to health, or whereby such liquor is rendered injurious to the health of persons drinking the same, and every person who shall sell as unadulterated any liquor which is adulterated, shall, on conviction, be liable for every such offence to a penalty not exceeding twenty pounds.

The provisions of the three next following sections of this Act shall apply in respect of every offence against this section.

- Conviction under any Act for adulteration to be recorded on license. Where a licensed person is convicted of any offence against the provisions of any Act for the time being in force relating to the prevention of adulteration, such conviction shall be entered in the proper register of licenses, and may be directed to be recorded on the license of the offender in the same manner as if the conviction were for an offence against this Act, and when so recorded shall have effect as if it had been a conviction for an offence against this Act

Such licensed person shall further, in the case of a second or any subsequent offence, be liable to forfeit his license, and the premises in respect of which such license is granted shall be liable to be declared to be disqualified premises for a period of not less than two years nor exceeding five years.

In the case of a second and any subsequent offence, until the license is forfeited, a record of the conviction shall be indorsed on the license of the person convicted.

License to be forfeited, and premises disqualified.

- Placard to be posted on premises where adulterated liquor is sold. Where a licensed person is convicted of any offence for adulteration of drink, and his license is not forfeited for such offence, the police authority of the district shall cause a placard stating such conviction to be affixed to the premises. Such placard shall be of such size and form, and shall be printed with such letters, and shall contain such particulars, and shall be affixed to such part of the licensed premises, as the convicting Justices may think fit, and such licensed person shall keep the same affixed during two weeks after the same is first affixed; and,

If he fails to comply with the provisions of this section with respect to keeping affixed such placard, or defaces or allows such placard to be defaced or if the same is defaced and he fails forthwith to renew the same, he shall be liable to a penalty not exceeding forty shillings for every day on which the same is not so undefaced; and any constable may affix or reaffix such placard during the said two weeks, or such further time as may be directed by a Court of summary jurisdiction.

- In every case of a second and any subsequent conviction for Offender's name to be published on second offence. adulteration of drink, the convicting Justices shall cause the offender's name, place of abode, and offence to be published, at the expense of the offender, in such newspaper or newspapers, or in such other manner, and from time to time, as to the said Justices shall seem desirable.

general provisions.

Legal Procedure.

- Save and except for the offences under section one hundred and Summary proceedings for offences under

Act. seventy-three, every offence under this Act shall be prosecuted, and every penalty and forfeiture shall be recovered and enforced, and every order of Justices or of a Justice under this Act shall be enforced, in manner provided as to procedure in summary jurisdiction by "The Justices of the Peace Act, 1866," or any existing modification of such Act: Provided that, except as in this Act otherwise expressly provided, every information or complaint (other than in a case where the offence charged is that of being found drunk in any highway or other public place, or in any licensed premises) shall be heard and determined by two or more Justices of the Peace (herein described as a Court of summary jurisdiction), or by a Resident Magistrate for the time being empowered by law to do alone any act authorized to be done by more than one Justice of the Peace, and sitting alone or with others at some Court or other place.

- Where under this Act any sum for costs and expenses (other than Costs and expenses recoverable summarily. costs upon a conviction or order of dismissal of an information), or for compensation, or both, is ordered or awarded to be paid by any person, the amount thereof shall be recovered in manner provided as to procedure in summary jurisdiction for the recovery of costs awarded upon the dismissal of an information or complaint.
- The Court committing any person to prison for non-payment of a On committal, hard labour may be added. penalty under this Act may order him to be imprisoned with hard labour.
- The description of any offence under this Act in the words of such Act, Description of offence in words of Act sufficient. or in similar words, shall be sufficient in law.

Excuse, exception, &c. Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

- No conviction or order made in pursuance of this Act relative to any No *certiorari*. offence, penalty, forfeiture, or summary order shall be quashed for want of form, or be removed, by *certiorari* or otherwise, either at the instance of the Crown or of any private party, into any superior Court. Moreover no warrant of commitment Conviction not to be quashed for want of form. in any such matter shall be held void by reason of any defect therein: Provided that there is a valid conviction to sustain such warrant, and it is alleged in the warrant that the party has been convicted.
- Where any person holding a license under this Act is convicted of any Mitigation of penal-tics. offence against this Act, the convicting Justices may not, except in the case of a first offence, reduce the penalty to less than twenty shillings, nor shall the penalty be reduced, in any case, to less than the minimum authorized by any other Act.

Record of Convictions.

- Mode of recording convictions on license. Where it is required by this Act that a record of a conviction shall be indorsed on the license of the person convicted, the following provisions shall have effect, that is to say,—
 - ¶ The Court before whom any licensed person is accused shall require such person to produce, and deliver to the Clerk of the Court, the license under which such person carries on business, and the summons shall state that such production will be required:
 - ¶ If such person is convicted, the Court shall cause the short particulars of such conviction, and the penalty imposed, to be indorsed on his license before it is returned to the offender:
 - ¶ The Clerk of the Licensing Committee shall enter the particulars respecting such conviction, or such of them as the case may require, in the register of licenses kept by him under this Act:
 - ¶ If the Clerk to the Court be not the Clerk to the Licensing Committee, he shall send forthwith to the last-mentioned Clerk notice of such conviction and of the particulars thereof:
 - ¶ Where the conviction of any such person has the effect of forfeiting the license, or of disqualifying any person or premises for the purposes of this Act, the license shall be retained by the Clerk of the Court, and notice of such forfeiture and disqualification shall be sent to the officer authorized to issue licenses in the district, and, if the Clerk to the Court is not the Clerk to the Licensing Committee, to the last-mentioned Clerk, together with the forfeited license.
- Record of convictions on license at discretion of Justices. Where any licensed person is convicted of any offence against this Act, in respect of which a conviction is not directed to be indorsed on the license of the offender, the Court before whom the offender is brought may either pass sentence at once, or postpone the same until the register of licenses in which the license of the offender is entered, or a copy of the entries therein relating to the license of the offender, certified to be a true copy by the Clerk of the Licensing Committee, is produced to the Court, and, after inspecting the entries therein in relation to the license of the offender, or such copy thereof as aforesaid, the Court shall declare, as part of its sentence,

whether it will or will not cause a record of the conviction for such offence to be indorsed on the license of the offender, and, if it decide that such record is to be indorsed, the same shall be indorsed accordingly.

- As to record in cases of several offences. Where a licensed person is convicted of more offences than one committed on the same day, the Justices by whom he is convicted may, in their discretion, order that a record of one, or of some only, of such convictions shall be indorsed on his license.

Repeated Convictions.

- Conviction after five years not receivable in evidence. A conviction for any offence under this Act shall not, after five years from the date of such conviction, be receivable in evidence against any person for the purpose of subjecting him to an increased penalty, or to any forfeiture.
- Forfeiture of license for two convictions in six months. If any licensed person is convicted of any offence against this Act, and any previous conviction for any offence against this Act is proved to have been made against him within six calendar months next preceding, he shall be liable to forfeit his license.
- Disqualification of persons for offences committed by them. If any licensed person is convicted of any offence against the one hundred and forty-sixth, one hundred and forty-seventh, one hundred and forty-ninth, or one hundred and sixty-sixth sections of this Act, (relating respectively to permitting drunkenness, keeping a disorderly house, permitting gambling, and supplying children with liquor,) and two previous convictions for offences (whether of the same or different kinds) against some one or more of the same sections shall be proved to have been made against him within the five years next preceding, he shall be disqualified for a term of five years from holding any license; and,

If such three convictions shall have been made against him while he was licensed in respect of the same premises, the premises in respect of which his license was granted shall, unless the Court having cognizance of the case in its discretion thinks fit otherwise to order, be disqualified from receiving any license for a term of two years from the date of such third conviction.

Nothing in this or the preceding section contained shall prevent the infliction of any pecuniary penalty or any term of imprisonment to which such licensed person would otherwise be liable, or shall preclude the exercise of any power given by any other section of this Act of disqualifying such licensed person or such premises for a longer period than the term mentioned in this section.

- The following additional provisions shall also apply in respect of Disqualification of premises in respect of offences committed thereon. licensed premises, namely,—
 - A record of the second and every subsequent conviction indorsed on the license of any one licensed person shall also be entered in the register of licenses against the premises:
 - When four convictions (whether of the same or of different licensed persons) have within five years been so registered against premises, those premises shall be disqualified during one year for the purposes of this Act:
 - If the licenses of two persons licensed in respect of the same premises are forfeited within any period of two years, the premises shall be disqualified for one year from the date of the last forfeiture:

Provided that, where any premises are disqualified under this section, notice of such disqualification shall be served upon the owner of the premises in like manner as an order of disqualification is required to be served under this Act, and the regulations for the protection of the owner of the premises in case of an order of disqualification shall, so far as the same are applicable, extend to the case of disqualification under this section.

- Where any tenant of any licensed premises is convicted of an offence Protection of owners in case of offences by tenants. against this Act, and such an offence is one the repetition of which may render the premises liable to be disqualified from receiving a license for any period, it shall be the duty of the Clerk of the Justices making the conviction to serve notice of every such conviction on the owner of the premises.
- Where any order declaring any licensed premises to be disqualified Notice of disqualification of premises to be given to owners. from receiving a license for any period has been made, the Justices making such order shall cause the same to be served on the owner of such premises, where the owner is not occupier, with the addition of a statement that a meeting of Justices will be held at a time and place therein specified, at which the owner may appear and appeal against such order on all or any of the following grounds, but on no other grounds:—
 - That notice, as required by this Act, has not been served on the owner of a prior offence which on repetition renders the premises liable to be disqualified from receiving a license for some period;
 - That the tenant by whom the offence was committed held under a contract made prior to the commencement of this Act, and that the owner could not legally have evicted the tenant in the interval between the commission of the offence in respect of which the disqualifying order was made and the receipt by him of the notice of the immediately-preceding offence which on repetition renders the

premises liable to be disqualified from receiving a license any period; or,

That the offence in respect of which the disqualifying order was made occurred so soon after the receipt of such last-mentioned notice that the owner, notwithstanding he had legal power to evict the tenant, could not with reasonable diligence have exercised that power in the interval which occurred between the said notice and the second offence.

- Where omission is made in recording a conviction on license. Where a record of a conviction of an offence is by this Act directed to be indorsed on the license of any person, the fact of no such record having been made shall not, if such conviction be otherwise proved to the satisfaction of the Court having cognizance of any case under this Act, exempt such person, or the premises occupied by him, from any penalty to which such person or premises would have been subject if such record had been duly made. And, on such proof being given, the omitted record may be indorsed accordingly, and shall be deemed to have been duly made in accordance with this Act.
- Penalty for defacing indorsements on license. If any person defaces or obliterates, or attempts to deface or obliterate, any indorsement of a record of a conviction on his license, he shall be liable to a penalty not exceeding five pounds.

closing premises.

In case of Riot.

- Justices may order premises to be closed in case of riot. Any two Justices of the Peace, where any riot or tumult happens or is expected to happen, may order every licensed person in or near the place where such riot or tumult happens or is expected to happen to close his premises during any time which the Justices may order.
- Force may be used if necessary. It shall be lawful for any person acting by order of any Justices to use such force as may be necessary for the purpose of closing such premises; and any person who keeps open his premises for the sale of liquors during any time at which the Justices have ordered them to be closed shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to the same penalties as in the case of a licensee keeping his house open at unauthorized hours.

Within Disturbed Districts.

- Districts may be proclaimed. Whenever the colonial forces shall be employed for the purpose of suppressing rebellion or other disturbances in any part of the colony, and shall be stationed at any place near to or within such part, it shall be lawful for the Governor from time to time by Proclamation to declare that, from and after a day to be fixed therein, such part of the colony as shall be defined in the Proclamation shall be a proclaimed district within the meaning and for the purposes of this Act.
- Liquors not to be sold therein without permission. Thereupon it shall not be lawful for any person whomsoever to sell or supply any liquor of any kind without the permission of such person as the Governor shall from time to time appoint to grant permits for the sale of such liquor within such district.
- Penalty for selling without permit. If any person not being the holder of a permit so granted as aforesaid shall keep his house open, or shall sell or supply any liquor, whether for money or other reward or without money or reward, within any district after the day fixed in any Proclamation relating to such district as the day for the coming into operation thereof, such person shall be liable to forfeit and pay a penalty of not less than twenty nor more than one hundred pounds, to be recovered in a summary way before any one or more Justices of the Peace.
- It shall be lawful for any such person as shall be authorized by the Conditions may be attached to permit. Governor to grant permits for the sale of liquor within any such district to grant the same upon such conditions as he shall think fit, and at any time to revoke and cancel such permits.
- It shall be lawful for the officer in command of any force engaged in Forfeiture of liquors sold without permit. active operations from time to time, by a notice in writing published in such manner as he shall think fit, to declare any portion of the colony within which he shall be so engaged, and the boundaries whereof shall be defined in such notice, to be a district within which no liquor shall be imported by sea or land without a permit granted by him; and the officer so commanding may seize and carry away, or cause to be seized and carried away, any liquor imported into any such district without such permit, and the same shall be forfeited to Her Majesty.

And any such officer may at any time revoke any such notice so made by him.

miscellaneous.

- All notices and documents required by this Act to be served or sent Service of notices. may, unless otherwise expressly provided, be served and sent by post, and, until the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and, in proving such service or sending, it shall be sufficient to prove that the letter containing the notice or document was prepaid or franked and properly addressed.

Where any officer or other person interested in any licensed premises is entitled to receive notice of a conviction under this Act, he shall supply his address to the Clerk or other person required to send such notice, and any notice sent to such address shall be deemed to be duly served, and, where no notice is supplied in pursuance of this section, all notices shall be deemed to be duly served if sent to any address which such Clerk or other person, in the exercise of his discretion, believes to be the address of the person to whom the notice was sent: Provided that any notice of any offence required by this Act to be sent to the owner of licensed premises shall either be served personally or sent by registered letter.

- If any person is sued or prosecuted for anything done by him in pursuance Protection of officers in execution of Act. or execution or intended execution of this Act, he may plead generally that the same was done in pursuance or execution or intended execution of this Act, and give the special matter in evidence.
- If any person shall wilfully insult any member of the Licensing Penally for insulting pfficers, or interrupting proceedings. Committee, or their Clerk, while sitting or acting in any proceedings under this Act, or shall wilfully interrupt the said proceedings, every such person shall be liable to a penalty not exceeding ten pounds for each offence; and in default of payment the offender may be committed to prison for any term not exceeding fourteen days, unless the fine shall be sooner paid.
- it any person shall, in any proceedings before any Licensing Committee, Giving false evidence, perjury. or upon any examination before any such Committee, wilfully and corruptly give any false evidence, such person shall be deemed and taken to be guilty of perjury.
- Every order made by any Licensing Committee shall and may be Enforcement of orders of Licensing Committee. enforced in the same manner as any order or judgment of a Resident Magistrate may be enforced, according to the law for the time being in force tor regulating summary proceedings before Justices of the Peace.
- Regulations as to form of future licenses. The following regulations shall be made with respect to licenses:—
Every license granted after the commencement of this Act shall be in the form prescribed by this Act: Provided that licenses granted at any quarterly licensing meeting, or adjournment thereof, between the first of October and the end of December, one thousand eight hundred and eighty-one, may be in the forms heretofore in use; but any conditions contained in any license so granted which are contrary to the provisions of this Act shall be of no effect.
A renewal of a license may be made by an indorsement on the license, or by the issue of a copy of the old license; but in the latter case there shall be indorsed on such copy all convictions made within the previous five years which are indorsed on the old license.
- Forms of notices, &c., may be altered. All forms of notices, certificates, and other documents authorized or required by this Act shall be deemed sufficient if made in the form herein prescribed or to the effect thereof; and the forms of such notices, certificates, and other documents may be altered to suit the circumstances of any case to which such forms may be applicable.
- Governor in Council may wake regulations for effective working of Act. The Governor may, by Order in Council, from time to time, make, alter, and revoke regulations, not being contrary to the provisions of this Act, for the more efficient administration of this Act in any part of the colony, and the said regulations, on being gazetted, shall have the force of law.
- Governor may rectify irregularities. If through any accidental or unavoidable impediment, misfeasance, or omission anything required by this Act to be done is omitted to be done, or is not done within the time fixed, the Governor in Council may take all such measures as may be necessary for removing such impediment or rectifying such misfeasance or omission, and may validate anything which may have been irregularly done in matter of form, so that the intent and purpose of this Act may have effect.
- Saving of indictments under other Acts. Nothing in this Act contained shall prevent any person from being liable to be indicted or punished under any other Act or otherwise, so that he be not punished twice for the same offence.

clubs.

- Special provisions relating to clubs. Nothing in this Act shall apply to clubs, except the provisions hereinafter contained.

“Club” means a voluntary association of persons combined for promoting the common object of private social intercourse, convenience, and comfort, and providing its own liquors, and not for purposes of gain. Every club now existing shall apply, through its secretary or other officer, to the Colonial Secretary for a charter, and with the application shall forward a copy of its rules, a list of the officers and members, and a copy of the last balance-sheet duly certified under the hand of the secretary.

If the Colonial Secretary shall be satisfied that any club has been established for the purposes mentioned in the interpretation clause, it shall be the duty of the Colonial Secretary to issue a charter to such club, authorizing its existence, subject to the following conditions:—

An annual fee of five pounds shall be paid in respect of such charter by the Committee of the club to the Treasurer of the borough, county, or road district within which the club may be situate.

The club shall not consist of less than twenty members;

Every ordinary member shall pay an annual subscription;

After the first constitution of a club new ordinary members shall be elected by existing ordinary members, according to rules prescribed for the purpose;

The club shall be under the management of a Committee, elected for the purpose by the members of the club;

No person shall have any share or interest in the real or personal property of the club (save as mortgagee), except as a trustee or member;

No person shall directly or indirectly be entitled to or have or receive any profit on the sale of liquors by a club to its members or guests, but all such profit shall belong to the club.

When any number of persons, not less than ten in number, shall propose to establish a new club, they shall forward to the Colonial Secretary an application for a provisional charter, and in such application shall state the objects and locality of the proposed club, and a copy of the rules proposed to be adopted; and if the Colonial Secretary is satisfied that such application is *bond fide*, he shall be at liberty to issue to such club a provisional charter, which shall be in force for one year; before the expiration of which time the secretary of such new club shall forward to the Colonial Secretary the like particulars as are required by subsection (b.), and make application for a permanent charter, and thereupon the Colonial Secretary shall deal with such application in manner hereinbefore provided.

If it shall at any time appear to the Colonial Secretary that any club does not comply with or conform to the conditions above mentioned, it shall be lawful for the Colonial Secretary to revoke or annul the charter which shall have been granted to such club.

The Committee of every club to which a charter has been granted shall send to the Colonial Secretary, during the month of January in each year, a certificate that the said club continues to fulfil all the conditions on which its charter was granted, and the statement from the borough, county, or road district within which the club is situate that the fee of five pounds has been paid.

Repeals.

- Save and excepting so far as may be necessary to give effect to the Acts and Ordinances repealed. provisions of sections two, six, and seven of this Act, the enactments enumerated in the Eleventh Schedule hereto, and all other enactments whatsoever relating to Eleventh Schedule. the licensing of publichouses or billiard-tables, and regulating the sale of intoxicating liquors in any part of the colony, whether affecting Europeans or Natives or both races, are hereby repealed.

Schedules.Schedules.

First Schedule.

PUBLICAN'S LICENSE.Sec. 30.

Whereas the Licensing Committee holding the licensing meeting at, on the day of, one thousand eight

hundred and, have, by their certificate dated the day of, authorized the issue to, of, of a publican's license, for the house to be known as situate at, and having only one bar therein and no more: And whereas the said hath paid into my office the sum of pounds sterling as the fee on such license: Now I do hereby declare that the said is licensed to sell liquors in any quantity on such premises between the hours of six in the morning and ten at night.

This license shall commence upon the day of, and continue until the thirtieth day of June then next ensuing, both days inclusive, if not forfeited in the meantime.

Given under my hand at, this day of, one thousand eight hundred and.

Treasurer [*or* Receiver of Revenue].

Indorsements.

