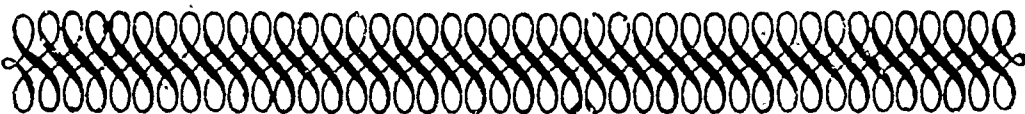


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FOR THE

Provisional Government of British Settlements in the Islands of New Zealand.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS the foundation of British Settlements in distant Preamble.
lands, according to a wise and just system of colonization,
must conduce to the advantage of this populous and commercial
Kingdom, and to the honour of Her Majesty's Crown :

5 And whereas the group of Islands in the Southern Ocean, commonly
called New Zealand, consisting of two principal Islands, together with
several smaller Islands adjacent thereto, are well adapted for the pur-
poses of such colonization :

10 And whereas many British subjects have fixed their residence in the
said Islands, some of whom have acquired considerable property therein,
and the number of such British settlers is continually increasing; and
the said Islands have become much frequented by British and other
shipping, whereby a regular and increasing trade and intercourse are
carried on therewith :

15 And whereas there are not in force within the said Islands any laws
for the protection of life, liberty or property, by reason whereof many
unjust and wicked acts have been committed with impunity therein, and
the native inhabitants thereof have been grievously injured :

And whereas it is seriously apprehended, and has been represented to Her Majesty by divers of Her Majesty's servants exercising authority in the South Seas, that unless measures be adopted to prevent the evils occasioned by the present state of intercourse between Her Majesty's subjects and the native inhabitants of the said Islands, the said native inhabitants will continue to diminish in numbers, and will, in all probability, be shortly exterminated : 5

And whereas divers of Her Majesty's subjects now in Great Britain, and possessing among them considerable property, are desirous of embarking for the said Islands of New Zealand, for the purpose of settling in such parts thereof as the native inhabitants may be willing to cede to Her Majesty, provided that adequate protection be secured to their persons and property within such territories as may be so ceded therein ; and that all waste lands which may be lawfully ceded to Her Majesty therein be disposed of to settlers by sale only, upon a sound and uniform system ; and that the purchase-money thereof be employed principally as an emigration fund : 10 15

And whereas others of Her Majesty's subjects are ready and willing to advance considerable sums of money in order to the foundation and maintenance of settlements in the said Islands, upon condition that the government thereof be confided provisionally to Commissioners specially appointed for that purpose, with the approval of Her Majesty in Council ; and that the waste lands therein be disposed of, and the purchase-money applied in the manner aforesaid : 20

And whereas it is expedient that Her Majesty's said subjects being so desirous, should be enabled to carry their said laudable purposes into effect, and that sufficient powers should be granted to enable just and equitable Treaties to be made with the native inhabitants, for the purchase and session of lands in the said Islands, and in particular it is desirable that law and government should be duly established within the said Islands, not only for prevention of the many evils arising as aforesaid, from the want thereof, but to the end that the native inhabitants may, for the future, be preserved from injury and wrong, may be instructed in the knowledge of religion, and the useful arts, and accustomed to the manners of social life, whereby, under the favour of Providence, colonization will be the means of diffusing amongst them the blessings of Christianity, and promoting their civilization and happiness : 25 30 35

1.
Appointment
and removal
of Commis-
sioners.

Be it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT *the Right honourable John George, Earl of Durham, the Right honourable William Henry Francis,* 40
Lord

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Lord Petre, William Bingham Baring, Esquire, commonly called the
honourable William Bingham Baring, Sir William Molesworth, Ba-
ronet, Sir William Symonds, Knight, a Captain in Her Majesty's Royal
Navy, Samuel Hinds, Doctor in Divinity, Walter Frederick Campbell,
5 Esquire, Charles Enderby, Esquire, Robert Ferguson, Esquire, Benjamin
Hawes the younger, Esquire, Philip Henry Howard, Esquire, William
Hutt, Esquire, George Lyall, Esquire, Thomas Mackenzie, Esquire,
Henry George Ward, Esquire, and William Wolryche Whitmore, Es-
quire, and their successors in office, to be appointed in manner herein-
10 after mentioned, shall be the Commissioners for carrying this Act into
execution, and shall be styled "The Commissioners for Settlements in
New Zealand;" and it shall be lawful for the Commissioners for the
time being, or the major part of them, from time to time to remove any
Commissioner from their body; and upon every vacancy occasioned,
15 either by removal, resignation, death or otherwise, to appoint some other
fit person to the said office: Provided, That every such removal or ap-
pointment shall be approved by Her Majesty, Her heirs and successors,
with the advice of Her or their Privy Council; and until any such
new appointment shall be made and approved as aforesaid, it shall be
20 lawful for the surviving or continuing Commissioners to act as if no such
vacancy had occurred.

And be it Enacted, That any *Three* or more of the said Commis-
sioners shall and may, from time to time, form a Board for executing
the several powers which by this Act are given to, or vested in, the
25 Commissioners; and as often as the office of Chairman shall from time
to time be vacant, the said Commissioners shall and may appoint one
of their number to be the Chairman of the said Board; and when any
Board shall be formed in the absence of the Chairman, the Commis-
sioners present shall, before they shall proceed to any other business,
30 appoint one of their number to preside for that turn at such Board.

