

New Zealand.



ANALYSIS.

- | | |
|---|--|
| <p>Title.
Preamble.
1. Short Title.
2. Te Whiti and Tohu not to be tried.
3. Governor may keep them in custody, &c.
4. No Court, &c., to discharge prisoners.</p> | <p>5. Penalty for disobedience of Act or order.
6. Production of order <i>prima facie</i> proof.
7. Proclamation to be made by Justice in case of unlawful assembly of Maoris.
8. Duration of Act.
Schedule.</p> |
|---|--|

1882, No. 5.

- | | |
|--|--|
| Title. | An Act to make Provision for the Preservation of the Peace in the West Coast District of the North Island of the Colony. [1st July, 1882.] |
| Preamble. | WHEREAS two aboriginal natives of New Zealand, named Te Whiti and Tohu, are now confined in Her Majesty's gaol at Addington, awaiting their trial in the Supreme Court for sedition: And whereas for some time prior to their arrest the said aboriginal natives resided at Parihaka, in the Provincial District of Taranaki, and there held monthly and other meetings, at which aboriginal natives (hereinafter called Maoris) from various parts of the colony attended, and at such meetings the said Te Whiti and Tohu held language calculated to promote disaffection, and which on several occasions led to breaches of the law: And whereas since their arrest such meetings have been put a stop to, and the Maoris who were not belonging to the Native tribe usually resident at Parihaka have been dispersed and sent to their own proper residences, with injunctions not to return to Parihaka: And whereas it is not deemed necessary to try the said Te Whiti and Tohu with a view to the infliction of punishment, but if the said Te Whiti and Tohu were liberated and permitted to return to Parihaka it is feared that Maoris would again assemble there, and thereby cause great apprehension and distrust amongst the peaceable inhabitants of both races, and involve danger to the peace of the colony: |
| | 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. | 1. The Short Title of this Act is "The West Coast Peace Preservation Act, 1882." |
| Te Whiti and Tohu not to be tried. | 2. The said Te Whiti and Tohu, or either of them, shall not be tried for the offence for which they now stand charged and are in custody. |
| Governor may keep them in custody, &c. | 3. It shall be lawful for the Governor in Council, at his discretion, from time to time, to issue orders under his hand directing the officers or persons |

therein named to do all or any of the acts and things hereinafter mentioned, that is to say,—

- (1.) To keep the said Te Whiti and Tohu, or either of them, in custody in such place as the Governor thinks fit :
- (2.) To release or discharge them, or either of them, unconditionally :
- (3.) To release or discharge them, or either of them, subject to such terms and conditions as the Governor thinks fit to impose :
- (4.) After any such release or discharge, whether unconditionally or on conditions, to again arrest them or either of them, and to keep them or either of them in custody as aforesaid.

4. No Court, Judge, Justice of the Peace, gaoler, or other officer or person shall, during the continuance of this Act, discharge, bail, or liberate the said Te Whiti and Tohu, or either of them, without an order from the Governor in Council first obtained, any law or statute to the contrary notwithstanding.

No Court, &c., to discharge prisoners.]

5. Any person whosoever who shall do any act, matter, or thing in contravention of this Act, or of any order to be issued hereunder, or who shall do any act, matter, or thing with the intention to defeat the operation thereof, shall be liable, on summary conviction, to a penalty not exceeding five hundred pounds.

Penalty for disobedience of Act or order.

6. The production of any order issued under this Act shall be *prima facie* proof that the same was lawfully made, of which judicial notice shall be taken, and every such order shall exonerate every person acting under the authority thereof from all liability in respect of any act, matter, or thing done in pursuance of the provisions thereof.

Production of order *prima facie* proof.

Whereas other meetings similar to those hereinbefore mentioned may hereafter be held at Parihaka or elsewhere, and it is expedient that special provision should be made for preventing the same :

Be it therefore further enacted as follows :—

7. If any Maoris exceeding fifty in number assemble together in public meeting, and it shall appear to any Justice of the Peace that the proceedings thereat are calculated to create disaffection towards the Government, or to lead to breaches of the law or to disturbance of the public peace, it shall be lawful for such Justice, openly and with a loud voice, to proclaim or cause to be proclaimed to the Maoris so assembled, in their own language, to the following effect : “ All Maoris now assembled are hereby commanded to disperse and peaceably depart to their own places of abode, on pain of being apprehended and punished for disobedience of this command.”

Proclamation to be made by Justice in case of unlawful assembly of Maoris.

If the Maoris so assembled, or any ten or more of them, shall, after the above command has been given, continue together or not disperse themselves as commanded for one hour, they shall be deemed guilty of an offence ; and it shall be lawful for any officer or constable of the Constabulary, and any persons who may be called on to assist, to seize and apprehend any Maoris who disobey such command, and, as soon as conveniently may be, take them before a Justice of the Peace.

Such Justice may forthwith hear and determine the case, or may remand the prisoners, to be kept in custody, and brought before himself or any other Justice or Justices of the Peace on the same or any other day, to be tried in a summary way.

If any prisoner be convicted of the offence with which he is charged, he may be sentenced to all or any of the punishments following, that is to say, to a fine not exceeding fifty pounds, or to imprisonment with or without

hard labour not exceeding twelve months, or be bound with sufficient sureties to keep the peace and be of good behaviour for such time, not exceeding twelve months, as the adjudicating Justice or Justices shall think fit.

This section shall apply only to the district described in the Schedule hereto.

Duration of Act.

8. This Act shall remain in operation until the end of the next session of the General Assembly, and no longer.

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 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 by the sea to the commencing point.

WELLINGTON: Printed under authority of the New Zealand Government,
by GEORGE DIDSBUXY, Government Printer.—1882.