- Sec. 37. The within-named licensee, having paid into my office the further sum of pounds sterling, is entitled to an extension of time for the closing of his premises until twelve o'clock at night, on such days as his premises are permitted to be open.
- Sec. 37. The within-named licensee, having paid into my office the further sum of pounds sterling, is entitled to open and use additional bars on his licensed premises, besides the one bar authorized in his license.
- Sec. 124 The within-named licensee is exempted from the requirement of burning a lamp all night over his door.

NEW ZEALAND WINE LICENSE.

Sec. 31. WHEREAS the Licensing Committee holding the licensing meeting at, on the day of, one thousand eight hundred and, have, by their certificate dated the said day of, authorized the issue to, of, of a New Zealand wine license for the shop [*or* premises] of the said, situate at: And whereas the said hath paid into my office the sum of sterling as the fee on such license: Now I do hereby declare that the said is licensed to sell and dispose of on such premises, between the hours of six in the morning and ten at night, any wine, cider, and perry, the produce of fruit grown in the colony, of a strength not exceeding twenty per centum of proof spirit, in any quantity not exceeding two gallons at any one time to any one person.

This license shall commence upon the day of, and continue in force until the thirtieth day of June then next ensuing, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand at, this day of, one thousand eight hundred and.

Treasurer [*or* Receiver of Revenue].

ACCOMMODATION LICENSE.

Sec. 32. Whereas the Licensing Committee, holding the licensing meeting at, on the day of, one thousand eight hundred and, have, by their certificate dated the day of, authorized the issue to of an accommodation license for the place and upon the conditions hereinafter mentioned: And whereas the said hath paid into my office the sum of as the fee on such license: Now I do hereby declare that the said is licensed to sell intoxicating liquors in any quantity in the premises situate at but not elsewhere, subject to the conditions following, that is to say [*Set out the conditions*].

This license shall commence upon the day of next, and continue in force until the day of then next ensuing, both inclusive, provided the said several conditions shall be so long fulfilled by the holder thereof, and his license be not forfeited in the meantime.

Given under my hand at, this day of, one thousand eight hundred and.

Treasurer [*or* Receiver of Revenue].

BOTTLE LICENSE. Sec. 33.

WHEREAS the Licensing Committee holding the licensing meeting at, on the day of, one thousand eight hundred and, have, by their certificate dated the said day of, authorized the issue to, of, of a bottle license for the house situate at: And whereas the said hath paid into my office the sum of sterling as the fee on such license: Now I do hereby declare that the said is licensed to sell and dispose of on such premises, but not elsewhere, any liquors in bottles corked and sealed, capsuled, or wired, of sizes of which six or twelve are usually reckoned to the gallon, and not to be drunk in or upon the premises for which the license is granted: Provided that not less than one bottle containing not less than a reputed quart shall be sold or disposed of at any one time to any one person.

This license shall commence upon the day of, and continue in force until the thirtieth day of June then next ensuing, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand at, this day of, one thousand eight hundred and.

Treasurer [*or* Receiver of Revenue].

PACKET LICENSE. Sec. 34.

Whereas the Licensing Committee holding the licensing meeting at, on the day of, one thousand eight hundred and, have [*or* the Chairman of the Licensing Committee has], by their [*or* his] certificate dated the day of, authorized the issue to, being the master of the vessel, conveying passengers between, and, of this packet license: And whereas the said hath paid into my office the sum of pounds sterling as the fee on such license: Now I do hereby declare that the said is licensed to sell liquors during any part of the passage of such vessel between such places to any passenger on board such vessel.

This license shall commence upon the day of, and continue in force until the thirtieth day of June then next ensuing, both days inclusive, if not forfeited in the meantime.

Given under my hand at, this day of, one thousand eight hundred and.

Treasurer [*or* Receiver of Revenue].

WHOLESALE LICENSE. Sec. 35.

WHEREAS the Licensing Committee holding the licensing meeting at on the day of, one thousand eight hundred and, have [*or* the Chairman of the Licensing Committee has], by their [*or* his] certificate dated day of, authorized the issue of a wholesale license to of the: And whereas the said hath paid into my office the sum of pounds sterling as the fee on such license: Now I do hereby declare that the said is licensed to sell and deliver liquors in quantities of not less than two gallons to be delivered at any one time, such liquors not to be consumed in or upon the vendor's house or premises.

This license shall commence upon the day of, and continue in force until the thirtieth day of June then next ensuing, both days inclusive, provided it be not forfeited in the meantime.

Given under my hand at, this day of, one thousand eight hundred and.

Treasurer [*or* Receiver of Revenue].

Sec. 36. CONDITIONAL LICENSE.

WHEREAS A.B. and C.D., two members of the Licensing Committee, have by their certificate dated the day of, authorized the issue to, being a licensed publican, holding a publican's license for, situate at, of a conditional license for the place and time hereinafter mentioned: And whereas the said hath paid into my office the sum of as the fee on such license: Now I do hereby declare that the said is licensed to sell liquors in any quantity in the premises situate at [*Describe place*], but not elsewhere, subject to the conditions following, that is to say [*Set*

out the conditions].

This license shall commence upon the day of next, and continue in force until the day of then next ensuing, both inclusive, provided the said sevrral conditions shall be so long fulfilled by the holder hereof, and his license be not forfeited in the meantime.

Given under my hand at, this day of, one thousand eight hundred and.

Treasurer [*or Receiver of Revenue*].

Second Schedule. Sec. 48.

FORM OF VOTING PAPER.

PROPOSAL that the number of publicans, or New Zealand wine, or accommodation, or bottle licenses in the district may respectively be increased.

Upon which a poll will be taken on the day of, 18.

In respect of Publicans' Licenses.

- I vote that the number of publicans' licenses in the district *may* be increased.
- I vote that the number of publicans' licenses in the district *may not* be increased.

In respect of New Zealand Wine Licenses.

- I vote that the number of New Zealand wine licenses in the district *may* be increased.
- I vote that the number of New Zealand wine licenses in the district *may not* be increased.

In respect of Accommodation Licenses.

- I vote that the number of accommodation licenses in the district *may* be increased.
- I vote that the number of accommodation licenses in the district *may not* be increased.

In respect of Bottle Licenses.

- I vote that the number of bottle licenses in the district *may* be increased.
- I vote that the number of bottle licenses in the district *may not* be increased.

Directions.

In each of the foregoing cases the voter is to strike out the proposition for which he does not intend to vote, by drawing a line through the same with a pencil.

He must be careful not to leave uncanceled more than one proposition in each case; otherwise the vote in such case will be void in respect of that particular proposal.

The ballot-paper so marked by or for the voter is to be dropped by him into the ballot-box.

The voter is not permitted to take his ballot-paper out of the ballot-room or polling-booth.

Third Schedule.

NOTICE OF APPLICATION FOR A PUBLICAN'S LICENSE. Sec. 56.

I, of, do hereby give notice that I desire to obtain, and will at the next licensing meeting to be holden at, on the day of apply for, a certificate authorizing the issue of a publican's license for a house, situate at, containing rooms, exclusive of those required for the use of the family.

Dated the day of, 18.

NOTICE OF APPLICATION FOR A NEW ZEALAND WINE LICENSE. Sec. 56.

I, of, do hereby give notice that I desire to obtain, and will at the next licensing meeting to be holden at, on the day of, apply for, a certificate authorizing the issue of a New Zealand wine license for premises situate at.

Dated the day of, 18.

NOTICE OF APPLICATION FOR AN ACCOMMODATION [OR BOTTLE] LICENSE. Sec. 56.

I, of, do hereby give notice that I desire to obtain, and will at the next licensing meeting to be holden at, on the day of, apply for, a certificate authorizing the issue of an accommodation [*or* bottle] license for premises situate at

Dated the day of, 18.

NOTICE OF APPLICATION FOR A WHOLESALE LICENSE. Sec. 71.

I, of, do hereby give notice that I desire to obtain, and will at the expiration of seven days from this date apply to the Licensing Committee or to the Chairman thereof for a certificate authorizing the issue of a wholesale license to me, and that my place of business is situate at.

Dated the day of, 18.

Sec. 88. NOTICE OF APPLICATION FOR TRANSFER OF LICENSE.

I, A.B., of, being the holder of a license in respect of the house and premises situate at, do hereby give notice that I desire to obtain, and will, at the next licensing meeting to be holden at, on the day of, apply for a transfer of the said license from myself to C.D., my appointee.

Dated the day of, 18.

Sec.. 90. NOTICE OF APPLICATION FOR TEMPORARY TRANSFER OF LICENSE TO PURCHASER OR ASSIGNEE OF LICENSED PREMISES.

I, A.B., of, being the holder of a license in respect of the house and premises situate at, do hereby give notice that I desire to obtain, and will forthwith apply to the Licensing Committee to have, the said license transferred temporarily to CD., who has purchased [*or* to whom I have assigned the lease of, *as the case may be*] the said house and premises.

Dated the day of, 18.

Sec. 97. NOTICE OF APPLICATION TO REMOVE A LICENSE TO OTHER PREMISES.

I, of, being the holder of a license in respect of the house and premises situate at, do hereby give notice that I desire to obtain, and will at the next licensing meeting to be holden at, on the day of, apply for, the removal of the license for the aforesaid house and premises to a house situate at

Dated the day of, 18.

Sec. 56. Fourth Schedule. HOUSEHOLDERS' CERTIFICATE.

WE, the undersigned ten householders, residing in the immediate neighbourhood of the above-mentioned house, do hereby certify that the above A.B. is a person of good fame and reputation, and fit and proper to have granted to him a publican's [*or New Zealand wine, or an accommodation, or bottle*] license. Witness our hands this day of, one thousand eight hundred and.

Fifth Schedule. Sec. 57. MEMORIAL OF RATEPAYERS OR RESIDENTS.

To the Licensing Committee for the District of We, the undersigned ratepayers or adult male and female residents within the Licensing District of, do hereby request that no certificate shall be granted to enable a license to be issued in respect of a house [*or houses*] [*Describe it or them*] within the said district, for which a license [*or licenses*] is [*or are*] applied for by [*name of applicant or applicants*].

[Signature of the Collector of Signatures.]

Sixth Schedule.

CERTIFICATE TO AUTHORIZE THE ISSUE OF A PUBLICAN'S LICENSE. Sec. 69.

WE, the undersigned, being the majority of the Licensing Committee assembled at the licensing meeting holden at, on the day of, 18, the requisite notice of application for this certificate having been proved before us to have been duly served and posted, and it appearing to us that the premises hereinafter mentioned contain the requisite accommodation, do hereby authorize the issue to, of, of a publican's license for [*Here state the house, with number of bars therein, sign, city, town, borough, or district*].

Given under our hands, the day of, 18

CERTIFICATE TO AUTHORIZE THE ISSUE OF A NEW ZEALAND WINE LICENSE. Sec. 69.

WE, the undersigned, being the majority of the Licensing Committee assembled at the licensing meeting holden at, on the day of, do hereby authorize the issue to, of, of a New Zealand wine license for.

Given under our hands, the day of, 18.

CERTIFICATE TO AUTHORIZE THE ISSUE OF AN ACCOMMODATION [OR A BOTTLE] LICENSE. Sec. 69.

WE, the undersigned, being the majority of the Licensing Committee assembled at the licensing meeting holden at, on the day of, do hereby authorize the issue to, of, of an accommodation [*or a bottle*] license for.

Given under our hands, the day of, 18.

CERTIFICATE TO AUTHORIZE THE ISSUE OF A PACKET LICENSE. Sec. 69.

We, the undersigned, being the majority of the Licensing Committee assembled at the licensing meeting holden at, on the day of, 18 [*or* I, the undersigned, being Chairman of the Licensing Committee] do hereby, authorize the issue to, being the master of the vessel, conveying passengers between and, of a packet license for such vessel.

Given under hand, the day of, 18.

CERTIFICATE TO AUTHORIZE THE ISSUE OF A WHOLESALE LICENSE. Sec. 71, 72.

WE, the undersigned, being the majority of the Licensing Committee assembled at the licensing meeting holden at, on the day of, 18, [*or* I, the undersigned, being Chairman of the Licensing Committee], do hereby authorize the issue of a wholesale license to, of.

Given under hand, the day of, 18.

CERTIFICATE TO AUTHORIZE THE ISSUE OF A CONDITIONAL LICENSE. Sec. 73.

WE, the undersigned, being two members of the Licensing Committee, do hereby authorize the issue to, of being a licensed publican holding a publican's license in respect of, situate at, of a conditional license for the [*Here state the occasion and place*] for a period of days from the day of, subject to the payment of sterling for the license, and to the following conditions [*Here set out conditions*].

Given under hand, the day of, 18.

Seventh Schedule.

Sec. 89. TRANSFER OF LICENSE.

WE, the undersigned, being the majority of the Licensing Committee assembled at the Licensing meeting holden at, on the day of, do hereby transfer the rights and privileges of the within license to, of, for the residue of the term between this date and the thirtieth day of June next ensuing.

Dated the day of, 18.

Sec. 90. TEMPORARY TRANSFER TO A PURCHASER OR ASSIGNEE OF LICENSED PREMISES.

I, the undersigned, being Chairman of the Licensing Committee [*or* We, being two members of the Licensing Committee], on the day of, upon the application of the within-named A.B., it having been proved to me [*or* to us] that the necessary notice has been given by the said A.B., and the fee of pounds having been paid to the proper Treasurer by the applicant in respect of his application, do hereby transfer the license granted to the said A.B. in respect of the house and premises situate at, to E.F., the purchaser [*or* assignee of the lease] of the said house and premises, until the next licensing meeting to be holden for this district.

Dated the day of, 18.

Eighth Schedule. Sec. 98. REMOVAL OF LICENSE.

WE, the undersigned, being the majority of the Licensing Committee assembled at the licensing meeting holden at, on the day of, the requisite notice of application for removal having been proved before us to have been duly served and posted, and the fee of pounds having been paid to the proper Treasurer by the applicant in respect of his application, do hereby declare that the within license shall henceforth cease to apply to the house and premises within mentioned, and shall apply to a house and premises situate at.

Dated the day of, 18.

Ninth Schedule. Sec. 106. DUPLICATE LICENSE IN CASE OF LOSS.

I, the undersigned, being Chairman of the Licensing Committee [or We, being two members of the Licensing Committee], being satisfied of the facts and matters hereinafter certified, do hereby certify that a license was, on the day of, issued to, of, in respect of the house known as, and situate at, and that such license is lost or destroyed, and has not been forfeited or transferred.

Dated the day of, 18.

Tenth Schedule. Sec. 110.

And where any order made by a Licensing Court shall be enforced by process, the like fees shall be payable in respect of any proceedings taken for that purpose as would be payable in like cases under "The Justices of the Peace Act, 1866."

Eleventh Schedule. Sec. 230. ACTS AND ORDINANCES REPEALED.

(1.) Act of the Imperial Parliament.

24 Geo. II., c. 40.—An Act for granting to His Majesty an additional Duty upon Spirituous Liquors, and upon Licenses for retailing the same; and for repealing the Act of the twentieth Year of His present Majesty's Reign, intituled "An Act for granting a Duty to His Majesty to be paid by Distillers upon Licenses to be taken out by them for retailing Spirituous Liquors;" and for allowing a Drawback upon the Exportation of British-made Spirits; and that the Parish of St. Mary-le-Bon, in the County of Middlesex, shall be under the Inspection of the Head Office of Excise.

(2.) Ordinances of the Governor and Legislative Council of New Zealand.

- Sess. II., 1843, No. 12.—An Ordinance for regulating the Sale of Fermented and Spirituous Liquors.
- Sess. III., 1844, No. 21.—An Ordinance to amend an Ordinance for regulating the Sale of Fermented and Spirituous Liquors.
- Sess. VIII., 1847, No. 3.—An Ordinance to prohibit the Sale, &c., of Spirits, and to regulate the Sale, &c., of other Intoxicating Liquors to Persons of the Native Race.
- Sess. XI., 1851, No. 16.—An Ordinance to amend an Ordinance (Session II., No. 12) for regulating the Sale of Fermented and Spirituous Liquors.

(3.) Acts of the General Assembly.

- 1854, No. 5.—The Licensing Amendment Act, 1854.
- 1866, No. 50.—The Innkeepers Liability Act, 1866.
- 1866, No. 71.—The Licensing Ordinance Amendment Ordinance Amendment Act, 1866.
- 1868, No. 6.—The Publichouses Act, 1868.
- 1868, No. 61.—The Westland Publichouse Ordinance Amendment Act, 1868.

- 1868, No. 72.—The Distillation Act, 1868. In part, namely sections 125, 126, 135, 136, 137; Schedules eight, nine, ten; and so much of section 138 as relates to wine and spirit merchants.
- 1869, No. 43.—The Westland Publichouse Ordinance Amendment Act, 1869.
- 1870, No. 39.—The Outlying Districts Sale of Spirits Act, 1870.
- 1872, No. 71.—The Distillation Act Amendment Act, 1872.
- 1873, No. 74.—The Licensing Act, 1873.
- 1874, No. 10.—The Licensing Act 1873 Amendment Act, 1874.
- 1874, No. 79.—The Outlying Districts Sale of Spirits Act, 1874.
- 1874, No. 80.—The Outlying Districts Sale of Spirits Act 1870 Orders in Council Validation Act, 1874.
- 1875, No. 87.—The Licensing Amendment Act, 1875.

(4.) Acts of the Province of Auckland.

- Sess. XXVI., No. 9.—The Licensing Act, 1871.
- Sess. XXVII., No. 2.—The Licensing Act 1871 Amendment Act, 1871.

(5.) Ordinances of the Province of Taranaki.

- Sess. XIV., No. 8.—The Sale of Liquors Ordinance, 1866.
- Sess. XVI., No. 9.—The Sale of Liquors Ordinance Amendment Ordinance, 1868.
- Sess. XVIII., No. 6.—The Sale of Liquors Amendment Ordinance, 1869.
- Sess. XXIV., No. 12.—The Sale of Liquors Ordinance Amendment Ordinance, 1875.

(6.) Acts of the Province of Hawke's Bay.

- Sess. VIII., No. 15.—The Boardinghouse Licenses Act, 1864.
- Sess. XVI., No. 8.—The Licensed Victuallers Act, 1870.
- Sess. XVIII., No. 1.—The Licensed Victuallers Act Amendment Act, 1871.
- Sess. XVIII., No. 8.—The Wholesale Spirit-dealers License Act, 1871.
- Sess. XIX., No. 1.—The Wholesale Dealers in Spirituous Liquors Licensing Act Amendment Act, 1872.
- Sess. XXII., No. 3.—The Licensing Acts Amendment Act, 1875.

(7.) Act of the Province of Wellington.

- Sess. XXVII., No. 3.—The Wellington Publicans' House Management Act, 1874.

(8.) Acts of the Province of Nelson.

- Sess. XII., No. 1.—The Billiard-Tables Licensing Act, 1864.
- Sess. XVI., No. 2.—The Licensing Act, 1867.
- Sess. XXII., No. 5.—The Licensing Act Amendment Act, 1872.
- Sess. XXII., No. 8.—The Nelson Gold Fields Licensing Act, 1872.
- Sess. XXIV., No. 1.—The Licensing Law Amendment Act, 1874.

(9.) Acts of the Province of Marlborough.

- Sess. X., No. 8.—The Billiard-Tables Licensing Act, 1864.
- Sess. XXVI., No. 1.—The Marlborough Publicans' House Management Act, 1874.

(10.) Ordinances of the Province of Canterbury.

- Sess. XXIV., No. 17.—The Publichouse Ordinance, 1866.
- Sess. XXVI., No. 10.—The Publichouse Ordinance 1866 Amendment Ordinance, 1867.
- Sess. XXVI., No. 11.—The Westland Publichouse Ordinance, 1867.
- Sess. XXVII., No. 7.—The Publichouse Ordinance 1866 Amendment Ordinance, 1867.
- Sess. XXXVII., No. 9.—The Publichouse Ordinance 1866 Amendment Ordinance, 1872.

(11.) Ordinances of the Province of Otago.

- Sess., XXI., No. 207.—The Licensing Ordinance, 1865.
- Sess. XXII., No. 235.—The Licensing Ordinance 1865 Amendment Ordinance, 1866.
- Sess. XXVII., No. 302.—The Licensing Ordinances Amendment Ordinance, 1870.
- Sess. XXVIII., No. 334.—The Licensing Ordinances (Southland) Repeal Ordinance, 1870.
- Sess. XXX., No. 373.—The Licensing Ordinances Amendment Ordinance, 1872.