2.
Commissioners may sit as a Board.

And be it Enacted, That if the Commissioners present at any Board
shall be divided in opinion with respect to any matter by them dis-
cussed, the question shall be decided by the majority of votes, and if
they shall be equally divided, the Chairman, or in his absence the Com-
35 missioner presiding for that turn, shall have two voices, or the casting
vote: Provided always, That no order of any Board for the removal
or appointment of a Commissioner shall be valid, unless the major part
of the Commissioners for the time being shall be present at such Board,
and shall concur in such order.

3.
Chairman and occasional Chairman to have the casting Vote.

And be it Enacted, That the said Commissioners shall cause to be
made a seal of the said Board, and shall cause to be sealed therewith
all orders and regulations made by the said Commissioners in pur-
40 suance of this Act; and such orders and regulations, or copies thereof,
purporting

4.
To have a Common Seal.

purporting to be sealed with the seal of the said Board, shall be received as evidence of the same respectively, without any further proof thereof; and no such order, or regulation, or copy thereof, shall be valid, or have any force or effect, unless the same shall be sealed as aforesaid.

5

5.
Commissioners to record their Proceedings.

And be it Enacted, That the said Commissioners shall make a record of their proceedings, in which shall be entered in writing a reference to every treaty, deed, agreement, or other instrument made or entered into; and to every order, regulation, law, or ordinance, made or issued in pursuance of this Act; and to every letter received, stating from whence its date, the date of its reception, and the subject to which it relates; and a minute of every letter written, or order given by the said Commissioners, whether in answer to such letters received or otherwise, with the date of the same, and a minute of the opinion of each of the members of the Board of Commissioners in case they should finally differ in opinion upon any order to be given, or other proceeding of the Board; and a reference to every officer appointed, and to every other act done by the said Commissioners, in pursuance of this Act; and such record shall be submitted to Her Majesty's Privy Council as often as the same shall be required.

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6.
Commissioners to make Annual Report;

And be it Enacted, That the said Commissioners shall, once in every year, submit to Her Majesty in Council a General Report of their proceedings, and shall lay a copy of every such Report before both Houses of Parliament, within *One Week* after the making thereof, if Parliament be then sitting; or if Parliament be not sitting, then within *One Week* after the next meeting thereof; and every such General Report shall particularly set forth all treaties, deeds, agreements and instruments, and all rules, orders and regulations, and all laws and ordinances, and all appointments of officers, and delegations of powers, and all other public acts of whatsoever description, done by the Commissioners in pursuance of this Act.

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7.
And to report Proceedings to Secretary of State when required.

And be it Enacted, That the said Commissioners shall from time to time, and at such times as any one of Her Majesty's Principal Secretaries of State shall direct, give to the said Principal Secretary of State requiring the same, such information respecting their proceedings, or any part thereof, as the said Principal Secretary of State shall require.

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8.
Commissioners to appoint Secretary and Officers.

And be it Enacted, That the said Commissioners may, and they are hereby empowered, from time to time, to appoint a Secretary, Treasurer, and all such Clerks, Messengers and Officers as they shall think fit, and from time to time, at the discretion of the said Commissioners, to remove such Secretary, Treasurer, Clerks, Messengers and Officers, or any of them, and to appoint others in their stead.

40

And

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9.
Oath of Office
of Commis-
sioners.

5 And be it Enacted, That every Commissioner appointed by this Act as aforesaid; or to be appointed from time to time in pursuance thereof, before he shall enter upon the execution of his office, shall take the following oath before one of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas, or one of the Barons of the Court of Exchequer; (that is to say)

10 "I, A. B., do swear, That I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute and fulfil all the powers and authorities of a Commissioner under an Act passed in the first year of the reign of Queen VICTORIA, intituled, 'An Act' [here set forth the title of this Act], and in particular, that in all dealings with the inhabitants of the native race in the Islands of New Zealand, I will cause law and justice to be observed according to the intent and meaning of this Act, and that I will at all times protect the said native inhabitants against any injury from all persons whatsoever, and will preserve to them all such rights and privileges as by virtue of this Act shall justly appertain to them.

" So help me GOD."

20 And the appointment of every such Commissioner, together with the time when, and the Judge or Baron before whom, he shall have taken the oath aforesaid, shall be forthwith published in the London Gazette.

10.
Treaties to
be made for
Cession of
Territories.

25 And be it Enacted, That it shall be lawful for the said Commissioners to make and enter into such treaties or contracts as they shall deem expedient with any chiefs or inhabitants of the native race, or other competent persons, in the said Islands of New Zealand, for the cession, to The Queen's Majesty, Her heirs and successors, or to the said Commissioners on behalf of Her said Majesty, Her heirs and successors, of any sovereign rights, territories, lands or hereditaments, within the said Islands, or any of them, or appurtenant thereto; and upon every such treaty or contract being made as aforesaid, the said Commissioners shall make public proclamation thereof, and shall declare all territories of which the sovereignty shall have been ceded as aforesaid, to be British settlements, and the boundaries thereof respectively, and shall determine and declare, if they shall think fit, the districts into which, for the purposes of this Act, the said settlements shall be divided respectively, and shall give to such British settlements and districts, and to any places therein, such names as to the said Commissioners shall seem fit, and such British settlements shall be deemed and taken to be a part of Her Majesty's foreign possessions to all intents and purposes whatsoever; and all and every person who shall at any time thereafter inhabit or reside within such British settlements shall be free, and shall thenceforward enjoy the same rights and privileges, and be entitled to the same exemptions and immunities in regard to duties of customs, and to trade

