

166

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
13th August, 1907.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Carroll.

TOHUNGA SUPPRESSION.

ANALYSIS.

Title.
Preamble.
1. Short Title.

2. Penalty on person practising as a tohunga.
3. Regulations.
4. Repeal.

A BILL INTITULED

AN ACT to suppress Tohungas.

Title.
Preamble.

WHEREAS designing persons, commonly known as tohungas, practising on the superstition and credulity of the Maori people by pretending to possess supernatural powers in the treatment and cure of disease, the foretelling of future events, and otherwise, and thereby induce the Maoris to neglect their proper occupations and gather into meetings where their substance is consumed and their minds are unsettled to the injury of themselves and to the evil example of the Maori people generally :

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

1. This Act may be cited as the Tohunga Suppression Act, 1907.

Short Title.

(1.) Every person ~~who is or pretends to be a tohunga, or~~ who gathers Maoris around him by practising on their superstition or credulity, or who misleads or attempts to mislead any Maori by professing or pretending to possess supernatural powers in the treatment or cure of any disease or in the foretelling of future events or otherwise, is liable on summary conviction before a Magistrate or two Justices to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding six months in the case of a first offence, or to imprisonment for a period not exceeding twelve months in the case of a second or any subsequent offence against this Act.

Penalty on person practising as a tohunga.

(2.) No prosecution for an offence against this Act shall be commenced without the consent of the Native Minister first had and obtained.

3. The Governor may from time to time, by Order in Council gazetted, make such regulations as he thinks fit to enable the intention of this Act to be carried out.

Regulations.

4. Subsection five of section sixteen of the Maori Councils Act, 1900, and all regulations made under that subsection are hereby repealed.

Repeal.

TOHUNGA SUPPRESSION.

MEMORANDUM.

SECTION 240 of the Criminal Code Act, 1893, makes it an indictable offence punishable by one year's imprisonment to pretend to exercise or use any kind of witchcraft, sorcery, enchantment, or conjuration, or to undertake to tell fortunes. Section 49 of the Indictable Offences Summary Jurisdiction Act, 1894, provides that the same offences may be dealt with summarily, and are punishable by one month's imprisonment or a fine of five pounds. These provisions seem scarcely wide enough in their scope to cover the mischief dealt with in the present Bill, and special legislation seems advisable. The Maori Councils Act, 1900, gives certain limited powers of regulation and prohibition to Maori Councils in respect of tohungas. It is proposed to repeal this provision.

JOHN W. SALMOND,
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