- Sess. XXXIII., No. 431.—The Licensing Ordinance 1865 Amendment Ordinance, 1874.
- Sess. XXXIV., No. 470.—The Licensing Laws Amendment Ordinance, 1875.

Te Ture Whenua Rahui Maori

Whakawhaititanga.

Nga Whakaritenga.

- Ingoa Poto.
- Whakamaramatanga.
- Rahui Maori.
- Nga mea kaore e uru.
- E kore tenei Ture o whai mana ki te takiwa e uru ana ki roto ki te whenua Rau Patu o te Tai Hauauru.
- Mana o te Kooti Whenua Maori.
- Ka whakaurua nga Ture Whenua Maori ki roto ki tenei.
- Mana ki te hanga tikanga.

Te Whakahaere A Te Kai-Tiaki.

- Nga Rahui Maori ka tukua ki te Kai-Tiaki a te Kawanatanga. Nga mana a te Kai-Tiaki. Nga tikanga a te Kai-Tiaki mo runga i ana mahi.
- Ka whakawhitia nga tikanga whakarite o mua.
- Me tuku nga Komihana tawhito i o ratou pukapuka moni ki te Kai-Tiaki.
- Me tuku te Kai-Tiaki i ana pukapuka moui ki te Minita i ia tau. Ko aua pukapuka moni me tuku ki te Pare-mete.

Te Tikanga mo nga Rahui i raro i tenei Ture.

- Te whakahaere i nga moni e puta mai ana i nga whenua Rahui.
- Mana ki te riihi. Me whakarite rawa etahi tikanga i roto i te riihi mo nga mea e takoto ke ana.
- Mehemea kaore e mohiotia nga tangata hei tango i te moui, aha ranei.
- Te ngaronga o nga tangata whai take.

Mo te tuku mai i nga Rahui ki raro ki nga tikanga o tenei Ture.

- Te whakakahore i te mana Maori ki runga ki nga wahi rahui.
- Ma te Kooti Whenua Maori e whaka-kore te mana Maori.
- Ki te whakaae nga tangata no ratou te whenua hei reira ka ahei te Kai-Tiaki te tono ki te Kooti Whenua Maori. (1.) Te whakahaere a te Kooti. (2.) Te whakakore i te Mana Maori. (3.) Ka ahei te wha-katau i nga mea tiaki. (4.) Ka whakataua nga whenua ki te Kai-Tiaki a te Kawanatanga. (5.) Nga tono a nga Kai-whakahaere a te Kai-Tiaki. (6.) Me panui nga Ota ki roto ki te *Kahiti* o Niu Tireni.
- Ka ahei nga tangata Maori no ratou te whenua, te tuku atu ki te Kai-Tiaki.
- Ka taea te whakarereke te whakakore ranei i nga tikanga here.
- Te ahua o te Ota.
- Ka taea te whakahoki mai i nga karaati ka hoatu ai i etahi mea ke.
- Ko te whakatau a te Kooti ma te Ka-wana e whakaae ka whai mana ai.
- Nga Panui whakaatu i te wa e tu ai te Kooti.

Etahi atu Tikanga.

- Te whakatuTanga o te Komihana Whenua Rahui Maori.
- Ana mahi.
- Nga whakataunga whakamutunga mo nga Maori. (1.) Nga toenga whenua. (2.) Nga Rahui mo te katoa. (3.) Whenua e karaatitia ana mo te katoa. (3.) Whenua e karaatitia ana mo etahi tikanga tiaki.
- Ka ahei te Kooti ki te whakarite i nga tangata no ratou ake te whenua e tika ana hei hoko.

Whakakore.

- Whakakore.
- Apiti.

He Ture hei whakakotahi i nga Ture hei whakahaere i nga Whenua

Na Ka Meingatia Hei Ture e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete i runga hoki i te mana o taua Runanga nga Whakaritenga ka whakaaturia i raro iho nei:—

Nga Whakaritenga.

- Te Ingoa Poto o tenei Ture ka kiia ko "Te Ture Whenua Rahui Maori, 1881."
- I roto i tenei Ture, kei raro iho nei te whakamaramatanga o nga kupu, ara,—
 - "Poata" tona tikanga ko te Runanga i whakaturia i raro i nga tikanga o "Te Ture Tari Tiaki o te Katoa, 1872:"
 - "Kooti" tona tikanga ko te Kooti Whakawa Whenua Maori: "Maori" tona tikanga he tangata Maori no Niu Tireni tae atu ki nga hawhekaihe me a ratou uri mehemea he Maori nga matua:
 - "Tangata nona te mea" tona tikanga ko te Maori nana ake te whenua:
 - "Kai-Tiaki o te Katoa" tona tikanga ko te Kai-Tiaki i whaka-turia i raro i nga tikanga o "Te Ture Tari Tiaki o te Katoa, 1872."
- Ko nga whenua katoa e uru ana ki roto ki nga tikanga i raro iho nei ka kiia he Whenua Rahui Maori, ara,—
 - Nga whenua kua oti te rahui ka rahuiatia ranei a mua ake nei e nga Maori i roto i a ratou whenua i te wa i tukua ai e ratou ki te Kawanatanga, kua oti hoki te tuhi ki roto ki te pukapuka tuku, whakaatu i nga wahi ka rahuiatia.
 - Nga whenua kua oti te rahui ka rahuiatia ka wehea ketia ranei a mua ake hei oranga mo nga Maori i te wa i hoko ai ratou i etahi whenua ki te Kawanatanga, nga whenua katoa i mania i runga i nga ritenga o te tekiana te kau ma wha o "Te Ture Whenua Rahui Maori o Niu Tireni, 1856," te tekiana tuawhitu ranei o "Te Ture Whakatikatika i Te Ture Whenua Rahui Maori, 1862," i Mia ra ka tau katoa nga tikanga o "Te Ture Whenua Rahui Maori o Niu Tireni, 1856," ki runga.
 - Nga whenua i uru ki roto ki nga whenua nui i whakaaetia i wehea ketia ranei hei oranga mo nga tangata Maori e Kanara Mekereweti, i runga ranei i nga kupu tohutohu a tetahi Komihana i whakaturia hei titiro i nga mahi hoko a te Niu Tireni Kapane i hoko whenua nei i nga Maori.
 - Nga whenua i rahuiatia e te Niu Tireni Kapane hei oranga mo nga tangata Maori o Niu Tireni.
 - Nga whenua i tangohia e te Kawana hei mahinga hei oranga mo nga tangata Maori.
 - Nga whenua i tukua ki te Kai-tiaki o te Katoa hei whaka-haere i runga i nga tikanga o tenei Ture.
- Ko nga rahui katoa i hanga i roto i nga rohe o te takiwa kua whakahuatia ki roto ki te Apiti e mau nei, a i te wa i timata ai tenei Ture e whakahaerea ana i raro i etahi Ture ke atu ka whakakorea e tenei Ture, me tuku inaianei kia mahia i raro i tenei Ture.
- E kore nga tikanga o tenei Ture e tau ki tera wahi o te Koroni kua oti te whakahua ki roto ki te Apiti e mau ana ki tenei Ture, a e mohiotia ana ko te Takiwa i riro i te Rau o te Patu."
- I raro i tenei Ture ka pera ano te whai mana a te Kooti Whenua Maori ki runga ki nga whenua rahui Maori kua whakakorea te mana Maori i runga, ka whakakorea ranei te mana Maori i runga, me tona mana ki te whakahaere tikanga mo nga whenua e puritia ana e nga Maori i runga i a ratou tikanga Maori, a ka taea e taua Kooti te mahi tikanga ki te whakaputa ota ano hoki mo te whenua rahui Maori e tukua ana kia whakawakia kia ahatia ranei.
- Ko nga Ture katoa e whai mana ana inaianei e tau ana ranei ki runga ki nga mahi whakahaere a te Kooti Whenua Maori, e kitea ana e tika ana kia peratia, ka whakataua ki runga ki tenei Ture ka whakaurua hoki ki roto ki tenei Tare.
- Ka ahei te Kawana i roto i tona Runanga whiriwhiri, i ia wa, i ia wa ki te hanga, ki te whakarereke, ki te whakakore ranei i nga tikanga kia tika ai te whakahaere i nga mahi mo nga whenua ratal Maori, mo te panui ki roto ki nga nupepa, mo te hanga mo te tuku hoki i nga pukapuka rihi, mo te ritenga utu, whakatau hoki i nga moni e puta ake ana i roto i aua ratal, mo te tiroiro i nga pukapuka moni katoa e tuhia mai ana whakaatu i te ahua o nga utu reti aha ranei, mo te whakaae i nga utu hei tuku ki nga kai-whakahaere o nga rahui, me nga mea katoa e mahia ana kia tika ai te haere o tenei Ture; aei runga i

aua tikanga whakahaere ano hoki, ka ahei i ia wa i ia wa, te whakarite i nga moni e tika ana kia utua i runga i nga mea e whakahaerea ana i raro i tenei Ture mo aua whenua rahui.

Ko aua tikanga katoa me tuku kia panuitia ki roto ki te *Kahiti*, a hei reira ka pera ano te whai mana ano he mea whakauru ki roto ki tenei Ture.

TE WHAKAHAERE A TE KAI-TIAKI.

- Ko nga whenua me nga taonga katoa i tukua a e puritia ana inaianei e te Kawana, e tetahi Komihana, Apiha ranei o te Kawanata-nga, i runga ano i nga tikanga o tetahi Ture e whai mana ana i mua mo nga whenua rahui Maori, ka kiia i te ra e whai mana ai tenei Ture kua tukua atu ki te Tari Tiaki o te katoa, a ka whakataua ki te Kai-Tiaki hei whakahaere i raro i nga tikanga tiaki i raro iho nei,—
Nga whenua katoa me nga whare, nga moni, nga taonga, aha ranei, i whakataua nei te whakahaere mo aua mea ki te Kai-Tiaki i runga i te ture, ka puritia e ia pera ano me te mea nana ake aua mea, a ka ahei ia te haere ki roto ki te Kooti Whakawa ina whai take ia ki te pera i runga i tana mahi whakahaere, ahakoa he Whakawa kirimina hiwari ranei ka rite tonu, ko ia te tangata hei mahi i nga ritenga katoa:
Ka whakamanaa taua Kai-Tiaki i konei ki te tuku atu ki te whakahoki ranei i te Whakawa i roto i te Kooti ahakoa kirimina, ahakoa hiwari i runga i te ture, e pa ana ki aua whenua, taonga aha ranei, ka ahei hoki ia ki te tamana i te tangata kia tamanatia hoki ia ina puta ake he take i runga i aua tu mea kia peratia, ko te ingoa ano o taua Kai-Tiaki kia uru ki ioto ki nga pukapuka pera, ko tana mahi Kai-Tiaki hei tohutohu i a ia:
Ki te mea ka mate taua Kai-Tiaki, ka whakamutua ranei ia e kore tuna e waiho hei take kia mutu ai te whakawa kua timata i te wa e mahi ana ia, erangi ka tukua ki tona Kai-whakakapi mana e whakahaere kia rite ki te mea i timataria i te tuatahi; a me utu taua Kai-Tiaki hou i nga moni tika me tango ranei i nga utu i whakataua kia utua i runga i taua whakawa, pera ano me te mea nana ake i timata taua mahi.
- Ko nga mahi whakarite katoa, nga kupu whakaari, whakaaeta-nga ranei kua oti te tuhi, te whakarite i mua e te Kawana, e tetahi Komihana, kai-whakahaere ranei i whakaturia e ia i mua, ka kiia inaianei i whakataua e ia ki te Kai-Tiaki o te Katoa, a mana e whakahaere e whakaoti marire i runga i nga kupu tohutohu o te tuatahi.
- Me tuku atu he pukapuka ki te Kai Tiaki e aua Komihana katoa ratou tahi me nga Kai-whakahaere, i roto i nga marama e *ono* timata atu i te wa e whai mana ai tenei Ture, hei titiro hei whakaae mana, me whakaatu tika ki a ia i nga korero me te ahua o nga moni mo runga i nga whenua e puritia ana e whakahaerea ana ranei e ratou.
- I mua atu o te toru-te-kau o nga ra o *Apenra*, i roto i te tau kotahi mano e waru rau e waru-te-kau ma-*rua*, me tuku te Kai-Tiaki i tana pukapuka ki te Minitia mo te Taha Maori, whakaatu i te, ahua o nga moni katoa i puta ake i roto i nga rahui, aha ranei, me tuhi hoki ia i tetahi kupu whakamarama ki runga mo ia wahi rahai ki tana e kite ai e tika ana:
A, i te wa e whakahaere ana te Kai-Tiaki i tetahi rahui i etahi wahi rahui ranei, me tuku taua Kai-Tiaki i ia tau i ia tau i tana pukapuka whakaatu mo ia rahui, ki te Minitia mo te Taha Maori.
A, ko te taura o aua pukapuka ma taua Minitia e whakatakoto ki te aroaro o nga Whare e rua o te Paremete i muri tata mai o te taenga o taua pukapuka ki a ia.

Te tikanga mo nga Rahui i raro i tenei Ture.

- Me whakaniahi katoa nga whenua rahui Maori, ko nga reti me nga moni katoa e putu ake ana i runga, me tuku kia whakahaerea ki nga mea i whakaritea ai kua ki te mea ke atu.
- Ka ahei te Kai-Tiaki, i runga i te whakaae a te Poata, i ia wa i ia wa, ki te riihi i tetahi wahi o nga whenua rahui kua whakataua ki a ia hei whakahaere, ki te mea kaore he tikanga tiaki i tau hei arai i te riihi penei—
Ka tukua he riihi mo nga tau e rua-te-kau ma-tahi, ki te tangata ki etahi tangata ranei e mea ana hei ngaki mana te whenua, ka tukua taua riihi i runga i nga ritenga e kitea ana he mea tika; a
Ka ahei hoki te tuku riihi mo tetahi wa kua e roa atu i te ono-te-kau ma toru tau, kia ahei ai te whakatu whare ki runga, ko taua riihi me whakahou ano i te mutunga o ia rua-te-kau ma tahi tau, ka whakarite hold i te reti i reira kia rite ki te mea e tika ana kia utua
Ko era tu riihi katoa me hanga i runga i nga tikanga i whaka-takotoria e tenei Ture, i runga ano hoki i enei ritenga, ara:—
Ko nga riihi katoa me hanga ki waho, kia mohio ai te katoa, me hoko makete ranei, me matua panui hoki ki roto ki te nupepa o te takiwa e takoto ai taua rahui e meatia ana kia riihitia, ki ta te Poata e whakaaro ai

he mea tika kia peratia.

Ko te utu reti ka whakaritea, kia tae ki te mea nui e taea ai te tono i taua wa.

E kore rawa e ahei te tango mai i tetahi moni tamana aha ranei mo runga i tetahi riihi.

E kore e ahei kia pa atu nga kia-whakahaere i tenei Ture ki te riihi i enei tu whenua, ahakoa iti nei tona paanga e kore e whakaaetia, kaua rawa tetahi mea iti nei hei oranga mona e tukua kia uru ki roto ki nga pukapuka riihi.

- I nga meatanga katoa ki te mea ka puta te pohehe mo nga tangata e tono ana kia pa ratou ki tetahi wahi o te whenua i roto i tetahi rahui Maori, me tono atu te Kai-Tiaki ki te Kooti kia kimihia nga ingoa o nga tangata e whakaarohia ana he mea tika kia pa ratou ki taua whenua.

A me whakarongo te Kooti ki taua tono, ka whakatau ai ki te mea e kitea e tika ana i runga i nga korero i whakina ki te aroaro o te Kooti, hei reira ka tuku i te ota ki aua tangata whakamana i a ratou.

- Mehemea e whakahaerea ana tetahi rahui, a kitea ana kaore he tangata Maori e tika ana kia riro i a ia nga moni e puta ake ana, hei reira me pupuri te Kai-Tiaki i taua rahui i runga i te tikanga tiaki ka tuku ai i nga moni ki nga ritenga i whakatakotoria e te Kawana i roto i tona Runanga Whiriwhiri.

Mo te tuku mai i nga Rahui ki raro ki nga tikanga o tenei Ture.

- E kore te whenua i rahuitia hei painga mo nga Maori e tukua kia whakahaerea e te Kai-Tiaki i raro i tenei Ture mehemea kaore ano i whakakorea te mana Maori i runga.
- Ma te Kooti anake i runga i ona tikanga whakahaere e whakakore te mana Maori i runga i te whenua rahui Maori, tetahi wahi ranei o te rahui pera te ahua me te mea e whakahuaina ana i roto i te wahi tuatahi o te tekihana *tuatoru* o tenei Ture; me te whakaae hoki o nga tangata Maori kia tukua taua whenua ki raro ki nga tikanga o tenei Ture, ma te Kooti teuei e whakarite me whaka-haere i runga i nga ritenga o te tekihana i muri tonu iho i tera kua korerotia i runga ake nei.

- I nga meatanga katoa mehemea ka kitea hei painga mo nga tangata na ratou te rahui Maori, kaore ano kia whakakorea nei te mana Maori i runga, kia tukua mai taua whenua ki raro ki nga tikanga o tenei Ture kia whakahaerea, me tono atu te Kai-Tiaki i runga ano i te whakaae a nga tangata e whai take ana, ki te Kooti kia whakaritea taua mea; a, hei reira,—

Me whakarongo me whakatau hoki te Kooti i taua tono pera ano me te mea ha nga tangata ake nana te whenua i tuku taua tono, a me kimi i runga i tana e kite ai nga ingoa o nga tangata no ratou te whenua i uru nei ki roto ki taua pukapuka tono, te wahi tika o ia tangata kaore ano kia wahia, me te whakaae te whakakore ranei o nga tangata kia mahia peneitia te tikanga whakahaere mo taua whenua:

Mehemea ka tatu te Kooti i runga i tana i kimi, hei reira me tuku ia i tona pukapuka whakatau mo taua whenua, ka whakaatu ki roto nga ingoa o nga tangata katoa i kitea no ratou taua whenua, ka whakaputa hoki i tetahi ota hei whakakahore i te mana Maori hei whakaatu ano hoki ko taua whenua i uru nei ki roto ki te pukapuka tono, te wahi ranei i kitea e te Kooti te mea tika kia peratia, kua whakataua inaianei ki te Kai-Tiaki hei whenua rahui Maori i raro i nga tikanga o tenei ture:

I runga i taua tu tono, ka ahei te Kai-Tiaki, te tangata ranei nana te whenua, te whai kupu tohutohu atu ki te Kooti kia peheatia te pupuri o te whenua a mua ake nei, i runga i te tikanga tiaki aha ranei. A, hei reira tonu, mehemea ka kite te Kooti e whakaae katoa ana nga tangata no ratou te whenua ki taua kupu whakaatu, a hei painga mo ratou te tikanga whakahaere i tonoa nei e ratou kia whakamana, me tuku te Kooti i tana ota whakaatu ko taua whenua ka puritia inaianei i runga i aua tikanga tiaki aha ranei:

Ko te whenua ka whakaaturia ki roto ki taua ota i te ra i tuhia ai taua mea, ka tau ki te Kai-Tiaki, i runga i nga tikanga tiaki me era atu mea i kiia e te kooti kia whakahaerea mo ia wahi, e me haere tonu tana mahi i runga ano i aua ritenga:

Ko nga tono katoa e tukua ana ki te Kooti i te taha ki te Kai-Tiaki e nga tangata i whakamana e ia i runga i tana pukapuka kia mahi pera, ka kiia na te Kai-Tiaki aua tono:

Ko nga ota katoa ka whakaputaina e te Kooti i raro i nga tikanga o tenei tekihana me tuku tonu atu, i muri i te wa i whakaritea hei tono tuarua i tetahi whakawa, kia taia ki te *Kahiti* o te koroni me te *Kahiti* Maori.

- Ka ahei nga tangata no ratou tetahi whenua kaore nei ano kia whakakorea te mana Maori i runga, te tono ki te Kooti kia tukua atu to ratou take ki taua whenua ki te Kai-Tiaki, kia whakahaerea e ia i runga i nga tikanga tiaki aha ranei i tonoa nei e ratou kia whakataua e te Kooti.