and navigation, within the said settlements, or within the United Kingdom of Great Britain and Ireland, or any other British colony or possession, as Her Majesty's free subjects in the most favoured British colony or possession, and shall be subject to and bound to obey the law of England, as far as the same can be applied within the said settlements, and subject to such modification as hereinafter mentioned, such laws, institutions and ordinances, as shall be made specially for the said settlements, and no other laws, ordinances or institutions whatsoever: Provided always, That nothing herein contained shall prejudice or affect the rights of any chiefs or others of the native race in the said Islands, which shall not be freely and voluntarily ceded in pursuance of this Act: Provided also, and the said Commissioners are hereby required, upon the making of every such treaty as aforesaid, fully and particularly to make known to all such chiefs, and others of the native race as shall be parties to the same, That all persons inhabiting the territories thereby ceded, who theretofore were in the condition of personal slavery of any description whatsoever, shall thenceforth be free to all intents and purposes, in the same manner as if they had been born within the United Kingdom of Great Britain and Ireland.

11.
Treaties to
be made for
Jurisdiction
in parts not
ceded.

And be it Enacted, That it shall be lawful for the said Commissioners to make and enter into such treaties or contracts with any native chiefs or others, having competent authority for that purpose, as the said Commissioners shall deem necessary, in order to enable them to exercise, or cause to be exercised, a criminal jurisdiction for the trial and punishment of offenders, and for the seizure and imprisonment of transported convicts, who may have escaped from Her Majesty's penal colonies, or other criminals or offenders against the laws of Great Britain, or of the said British settlements, within any parts of the said Islands of New Zealand whereof the sovereignty shall not have been ceded to Her Majesty, or to the said Commissioners in pursuance of this Act, and also to enable the said Commissioners to make and establish regulations for the trade, navigation and intercourse between the inhabitants of the said British settlements or other British subjects, and the native inhabitants in all ports, harbours or other places in the said Islands whereof the sovereignty shall not have been ceded as aforesaid, and to enable the said Commissioners to regulate and settle all other matters affecting the relations between the inhabitants of the said British settlements, or other British subjects, and the native inhabitants of any parts of the said Islands whereof the sovereignty shall not have been ceded as aforesaid, or in anywise touching their interests or affairs respectively.

12.
Treaties to
be reported to
Privy Council
and Parliament,
and to

Provided always, and be it Enacted, That as often as any treaty shall be made by the Commissioners for any of the purposes aforesaid, the Commissioners are hereby required, with all convenient speed, to lay

a copy

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be made with
free consent of
Natives.

a copy thereof before Her Majesty in Council, and also before both Houses of Parliament, if Parliament shall be sitting, or if Parliament shall not be sitting, then within *One Week* after the next meeting thereof; and it is hereby expressly declared, that no treaty or contract
5 made in pursuance of this Act with any chiefs or inhabitants of the native race in the said Islands for any purpose whatever, shall be valid, unless the same shall be made with the free will and full consent of such persons of the native race as shall be parties thereto respectively, and every such treaty or contract shall be made and ratified publicly, and
10 with all the forms and solemnities customary among the native inhabitants, and in the presence of the Protector of the native inhabitants, to be appointed as hereinafter mentioned; and in case any such treaty or contract shall not be made in the manner hereby required, or if any force or intimidation, fraud, deceit or concealment, shall be used towards any person or persons of the native race in or about any such treaty or
15 contract, or in anywise relating thereto, every such treaty or contract shall be null and void.

And be it Enacted, That the government, as well legislative as executive, civil and military, and for all purposes whatsoever, of all territories within the said Islands whereof the sovereignty shall be ceded to Her Majesty, or to the said Commissioners as aforesaid, and which shall become British settlements in pursuance of this Act, shall be and is hereby vested in the Commissioners hereinbefore appointed, and their successors in office as aforesaid; and the said Commissioners are hereby
20 authorized and empowered to make, ordain and establish all such laws, institutions, ordinances and regulations, and to constitute such courts of justice and judges, with such civil and criminal jurisdiction, and to appoint all such public officers of every description, as to the said Commissioners shall seem necessary for the peace, welfare and good government of Her Majesty's subjects, as well as of all persons of the native
25 race, and others within the said British settlements; and it shall be lawful for the said Commissioners, in so far as they shall be in that behalf specially authorized and empowered by The Queen's Majesty, and no otherwise, to pardon all offences committed, and remit all fines imposed, within the said settlements, either freely or conditionally, as to their discretion shall seem fit, and also to admit by naturalization or
30 otherwise all aliens within the said settlements to the rights of British subjects therein, but not elsewhere, subject to such conditions as to the said Commissioners shall seem fit: Provided, and it is hereby expressly
40 declared, That all persons of the native race, inhabiting the said British settlements, shall, without any condition of naturalization or otherwise, be entitled to and enjoy all the rights, privileges, exemptions and immunities of British subjects therein, and shall be entitled to share equally with such British subjects in the benefit of all public provisions made for the advantage or enjoyment of the inhabitants of the said settlements,

