

1880, No. 4.

MAORI PRISONERS. AN ACT to provide for the Further Detention, for a Limited Time, of certain
Natives now in Custody in Her Majesty's Gaols. (Temporary.)
[23rd July, 1880.]

Preamble. WHEREAS "The Confiscated Lands Inquiry and Maori Prisoners' Trials Act, 1879," recites that under the provisions of an Act of the General Assembly, heretofore in force, called "The New Zealand Settlements Act, 1863," and of the Acts amending the same, certain lands belonging to aboriginal natives on the west coast of the North Island had been taken, and that some of such lands had been sold and disposed of, and other part thereof remained in the possession of the Crown; and that it had been alleged by or on behalf of some of the said Natives that promises had been made by or on behalf of the Government of the colony in relation to the land so taken, and that such promises had not been fulfilled; and, further, that the said Natives had been for some time past, and then were, in a state of discontent, and disturbances of the public peace and other offences had lately been committed by certain of such Natives; and that it was alleged that such discontent might be removed by inquiry being made into the said alleged promises and grievances, and that it was expedient that a Commission should be appointed for such purposes: And by the said Act it was further recited that a large number of aboriginal natives had been duly committed for trial at the Supreme Court at Wellington and elsewhere in

respect of the said offences, and were then confined in prison; and that it was indispensable for the peace and safety of the colony that the ordinary course of law should be suspended, and the trials of the said Natives should take place under special legislation:

And whereas, in pursuance of the said preamble, it was enacted that the Governor in Council might, by Commission, under the Seal of the Colony, appoint Commissioners for the purpose of inquiring into all promises and engagements that had been made, or were alleged to have been made, by or on behalf of the Government of the colony to or with any person or persons in respect of the matters thereinbefore stated, or any of them, in so far as affected any lands or territory situated between the White Cliffs and the River Waitotara on the west coast of the North Island; and by the said Act it was further enacted that, in order that the peace of the colony might be preserved, the Governor in Council might fix the date of trial of the said Natives, provided that the date to be fixed for such trial should not be subsequent to the expiration of the said Act: And, further, that the said Act should remain in force until sixty days after the commencement of the next session of Parliament, and no longer:

And whereas, in pursuance of the said Act, a Commission was, on or about the twentieth day of January last, duly appointed for the purpose of inquiring into the said alleged grievances, and the said Commission have now made a report on the matters to them so referred: And whereas the said Natives are now confined in Her Majesty's Gaols at Dunedin and Hokitika, and their trial is now fixed for the twenty-sixth day of July instant, and the said Act expires on or about the twenty-eighth of the same month:

And whereas it is not deemed necessary to try the said Natives with a view to the infliction of punishment:

And whereas there are other aboriginal natives now confined in Her Majesty's said gaols who have been convicted of certain offences and committed to prison, and are now detained for default of entering into sureties to keep the peace:

And whereas it would endanger the peace of the colony, and might lead to insurrection, if the said Natives were released from confinement and permitted to return to the West Coast District, pending measures which it may be desirable to adopt in pursuance of the recommendation of the said Commissioners, and for the purpose of allaying any discontent that still exists in the said district:

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

1. The Short Title of this Act is "The Maori Prisoners Act, 1880."

Short Title.

2. This Act shall remain in force until the last day of October, one thousand eight hundred and eighty, and no longer, unless the Governor shall be satisfied that it is necessary to extend the operation thereof, in which case he may, by Proclamation, from time to time extend such operation for any period not exceeding three months at one time: Provided also that no such Proclamation shall have any force or effect after the close of the next session of Parliament.

Duration.

3. All the said Natives so committed for and waiting trial as aforesaid, and all other the Natives so detained in custody as aforesaid, for default of entering into sureties to keep the peace, shall be deemed and taken to have been lawfully arrested and to be in lawful custody, and may be lawfully detained.

Natives at present in gaol to be deemed lawfully detained.

4. No Court, Judge, Justice of the Peace, or other person, shall during the continuance of this Act discharge, bail, or liberate the said Natives so in custody as aforesaid without an order from the Governor in Council, any law or statute to the contrary notwithstanding.

No Court to discharge, &c., prisoner.

Governor may
change gaols and
gaolers.

5. The Governor may, by warrant under his hand, from time to time as occasion shall require, change the persons by whom and the places in which the said Natives or any of them shall be detained in safe custody.

Such persons shall be deemed and taken to be the lawful gaolers and keepers of such Natives, and the places where they are detained in custody to be lawful gaols for their detention and safe custody.

All gaolers, constables, and other peace officers are hereby required to assist in giving force and effect to the foregoing provisions.

Governor may direct
discharge of prisoners
and annex conditions.

6. The Governor may from time to time, by warrant under his hand, direct that all or any of the said Natives shall be discharged from custody, and may therein prescribe any terms and conditions he may think fit.

On breach of
conditions, offenders
may be rearrested.

7. If any of the said Natives shall escape from custody, or, having been discharged under the preceding clause, shall commit a breach of any condition on which he has been liberated, he may at once be rearrested by warrant under the hand of the Native Minister or any other Minister of the Crown, and returned to his former custody, and dealt with as if he had not escaped or been discharged as aforesaid.