Me haere te mahi a te Kooti mo aua tu tono, i runga i nga tikanga o te tekihana i runga ake nei, ki te whakakore i te mana Maori i runga i te whenua i uru ki roto ki taua pukapuka tono, a ka tuku i tana ota whakatau i taua whenua ki te Kai-Tiaki, kia whakahaerea e ia i raro i nga tikanga tiaki aha ranei i whakaritea e te Kooti i runga i te hiahia a nga kaitono.

- I nga meatanga katoa mehemea tera tetahi whenua rahui Maori kua tukua ki te Kai-TiaM, ki raro ranei ki tona mana, e puritia ana ranei e nga tangata Maori i runga i te Karauna Karaati tiwhikete ranei, a

e tau ana etahi tikanga here aha ranei ki runga ka ahei taua Kai-Tiaki nga tangata ranei no ratou te whenua te tono atu ki te Kooti kia whakakorea kia unuhia ranei aua here.

Me whakarongo te Kooti ki aua tono me ata uiui marire mehemea e whakaae ana te Kai-Tiaki nga tangata ranei no ratou te whenua ki taua tono, muri iho ka hanga i te ota whakaae ki taua mea e tonoa ana, whakakahore ranei, i runga i tana i kite ai.

Ko aua ota katoa ka whai mana i runga i te ture, ka ahei kia rehitatia i raro i "Te Ture Rehita Pukapuka, 1868," i raro ranei i "Te Ture Tuku Whenua, 1870."

I mua o te whakarereke, o te unuhanga ranei o te here e tau ana ki runga ki tetahi whenua rahui Maori, me tatu te mohio o te Kooti tera he whenua kua rahuitia, ka rahuitia ranei mo ake tono atu hei oranga nui mo te iwi, hapu, tangata ranei nana taua whenua. tetahi wahi ranei.

- Ko nga ota katoa e mahia ana hei unu i nga here ma te Kai-Whakarite Whakawa nana i mahi e tuhi i tona ingoa ki runga, ka hiiri hoki ki te hiiri o te Kooti, a ka pera te mana o taua unu i nga tikanga here me te mea kaore he here i tau ki te whenua; a ko te ota i whaka-putaia hei whakakore i tetahi anake o nga here me whakahaere tonu ki runga ki nga tikanga i whakaritea ki roto ki taua ota.
- I nga meatanga katoa mehemea ka whakaae katoa nga tangata i uru ki roto ki tetahi Karuna Karaati mo tetahi whenua i tukua ki a ratou hei tiaki ma ratou me etahi atu otira kaore i whakaritea te kupu i roto i te karaati mo te tiakanga, ki te tuku i taua whenua, ka tono ranei te nuinga o nga tangata e whai take ana, ki te Kai-Tiaki kia whakakorea taua karaati, hei reira ka ahei taua Kai-Tiaki te tono ki te Kooti kia whakakorea taua karaati kia hanga houtia tetahi karaati hei whakakapi mo te mea tawhito, ka tuhi ai i nga ingoa o nga tangata ki roto e tika ana ki te whenua, ka tuhi hoki ki tua o taua pukapuka nga tikanga tiaki kia tika ai te pupuri; a i runga i te whakarongo a te Kooti mehemea ka kitea e tika ana nga korero e whakina ana ki tona aroaro kua whakaae katoa nga kaitono, hei reira ka tuku i te ota whakamana i taua tono, ka whakakahore ranei, i runga i tana i kite ai he mea tika.

Ko taua ota ka whai mana i runga i te Ture, ka pera te kore o te Karauna karaati tawhito ano he mea whakakore e te Ture.

- Me tuku rawa atu e te Kai-Tuhi o te Kooti te taurira o te pukapuka whakatau i tukua i raro i tenei Ture, ki te Minita mo te Taha Maori, a ma te Minita e tuku atu ki te Kawana hei whakaoti mana.
A, ka ahei te Kawana, i tetahi wa i roto i nga marama e toru i muri mai o te tukunga atu o taua ota ki te Minita Maori, te kii, i runga i te panui i roto i te *Kahiti*, kia kua e whakamana te kupu whakatau mo tetahi mea; hei reira ka kore rawa taua ota whakatau, ka mutu rawa.
- Me tuku tonu atu e te Kai-Tuhi o te Kooti ki te Kai-Tiaki nga taurira o nga panui katoa e whakaputaina ana e te Kooti whakaatu i nga wahi me nga ra e tu ai te Kooti.

Etahi atu tikanga.

- Me whakatu e te Kawana, i ia wa i ia wa, i tetahi Komihana Whenua Rahui Maori (ka kiia i roto i tenei Ture ko "Te Komihana"), a mana e whakahaere nga tikanga whakariterite katoa, etahi ranei o aua tikanga i runga i te tohutohu a te Kai-Tiaki, mo nga rahui Maori i whakataua ki te Kai-Tiaki, e takoto ana ranei i raro i a ia.
- Ka whai mana taua Komihana, tana kai-whakahaere ranei, i runga i te ingoa o te Kai-Tiaki o te Katoa, a i tona tana ki te—
‣ Tuku i nga tono katoa ki te Kooti, ki te whakahaere hoki i te whakawa i roto. i taua Kooti mo nga whenua rahui Maori, me nga mea katoa e kitea ana he mea tika kia mahia e ia mo runga i taua mea.
‣ Whakahaere i nga tikanga whakawa, kirimina hiwari ranei, i runga i te Ture me te tika, ina tuhia he pukapuka whakamana i a ia kia pera, e tau ana ki runga ki nga rahui Maori mo nga moni aha ranei i whakataua ki te Kai-Tiaki hei whakahaere.
- Ko te mahi ma te Komihana, mana ake ma tona kai-whakahaere ranei, ko te tono atu ki te Kooti, ka whakaatu ai i te tako i mea ai ia mo runga i tetahi whenua e whakawakia ana e taua Kooti e tetahi wahi ranei,—
‣ Kia kua e whakawakia, notemea he whenua wehe ke kua whakataua ki a te Kuini, kua oti hoki i mua e nga tangata tono whenua te whakakore i te mana Maori i runga.
‣ Kia herea ranei te whenua kia kore ai e taea te tuku ki te tangata ke, erangi ki a te Kuini anake mo tetahi rori, wapu, tauanga poti, tetahi atu mea ranei hei painga mo te katoa, kia herea ranei kia kore ai e puta he raruraru mo te hoko;
• Te take ranei i kitea ai he mea tika kia tau te tikanga here ki te whenua, kia kore ai nga Maori e ahei te hoko atu i te whenua katoa ka kore tetahi wahi e waiho hei oranga mo ratou.
I te taenga atu o aua tu tono ki te Kooti, a hei muri ka tuku i te ota i runga i tana e kite ai he mea tika; a i nga meatanga mo te rahui ka herea rawatia hei painga mo nga Maori, ka ahei te Kooti, te tuku i tana

pukapuka whakatau, tiwhikete ranei, mo taua whenua katoa mo tetahi wahi ranei, ki te hanga ranei i tetahi karaati ina tonoa kia peratia e nga tangata e whai take ana, mo tetahi wahi ranei, ka tuku ai ki te Kai-Tiaki, ka whakaatu ai ki roto ki taua ota nga tikanga hei whakahaere mo te whenua ka tukua nei i runga i te tikanga tiaki, nga ingoa ranei o etahi atu tiakanga, me nga whenua, take ranei ka hanga e taua karaati

- I nga meatanga katoa mehemea ka tukua he whenua e nga Maori ki a te Kuini i runga i te hoko, a ko tetahi wahi o aua whenua he mea rahui ma nga Maori kia kaua e uru ki roto ki te hoko, i te mea ranei kua wehea e te Kawana e te Kooti ranei tetahi wahi o te whenua mo nga Maori, hei reira ka ahei te Komihana ki te tono ki te Kooti kia tukua tetahi ota whakaatu i nga tangata i whakaritea nei mo ratou te whenua, me te nui hoki o nga hea mo ia tangata i uru ki roto; a ka ahei te Kooti te whakarongo ki taua tono ka tuku ai i te ota whakatau mo taua mea.

Whakakore.

- Ko nga Ture i raro iho nei kua whakakorea inaianei:—
‡856, No. 10.—"Te Ture Whenua Rahui o Nui Tireni, 1856."
‡858, No. 47.—"Te Ture Whakatikatika i te Ture Whenua Rahui Maori o Nui Tireni, 1858."
‡862, No. 14.—"Te Ture Whakatikatika i te Ture Rahui Maori 1862."
‡873, No. 60.—"Te Ture Rahui Maori, 1873."
‡867, No. 42.—"Te Ture mo nga whare Manuhiri a te-Kawa-natanga i nga Taone o Akarana o Onehunga, 1867."

Apititanga.

Ko tera wahi katoa o te Koroni o Niu Tireni e uru ana ki roto ki enei robe, ara: Timata i te Horo i Parininihi, haere atu i reira i ma runga i tetahi raina rere tika ki te Ra-whiti, 20 maero; haere atu i reira i ma tetahi raina rere atu ki te Hauauru-ma-tonga ki te Huhi i te Ngaire; haere atu i reira ma runga i te raina e mohiotia ana ko te "Raina Raupatu" a tae atu ki te pito i te wahi e tau ana ki te awa o Waitotara, haere atu ma roto o tana awa a tae noa ki te moana; haere atu i reira ki te Tonga ki te Hauauru ma te taha tai a tae atu ki te timatanga ra ano.

He mana i whakahaua, i tain ai e Hori Titipere, Kai-ta Perehi a te Kawanatanga, Weringitana, 1881.

This Public Bill originated in the Legislative Council, and having this day passed as now printed is transmitted to the House of Representatives for its concurrence.

Legislative Council,

1st September, 1881.

Hon Mr Whitaker. Native Reserves.

Analysis.

General Provisions.

- Short Title.
- Interpretation.
- Native reserves.
- Certain reserves to be subject to Act.
- Act not to be in operation in West Coast confiscated territory.
- Jurisdiction of Native Land Court.
- Native Land Acts incorporated herewith.
- Power to frame regulations.

Administration By Public Trustee.

- Native Reserves vested in Public Trustee. Powers of Trustee Liability of Trustee.
- Previous contracts transferred.
- Former Commissioners to account to him.
- Public Trustee to furnish annual accounts to Minister. To be laid before Parliament.

As to Reserves under the Act.

- Application of proceeds from reserves.
- Power to lease. Express provision to be made therein for certain purposes.
- If beneficiaries not known.
- Default of beneficiaries.

As to bringing Reserves under Act.

- Native title over reserves to best extinguished.
- Native Land Court to extinguish Native title.
- Public Trustee may apply to Native Land Court with consent of owners.
 - Procedure by the Court.
 - Extinguishing Native title.
 - Trusts may be declared.
 - Land vested in Public Trustee.
 - Applications by agents for Public Trustee.
 - Orders to be published in *Gazette* and *Kuhiti*
- Native owners may transfer land to Public Trustee.
- Restrictions may be varied or annulled.
- Form of order.
- Grants may be surrendered and others substituted.
- Judgment to be subject to rehearing. Copy to be sent to Public Trustee.
- Notices of sittings of Court.

Miscellaneous Provisions.

- Native Reserves Commissioner appointed.
- His duties.
- Final reservations for Natives.
 - Surplus lands.
 - Reserves for public purposes. (3.) Grants on special trusts.
- Court may nominate individual owners of reserves. Repeal
- Repeal. Schedule.

Be It Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

General Provisions.

- The Short Title of this Act is "The Native Reserves Act, 1881." Short Title.
- 5 In this Act, if not inconsistent with the context,— Interpretation.
 - "Board" means the Board constituted under "The Public Trust Office Act, 1872:"
 - "Court" means the Native Land Court:
 - "Native" means an aboriginal native of New Zealand, and includes all half-castes and their descendants by Natives:
 - "Owner" means Native owner:
 - "Public Trustee" means the Public Trustee appointed under "The Public Trust Office Act, 1872."
- 15 All lands coming within any of the definitions following shall be deemed native reserves. to be Native reserves, that is to say,—
 - Lands which have been or shall hereafter be excepted or reserved by Natives on the cession or surrender of lands to the Crown, and specified as so excepted or reserved in the deed of conveyance, cession, or surrender:
 - Lands which have been or shall hereafter be reserved or excepted for the benefit of Natives upon the sale

by them to the Crown of any lands, including all lands which, by virtue of the provisions of the 5 fourteenth section of "The New Zealand Native Reserves Act, 1856," or the seventh section of "The Native Reserves Amendment Act, 1862," may have been subject to the provisions of "The New Zealand Native Reserves Act, 1856:"

¶ Lands comprised in blocks guaranteed to or set apart for the benefit 10 of Natives by Colonel McCleverty, or according to the directions of any Commissioner appointed to investigate purchases of land made from Natives by the New Zealand Company:

¶ Lands reserved for the benefit of Natives by the New Zealand Land Company or New Zealand Company: 15

¶ Lands appropriated by the Governor for the use or benefit of any Natives.

¶ Lands vested in the Public Trustee under this Act.

- Certain reserves to be subject to Act. All Native reserves made within the territory described in the Schedule hereto, and which at the commencement of this Act were subject to the provisions 20 of any Act repealed by this Act, shall be subject to the provisions of this Act.
- Act not to be in operation in West Coast confiscated territory. Except as mentioned in the last-foregoing section, this Act shall not have any operation in that part of the colony known as the Confiscated Territory, described in the Schedule to this Act. 25
- Jurisdiction of Native Land Court. Subject to this Act the Native Land Court shall have the same jurisdiction over any Native reserve to which the Native title has been or shall be extinguished, and may take all such proceedings and make such orders with respect to any such Native reserve which comes before it for investigation or for any other purpose, as it has and may do with respect to any land owned by Natives under their customs or usages. 30
- Native Land Acts incorporated herewith. The Acts for the time being in force for regulating or relating to the practice and procedure of the Native Land Court, and the Acts for the time being in force establishing, regulating, and relating to the Public Trust Office, so far as the same may be respectively applicable, are hereby incorporated with this Act. 35
- Power to frame regulations. The Governor in Council may, from time to time, make, alter, and revoke regulations for the proper administration and management of Native reserves, for the advertising, preparing, and issuing leases thereof, for the mode of application and expenditure of all revenues arising from the same, for the examination 40 and audit of all accounts relating to the same, for defraying the cost of the management of the same, and generally for the more effectual administration of this Act; and by any such regulations may, from time to time, appoint fees to be paid in respect of anything done under this Act in relation to any such reserves.

All such regulations on being gazetted shall have the same effect as if they had been included in this Act. 45

Administration By Public Trustee.

- Native Reserves vested in Public Trustee. All lands and personal estate now vested in the Governor or any Commissioner or public officer (as such) under any Act heretofore in force relating 50 to Native reserves shall, from the commencement of this Act, be deemed to be placed in the Public Trust Office, and shall vest in the Public Trustee, subject to the trusts attached thereto respectively.
¶ All lands and hereditaments, moneys, goods, chattels, and effects whatever, Powers of Trustee. the management whereof shall have been lawfully vested in the Public Trustee, shall for all purposes of proceedings in any Court, as well criminal as civil, in law or in equity, in anywise touching or 5 concerning the same, be deemed or taken to be, and may in every such proceeding (where necessary) be stated to be, the property of the Public Trustee for the time being in his proper name without further description:
¶ The said Trustee is hereby authorised to bring and defend, or cause to 10 be brought or defended, any action, suit, prosecution, or other proceeding, criminal as well as civil, in law or equity, touching or concerning the land or property aforesaid, and shall and may in all cases concerning the said property sue and be sued, plead and be impleaded, in any Court of law or equity in his proper name as such Trustee without other description:
¶ 15 No such suit, action, prosecution, or other proceeding shall be discontinued Liability of Trustee. or abate by the death of any such Public Trustee or his removal from office, but the same shall and may be proceeded with by the succeeding Trustee in the proper name of the Trustee 20 commencing the same; and such succeeding Trustee shall pay or receive the same costs as if the action, suit, or other proceeding

- had been commenced in his name.
- Every contract, promise, or agreement heretofore lawfully made by the Previous contracts transferred. Governor, or by any Commissioner or delegate heretofore duly appointed, shall 25 be deemed to have been made with the Public Trustee, and shall be carried out by him according to the true intent and meaning thereof.
- All such Commissioners and delegates shall, within *six* months from Former Commissioners to account to him. the commencement of this Act, furnish to the said Public Trustee, for examination and approval, a full and true statement and account of each estate and 30 matter in their hands or under their management and control.
- Before the thirtieth day of *April*, in the year one thousand eight Public Trustee to furnish annual accounts to Minister. hundred and eighty-*two*, the Public Trustee shall furnish to the Minister for Native Affairs a full statement of all such accounts, with such remarks appended to the account of each reserve as he may think fit to make:
 - 35 And, so long as any reserve shall remain under his management or control, the aforesaid Trustee shall annually furnish such account of each reserve as aforesaid to the Minister for Native Affairs.
 - A copy of all such accounts shall be laid by the aforesaid Minister before To be laid before Parliament. each House of the General Assembly as soon as may be after the receipt thereof by him. 40

As to Reserves already under the Act.

- Every Native reserve shall be used, and the rents and proceeds thereof Application of proceeds from reserves. be applied, for and towards the purposes or objects to which the same are applicable respectively, and none other.
 - 45 Provided that where any such purposes or objects have become obsolete or no longer possible of attainment, the Governor in Council may direct to what purpose or object similar to the original object any such reserve may be devoted.
- The Public Trustee may, with the sanction of the Board, from time to Power to lease. time, lease any portion of the reserves vested in him or under his control, in 50 respect of which no trust shall have been created inconsistent with the exercise of this power—
 - For agricultural purposes, to any person or persons for any term not exceeding twenty-one years in possession, subject to such covenants and provisoes as shall seem fair and equitable; and
 - 55 For building purposes, for any period not exceeding sixty-three year by renewable terms, not exceeding twenty-one years each, subject to a new assessment of rent at every such renewal, subject as aforesaid.
 - Express provision to be made therein for certain purposes. Every such lease shall be subject to such regulations as may be prescribed under this Act, and also to the following conditions, that is to say:—
 - Every lease shall be disposed of by public auction or public tender, 5 after due notification thereof has been given by advertisement in a newspaper having general circulation in the district wherein the land to be leased is situate, as the Board shall think the most fitting in each case.
 - The rent to be reserved shall be the best improved rent obtainable at 10 the time.
 - No fine, premium, or foregift shall, in any case, be taken upon any lease.
 - No person in any way concerned with the administration of this Act shall in any case be personally interested, directly or indirectly, in any lease, nor shall there be imported therein any provision or covenant for the private advantage of any such person. 15
- If beneficiaries not known.
 - Wherever doubts shall arise as to the persons who may claim to be beneficially interested in any portion of the land comprised within any Native reserve, the Public Trustee shall make application to the Court for the purpose of ascertaining the names of all persons who shall be deemed to be beneficially interested therein. 20
 - And the Court shall hear any such application, and determine the same according to such evidence and in such manner as it shall think best, and shall make such order therein as to it shall seem fitting.
- Default of beneficiaries. In case there shall be at any time no Native entitled to the benefit of the proceeds accruing out of any Native reserve, the Public Trustee shall hold 25 such reserve and the proceeds thereof upon trust for such purposes as the Governor in Council may appoint.

As to bringing Reserves under Act.