13.
Government
of the Settlements.

and shall be eligible to all public offices and employments under the government thereof, of every description whatsoever : Provided always, That it shall be lawful for the said Commissioners to make from time to time such temporary and exceptional laws as shall appear to them adapted to the uncivilized state of the inhabitants of the native race, and the said native inhabitants shall not be obliged or required to obey or be subject to the general laws of the said settlements, any further or otherwise than according to the intent and meaning of the said temporary and exceptional laws, any thing herein contained to the contrary notwithstanding : Provided also, That all laws, institutions, ordinances and regulations, so to be made as aforesaid, shall be entered in the record of proceedings hereinbefore directed to be kept by the said Commissioners, and copies thereof shall be appended to the annual reports to be laid before Her Majesty in Council, and before Parliament, and that no such laws, institutions, ordinances or regulations, shall be valid, which shall be repugnant to any of the provisions of this Act, or which shall repeal, vary or suspend any of the provisions of the Acts for preventing Mutiny and Desertion, or any provisions of any Act hereafter to be passed specially referring to or binding the said settlements, or which shall in any way affect the allegiance of any person to the Crown of the United Kingdom, or the sovereignty of the said Crown over any part of the said settlements ; and all such laws, institutions, ordinances and regulations (except as aforesaid), shall be in force until the same shall be disallowed by Parliament, or by Her Majesty in Council, and shall be noticed as public laws by all Courts of Justice in Her Majesty's dominions.

14.
Power to im-
pose Taxes.

And be it Enacted, That it shall be lawful for the said Commissioners to impose and levy all such rates, customs, and other duties, taxes and assessments, as shall to them from time to time seem necessary, for the foundation and government of the said settlements, and for all public purposes within the same, as well as for defraying the expenses of the said Commissioners, and the costs and expenses incurred or to be incurred in carrying this Act into execution, and in applying for and obtaining the same, and in anywise relating thereto ; and the monies received from such rates, duties, taxes and assessments, shall be called the " Ordinary Revenue" of the said settlements : Provided always, That it shall not be lawful for the said Commissioners to impose or levy any duties of customs, or tonnage, or of any other description, upon goods or shipping, or to make any laws or regulations for trade or navigation which shall be inconsistent with or repugnant to any of the general laws of the United Kingdom of Great Britain and Ireland, for navigation or shipping, or for the regulation of the trade or commerce of Her Majesty's Colonies or foreign possessions ; and if any laws shall be made by the said Commissioners which shall be so inconsistent or repugnant, the same shall be void.

And

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15.
Exemption
from Customs
Duties in
Great Britain.

And be it Enacted, That it shall be lawful to import into the United Kingdom of Great Britain and Ireland any flax, and any wood, being *Eight Inches* square or upwards, fit for ship-building, and any bark, or any solid vegetable extract, to be used solely for the purpose of tanning leather, such articles being the growth or produce of the said British settlements in the said Islands of New Zealand, and imported direct from thence, during the period of *Ten Years*, to be reckoned from the passing of this Act, without payment of any duty whatever for the same : Provided always, That before such goods shall be entered as being the growth or produce of the said British settlements in New Zealand, the master of the ship or vessel importing the same shall produce and deliver to the Collector or Comptroller of the Customs at the port of importation, a certificate under the hand of the proper officer at the place where such goods were taken on board, testifying that proof had been made in manner required or authorized by any law in force for the time being in such place, and that such goods were the growth or produce thereof, stating the name of the place, and the quantity and quality of the goods, and the name of the vessel in which they are laden, and of the master thereof, and such master shall also make oath before the Collector or Comptroller of the Customs at the port of importation, that such certificate was received by him at the place where such goods were taken on board, and that the goods so imported are the same as are mentioned and referred to in such certificate.

And be it Enacted, That it shall be lawful for the said Commissioners at any time after the passing this Act to appoint such persons as they may think fit (but not less than *Three* in number) to be and act as the Council of Government in and for the said British settlements to negotiate, make and enter into the treaties and contracts hereinbefore authorized ; and the said Commissioners may remove all or any of the members of the said Council of Government at their discretion, and on every or any vacancy in the said Council of Government by the removal or death of any member thereof, or otherwise, appoint some other person to be a member of the said Council, and until such appointment it shall be lawful for the surviving or continuing members or member of the said Council to act as if no such vacancy had occurred, and the said Commissioners shall make such orders and regulations as to them shall seem fit for settling the rank and precedence of the respective members of the said Council in the said settlements, and for prescribing the duties of their said office, and their procedure in relation thereto ; and it shall be lawful for the said Commissioners to delegate to the said Council of Government, or to any of the members thereof, such of the powers and authorities hereby given to the said Commissioners (except the power of appointing and removing Commissioners) as the said Commissioners shall think fit, and the powers and authorities so delegated, and the delegations thereof, shall be notified in such manner, and such powers

16.
Appointment
of Council of
Government.

and authorities shall be exercised at such places, for such periods, and under such circumstances, and subject to such regulations, as the said Commissioners shall direct; and the said Commissioners may at any time revoke, recall, alter or vary all or any of the powers and authorities which shall be delegated as aforesaid, and, notwithstanding the delegation thereof, may act as if no such delegation had been made: Provided always, That every such appointment or removal of any members or member of the said Council of Government, and every such delegation of powers or authorities as aforesaid, shall be from time to time subject to the disallowance of Her Majesty, with the advice of Her Privy Council, and as often as Her Majesty, with the advice aforesaid, shall think fit to disallow any such appointment, removal or delegation respectively, the same shall thenceforth be null and void.

