

Peace Preservation.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. Governor may order Maoris in unlawful occupation of land to withdraw. Maori remaining in occupation deemed guilty of a misdemeanour. 4. Any Maori neglecting to withdraw may be removed by Justice of the Peace, &c. 5. Maoris so arrested may be detained until end of</p>	<p>session of General Assembly. Governor may order time and place of trial. 6. Maoris so arrested may be sent to any part of colony. 7. Colonial Secretary may change place of detention. 8. Not necessary to bring prisoners up under writ of <i>habeas corpus</i>. 9. No prisoner to be detained longer than end of next session. 10. Act to be in force till end of next session.</p>
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A BILL INTITULED

AN ACT to provide Prompt Means of Removing Persons in Unlawful Occupation of Lands of the Crown in certain parts of the Colony. (Temporary.) Title.

WHEREAS certain aboriginal natives, subjects of Her Majesty, have been for some time past and still are in occupation of certain lands in the colony, the property of Her Majesty, and which lands were originally taken under the provisions of "The New Zealand Settlements Act, 1863," and the Acts amending the same, or some or one of such Acts: And whereas such Natives have, while so in occupation of such lands, committed divers breaches of the peace and other offences, and they or some of them threaten to commit and continue to commit such breaches of the peace and offences: And whereas, by reason of the premises, the peace of the colony is endangered, but from divers causes it has hitherto been impossible to bring such persons within the ordinary operation of law, and it is expedient that provision should be made for amending the law so that such persons may be promptly dealt with, and the peace of the colony preserved: Preamble.

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 Peace Preservation Act, 1879." Short Title.

2. In the construction of this Act,—
 "Maori" means a person of the aboriginal native race, and includes half-caste persons of that race: Interpretation.
 "New Zealand Settlements Acts" mean "The New Zealand Settlements Act, 1863," and includes all Acts amending or continuing the same.

Governor may order Maoris in unlawful occupation of land to withdraw.

3. The Governor in Council may, by Proclamation, gazetted, require that all Maoris in unlawful or unauthorized occupation of any lands the property of Her Majesty the Queen, and which have been taken under the New Zealand Settlements Acts, shall withdraw from such occupation within a period to be fixed in and by such Proclamation. 5

Maori remaining in occupation deemed guilty of a misdemeanour.

If any Maori shall, after the publication of any such Proclamation, be or remain in occupation of or be in or upon any such lands as aforesaid, he shall be deemed guilty of a misdemeanour, and upon conviction shall be liable to be imprisoned, with or without hard labour, for any period not exceeding *one* year. 10

Any Maori neglecting to withdraw may be removed by Justice of the Peace, &c.

4. If, after the time limited in any such Proclamation, any Maori shall be in occupation of any such land mentioned in any such Proclamation, or be or remain in or upon such land, and shall, when required so to do by any person duly authorized by the Governor in that behalf, refuse to withdraw therefrom, any Justice of the Peace, constable, or peace officer may, without any warrant or other authority, search for, arrest, and detain any such Maori, and may deal with him under the provisions of this Act. 15

Maoris so arrested may be detained until end of session of General Assembly.

5. Every Maori so arrested as aforesaid may be detained in safe custody, without bail, until the end of the session of the General Assembly immediately succeeding the present session, and no Judge or Justice of the Peace shall bail or try any such Maori without an order from the Governor until the end of the session of the General Assembly immediately succeeding the present session of the General Assembly, any law or statute to the contrary notwithstanding. 20 25

Governor may order time and place of trial.

The Governor may, by warrant under his hand, order and direct the time when and the place at which any Maori arrested under this Act shall be brought up for trial, and every such trial shall be had before the Supreme Court. 30

Maoris so arrested may be sent to any part of colony.

6. Any Maori so arrested may be detained and sent in custody in or to any place in the Colony of New Zealand, whether the same be a public prison or not, and every keeper of a public prison, and any person in whose custody any such Maori shall be, shall be deemed and taken to be to all intents and purposes lawfully authorized to detain him in safe custody and to be the lawful keepers of any such Maori or Maoris so arrested or detained as aforesaid, and the place or places where any such Maori may be so detained in custody shall be deemed to be lawful prisons for the detention and safe custody of such Maori or Maoris respectively. 35 40

Colonial Secretary may change place of detention.

7. The Colonial Secretary may, by warrant signed by him, from time to time as occasion shall require, change the person or persons by whom, and the place in which, any such Maori shall be detained in safe custody.

Not necessary to bring prisoners up under writ of *habeas corpus*.

8. If any person who shall be detained in custody under the powers conferred by this Act shall sue forth a writ of *habeas corpus* during the continuance of this Act, it shall be a good and sufficient return to such writ that the party suing forth the same is detained by virtue of the powers conferred by this Act, and when such return shall be made it shall not be necessary to bring up the body of the person so detained. 45 50

No prisoner to be detained longer than end of next session.

9. No Maori shall be detained in custody by virtue of the powers conferred by this Act for a longer time than until the end of the next session of the General Assembly.

Act to be in force till end of next session.

10. This Act shall continue and be in force until the end of the session of the General Assembly next following this present session and no longer. 55