- Native title over reserves to be extinguished. No land reserved for the benefit of Natives shall be subject to the administration of the Public Trustee under this Act until the Native title over such land shall have been extinguished.
- Native Land Court to extinguish Native title. The Native title over any land comprised in or forming part of any Native reserve of the description defined in subsection one of section *three* of this Act, shall henceforth be extinguished only by process of the Court; and also the assent of the Natives to bring any such land under the provisions of this Act shall be ascertained in future by similar process only, in manner as is provided in the next succeeding section.
- Public Trustee may apply to Native Land Court with consent of owners. In any case where it would be advantageous for the owners of any Native reserve, over which the Native title has not been extinguished, to bring the same under the operation of this Act for the purpose of management, the Public Trustee, with the consent of the Natives beneficially interested therein, may make application to the Court for that purpose; and thereupon,—

Procedure by the Court. The Court shall hear and determine any such application as if the same had been made by the owners of the land, and shall ascertain in the manner it shall think fit the names of all the owners of the land comprised in the application, the proportionate undivided share of each owner therein, and the assent or dissent of the said owners to such land being dealt with in the manner proposed: 50

If the Court shall be satisfied with the inquiry made, it shall order Extinguishing Native title. the names of all the persons who have been found to be the owners thereof to be placed on the register as the owners, and a certificate of title to issue, and also shall declare that the land comprised in the application, or so much thereof as the Court shall think fit, shall thenceforth vest in the Public Trustee as a Native reserve subject to the provisions of this Act:

Upon any application as aforesaid, either the Public Trustee or the Trusts may be declared. owner may make a suggestion to the Court of the particular trusts or purposes upon or for which it may be proposed that the land shall be held for the future:

And thereupon, if the Court shall be satisfied that the owners all concur in the suggestion, and that such intended trusts or purposes are likely to be beneficial to such owners, the said Court shall make an order declaring that the land shall be held in future upon or for such trusts or purposes accordingly: The land described in any such order shall, from the date thereof, vest Land vested in Public Trustee. in the Public Trustee, upon such trusts and for such purposes as shall be declared by the Court in each case, and shall be dealt with by him upon the said trusts only:

Every application made to the Court on behalf of the Public Trustee Applications by agents for Public Trustee. by any person duly appointed or authorized in writing to act in his behalf shall be deemed to be made by the Public Trustee:

Every order made by the Court under the provisions of this section Orders to be published in *Gazette* and *Kahiti*. 25 shall forthwith, after the time allowed for an application for the re-hearing of any case, be published in the *Gazette* and also in the *Kahiti*.

- The owners of any land in respect of which the Native title has not Native owners may transfer land to Public Trustee. been extinguished, may apply to the Court for the purpose of transferring all their estate and interest in such land to the Public Trustee, upon such particular trusts and purposes as they shall declare to the Court.

Upon any such application the Court shall proceed, as provided in the last foregoing section, to extinguish the Native title over the land comprised in the application, and make an order vesting such land in the Public Trustee, subject to such trusts as the Court shall declare in that behalf.

- Where any Native reserve vested in the Public Trustee, or under his Restrictions may be varied or annulled. control, or held by any Natives under Crown grant or certificate of title, is subject to any restrictions, limitations, or conditions, such Trustee or persons respectively may apply to the Court to have the same or any of them annulled and removed.

The Court, on proof in all cases being made of the consent of the Public Trustee or persons interested respectively to the application, may hear the same, and may make such order in compliance therewith or otherwise, or reject such application, as it shall think fit.

45 Any such order shall be good and valid in law, and may be registered under "The Deeds Registration Act, 1868," or under "The Land Transfer Act, 1870"

Before altering or removing any restrictions, limitations, or conditions attached to any Native reserve, the Court shall be satisfied that a final reservation 50 has been made, or is about to be made, amply sufficient for the future wants and maintenance of the tribe, hapu, or persons to whom the reserve wholly or in part belongs.

- Form of order. Every order removing any such restrictions, limitations, or conditions as aforesaid shall be signed by the presiding Judge, and sealed with the seal of the Court, and shall have the effect of rendering the land or hereditaments described absolutely as free and clear of and from all restrictions, conditions, and limitations as if none had ever been contained therein; and any order partially annulling or 5 changing any restrictions, limitations, and conditions therein contained, shall operate and have effect according to the intent and meaning thereof.
- Grants may be surrendered, and others substituted. Where all the grantees named in any Crown grant whereby any land has been granted to them in trust for themselves and others, but no trust has been expressed in the grant, shall agree to surrender the same, or where the 10 majority of the persons beneficially interested in such land shall apply to him for the purpose of having the grant cancelled, the Public Trustee may apply to the Court to have such grant annulled and to have another instrument of title substituted therefor, wherein the names of all the persons entitled to the land shall be inserted, and the trusts upon which such land is to be held indorsed 15 thereon; and the Court, on proof in all cases being made of the consent of the persons concerned to the application, may hear the same, and may make such order in compliance therewith or otherwise, or reject such application, as it shall think fit
Such order shall be good and valid in law, and the effect shall be the same 20 as if the Crown grant had been absolutely repealed by *scire facias*.
- Judgment to be subject to rehearing. Every final judgment given under this Act shall be subject to rehearing under the provisions of any Native Land Act for the time being in Copy to be sent to Public Trustee. force; and a copy of every such judgment, and of the subsequent judgment on a rehearing (if any), shall be forthwith forwarded by the Clerk of the Court to the 25 Public Trustee.
- Notices of sittings of Court. The Clerk of the Court shall punctually furnish to the Public Trustee copies of all notices of sittings issued by the Court.

Miscellaneous Provisions.

- Native Reserves Commissioner appointed. The Governor may, from time to time, appoint a Native Reserves 30 Commissioner, (herein referred to as "the Commissioner,") who shall, subject to the direction of the Public Trustee, conduct all or any portion of the routine business relating to the administration of Native reserves vested in the Public Trustee or under his control.
- His duties. The said Commissioner may personally, or by agent appointed in 35 writing, in the name of the Public Trustee and on his behalf,—
Make all applications and conduct any proceedings in the Court in relation to any Native reserve, and do all other things necessary or required to be done in relation thereto respectively.
Take all necessary proceedings, criminal as well as civil, in law or in 40 equity, when authorized thereto in writing, touching or concerning any Native reserve, or any proceeds thereof whatsoever, vested in the Public Trustee.
- Final reservations for Natives. It shall be the duty of the Commissioner, in person or by agent, to apply to the Court, and show why any land being adjudicated upon by the said 45 Court or any part thereof,—
Surplus lands. Should not be adjudicated upon, as being surplus lands vested in Her Majesty, the Native title over the same having been extinguished by former land claimants; or
Should be made inalienable to any person other than Her Majesty, as Reserves for public purposes. being required for the purpose of a road, wharf, landing-place, or any other object of public utility or convenience, or on the grounds that the public peace might be affected by the alienation; or
5 Should be rendered subject to any restrictions, conditions, or limitations Grants on special trusta. on alienation, so as to prevent the Natives from so far divesting themselves of their land as to retain insufficient for their support and maintenance.

On any such application the Court may make such order as it shall think 10 just; and, where any land is to be reserved inalienably to Natives, it may, as to any part or the whole of such land, issue a memorial of ownership or certificate of title for the same, or, with the concurrence of the Natives beneficially interested therein, order that a grant may be made thereof, or a part thereof, to the Public Trustee, stating in such order the objects of the trust, the names of 15 the *cestuis que* trust, and the estates or interests to be created by such grant.

- Wherever on the cession or sale of any lands to Her Majesty by Court may nominate individual owners of reserves. Natives, any of such lands have been or shall be excepted from such sale by the Native sellers, or where any lands have been or shall be set apart for Natives by the Governor or the Court, the Commissioner may apply to the Court for an order defining the individuals for whom any such land shall be deemed to be set apart and the proportionate share of each such individual therein respectively; and the Court may hear such application and make order therein accordingly.

Repeal.

- The several Acts enumerated below are hereby repealed:— Repeal.
 25 1856, No. 10—The New Zealand Native Reserves Act, 1856.
 1858, No. 47—The New Zealand Native Reserves Amendment Act, 1858.
 1862, No. 14—The Native Reserves Amendment Act, 1862.
 1873, No. 60—The Native Reserves Act, 1873.
 1867, No. 42—The Auckland and Onehunga Native Hostelries Act, 1867.

Schedule. DESCRIPTION OF CONFISCATED TERRITORY.

All that part of the Colony of New Zealand comprised within the following boundaries, that is to say: Commencing at the tunnel at Parininihi, or the White Cliffs, and thence by a line running due East, twenty miles; thence by a line running in a South-westerly direction to the Ngaire Swamp; thence by a line known as the "Confiscated Line" to the point where it strikes the Waitotara River, and by that river to the sea; and thence towards the South and West by" the sea to the commencing point.

Te Tuku Whenua

Whaeawhaititanga.

- Ingoa.
- Matua korero.
 Ingoa Poto.
 Ka ahei te tangata nana te whenua ki te hoko.
 Ka whai mana nga komiti mo nga pora-ngi me nga kai tiaki tamariki.
 Ko nga moni e puta ake ana me whakaere i runga i nga tikanga tiaki.
 Nga tikanga mo nga pukapukawhaka

Notemea e ahua raruraru ana te mana tuku here ki runga ki nga whenua ehara i te xnea hei painga mo te koroni, a no reira he mea tika kia whakakorea taua tikanga here.

Na tenei ka meingatia hei Ture e te Runanga Nui o Niu Tirenei e noho huihui ana i roto i te Paremete i runga hoki i te mana o taua Runanga nga ritenga i raro iho nei:—

- Te Ingoa Poto o tenei Ture ka kii ko "Te Ture Tuku Whenua, 1881.
- E kore e tika i runga i te Ture kia herea e te tangata tona whenua i runga i te tikanga wire pukapuka ranei; a ko te tangata e pupuri ana i tetahi whenua i raro i nga tikanga whakahaere o tetahi pukapuka whakaae, wire ranei, kia ahei ai ia te hoko te whakawhiti ranei, ka kii i reira nana ake taua whenua, kahore rawa he tikanga here.

Ko tenei kupu "whenua" he mea whakauru i nga whenua nga whai taketanga ranei ki te taonga ake a te tangata.

- Ka kii i runga i nga tikanga o tenei Ture ko nga komiti whakahaere i nga whenua o nga porangi me nga kai-tiaki tamariki, ko ratou nga kai-pupuri o nga mea pera.
- Ko nga moni e puta mai ana i roto i nga hoko pera, whakawhiti ranei, me whakahaere i raro nga tikanga tiaki, whai taketanga, nama, kereme me nga tono (mehemea he mea pera). E tau ana ki runga ki aua tu whenua.
- Ko te pukapuka tuhi a te tangata whakaatu kua riro i a ia te moni e tika ana kia utua i runga i nga tikanga o tenei Ture, ka waiho hei whakaoti rawa hei tuku i a ia, e kore e taea te whakatau i te he ki runga ki a ia mehemea ka kitea i muri iho i ahua he te whakahaere i taua mea.

Analysis.

- Title.
- Preamble.
Short Title.
Owner of legal estate may dispose of land as absolute owner.
Committees of lunatics and guardians of infants empowered.
Money accruing from disposal subject to trusts.
Receipts to be discharges.

Whereas the power of placing restrictions on the alienability of land is Preamble prejudicial to the interests of the colony, and it is therefore desirable that such restrictions should be prohibited:

Be it therefore enacted by the General Assembly of New Zealand in 5 Parliament assembled, and by the authority of the same, as follows:—

- The Short Title of this Act is "The Alienation of Land Act, 1881." Short Title.
- It shall not be lawful for any person, by deed or will, to restrain the Owner of legal estate may dispose of land as absolute owner. alienation of land; and the holder of the legal estate for the time being under and by virtue of any deed or will shall, for the purpose of sale and exchange, be deemed to be the absolute owner thereof, without any restriction.

The word land includes any estate or interest in real property.

- Committees of the estates of lunatics and guardians of infants shall, for Committees of lunatics and guardians of infants empowered. the purposes of this Act, be deemed to be the holders of the legal estate.
- The money accruing from any such sale or exchange shall, Money accruing from disposal subject to trusts. 15 *mutatis mutandis*, be subject to the like trusts, rights, liabilities, claims, and demands (if any) as exist in respect of the land.
- The receipt in writing of any person to whom any money shall become Receipts to be discharges. payable by virtue of this Act shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication 20 or non-application thereof, and from inquiry into the necessity or propriety of any transaction in consequence whereof such money may have become payable.

Tautohe Whenua I Waipawa.

Whakawhaititanga.

- Ingoa.
- Matua korero.
Ingoa Poto.
Ka ahei te Kawana ki te tango i nga whenua e tautohetia ana.
Me hoatu ano te utu.
Ka taea te karaati i nga whenua ki nga Maori.
Ma te Kooti Whenua Maori e whaka-tau o ratou take.
Me whakahaere nga tikanga o tenei Ture inaia tata tonu nei.

Notemea i te takoto he raruraru i waenganui i nga Maori me Hoani Haringi (John Harding) te tangata kei a ia nei te karaati mo tetahi wahi whenua, e tae ana ki te rua tekan eka me te hawhe, nui atu iti iho ranei, e tata ana ki Waipawa, i roto i te Takiwa Porowini o Haku Pei, mo runga i te whaitaketanga ki taua whenua; a i runga i nga korero i whakina ki te aroaro o te Komiti o te Whare Runanga, i whakaritea hei whiriwhiri i tera, ka kitea peneitia:—

- Tutahi: Ki ta ratou titiro, ko tetahi wahi o taua whenua e rima eka e rua tekau ma waru pahi, nui atu iti iho ranei, i uru ki roto ki tetahi rahni i whakaritea mo nga Maori, a i uru he ki roto ki te karaati i tukua ki taua Hoani Haringi (John Harding).
- Tuarua: Kua maha nga tau e noho ana nga Maori i runga i taua whenua, a kei te noho tonu hoki inaianei i runga i tetahi taha o taua whenua, ara, te tahi tekau ma rima eka tahi ruuri rua te kau ma wha pahi, nui atu iti iho ranei, i runga i ta ratou whakaaro na ratou ano taua wahi, me te whakaaro ano hoki kaore i hokona ki te Kawanatanga:

A i runga i te kore whakaae a nga Maori me Hoani Haringi (John Harding) ki nga tono kia whakariteritea taua tautohe:

A i runga hoki i te tika kia mahia he huarahi hei arai i te raruraru, hei whakarite hoki i taua tautohe, me te whakatikatika i nga take ki taua whenua:—

No reira ka Meingatia hei Ture e te Runanga Nui o Niu Tireni e huihui ana i roto i te Paremete i runga i tona mana, nga tikanga i raro nei:—

- Te Ingoa Poto o tenei Ture ko "Te Ture mo te Tautohe Whenua i Waipawa, 1881."
- Ma konei whai mana ai te Kawana i runga i te ingoa o te Kuini ki te tango i taua whenua e tautohetia nei, e rua te kau eka me te hawhe, nui atu iti iho ranei; i runga hold i te putanga o te Ota a te Kawana i roto i tona Kaunihera whakaatu kua tangohia e ia taua whenua i raro i tenei Ture, kei reira ka huri ke taua whenua hei whenua watea a te Karauna, kia tino watea i te kore taunaha me te kore paanga i runga.
- Me hoatu he utu kia Hoani Haringi (John Harding):—
Mo te whenua e tangohia mai ana i a ia i raro i tenei Ture.
Mo te raruraru i puta mai nei ki a ia, a hei whakaea hoki i ana moni i pau i runga i tana hapainga i tana take ki taua whenu, me tana rapu tikanga e whiwhi ai ia ki taua wahi.

Ki te kore e rite nga whakaaro a te Kawana raua ko Hoani Haringi (John Harding) mo te moni tika hei utu, me whakatau e tetahi Kooti Whakarite Utu, e tu ana i raro i "Te Ture mo nga Mahi Nui, 1881"; a me whai tonu i nga tikanga o taua Ture, i te mea ka taea te mahi pera.

- Mo nga whenua e tangohia mai ana i taua Hoani Haringi (John Harding), ka ahei te Kawana ki te Karaati i era wahi ki nga Maori, e whakaaro ana ia e whai take ana ki reira, i raro i nga tikanga me nga here e kitea ana e ia he tika.
- Ka ahei te Kawana ki te whakahau kia tukua he tonu ki te Kooti Whenua Maori, kia kimihia nga tangata whaitake ki taua whenua e hiahiatia nei kia karaatitia, ki te kimi hoki i nga take o ia tangata o ia tangata. Me rite tonu te mana o taua Kooti ki ona mana ano i runga i ana whiriwhiringa, mehemea nei ano he tonu tuatahi na nga Maori i raro i te Ture mo te Kooti Whenua Maori e whai mana ana i taua takiwa.
- Ma te Kawana e whakahaere e whakatuturu hoki enei tikanga, i muri tata tonu i te timatanga o tenei Ture. Waipawa Land Dispute.

Analysis.

- Title.
- Preamble
Short Title.
Governor may take disputed lands.
Compensation therefor to be paid under Lands Clauses Consolidation Acts.
Lands may be granted to Natives.
Native Land Court to ascertain their respective shares.
Act to be forthwith carried into effect.

Whereas a dispute has for some time existed between some Natives Preamble. and one John Harding, the grantee of a parcel of land, containing some twenty and a half acres, more or less, situate at or near Waipawa, in the Provincial District of Hawke's Bay, respecting the proper 5 ownership of such land; and, from evidence adduced before a Select Committee of the House of Representatives appointed to investigate the case, it appears—

- Firstly, that a portion of the aforesaid parcel of land containing five acres and twenty-eight perches, more or less, seems to have been included within a reserve set apart for the Natives, and was included in error in the grant issued to John Harding aforesaid; and
- Secondly, that the Natives have for some years past and are now occupying the other portion of the aforesaid parcel of land 15 containing fifteen acres one rood and twenty-four perches, more or less, in the firm belief that it was theirs, and had not been sold to the Crown:

And whereas the said Natives and John Harding respectively have rejected all proposals made to them for the settlement of the dispute:

20 And whereas it is expedient to make provision for the avoidance of complications, the adjustment of the aforesaid dispute, and the rectification of the title to the lands above specified:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- Short Title. The Short Title of this Act is "The Waipawa Land Dispute Act, 1881." 5
- Governor may take disputed lands. The Governor is hereby authorized and empowered for and in the name of Her Majesty to take the aforesaid disputed lands, containing twenty and a half acres, more or less; and, on the issue of an Order in Council declaring that he has in pursuance of this Act take the said

land, the said land shall thereupon become and be waste land of the Crown, free from all incumbrances and claims whatsoever.

- Compensation therefor to be paid. Compensation shall be paid to John Harding,—
For the value of the land to be taken from him under the authority of this Act;
For his disturbance therefrom, and in refund of the expenses he has from time to time been put to in asserting his claim thereto, and endeavouring to obtain possession thereof.

In the event of the Governor and the said John Harding being unable to agree as to the amount of compensation, the same shall be assessed by a Compensation Court appointed in manner provided by the "The Public Works Act, 1881;" and the proceedings of the said Court shall be as nearly as conveniently may be in accordance with the provisions of the said Act.

- Lands may be granted to Natives. Of the land to be taken from John Harding aforesaid, the Governor may make such grants to Natives as he shall think entitled to any part thereof, subject to such restrictions and conditions as he shall think fit.
- Native Land Court to ascertain their respective shares. For the purpose of ascertaining the names of such Natives, the Governor may cause an application to be made to the Native Land Court to ascertain the true Native owners of the lands proposed to be granted, and their respective shares therein.

The said Court shall have the same power and authority to hear any such case as if it were an original application, made by Natives under any Act for the time being in force relating to the Native Land Court.

- Act to be forthwith carried into effect. The Governor shall, as soon as may be after the commencement of this Act, take all necessary steps for carrying the provisions thereof into effect.

Reiti i Nga Whenua O Te Karauna Me Nga Whenua Maori.

Whakawhaititanga.

- Ingoa.
Ingoa Poto.
Whakamaramatanga.
Kia utu reiti nga whenua Karauna me nga whenua Maori, ko etahi anake me kore.
Me utu reiti katoa nga whenua Paro a te Karauna me nga whenua Karauna i raro i "Te Tare Reiti, 1876."
Me reiti nga whenua Paro a nga Maori i raro i "Te Ture Reiti, 1876."
Whakaritenga i nga utu e reitingia ai nga whenua Karauna me nga whenua Maori.
Me reiti kia ono pauna i roto i te rau pauna o nga moni tika mo aua whenua.
Whakaritenga i te nui o nga whenua Karauna me nga whenua Maori e tika ana kia utu reiti.
Whakaritenga i te nui o nga whenua Karauna me nga whenua Maori i roto i nga Taone kia utu reiti a.
Mehemea na te Hunga whakahaere takiwa i tono te reiti, me tuku he tiwhikete whakaatu i te nui ki te Minita tiaki i nga moni o te Koroni.
Me utu nga moni reiti e te Minita tiaki i nga moni o te Koroni ki nga kawanatanga whakahaere takiwa.
Takiwa hei utunga i te reiti tuatahi.
Tikanga hei whakahoki ki te Minita tiaki o nga moni o te Koroni i nga reiti i utua i runga i nga whenua Maori.
Me utu ano aua reiti penei ano me he takoha i raro i "Te Ture Pane Kuini, 1875," me te whakarite i nga utu.
Nga utu reiti mo nga whenua Karauna e riihitia ana.
Ko te tangata e riihi ana i te whenua Maori te tangata mana e utu te reiti, i raro i "Te Ture Eeti, 1876."
Ka ahei te Kawana ki te Panui i nga whenua Maori i etahi takiwa kia uru ki raro i "Te Ture Reiti, 1876."
Nga Apiti.