17.
Oath of Office
of Members of
Council.

And be it Enacted, That every member of the said Council of Government who shall be appointed as aforesaid, shall, before he shall enter upon the execution of his office, take the following oath before some one of the Judges who shall be appointed for the administration of justice in the said settlements, or before one of the Judges of Her Majesty's Courts of Queen's Bench or Common Pleas, or one of the Barons of the Exchequer in England; (that is to say)

“ I, A. B., do swear, That I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute and fulfil all the powers and authorities delegated to me in pursuance of an Act passed in the first year of Queen VICTORIA, intituled, ‘ An Act’ [here set forth the title of this Act], and in particular that in all dealings with the inhabitants of the native race in the Islands of New Zealand, I will cause law and justice to be observed according to the intent and meaning of the said Act, and that I will at all times protect the said native inhabitants against injury from all persons whatsoever, and will preserve to them all such rights and privileges as by virtue of the said Act or otherwise shall justly appertain to them.
So help me GOD.”

18.
Oath of
Judges.

And be it Enacted, That every Judge who shall be appointed for any British settlement in pursuance of this Act shall, before he shall enter upon the execution of his office, take the following oath before one of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas, or one of the Barons of the Exchequer in England, or one of the Judges acting in and for the said settlements in pursuance of this Act; (that is to say)

“ I, A. B., do swear, That I will faithfully, impartially and honestly, according to the best of my skill and judgment, and without favour or affection, execute the office of a Judge within the
British

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British settlements in New Zealand, to which I have been appointed in pursuance of an Act passed in the first year of Queen VICTORIA, intituled, 'An Act' [here set forth the title of this Act], and particularly that I will cause law and justice to be administered to all inhabitants of the native race in the Islands of New Zealand according to the intent and meaning of the said Act; and that I will at all times, so far as lies within the office of a Judge, protect the said native inhabitants against injury from all persons whatsoever, and will preserve to them all such rights and privileges as by virtue of the said Act or otherwise shall justly appertain to them.

" So help me GOD."

And be it Enacted, That it shall be lawful for the said Commissioners, and they are hereby required to direct the said Council of Government to make a record of its proceedings, in which shall be entered in writing a reference to every treaty, deed, agreement or other instrument made or entered into in pursuance of this Act, and to every letter received, stating from whence its date, the date of its reception, and the subject to which it relates, and a minute of every letter written or order given by the said Council, whether in answer to such letters received or otherwise, with the date of the same, and a minute of the opinion of each of the members of the said Council of Government in case they should finally differ in opinion upon any order to be given, or other proceeding of the said Council, and a reference to every other act done by the said Council, or any of the members thereof, by virtue of the powers delegated to them in pursuance of this Act, and also to direct that the said record shall contain quarterly abstracts of the accounts of the treasurer or treasurers to be appointed in and for the said settlements which shall comprise full particulars of the public revenue and expenditure of the said settlements, and that the said Council of Government shall once in every year, or oftener, if required by the said Commissioners, transmit to the said Commissioners a General Report of its proceedings, setting forth particularly all treaties, deeds, agreements, laws, ordinances, regulations, appointments, accounts, vouchers, and all other public acts, matters and things of whatsoever description, made, done or received by the said Council of Government, or any of the members thereof, in pursuance of the powers delegated to them by virtue of this Act, and all proceedings of the said Council of Government, or of any of the members thereof, had or taken in pursuance of the powers so delegated to them as aforesaid, shall be deemed and taken to be the proceedings of the said Commissioners, and shall be by them reported in manner hereinbefore directed.

19.
Council of
Government
to record its
Proceedings.

And be it Enacted, That it shall be lawful for the said Commissioners to give to any Court or Courts of Justice to be constituted by

20.
Jurisdiction
of Courts.

them in pursuance of this Act, a criminal jurisdiction for the trial and punishment of all offences committed not only within the said British settlements, but in any parts of the said Islands of New Zealand whereof the sovereignty shall not have been ceded, but wherein a criminal jurisdiction shall have been ceded by treaty, in pursuance of this Act, and also in the high seas, and in any place in the Indian or Pacific Oceans not subject to Her Majesty, or any European Sovereign or State, and after such Court or Courts of Justice shall have been constituted, and such criminal jurisdiction shall have been given by the said Commissioners as aforesaid, it shall not be lawful for any Court of Justice, or any other British colony or possession, to have or exercise jurisdiction over any crimes or offences committed within the said Islands, or any part thereof, or within nine miles of the coasts thereof; any law, statute, ordinance or custom to the contrary in anywise notwithstanding.