Na Ka Meingatia Hei Ture e te Runanga nui o Niu Tireni e noho huihui ana i roto i te Paremete, i runga hold i te mana o taua Runanga, nga whakaritenga i raro nei:—

- Ko te Ingoa Poto o tenei Ture ko "Te Ture Reiti i nga Whenua o te Karauna me nga Whenua Maori, 1881."
- Koia nei te whakamaoritanga o nga kupu i raro nei me kore ana e wehe ke i nga tikanga o tenei Ture, ara:—
"Whenua Karauna," ko nga whenua katoa o te Karauna i roto o Niu Tireni.
"Whenua Maori," ko nga whenua katoa, nga paanga ranei i roto i nga whenua, o nga tangata Maori o te Koroni o Niu Tireni (e uru ana ki roto ki te kupu "tangata Maori" nga hawhe-kaihe katoa me o ratou uri e puta mai ana i te taha Maori) ahakoa i raro aua whenua i nga tikanga Maori i raro ranei i etahi tikanga ke

atu.

• "Te Hunga whakahaere Takiwa," ko nga Kaunihera, ko nga Kai-tiaki, ko nga Komihana, ko nga tangata ranei e whakamanaia ana ki te whakatahi ki te koha reiti. "Takiwa" ko te takiwa e whai mana ana taua hunga ki te whakahaere reiti.

• "Whenua Karauna i roto i te rohe Paro Kaunihera," ko nga whenua katoa o te Karauna e takoto ana i roto i tetahi Paro Kaunihera kua mahia i raro i tetahi Ture e pa ana ki nga Kaunihera pera.

• "Whenua Taone a te Karauna" ko nga whenua roto i nga Taone i whakaturia e te Kawanatanga, engari kihai ano iuru ki roto ki te huinga Kaunihera.

• "Whenua Maori i roto i nga Paro Kaunihera," ko nga whenua Maori e takoto ana i roto i etahi Paro Kaunihera kua whaituretia pera me te mea i runga ake nei

• "Whenua Taone o te Maori" ko nga whenua Maori i roto i nga Taone i whakaturia e te Kawanatanga engari kihai i uru ki roto ki te huinga Kaunihera.

• "Whenua Ngakinga a te Karauna" me "nga whenua takanga kararehe a te Karauna" ko nga whenua ena a te Karauna i waho atu o nga whenua Taone me nga whenua Paro Kaunihera, a e pai ana tetahi mo te ngaki, a e pai ana tetahi hei takanga kararehe.

• "Whenua ngakinga a te Maori" me "nga whenua takanga kararehe a te Maori" ko nga whenua ena a te Maori i waho atu o nga whenua Taone me nga whenua Paro Kaunihera, a e pai ana tetahi mo te ngaki, a e pai ana tetahi hei takanga kararehe.

- Ko nga whenua Karauna me nga whenua Maori tae noa ki nga whare me nga whakapainga o runga me utu reiti i runga i nga tikanga ka korerotia i muri nei—heoi nga mea kore utu reiti ko enei ara,—

• Ko nga Whare Paramete me tona whenua i Poneke.

• Ko nga Tari Kawanatanga me tona whenua i Poneke.

• Ko te Whare o te Kawana me tona whenua i Poneke.

• Ko te Whare o te Kawana me tona whenua i Akarana.

• Ko nga whenua e tu ana i runga nga kura Kawanatanga tae noa ki nga wahi takarohanga me nga whare o nga kura-mahita, a me nga wahi e riro pu ana mo era mahi.

• Ko nga waapu me nga whakatorohanga waapu a te Kuini.

• Ko nga rerewe, ko nga teihana rerewe, ko nga whenua me nga whare katoa e hangaia ana aua mea i runga, e pa ana ranei ki reira, e mahia ana ranei mo reira.

• Ko nga whenua katoa e mahia ana e whakaritea ana hei ngaherehere, hei wahi, he kaari haereerenga ranei mo te katoa.

- Katoa nga whenua Karauna e tu ana i runga etahi whare, e nohoia tonutia ana, e mahia ana ranei e tetahi Tari Kawanatanga ma nga whenua a te Karauna i roto i tetahi Paro Kaunihera ka reititia i raro i "Te Ture Reiti, 1876," pera me era atu whemia e reititia ana i raro i tana Ture

Na ka meatia i konei mo runga i nga tikanga o tenei Ture ko te Minita Tiaki i nga moni o te koroni hei tangata mona era whenua i runga i tona ingoa, a ka pa ki a ia nga ritenga o tenei Ture; na ko nga reiti hei utunga i runga i aua whenua me utu e taua Minita Tiaki i nga moni o te koroni i roto i nga moni topu o te koroni, i roto i nga moni e whakaritea ana e te Runanga Nui hei pera.

- Ko nga whenua Maori i roto i nga Paro Kaunihera ka reititia i raro i "Te Ture Reiti, 1876," ki runga ki te tangata nona te whenua ki te tangata ranei e noho ana i runga pena ano me era atu whenua e reititia ana i raro i taua Ture.

- Ko te tikanga utu mo etahi atu whenua karauna me etahi atu whenua Maori ka whakatuturutia i konei i runga i enei ritenga o tenei Ture ara;—

• Ko nga whenua Karauna i te Taone me nga whenua Maori i te Taone ka whakanohoia ki te toru te kau pauna mo te eka.

• Ko nga whenua ngakinga a te Karauna me nga whenua ngakinga a te Maori ko whakanohoia ki to kotahi pauna mo te eka.

• Ko nga whenua takanga kararehe a te Karauna me nga whenua takanga kararehe a te Maori ka whakanohoia ki te ono hereni e waru kapa mo te eka.

- I runga i nga tikanga o tenei Ture ko te ritenga mo nga reiti era e ono pauna i roto i te ran i runga i nga whakatuturutanga utu kua korerotia ake nei.

- Ko te huinga o nga whenua Karauna me nga whenua Maori e whakaaturia nei i roto i te tekiona tua-ono (haunga nga whenua Taone o te Karauna me nga whenua Taone o te Maori) hei reititanga mo tenei tau mutu mai i te marama o maehe kotahi mano e waru rau e warn te kau ma rua, kei roto i nga kupu apiti ki tenei Ture. Na mo era atu tau ma te Tumuaki o nga Kai-ruri e tango mai i roto i aua whenua nga wahi kua mutu te noho hei whenua Karauna hei whenua Maori ranei, a mana e tuku ki te Minita Kai-tiaki i nga moni o te Koroni tetahi tiwhikete whakaatu i te nuinga o te whenua Karauna me te whenua Maori e toe ana i roto i ia takiwa, i ia takiwa, hei reititanga mo te tau e haere ake ana, a ko taua tiwhikete me tino

tuturu i runga i nga tikanga o tenei Ture.

- I tenei tau me nga tau e whai ake nei, ma te tiwhikete a te Tumuaki o nga Kai-ruri e whakarite te nui o nga whenua Karauna me nga whenua Maori i roto i nga taone.
- I te mea e whakaritea ana he reiti e tetahi Kawanatanga takiwa e reitingia he Whenua Maori, Karauna ranei,—haunga era i raro i te tekiona wha me te tekiona rima,—me te pukpuka reiti ka hainatia e nga mema tokotoru o taua Kawanatanga whakahaere takiwa, i raro i nga tikanga o te wha te kau ma tahi o nga tekihana o "Te Ture Reiti, 1876," me tuku ki te Kai-tiaki o nga moni o te Koroni, te tiwhikete i hainatia e aua mema e toru, me whakaatu te utu o taua reiti i roto i ia pauna, me te takiwa e whai mana ai, me te wa hei utunga i taua reiti.
- I te takiwa tika kia utua taua reiti, me utu e te Kai-tiaki o nga moni o te Koroni ki te Kawanatanga whakahaere o te takiwa, ki etahi moni e whakaritea ana e te Runanga Nui hei pera, i runga i te tikanga o nga reiti i whakaritea peratia mo nga whenua i roto i taua takiwa, i runga hold i te nui o nga reiti i whakaritea peratia.
- Ko te utu tuatahi e mana ana i raro i tenei Ture, me mana mo te tau e mutu nei i te toru te kau ma tahi o nga ra o Maehe kotahi mano, waru rau e waru te kau ma rua.
- I te hokonga tuatahi i te kurutetanga ranei o etahi whenua Maori, i te riihitanga ranei, ki etahi tangata e hara nei i te Maori, i muri i te tunga o tenei Ture, kei reira me utu ano ki te Minita tiaki i nga moni o te Koroni nga moni reiti katoa i utua ra e te Minita tiaki i nga moni o te Koroni, me penei me he takoha i runga i taua hoko, kurutete, riihi ranei, a me pera ano hoki te utunga.
- Me apiti atu ano aua takoha ki nga takoha o raro o "Te Ture Pane Kuini, 1875," me nga Ture whakatikatika i tera, me pa ano hoki nga tikanga o taua ture, ki nga ritenga whakahoki i aua reiti, mehemea nei ano he takoha i tika kia utua i raro i taua Ture.
- I te mea e riihitia ana nga whenua Karauna, a e tika ana i raro i te Ture kia utua nga reiti e te Kai-riihi i aua whenua, kei reira me utu e te Minita tiaki i nga moni o te Koroni, ko nga moni anake e tika ana i raro i tenei Ture kia utua e ia, e hipa atu nei i te reiti tika kia utua e taua kai-riihi.
- I runga i nga whenua Maori katoa e riihitia ana, ma te tangata e riihi ana e utu nga reiti, mehemea nei nana ake i raro i "Te Ture Reiti, 1876."
- Ma te Kawana i roto i tana Kaunihera i runga i tona panui i roto i te kahiti, e ki kia uru katoa nga whenua Maori o roto o tetahi takiwa, tetahi taha ranei o te takiwa ki raro ki "Te Ture Reiti, 1876," ai muri tata tonu i te kahititanga i taua panui, me pa tonu nga utu reiti ki nga Maori whai take ki aua whenua, ara i runga i nga tikanga i kohia ai taua reiti kei a ratou ake te whenua i raro i nga tikanga kua huaina ake nei, me perr katoa nga mana mehemea nei e hara ratou i te Maori.

Ron. Major Atkinson. Crown And Native Lands Rating.

Analysis.

- Title.
 - Short Title.
 - Interpretation.
 - Crown and Native lands rateable, with certain exceptions.
 - Grown borough and Crown lands, with buildings used by Government, to be rated under "The Bating Act, 1876."
 - Native borough lands to be rated under "The Rating Act, 1876."
 - Value of Crown and Native lands fixed.
 - Rateable value to be 6 per cent. on value.
 - Quantity of Crown and Native lands, how fixed for rating purposes.
 - Quantity of Crown and Native town lands, how fixed for rating purposes.
 - When rate made by local body, certificate of amount to be transmitted to the Colonial Treasurer.
 - Colonial Treasurer to pay rates to local bodies.
 - When first rates payable.
 - How rates on Native lands repaid to Colonial Treasurer.
 - Repayment of rates to be duty under "The Stamp Act, 1875," and amount how fixed.
 - What rates payable on Crown land held under lease.
 - Tenant of Native land held under lease liable under "The Bating Act, 1876."
 - Governor may proclaim Native land in certain districts under "The Rating Act, 1876." Schedules.
- Be It Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- The Short Title of this Act is "The Crown and Native Lands Rating Act, 1881." Short Title.
- 5 In this Act, if not inconsistent with the context,— Interpretation.
 - "Crown lands" mean all lands the property of the Crown in New Zealand;
 - "Native lands" mean all lands or interests in lands the property of aboriginal natives of the Colony of New Zealand (including in the term "aboriginal natives" all half-castes or their descendants by Natives), whether held under their own customs and usages, or otherwise howsoever;
 - "Local body" mean any Council, Board, Trustees, Commissioners, and persons empowered to make and levy rates;
 - "District" means the district over which the jurisdiction of any such local body to levy rates extends;
 - "Crown borough lands" mean all Crown lands situate within any borough incorporated under any Act relating to municipal corporations;
 - "Crown town lands" mean land in towns laid out by the Government but not incorporated;
 - "Native borough lands" mean any Native land situate within any borough incorporated as above mentioned;
 - "Native town lands" mean land in towns laid out by the Government but not incorporated;
 - "Crown agricultural lands" and "Crown pastoral lands" mean respectively Crown lands other than town or borough lands, suitable for agricultural purposes and pastoral purposes respectively; "Native agricultural lands" and "Native pastoral lands" mean respectively Native lands other than town or borough lands, suitable for agricultural purposes and pastoral purposes respectively.⁵
- Crown and Native lands rateable, with certain exceptions. Crown lands and Native lands, together with the buildings and improvements thereon, shall be rateable property as hereinafter provided, with the following exceptions:—
 - The Parliamentary Buildings and grounds at Wellington;
 - The Government Buildings and grounds at Wellington;¹⁰
 - The Government House and grounds at Wellington;
 - The Government House and grounds at Auckland;
 - Lands occupied by Government schools, including playgrounds and schoolmasters' residences, and grounds occupied therewith and actually used for these purposes;¹⁵
 - Wharves, piers, and jetties, the property of Her Majesty;
 - Railways, railway stations, and all land and buildings on which the same are constructed, or that may be connected or used therewith;
 - All lands used and occupied as public parks or domains or gardens.
- Crown borough and Crown lands, with buildings used by Government, to be rated under "The Rating Act, 1876."

All Crown lands on which there are buildings actually occupied and used by any department of the Government and Crown borough lands shall be rated under "The Rating Act, 1876," in like manner as other lands are thereby authorised to be rated.

The Colonial Treasurer for the time being, by his official title, shall be treated as the owner thereof for the purposes of that Act, and the several provisions 25 of the said Act shall apply accordingly; and the rates payable in respect of such lands shall be paid by the Colonial Treasurer out of the Consolidated Fund, out of moneys to be appropriated by the General Assembly for the purpose.
- Native borough lands to be rated under "The Rating Act, 1876." Native borough lands shall be rated under "The Rating Act, 1876," to the owner or occupier thereof, in like manner as other land is thereby authorised to be rated.
- Value of Crown and Native lands fixed. The value of other Crown lands and Native lands for the purposes of this Act is hereby fixed as follows:—
 - Crown town lands and Native town lands at the rate of thirty pounds per acre;³⁵
 - Crown agricultural lands, and Native agricultural lands, at the rate of *one* pound per acre:
 - Crown pastoral lands and Native pastoral lands, at the rate of *six* shillings and *eightpence* per acre.⁴⁰
- Rateable value to be 6 per cent. on value. The rateable value for the purposes of this Act shall be deemed to be *six* pounds per centum on the values above mentioned.
- Quantity of Crown and Native lands, how fixed for rating purposes. The quantity of such Crown lands and Native lands as is specified in section *six* (other than Crown town lands and Native town lands), to be rated for the 45 year ending March, one thousand eight hundred and eighty-two, shall be the several quantities specified in the Schedules to this Act; and for every future year the Surveyor-General shall deduct from the several quantities therein specified such quantities as have ceased to be such Crown lands or Native lands respectively, and shall forward to the Colonial Treasurer a certificate setting forth how much land of each class remains in each district to be rated for the 50 ensuing year, and such certificate

shall be final and conclusive for the purposes of this Act.

In the case of the alteration of the boundaries of an existing district, or of the formation of a new local body, the certificate of the Surveyor-General as to the quantity of such lands of each class in the district or districts the boundaries of which have been so altered, after such alteration, or in the district of such 5 new local body, shall also be final and conclusive as aforesaid.

- The quantity of Crown town lands and Native town lands shall, for Quantity of Crown tad Native town lands, how fixed for rating purposes. this year and future years, be fixed by a certificate of the Surveyor-General.
- Whenever a rate is made by any local body in which any Crown or When rate made by local body, certificate of amount to be transmitted to the Colonial Treasurer. Native 10 land is rated, being other than those referred to in the *fourth* and *fifth* sections, and the rate-book signed by three members of such body, as prescribed by section forty-one of "The Rating Act, 1876," a certificate signed by the said three members, stating the amount in the pound of such rate, the period for which the rate is made, and the time when the same is payable, shall be transmitted 15 to the ColonialTreasurer.
- The Colonial Treasurer shall, whenever the rate referred to in such Colonial Treasurer to pay rates to local bodies. certificate becomes due, pay to the local body of the district, out of moneys to be appropriated for the purpose by the General Assembly, the amount of such rate on the rateable value fixed as aforesaid of all such lands within its district after 20 the rate to be fixed as aforesaid.
- The first rates payable by virtue of this Act shall be for the year When first rates payable. ending the thirty-first day of March, one thousand eight hundred and eighty-two.
- Whenever any Native land is sold or exchanged for the first time, and How rates on Native lands repaid to Colonial Treasurer. whenever 25 it is leased, after the passing of this Act, to other than aboriginal natives, then the amount of all rates paid by the Colonial Treasurer in respect of such land shall be repaid to the Colonial Treasurer, and shall be deemed to be a duty payable on such sale, exchange, or lease, and shall be payable as such.
- Such duty shall be in addition to the duties imposed by "The Stamp Repayment of rates to be duty under "The Stamp Act, 1875," and amount now fixed. Act,301875," and the several Acts amending the same, the several provisions of which shall apply to the repayment of the said rates as if they were a duty payable under such Acts.

For the purpose of determining the amount of the same in each case, the certificate of the Surveyor-General of the amount which ought to be so repaid in 35 respect of the land so sold, exchanged, or leased, shall be conclusive as to the amount of same.

- Notwithstanding anything in this Act contained, in the case of all Crown What rates payable on Crown land held under lease. lands under lease in which the tenants shall by law be liable for rates thereon, then, and in such case, the Colonial Treasurer shall only pay rates in respect of 40 the same to the extent of the difference between the amount of rates properly payable by such tenants and the amount of rates which the Colonial Treasurer would otherwise have to pay under this Act.
- In the case of Native lands under lease, the tenant is hereby made Tenant of Native land held under lease liable under "The Rating Act, 1876." liable for rates, as owner under "The Rating Act, 1876."
- 45 The Governor in Council may at any time by Proclamation, which shall be gazetted, declare that, in any district or portion of a district, all Native lands therein shall be subject to "The Rating Act, 1876;" and, from and after the date Governor may proclaim Native land in certain districts under "The Bating Act, 1876. of the gazetting of such Proclamation, the owners of such Native lands shall be liable for all purposes for which rates are levied to be rated as the owners 50 thereof, in accordance with the provisions of the last-named Act, as fully and effectually as if they were not aboriginal natives.

Schedules.

First Schedule.CROWN LANDS.

Second Schedule.NATIVE LANES.

Summary of Rateable Lands.

Na Makitanara Whakatikatika | "Te Ture Whenua Maori, 1873."

Whakawhaititanga.

- Ingoa.
- Ingoa Poto.
- Te honouga atu ki te "Ture Whenua Maori 1873."
- TeWhakamaoritanga o te kupu "hoko."
- I mua i te whakaotinga o tetahi tuku ma te Kooti ewhakamarama ki nga tangata nona te whenua i te tino tikanga o roto.
- whakakahoretanga.
- Te Whakamaoritanga o nga kupu "te hoko te riihi ranei e mea tia ana hei pera."
- Te Whakatikanga o te Tekiona 92 o taua Ture.
- Te Whakatikanga o te Tekiona 97, o taua Ture.