21.
Laws of
England to be
applied in
administration
of Justice.

And be it Enacted, That all laws and statutes now in force within the realm of England, not being inconsistent with this Act, or with any laws, institutions, ordinances or regulations, which may be made by the said Commissioners in pursuance hereof, shall be applied to all persons, and to all lands, chattels and property in the said settlements, and shall be regarded and administered in the Courts to be established under the authority of the said Act, so far as the same can be applied within the said settlements; and as often as any doubts shall arise as to the application of the laws and statutes of England, in the said settlements, it shall be lawful for the said Commissioners, by ordinances to be by them for that purpose made, to declare whether such laws or statutes shall be deemed to extend to such settlements, and to be in force within the same, or to make and establish such limitations and modifications of such laws and statutes within the said settlements as may be deemed expedient in that behalf: Provided always, That in the meantime, and before any such ordinances shall be actually made, it shall be the duty of the said Courts, as often as any such doubts shall arise upon any proceeding before them, to adjudge and decide as the application of any such laws or statutes in the said settlements.

22.
A Colonial
Force to be
maintained.

And be it Enacted, That it shall be lawful for the said Commissioners, and they are hereby required to provide for the defence and protection of the said settlements, and the inhabitants thereof, by raising and maintaining either such a colonial corps or militia, consisting of such number of effective men, or such police force, or by equipping and maintaining such armed vessels, manned with such number of men, as to the said Commissioners shall from time to time seem expedient; and the said Commissioners shall and may establish and enforce from time to time such articles of war and martial law, for the said military or naval forces, or for the protection and peace of the said settlements, as the said Commissioners shall deem necessary.

And

23.
A Bishopric
to be consti-
tuted.

And be it Enacted, That it shall be lawful for Her Majesty (if she shall think fit), upon application from the said Commissioners, by Her Royal Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, to erect, found and constitute a Bishopric for the said Islands of New Zealand, and the dependencies thereof, and from time to time to nominate and appoint a Bishop to such Bishopric, under such style and title as to Her Majesty shall seem fit, and the said Commissioners are hereby required to pay or cause to be paid unto every such Bishop such salary or annual allowance as shall be fixed by Her Majesty in that behalf, and such salary or allowance shall commence from such time as Her Majesty shall direct, and shall be in lieu of all fees of office, perquisites, emoluments or advantages whatsoever, and every such Bishop shall have, use and exercise such ecclesiastical jurisdiction and functions within the said Islands as shall be granted and limited to him by Her Majesty, and no other ecclesiastical jurisdiction or functions whatsoever, and shall be subject to such metropolitan, and to such superintendence and revision, as Her Majesty shall, in and by Her Letters Patent, in that behalf direct.

24.
Provision for
Religious
Worship.

And be it Enacted, That it shall be lawful for the said Commissioners, and they are hereby required to grant from time to time to the members of every Christian church, or other religious denomination which shall form a congregation, consisting of a certain number of families, to be from time to time fixed by a general order or regulation to be made in that behalf by the Commissioners, as the number requiring an especial religious provision, such sums of money as shall be sufficient for the maintenance of the religious worship, and of the ministers of every such church or religious denomination; and such sums of money may be granted, either before any such congregation shall have embarked for the said settlements, or after its arrival within the same, as to the said Commissioners shall seem fit: Provided always, That the clergy of the Established Church of England, for whom any such provision shall be made, shall be appointed by the Bishop constituted for the said Islands, or in such other manner as Her Majesty shall direct, and also that the ministers of the Church of Scotland, for whom any such provision shall be made, shall be ordained and inducted by, and subject to the ecclesiastical jurisdiction of, the Presbytery of Edinburgh, according to the forms and solemnities used in the Church of Scotland, subject to dissent, protest and appeal to the Provincial Synod of Lothian and Tweedale, and to the General Assembly of the Church of Scotland, and shall be appointed by such competent authority, recognized in that behalf by the said General Assembly of the Church of Scotland, as Her Majesty shall direct.

25.
Protector of
Natives to be
appointed.

And be it Enacted, That it shall be lawful for Her Majesty, if She shall see fit, to appoint from time to time a fit person to be the Protector

tector of the inhabitants of the native race within the said British settlements, and it shall be the especial duty of such Protector to protect the rights and privileges, and to watch over the interests, of such native inhabitants, and such Protector shall and may attend all meetings of the said Council of Government, on all occasions of any proceedings or questions affecting such native inhabitants, or any of them; and the said Commissioners are hereby required to direct that the said Protector shall be summoned by the said Council accordingly; and the said Protector shall be heard in all Courts of Justice in the said settlements as the advocate of the said native inhabitants, or any of them, and shall be admitted to prosecute and defend in all causes and proceedings, whether civil or criminal, without any costs or charges to the said native inhabitants, and shall be present at, and a subscribing witness to, all treaties or contracts which shall be made with the said native inhabitants for any purpose whatsoever in pursuance of this Act; and the said Protector shall not be removed by any authority other than that of Her Majesty, and shall be paid by the said Commissioners such salary or annual allowance, commencing from such time as Her Majesty shall direct; and the said Protector shall transmit reports from time to time to one of Her Majesty's Principal Secretaries of State, in such manner as such Secretary of State shall direct, and previously to the transmission of such reports shall furnish copies thereof to the Council of Government in the said settlements, for the information of the said Council; and it shall be lawful for the said Protector of natives, when he shall see fit, to appoint an assistant Protector, to act on his behalf at each of any of the said settlements other than the chief settlement in the said Islands.

20.
No Convicts
to be transported to the
Settlements.

And be it Enacted, That no person or persons convicted in any Court of Justice of Great Britain or Ireland, or elsewhere, shall at any time, or under any circumstances, be transported as a convict to any place within the said Islands of New Zealand, or the dependencies thereof; and if any transported convict shall at any time escape from any of Her Majesty's penal colonies, and shall be found in any of the said Islands or dependencies within the British settlements, or in any other part of the said Islands or their dependencies, in which the said Commissioners may be authorized to seize convicts by any treaty entered into under the authority of this Act, it shall be lawful for the said Commissioners to seize and imprison any and every such convict, and to deliver the same as soon as may be to the proper officer of the colony from whence such convict shall have so escaped.

27.
Disposal of
Public Lands.

And be it Enacted, That the said Commissioners shall, and they are hereby empowered to declare all the lands within the territories ceded and made British settlements in pursuance of this Act (excepting only such portions as shall be reserved for roads and for other public uses, and

and excepting such portions as shall have been reserved to the native owners on the cession of the sovereignty of such territories), to be public lands, open to purchase by all persons having the rights of British subjects, and to make such orders and regulations for the surveying and sale of such public lands, at such price as the said Commissioners shall from time to time deem expedient, and for the letting or use of the pasturage, or other natural produce of the unsold portions thereof, as to the said Commissioners shall seem meet, and from time to time to alter and revoke such orders and regulations : Provided always, That no part of the said public lands shall be sold except publicly, for ready money, but in no case and at no time, for a lower price than the sum of *Twelve Shillings* sterling for each English acre : Provided also, That the sum for each acre which the said Commissioners shall declare during any period to be the price at which public land shall be sold, shall be an uniform price, that is to say, the same price for each acre, whatever the quality or situation of the land put up for sale.

And be it Enacted, That the monies which shall be from time to time received as the purchase-money of lands sold as aforesaid, or as rent, or for the use of the pasturage or other natural produce of such unsold portions of land as aforesaid, shall constitute and be called "The Land Revenue" of the said settlements ; and the said land revenue, after deducting therefrom *One-fourth* part for the purposes hereinafter mentioned, shall be divided into two parts, that is to say, "The Purchase Fund" and "The Emigration Fund ;" and the said Commissioners shall employ the said Purchase Fund in the fulfilment of such treaties or contracts for the cession of territories and sovereign rights as shall be made in pursuance of this Act, and in defraying the incidental expenses strictly relating thereto ; and the said Commissioners shall employ the said Emigration Fund in defraying the costs of conveying labouring persons as emigrants from Great Britain and Ireland to the said settlements, and maintaining or assisting such emigrants after their arrival in the said settlement, for a time to be limited in the orders of the Commissioners, if the Commissioners shall so think fit, and in defraying the costs of such agencies and incidental expenses as shall strictly relate to and be unavoidably incurred in and about such emigration, and for no other purpose whatsoever : Provided always, That it shall be lawful for the said Commissioners, if they shall think fit, to employ a part of the said emigration fund, not exceeding one-tenth part thereof, in defraying the costs of the emigration to the said settlements of foreign labourers acquainted with modes of culture or manufacture adapted to the said settlements, and of the families of such labourers : Provided also, That the persons who shall, by means of the said emigration fund, be conveyed to the said settlements, shall, as far as possible, be adult persons of the two sexes, in equal proportions, and not exceeding the age of *Thirty Years*.

28.
Application of
Land Revenue.

2).
Reserve of
Land for
Natives.

AND whereas it is desirable that the former native owners of lands within ceded territories should continue to possess landed property within British settlements, in order that they may preserve in civilized life a relative superiority of condition over the lower orders of inhabitants of the native race; BE it therefore Enacted, That as often as any territories or lands shall be ceded by any native chiefs or others of the native race in the said Islands, so that the same shall become British settlements in pursuance of this Act, it shall be lawful for the said Commissioners, and they are hereby required to set apart and reserve for the exclusive use and benefit of the said chiefs or inhabitants of the native race who shall have been the owners of such territories or lands, and shall thereby become the inhabitants of British settlements, such a proportion of the lands so ceded, as at the then existing price required from British settlers, could be purchased with such a sum of money equal to the cost of the conveyance from England to New Zealand of the same number of emigrant labourers as the number of native inhabitants who shall, by such cession, have been introduced into and become inhabitants of such British settlements, and such lands so set apart and reserved, shall be held on such trusts for such native owners as aforesaid, and their families and descendents, by such persons, and in such manner, for their or some of their behalf, as the said Commissioners, with the approbation of the said Protector of the native inhabitants, shall from time to time direct.