NA KA MEINGATIA hei Ture e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete, i runga hoki i te mana o taua Runanga, nga whakaritenga i raro nei:—

- Te Ingoa Poto o tenei Ture ko "Te Ture Whakatikatika 1881, i te Ture Whenua Maori, 1873."
- Me panui tenei Ture ano ko tetahi wahi o "Te Ture Whenua Maori, 1873," (a muri nei whakahua ai "ko taua Ture.")
- Ko te kupu "hoko" i roto i taua Ture e pa ana ki nga tuku katoa, ki nga tuku a tetahi ki tetahi, ki nga hoko ranei e mohiotia ana e te Ture, ahakoa mo te moni mo te aha atu ranei.
- I mua atu i te whakaotinga o tetahi hoko, tetahi tuku ranei, tetahi hoko ke ranei, mo tetahi whenua e puritia ana i raro i tetahi tuhinga whakamaramatanga take, i tetahi tiwhikete ranei, ma te Kooti e whakamarama ki nga tangata nona te whenua te tino tikanga me te mana o aua tu hoko, o aua tuku ranei, a me marama te Kooti i roto i aua mea katoa e mohio ana nga tangata nona te whenua ki te tikanga o roto i aua mea e whakaotia ana:—Ko te tekiona ono te kau i roto i taua Ture ka whakakahoretia i konei.

Nga Hoko Me Nga Riihi Wehewehe.

NOTEMEA kua tipu ake etahi raruraru i runga i te whakahaere i nga ritenga o roto i taua Ture mo te wehewehe, ara i era whenua e hiahia ana nga tangata nona te whenua, te nninga ranei o ratou ki te hoko i o ratou paanga: No rerira ka meingatia hei Ture.

- Ko nga kupu "te hoko te riihi ranei e meatia ana hei pera," i roto i te tekiona ono te kau ma rima i roto i taua Ture me pa ki nga hoko me nga riihi katoa kua oti nei te mahi, a muri nei ranei mahi ai. Engari hoki ko aua hoko ko aua riihi ranei, mehemea i mahia i mua atu i te wehewehenga o te whenua, me riro rawa ma te tokomaha o nga tangata nona te whenua, me te nuinga o te whenua, e mahi katahi ka tika, me pena tonu i roto i ia poraka i ia poraka pera.
- Ko nga kupu i roto i te tekiona iwa te kau ma rua o taua Ture penei "otira e kore tenei tikanga e mana ki nga meatanga kua ata whakaritea i roto i te Karauna karaati te wahi ki ia tangaga," me whakakore atu i konei, na me tuku taua tekiona i te tino mana kia tau ki te Kooti hei whakahaere i era whenua i puta nei ona karaati i raro i tetahi o nga Ture kua oti nei te whakakore, a kua uru ranei ki roto ki "Te Ture Karaati Tangata Maori, 1873."
- Me kore te tikanga i roto i te tekiona iwa te kau ma whitu o taua Ture ara "otira e kore e tino mana te kupu whakaoti a te Kooti kia wehewehea atu taua whenua i roto i te takiwa e mana ana he riihi ki runga ki te wheuua kua korerotia i roto i taua pukapuka whakaoti a te Kooti," na me apiti atu ko tenei," otira e kore e mana te pukapuka whakaoti a te Kooti wehewehe i taua whenua i te takiwa e tu tonu ana te riihi o te whenua i roto i taua pukapuka whakaoti a te Kooti, mehemea ra e tau ana he mate ki te tangata e pupuri ana e ora ana ranei i taua riihi, erangi ko te mahi ma te Kooti i roto i taua whenua he whakarite i te reti hei utunga ma te kai-pupuri riihi, ma nga kairiihi ranei, mo ia wahi mo ia wahi o taua whenua i runga ano i te pai o ia wahi; na ko nga tangata no ratou aua wahi me tango ano ia tangata o ratou i te reti kua whakaritea e te Kooti mo tana wahi, a me utu te kai-pupuri riihi nga kai-pupuri riihi ranei, ki ia tangata mo tana wahi, ki ia tangata mo tana wahi, i runga ano i te whakaritenga a te Kooti."

Mr. McDonald. Native Land Act 1873 Amendment.

Analysis.

- Title.
- Short Title.
- Native Land Act, 1873, incorporated.
- Interpretation of word "sale."
- Before completion of assignment Court shall explain to owners true meaning thereof. Repeal.
- sales and leases.—partition.
- Interpretation of words "proposed sale or lease."
- Section 92 of said Act amended.
- Section 97 of said Act amended.

Be It Enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- The Short Title of this Act is "The Native Land Act 1873 Short Title. Amendment 5 Act 1881."
- This Act shall be read as part of "The Native Land Act, 1873," "Native Land Act, 1873, incorporated. (hereinafter referred to as "the said Act").
- The word "sale" in the said Act shall include all transfers, assignments, or conveyances known to the law, whether for money or Interpretation of word "sale." 10 otherwise.
- Before the completion of any sale or other assignment or conveyance Before completion of assignment Court shall explain to owners true meaning thereof. of any land held under memorial of ownership or certificate, the Court shall explain to the owners the true meaning and effect of such sale or other assignment, and the Court shall satisfy itself in every case 15 that the owners understand such effect. Section sixty of the said Act is hereby repealed. Repeal.

Sales And Leases.—Partition.

Whereas difficulties have arisen in reconciling the various provisions of the said Act relating to partition, in cases where the owners 20 or a majority of them are desirous of selling their interests: Be it enacted:

- The words "proposed sale or lease" in section sixty-five of the interpretation of words "proposed sale or lease." said Act shall include all sales or leases already made or thereafter to be made: Provided that such sales or leases, if made before subdivision, 25 must be made by a majority in number and value of the owners in each block respectively.
- Section 92 of said Act amended. In section ninety-two of the said Act the words "This provision shall not apply where the shares of the grantees are fixed in the Crown grant" shall be expunged, and the said section shall give to the Court full power to deal with lands the grants for which have issued under any repealed Act, or which are included in "The Native Grantees Act, 1873."
- Section 97 of said Act amended. In section ninety-seven of the said Act, instead of the proviso, "But no award of partition in such 10 case shall take effect during the subsistence of any lease of the land comprised in such award," the following shall be added: "But no award of partition in such case shall take effect during the subsistence of any lease of the land comprised in such award to the detriment or injury of the holder or person beneficially interested in such lease, but in every such case it shall be the duty of the Court to assess the rent to be paid by the lessee or lessees for each part of the said land 15 according to the comparative value thereof; and the owners of each part of such land shall be entitled to receive the rent attached to such part by the Court, and the lessee or lessees shall be liable to pay such rent to the respective owners of each such part.

He Ture hei whakamana i nga Komiti Maori ki te whakawa i nga tautohe a nga Maori, me te whakahaere tikanga mo nga mate o te iwi i roto i nga takiwa e panuitia ana.

Notemea e tika ana kia tautokotia nga Maori i runga i te mahi whakawa i a ratou ake tautohe, me te pehi i nga raruraru e tupu ake ana i waenganui o nga Maori i roto i nga takiwa Maori:

NO REIRA KA MEINGATIA HEI TURE e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete i runga hoki i te mana o taua Runanga nga ritenga i raro iho nei, ara:—

- Te Ingoa Poto o tenei Ture ko "Te Ture Whakamana i, nga Komiti Maori, 1881."
- "Maori," tona tikanga he Maori no Niu Tireni, tae atu ki te hawhe-kaihe me ona uri ki te taha Maori.
- Ka ahei te Kawana ki te panui i etahi takiwa hei takiwa Maori i raro i tenei Ture, a ka ahei hoki ia ki te whakarereke ki te whakakore ranei i taua panuitanga.
- I roto i ia takiwa e panuitia ana hei takiwa Maori i raro i tenei Ture, ma te Kai-whakawa Tuturu, ma te Apiha ranei a te Kawanatanga, e whakaturia ana e taua Panuitanga (e huaina nei ikonei ko "te Apiha Whakahaere Pooti,") e whaimana nei tana mahi i roto i taua takiwa, e panui, e karanga, i runga i te panui nupepa pukapuka whakapiri ranei, aha ranei, ki nga takiwa e nui ana te tangata, i runga i tana i kite ai he tika kia mohiotia ai te ra hei pootitanga i te Komiti Maori mo taua takiwa, engari me rua te kau ma tahi nga ra i muri mai i te panuitanga tae atu ki te ra pootitanga; a me whakarite ano e taua panui te ra hei whakahuatanga i nga ingoa o nga tangata Maori kia pootitia mo taua Komiti Maori, a ka korero i ana kupu e pai ai he akoako atu i nga tangata e tika ana kia whakahua ingoa tangata hei mema mo te Komiti o taua takiwa.
- I te ra i whakaritea peratia me noho te Apiha Whakahaere Pooti, i te tekau o nga haora o te ata tae noa ki te wha o nga haora o te ahiahi, i te wahi i whakaritea ra, ka tango i nga ingoa e whakahuatia ana e te tangata e etahi tangata ranei, hei mema mo te Komiti, ahakoa e korero ngututia atu ana e tuhituhia ana ranei, kua e hipa atu i te tekau ma rua, me whakarite mai i nga tangata e noho ana i roto i taua takiwa, e tika nei ratou ki te pooti mo te Mema Maori mo te Whare Paremete.
- Ko nga tangata tahi te kau ma rua i nui nei nga pooti mo ratou, me tu hei Komiti mo taua takiwa; a i te tekau ma rua o nga haora o te ra e whaitata ana i te ra pootitanga, me whakapiri e te Apiha Whakahaere Pooti ki te wahi e kitea ai e te katoa tetahi pukapuka panui i nga ingoa o nga tangata i tu mo taua Komiti; me tuku ano hoki e ia nga ingoa o nga mema o te Komiti ki te Minita mo te taha Maori, mana e panui ki te *Kahiti* ko tera te Komiti o taua takiwa
- Ma te Komiti ano e whakarite to ratou Tiamana, hei whakahaere i nga huihuinga o te Komiti, me whai pooti hoki ia, me tana pooti whakatau ano hoki.
- Ma te Komiti, i ia wa i ia wa e hanga, e whakarereke, e whakatika ranei nga ritenga whakahaere i a ratou mahinga; engari me panui rawa ki te *Kahitiaua* ritenga aua whakatikanga aua whakarereketanga ranei i mua atu i te mahinga (i era mea hou),
- Me whakawa e te Komiti nga mea penei e tautohotia ana e nga Maori:—
 Mehemea e tono ana te tangata kia utua ia ki te moni mo tetahi mahi he ki a ia, e tono ana ranei kia utua te nama ki a ia, mehemea kaore e hipa atu ana i te rua tekau pauna te nui o nga moni e tonoa peratia ana:—
 - Mehemea e hiahia ana te tangata kia whakamanaia tana take ki tetahi taonga, kia riro tuturu atu ai i a ia, mehemea hoki kaore e hipa atu i te rima tekau pauna te nui o taua taonga:
 Engari me tipu ake ano taua putake whakawa ki roto i te takiwa e whai mana ana te Komiti, a, ko te tangata mona te whakawa me tangata e noho ana i roto ano i taua takiwa: Tetahi hoki, ma nga hunga nana te whakawa e haina i o raua ingoa ki tetahi pukapuka reo Maori whakaae ma te Komiti e whakawa; na, ki te kore tetahi, ki te kore ranei raua tahi e ahei ki te tuhituhi, ma tetahi Tiamana Komiti e whakapono i o raua ingoa ki te aroaro o etahi Maori kia tokorua hei pakeke anake. Ko taua pukapuka hei hainatanga ma aua hunga whakawa koia tenei tona ahua i te Teparu *tuatahi* e piri ake nei.
- Me whaimana te Komiti ki te whakawa i nga hara papatu, i nga tahae ririki ranei, a tetahi tangata Maori ki te tinana o tetahi tangata Maori ano, ki ona taonga ranei, i roto i te takiwa o taua Komiti; na ki te kitea te be o tetahi tangata hara, me ahei te Komiti ki te whakarite i te moni hei utu mana, kua e hipa atu i te *rua tekau* pauna, i roto i ia whakawa e whakatauria ana.
- Me ahei ano te Komiti ki te hanga i etahi Ture whakahaere mo roto i tona takiwa, kia taea paitia ai te peehi i te kai waipiro, me te whakahaere ritenga mo te noho pai, kia kore ai nga tutu, na ki te takahia tetahi o aua Ture whakahaere, ka ahei ano te Komiti ki te whakatau he utu mo ia hara, kua e hipi atu i te *rima* pauna, ko te Komiti anake te hunga hei kai-whakawa mehemea ranei i takahia aua Ture whakahaere kaore ranei: Engari hoki ko aua Ture whakahaere me puta atu i raro i te ringa o te Tiamana, a me panui ki roto ki te *Kahiti*.
- I roto i nga whakawa katoa e whakataua ana i raro i te mana o tenei Ture, ki te utua he moni, ki te mahia ranei he ota hei whakatau, a, ki te kore e puta te utunga ki te Tiamana; ki tana huarahi ranei i tohutohu ai, mehemea ka tukua atu e te Tiamana tetahi tiwhikete ki tetahi Kai-whakawa Awhina (J.P.) whakaatu kaore ano taua moni i utua, kei te toe tonu ranei tetahi wahi, na ka whaimana taua Kai-whakawa i runga i te Ture, ki te tuku i tetahi warati muru ki te pirihimana periwhi o te Kooti Whakawa Tuturu, ki tetahi atu tangata tika ranei ka whakahuatia ano i roto i te warati, whakamana i a ia ki te mea kia puta, ki te whakahau ranei kia whakakaputaina he moni, hei utu i nga moni, i te toenga ranei, i whakataua ra e te Komiti kia utua, hui atu ki nga moni i pau i runga i te murunga, me te hokohokonga o nga taonga, me nga

rawa, a te tangata i whakataua ra e te Komiti kia utu, i puta ranei he ota, na ko nga moni katoa e puta ana i roto i taua muru me utu atu ki te Tiamana o te Komiti, ko te ahua o taua tiwhikete koia tenei i te Tepara *tuaruae* piri ake nei.

- Ko nga moni katoa e puta ana ki te Komiti i runga i nga whaina, me nga whiu, i raro i tenei Ture, me haere hei whakarite i nga moni e pau ana i runga i te whakahaere o tenei Ture, a hei whakarite tikanga hoki mo nga rawakore o roto i nga Maori, tae atu ki etahi arohatanga.
- Ahakoa nga tikanga i roto i tenei Ture. Ka ahei noa atu tetahi Kooti Whakawa whaimana, ki te whakarongo i te hara e mahia ana ki runga ki tetahi tangata, i tetahi tahae ririki ranei, a, ki te whakawa hoki i tetahi tautohe i waenganui i te Maori me te Maori, i roto i nga takiwa kua panuitia: Engari hoki me mutu tonu te mana o taua Kooti, mehemea ki te whakaputaina atu he tiwhikete kua hainatia e te Tiamana o te Komiti Maori ki atu, kua oti i te Komiti a taua Tiamana te whakawa taua hara, taua tahae ririki, taua tautohe ranei. Ko te ahua o taua tiwhikete koia tenei i te Tepara *tuatoru* e piri ake nei.
- Katoa nga Tiamana o aua Komiti, e mohiotia ana e te Minita mo te taha Maori he tangata tika, me mana ano i runga i o ratou tunga hei Aateha Maori; engari ki te mutu hoki te mahi Tiamana me mutu ano te tu hei Ateta.
- Ki te tu te Kooti Whenua Maori (a muri nei kiia ai ko "te Kooti,") i roto i tetahi takiwa me whakarongo ano i runga i te ahua o te Ture, ki te whakatau a te Komiti, mehemea hoki taua whakatau kei te reo Maori, a i haere atu i raro o te Tiamana o taua Komiti:—Koia nei nga tu whakawa e whakarongo ai te Kooti ki te whakatau a te Komiti:—
 - ‡ te mea e hiahiatia ana kia kitea nga ingoa o nga tangata no ratou tetahi poraka whenua e whakawakia ana e te Kooti.
 - ‡ te mea e hiahiatia ana kia kitea nga kai-riwhi mo tetahi tangata mate i roto i tetahi whenua.
 - I te mea kua tipu ake he tautohe mo tetahi rohe i waenganui i etahi whenua Maori:
Engari me mohio rawa hoki te Kooti, i whakaae nga hunga na ratou te whakawa, ki te tuku atu ma te Komiti e whakatau. A, me kaua e riro ma tetahi mea i roto i tenei, e arai te whakawa a te Kooti, te whakatau ranei i tetahi whakawa, i runga i nga huarahi e whakaritea ana e etahi atu Ture e mana nei mo te whakahaere Kooti, ara; mehemea e kitea ana e te Kooti he tika kia pera.
- Katoa nga panui i roto i te *Kahiti* Maori, i te *Kahiti* Kawanatanga ranei, e panuitia ana i raro i te mana o tenei Ture, me uru noa me kaua he utu.

Nga Tepara.

Tepara Tuatahi.

E whakaae ana maua, ko te tautohe i waenganui i a maua, ara e tono nei a (*te Ingoa o te Kai-tono*) kia [*ka whakaatu i te tikanga o te tono*] me tuku atu kia whakawakia e te Komiti Maori mo te Takiwa o

A.B.

C.D.

Whakaatu.—Ki te kore tetahi, raua tahi ranei, o taua hunga, e ahei ki te tuhi, me whakamau atu ko tona tohu, ko o raua tohu ranei, hei te aroaro o tetahi Kai-whakawatnaori kua Raihanatia, a kia rua nga kai-titiro pakeke, ara;—Penei me tenei

A.B., tona x tohu. Kai-titiro, E.F., Tiamana.

C.D., tona x tohu. Kai-titiro, E F.

I whakapumautia i o maua aroaro—

G.H. Nga Kai-titiro pakeke.

K.L. Nga Kai-titiro pakeke.

Tepara Tuarua.

E whakapono ana au e £ e toe ana kaore ano kia utua e, ko nga moni tenei (ko te toenga ranei) i whakataua e te Komiti Maori mo te Takiwa o i te o nga ra o, 18: Kia utua e ia. Na he tono atu tenei kia koe kia meatia e koe kia utua era moni.

C.D., Tiamana.

Ki a A.B., Kai-whakawa Awhina (J.P.)

Tepara Tuatoru.

E whakaatu ana au na te Komiti Maori o te Takiwa o i te o nga ra o
18, i whakawa tetahi tautohe [i whakatau ota ranei kia utu a A.B. i te whiu mona e £] mo [hei konei
whakamarama ai te hara] i waenganui i a A.B. me C.D., a, i tono a A B. [na hei konei ka whakamarama i te
ahua o te tono.]

E.F., Tiamana.

Mr. Tomoana. Native Committees Empowering.

Analysis.

- Title. Preamble.
- Short Title.
- Interpretation.
- Governor may proclaim districts.
- Resident Magistrate or Government Agent to take steps for election of Committee.
- Procedure on election.
- Members elected the Committee. Publication in the Native Gazette.
- Appointment of Chairman.
- Committee to frame rules for the conduct of business.
- Jurisdiction in case of disputes.
- Jurisdiction in cases of assault or simple larceny.
- Committee may make by-laws.
- Justice of the Peace shall enforce penalties.
- Penalties to be disbursed for charitable purposes.
- Ordinary Courts jurisdiction not ousted. Proviso.
- Chairman *ex officio* a Native Assessor.
- Native Land Court to take cognizance of decision of Committee in certain cases.
- Notices to be inserted in *Kahiti* or *Gazette* free of cost. Schedules.

Whereas it is desirable to encourage the Natives to decide Native Preamble. disputes,⁵ and to suppress Native abuses arising in Native districts among Natives:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- 10 The Short Title of this Act is "The Native Committees Empowering Short Title, Act, 1881."
- "Native person," in this Act, means and includes Natives, Interpretation. half-castes, and their descendants by Natives.
- 15 The Governor may proclaim any district a Native district for Governor may proclaim districts. the purpose of this Act, and at any time may alter or revoke such Proclamation.
- 20 In any district proclaimed a Native district under this Act, a Resident Magistrate or Government Agent, appointed in such Proclamation, (hereinafter called "the Returning Officer,") having jurisdiction within such district, so soon as he conveniently can, shall publicly notify in all populated parts of the district, by advertisement, placard, notice or otherwise, as he shall see fit, a day, not being less than twenty-one days after the publication of such notice, upon which day a Native Committee for the district shall be elected; and in such notification shall appoint a place where nominations will be received of Native persons to be members of such Native Committee, and shall set Resident Magistrate or Government Agent to take steps for election of Committee. out such instructions to persons having a right

to nominate members of the Committee for the district as he shall see fit.

- Procedure on election. Upon the day so named as aforesaid the Returning Officer shall preside, between, the hours of ten in the morning and four in the afternoon, at the place appointed, and receive nominations in writing 5 or verbally of one or more Native persons, not being more than twelve, to be members of the Committee, from persons resident within such district who are entitled to vote for a Native member of the House of Representatives.
- Members elected the Committee. The twelve persons receiving the greatest number of nominations 1010 shall be the Committee for the district; and the Returning Officer, at twelve o'clock at noon the day after the nomination, shall cause a public notice to be posted up in a conspicuous place, in which he shall cause to be inserted the names of the Committee elected; he shall also forward the names of the Committee to the Native Minister, 15 who Publication in the Native gazette. shall publish them in the *Kahiti* as the Committee for the district.
- Appointment of Chairman. The Committee shall appoint its own Chairman, who shall preside at all meetings of the Committee, and shall have a deliberative as well as a casting vote. 20
- Committee to frame rules for the conduct of business. The Committee from time to time shall frame, alter, or amend rules for the conduct of its business: Provided that such rules, alterations or amendments shall be gazetted in the *Kahiti* before being brought into operation.
- Jurisdiction in case of dispute. The Committee shall have jurisdiction in the following cases, 25 where a dispute has arisen between Native persons:—
 - Where the plaintiff seeks pecuniary compensation for a wrong, or for payment of a debt, and the amount claimed in either case does not exceed twenty pounds:
 - Where the plaintiff seeks to enforce a claim upon some 30 specific moveable property, and to be put in possession thereof, where the value of such property does not exceed fifty pounds:

Provided that the cause of action has arisen within the district, or the party sought to be charged is usually a resident within the district, in 35 which the Committee has jurisdiction: Provided also that the Native parties thereto shall agree by memorandum in the Maori language, signed by them, or, if they or either of them cannot write, attested by the Chairman of a Committee in the presence of two adult Natives, that the case shall be tried by the Committee. The memorandum 40 may be in the form of the *First* Schedule hereto.

- Jurisdiction in cases of assault or simple larceny. The Committee shall have jurisdiction to try cases of common assault, or of petty larceny, committed by one Native upon the person or goods of another within its district. And the Committee may impose a penalty upon the conviction of any offender, not exceeding 45 *twenty* pounds in the case of each case so tried and decided.
- Committee may make by-laws. The Committee may make by-laws for the better suppression of intemperance, and the regulation of social order, in its district, and impose penalties for the infringement of any of such by-laws, not exceeding in the case of each offence *five* pounds. And the Committee 50 shall be the sole judge whether such by-laws have been infringed or not: Provided that such by-laws shall be under the hand of the Chairman, and gazetted in the *Kahiti*,
- In all cases determined under authority of this Act, Justice of the Peace shall enforce penalties. where payment has been given or order made for the payment of any sum of money, and the same is not paid forthwith, or 5 or as otherwise directed, to the Chairman of the Committee, it shall be lawful for any Justice of the Peace upon receiving a certificate from the Chairman of the Committee that the same or some part thereof remains unpaid, to issue a warrant of distress under his hand, directed to the bailiff of the Resident Magistrate's Court, or to some 10 other fit person to be named in such warrant, authorizing and requiring him to levy or cause to be levied such sum of money as shall have been ordered or adjudged to be paid by the Committee, or so much thereof as shall then remain unpaid, and also the costs of the execution, by distress and sale of the goods and chattels of the party against 15 whom such judgment shall have been given or order made, and shall pay the net proceeds of such distress to the Chairman of the Committee. Such certificate may be in the form of the *Second* Schedule hereto.
- The Committee may expend the sums received as fines or Penalties to be disbursed for charitable purposes. penalties under this Act in defraying all necessary expenses incurred in the administration of this Act, and 20 in making provision for cases of destitution arising among Natives, or for other charitable purposes.
- Notwithstanding anything contained in this Act, any Court Ordinary Courts jurisdiction not ousted. of Justice having jurisdiction may take cognizance of any offence against the person, or of any petty larceny, and may try any dispute arising 25 between Natives in any proclaimed district: Provided that its Proviso. jurisdiction shall cease upon the production of a certificate, signed by the Chairman of any Native Committee, stating that such offence, petty larceny, or dispute has been heard and decided by the Committee of which he is Chairman. The certificate may be in the form of the *Third* 30 Schedule hereto.

- Every Chairman of any Committee, known to the Native Chairman, *ex officio*, a Native Assessor. Minister to be of good character, shall, *ex officio*, be appointed a Native Assessor; but, upon vacation of office, shall cease to be an Assessor.
- The Native Land Court (hereinafter called "the Court,") Native Land Court to take cognisance of decision of Committee in certain cases. sitting 35 in any district, shall take judicial notice of the decision of the Committee certified to it in writing in the Maori language, under the hand of the Chairman of such Committee, in the following cases:—
 - ¶ Where it is desired to ascertain the names of the owners of any block of land being passed through the Court:
 - ¶ Where it is desired to ascertain the successors of any deceased Native owner:
 - ¶ Where disputes have arisen as to the location of the boundary between lands claimed by Natives:
 Provided that the Court shall be satisfied that the parties interested agreed 45 to submit any such case to the decision of the Committee. And nothing herein provided shall be deemed to prevent the Court hearing and deciding any case as in the manner provided in any Acts for the time being in force for the regulation of the Court, if it shall see fit so to do.
- 50 All notices of any kind in the *Kahiti* or *Government Gazette* Notices to be inserte in *Kahiti* or *Gazette* free of cost. published under authority of this Act shall be inserted free of cost.

Schedules.

First Schedule.

WE agree that the dispute between us whereby [*Name of plaintiff*] claims [*Here state nature of claim*] shall be tried before the Native Committee for the District of A.B. CD.

Note.—If either or both of the parties cannot write, he or they shall attach his or their mark, in the presence of a Licensed Interpreter and two adult witnesses, in the manner following:—

A.B., his x mark. Witness, E.F., Chairman.

C.D., his x mark. Witness, E.F. Attested in the presence of us—

G.H. Adult witnesses.

K.L. Adult witnesses.

Second Schedule.

I certify that £ remains unpaid by, being the sum [*or balance of sum*] he was ordered to pay by the Native Committee of the District, on the day of, 18: And I request you to enforce the payment of the same.

To A.B., Justice of the Peace. CD., Chairman.

Third Schedule.

I certify that the Native Committee of the District of heard, on the day of, 18, a dispute, [*or ordered A.B. to pay a penalty of £*] for [*Here state the offence*] between A.B. and C.D., in which A.B. claimed [*Here state nature of claim.*]

E.F., Chairman.

He Pire Ko Te Ingoa.

He Ture hei whakamana i te Kawana ki te whakaputa Karauna Karaati mo etahi Rahui kua wehea mo nga mea Maori i roto i te Poraka Murihiku.

Notemea i runga i tetahi pukapuka tuku, i te tekau-ma-whitu o nga ra o Akuhata, kotahi mano e waru rau e rima tekau-ma-toru, ko tetahi whenua e inohotia ana ko te Poraka o Murihiku, he wahi inaianei o te Takiwa Porowini o Otakou, i tukua e nga tangata Maori nona taua whenua ki te Karauna; na, ko tetahi o nga tikanga o roto i taua tuku, he penei; ko etahi whenua e takoto ana i Tukurau, i Omaui, i Oue i Aparima, i Oraka, i Kawaputaputa, me Ouetota, kua oti ano te wehe mo nga mea Maori, kia tino whakatuturutia hei wahi pumau ake mo nga kai-tnku, me a ratou tamariki ake tonu atu: Na, notemea ko enei whenua i rahuitia ake mo etahi Maori, i taungia ano i roto i te pukapuka-kaute o nga tangata o te tau kotahi mano e waru rau e rima tekau-ma-rua, mo o ratou uri, me etahi atu e whakaaetia ana e ratou kia uru ki roto ara nga tangata o te Iwi o Ngaitahu: Na, notemea ko aua whenua i Tukurau me Omaui, kua whakawakia e te Kooti Whenua Maori, kua puta hoki he Karauna Karaati mo aua whenua, na, e tika ana kia hoatu he mana ki te Kawana hei whakaputa Karauna Karaati mo te toenga o aua whenua:

No reira ka meingatia hei Ture e te Runanga Nui o Niu Tireni e noho huihui ana i roto i te Paremete, i raro ano i tona mana, nga tikanga e whai ake nei:—

- Ko te Ingoa Poto o tenei Ture ko "Te Ture Karauna Karaati mo nga Rahui Maori o Murihiku, 1881."
- Ko te tikanga o tenei ingoa "Murihiku Poraka" i roto i tenei Ture, mo tera whenua katoa e takoto ana ki te tonga o tetahi raina, rere atu i Nuggets i te Tai Rawhiti o te Waipounamu, mau atu ki te taumata o nga maunga o Kaihiku, a mau atu ko Milford Haven i te tai hauauru o taua motu nei.
- E tika ana i runga i te Ture, ki te whakaaro te Kawana e pai ana i ia takiwa, i ia takiwa, me ahei ia te whakaoti i etahi Karauna Karaati i runga i te ingoa, me te tahi ki te Kuini, mo katoa, mo tetahi wahi ranei o te whenua e whakaaturia i roto i nga tepara tua-tahi tuarua, tua-toru, tua-wha, tua-rima, e takoto ake nei, engari me here rawa kia kaua e taea te hoko me te mokete, me te reti mo nga tau roa atu i te rua tekau ma tahi tau me haere hoki i runga i nga here, me nga tikanga tiaki ranei, e maharatia ana e ia, mo te taha ki nga Maori e tika ana ki tana whakaaro kia uru ki taua whenua, ahakoa he Maori e whakahuatia ana i roto i te pukapukakaute o te tau kotahi mano e waru rau e rima tekau-ma-rua, me te pukapuka-kaute o te tau kotahi mano e waru rau e whitu te kau ma rima, ko o ratou uri ranei, ko era tangata ranei e whakaaetia ana e aua Maori me o ratou uri, kia uru ki roto ki taua whenua, pera me te tikanga kua whakaritea e te pukapuka-tuku o te tekau-ma-whitu o nga ra o Akuhata, kotahi mano e waru rau e rima tekau-ma-toru.
- Kia tika ano i te Ture kia whakahaere te Kawana i runga i te whakataunga o nga whakawa, me nga tirotirohanga, pewhea ranei, o mua iho, o muri ake nei ano ranei, mo nga take, me nga paanga o nga Maori, e mau ana kei te whai take ki etahi o nga wahi o te Poraka o Murihiku; tetahi ki te mahara ia e tika ana, mana e whakatu tetahi tangata, etahi tangata ranei hei apiti atu, hei riiwhi ranei mo te Kooti Whenua Maori hei mahi ano i etahi whakawa atu, tirotirohanga ranei, e whakaarohia ana e te Kawana kia pera, na i runga i aua whakawa ano, me aua tirotirohang, (ki te kitea e tika ana) me whakaputa he Karauna Karaati ki nga Maori e tuturu ana te whai-taketanga ki reira.
- E kore e whakanoatia tetahi Karauna Karaati e whakaputaina ana i raro i nga mana kua kiia nei i runga anake i te take, ko taua whenua, kotetahi wahi ranei i karaati tia ki tetahi tangata, ki etahi tangata ranei kihai i tika te whai-taketanga, engari, mehemea kua timataria tetahi tikanga turaki i taua Karaati e te tangata, e nga tangata ranei e mea ana kei te tika ratou ki reira, ki tetahi wahi ranei, i roto i nga marama e ono o muri ake i te putanga o taua Karaati, katahi ano ka whakarangona.

Nga Teparā.

Teparā Tua-Tahi.

KATOA tera piihi, wahi whenua ranei e takoto ana i Riwayatana ki te Rawhiti, i roto i te Takiwa o Waihopai (Southland), ko ona eka i te ruritanga e 519 eka e 2 ruri e 30 paahi, nui atu iti iho ranei, a e mohiotia ana ko te Rahui Maori i Aparima, kei runga ano i te mapi o taua takiwa e mau ana. Ko nga robe ki te raki me te rawhiti, ko te Tekiona 6 o te Poraka VI. o te kotahi rau o te awa o Aparima, a ko tetahi wahi o te rohe he rori; na ki te taba ki te tonga-whaka-te-rawhiti, ko te inutunga mai o te tai pari o Foveaux Strait; na, ko te rohe ki tetaha ki to raki-whaka-te-hauauru, ko te Tiriti o Hawheraka, ko te Tekiona 1 o taua Poraka, kua whakahuatia iho nei, me te

Tekiona 6; na, ki te taha ki te tonga-whaka-te-hauanra, ko te mutunga mai o te tai pari o te awa o Aparima.

Tepara Tua-Rua.

KATO A tera piiihi, wahi whenua ranei e takoto aua i te New River i roto i te Takiwa o Waihopai (Southland), ko ona eka i te ruritanga 1,328 eka, nui atu iti ibo ranei, e mohiotia ana ko te Rahui Maori o Oue i runga i te mapi o taua takiwa. Ko ona rohe ki te raki, ki te tonga, me te hauauru, he whenua Karauna, a ki te taha ki te rawhiti, ko te mutunga mai o te tai pari o te New River.

Tepara Tua-Toru.

KATO A tera piiihi, wahi whenua ranei e takoto ana i kolacs Bay i roto i te Takiwa o. o Waihopai (Southland), ko ona eka i te ruritanga e 829 eka, nui atu iti iho ranei, e mohiotia ana, ko te Rahui Maori o Oraka i runga i te mapi o taua takiwa. Ko ona rohe ki te raki he rori e 7,000 riiki, ki te rawhiti-whaka-te-tonga; ko te mutunga mai o te tai pari o Foveaux Strait; ki te hauauru he whenua no te Karauna e 9251 riiki.

Tepara Tua-Wha.

KATO A tera piiihi, wahi whenua ranei e takoto aua i Kawakaputaputa, i roto i te takiwa o Waihopai (Southland), ko ona eka i te ruritanga e 829 eka, nui atu iti iho ranei, e mohiotia ana, ko te Rahui Maori o Kawakaputaputa, i runga i te mapi o taua takiwa. Ko nga rohe ki te raki he whenua no te Karauna e 7574 riiki; ki te rawhiti-whaka-te-tonga, ko te mutunga mai o te tai pari o Foveaux Strait, ki te taha ki te hauauru, he whenua no te Karauna e 10416 riiki.

Tepara Tua-Rima.

KATO A tera piiihi, wahi whenua ranei e takoto ana i Ouetota i roto i te Takiwa o Waihopai (Southland), ko ona eka i te ruritanga 101 eka e 3 ruri e 26 paahi, nui atu iti iho ranei, e mohiotia ana; ko te Rahui Maori o Ouetota, i runga i te mapi o taua takiwa. Ko ona rohe ki te raki, he whenua Karauna e 3479 riiki; ki te taha ki te rawhiti. ki te tonga, me te hauauru, ko te mutunga mai o te tai pari o Foveaux Strait.

Mr. Tomoana. Murihiku Native Reserves Grants.

Analysis.

- Title.
- Preamble.
- Short Title.
- Interpretation.
- Governor may execute Crown grants of land in Schednles.
- Governor may make use of any former investi-gations.
- Crown grants not to be set aside after six months. Schedules.

Whereas by deed bearing date the seventeenth day of August, one thousand eight hundred and fifty-three, certain territory known as the Murihiku Block, now forming portion of the Provincial District of Otago, was ceded to the Crown by the Native owners thereof, being members of the Ngaitahu Tribe; one of the terms of the said cession being that certain lands situated at Tuturau, Omaui, Oue, Aparima, Oraka, Kawakaputaputa, and Ouetota, previously set apart for Native purposes, should be dedicated as lasting possessions for the vendors and their children for ever: And whereas these lands were specially reserved for certain Natives enumerated in a census taken in the year one thousand eight hundred and fifty-two, and their descendants, and for any others they might voluntarily admit: And whereas the titles to the said lands at Tuturau and Omaui having been investigated by the Native Land Court, Crown grants have been issued for such lands, and it is expedient to give the Governor power to issue Crown grants for the remainder thereof:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- The Short Title of this Act is "The Murihiku Native Reserves Grants Act, 1881."
- The term "Murihiku Block" in this Act shall be deemed to apply to all that tract of country which lies to the south of a line drawn from the Nuggets on the East Coast of the Middle Island to the summit of the Kaihiku Range, and from thence to Milford Haven on the West Coast of the same island.
- It shall be lawful for the Governor from time to time, when he shall think fit, in the name and on behalf of

Her Majesty, to execute Crown grants of the whole or any part of the land described in the First, Second, Third, Fourth, and Fifth Schedules hereto, to be inalienable by sale or mortgage, or by lease for a longer period than twenty-one years, and to be subject to such restrictions or for such purposes or trusts as he may deem necessary, to such persons as he shall consider entitled thereto, whether as being the Natives mentioned in the census of the year one thousand eight hundred and fifty-two, and the census of the year one thousand eight hundred and seventy-five, or their descendants, or as persons whom such Natives or their descendants have voluntarily admitted as in the deed of cession of the seventeenth day of August, one thousand eight hundred and fifty-three provided.

- It shall be lawful for the Governor to act upon the results of any investigations or inquiries of any kind that have heretofore been made, or shall hereafter be made, with respect to the rights and claims of any Natives claiming to be entitled to any part of the Murihiku Block; or if he shall think fit so to do, to appoint any person or persons, either in addition to or in substitution of the Native Land Court, to make such further investigations and inquiries as to the Governor shall seem advisable, and upon such further investigations and inquiries being made (if found necessary) to cause Crown grants to be issued to any Natives who shall be considered entitled to the same.
- No Crown grant which shall be issued under the powers aforesaid shall be liable to be set aside on the ground only that the land included therein or any part thereof has been granted to any person or persons not properly entitled thereto, unless proceedings shall have been commenced to set aside such grant on the part of the person or persons claiming to be entitled thereto, or to any part thereof, within six months from the issuing of such grant.

Schedules.

First Schedule.

ALL that piece or parcel of land situate at East Riverton, in the District of Southland containing by admeasurement 519 acres 2 roods and 30 perches, more or less, and known as the Aparima Native Reserve, on the plan of the said district. Bounded on the North-east partly by part of Section 6 of Block VI. of Jacob's River Hundred, and partly by a road; on the South-east by high-water mark of Foveaux Strait; on the North-west partly by Havelock Street, partly by Section 1 of the aforesaid block, and partly by Section 6; and on the South-west by high-water mark of Jacob's River.

Second Schedule.

All that piece or parcel of land situate at the New River, in the District of Southland, containing by admeasurement 176 acres, more or less, and known as the Oue Native Reserve, on the plan of the said district, Bounded on the North, South; and West by Crown land, and on the East by high-water mark of the New River.

Third Schedule.

All that piece or parcel of land situate on Kolacs Bay, in the District of Southland, containing by admeasurement 1,328 acres, more or less, and known as the Oraka Native Reserve, on the plan of the said district. Bounded towards the North, 7200 links, by a road; towards the East and South by high-water mark of Foveaux Strait; and towards the West, 9251 links, by Crown land.

Fourth Schedule.

All that piece or parcel of land situate at Kawakaputaputa, in the District of Southland, containing by admeasurement 829 acres, more or less, and known as the Kawakaputaputa Native Reserve, on the plan of the said district. Bounded towards the North, 7574 links, by Crown land; towards the East and South by high-water mark of Foveaux Strait; and towards the West, 10416 links, by Crown land.

Fifth Schedule.

All that piece or parcel of land situate at Ouetota, in the District of Southland, containing by admeasurement 101 acres 3 roods and 26 perches, more or less, and known as the Ouetota Native Reserve, on the plan of the said district. Bounded towards the North, 3479 links, by Crown land; and towards the East,

South, and West by highwater mark of Foveaux Strait.