30.
Special
Powers to sell
and demise
Lands.

And be it Enacted, That it shall be lawful for the said Commissioners to contract for the sale of the lands of the said settlements, and for the letting or use, either in severalty or in common, of the unsold portions thereof, or the pasturage or natural produce thereof, and also to grant and convey to the purchasers, and to demise or grant to the persons contracting for leases, or for the use of such lands, pasturage, or natural produce, the said lands, pasturage, or other natural produce respectively, and all such contracts, grants, conveyances, demises, or other instruments, shall be made in such forms as the said Commissioners shall from time to time direct, and the rents reserved on such demises, shall be debts due to the said Commissioners, and shall and may be recoverable by such and the same remedies as would have been incident to rents reserved on demises for years by the owners of the lands comprised, or whereof the pasturage or other natural produce shall be comprised, in such demises : Provided always, That all sales of land by the said Commissioners shall be subject to the provisions and restrictions as to the manner of sale, and payment and price, hereinbefore particularly prescribed.

31.
Commission-
ers authorized
to delegate
Powers to sell
and convey
Lands.

And be it Enacted That it shall and may be lawful for the Commissioners to delegate to the said Council of Government, or to any other officer in the said settlements, all or any of the powers hereinbefore

given,

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given, of contracting, granting, conveying and demising, and of recovering the rents of lands or pasturage demised, as the said Commissioners shall think fit, and the powers so delegated, and the delegation thereof, shall be notified in such manner, and such powers shall be exercised in
 5 such places, for such periods, under such circumstances, and subject to such regulations as the said Commissioners shall direct, and the said Commissioners may at any time revoke or alter all or any of the powers so delegated : Provided always, That no revocation or alteration of any powers delegated by the said Commissioners under this Act shall affect
 10 the title of any purchasers or lessees taking without notice of such revocation or alteration.

And be it Enacted, That it shall be lawful for the said Commissioners to purchase and hold such ships, vessels and other chattels, as it may appear to them necessary to purchase and hold for the purposes of this
 15 Act; and so often as any such Commissioner shall die, or be lawfully removed, such chattels shall survive to the surviving or continuing Commissioner or Commissioners, and so often as any new Commissioner or Commissioners shall be appointed, all such chattels shall, by virtue of such appointment, vest in the new Commissioner or Commissioners,
 20 either alone, or jointly with the continuing Commissioner or Commissioners, without any assignment or actual delivery.

32.
 Commissioners authorized to hold Chattels.

And be it Enacted, That when the passing of this Act shall have been made known by any proclamation to that effect, made within the said Islands of New Zealand, by order of Her Majesty, or of the said
 25 Commissioners, no title or claim of any person or persons whomsoever, not being inhabitants of the native race, to any lands or hereditaments within the said Islands, or any part thereof, or to the occupation or enjoyment of the same, which shall be acquired or derived through or under any grant, gift, contract or conveyance, or otherwise howsoever,
 30 from any of the inhabitants of the native race in the said Islands, after the time of the making of the said proclamation, shall have any force or validity other than such titles or claims as shall be acquired or derived by or through the said Commissioners, according to the provisions of this Act.

33.
 Purchases by Individuals from Natives, after Proclamation of this Act, void.

And be it Enacted, That it shall be lawful for the said Commissioners, and they are hereby required from time to time to appoint, and at pleasure to remove (subject to Her Majesty's approbation of every such appointment and removal), a fit person to be a Commissioner, who shall be styled "The Commissioner for Native Titles," who shall inquire
 40 into, examine, hear and determine, the claims of all persons whomsoever other than the said Commissioners, or persons claiming through or under them, to any lands or hereditaments in the said Islands, or any part thereof, which shall be claimed by virtue of any titles alleged to be

34.
 A Commissioner to be appointed for Claims under Native Titles.

acquired from, through or under any person or persons of the native race in the said Islands ; and the said Commissioner for Native Titles shall determine on all such claims (as he shall find the fact to be), whether or not the lands or hereditaments in question were bonâ fide purchased or obtained from any native inhabitant or inhabitants, before the proclamation of this Act ; and it shall be lawful for any claimant or native inhabitant, or other person interested, to appeal from the determination of the said Commissioner for Native Titles to some one of the Courts of Justice in the said settlements, which the said Commissioners are hereby required to appoint for hearing such appeals accordingly ; and all proceedings before the said Commissioner for Native Titles, or the said Court of Appeal, in which any native inhabitant or inhabitants shall be interested, shall be conducted in their behalf by the Protector of the said native inhabitants ; and the said Commissioners shall make such further regulations for the proceedings of the said Commissioner for Native Titles, subject to Her Majesty's approbation, as to the said Commissioners shall seem meet.

35.
Lands purchased from Natives may be ceded.

And be it Enacted, That it shall and may be lawful for all persons who at the time of the proclamation of this Act as aforesaid, shall hold or be entitled to any lands or hereditaments in the said Islands, which shall have been bonâ fide purchased or obtained from inhabitants of the native race before the time of the said proclamation, to cede and dispose of the same to Her Majesty, or to the said Commissioners for the purposes of this Act : Provided always, That no lands which shall be so ceded as last aforesaid shall be deemed or taken to be a part of any British settlements, or to be subject to the laws or government thereof, until the sovereign rights of the native chiefs or inhabitants over such lands shall have been formally ceded by treaty in the manner directed by this Act : Provided also, That upon every such cession of lands and sovereign rights as last aforesaid, the said Commissioners shall be required to reserve for the exclusive use and benefit of the inhabitants of the native race who shall have been the former owners thereof, and their descendents, the same proportion of the said ceded lands, to be ascertained and held in the same manner as the proportion of lands hereinbefore directed to be reserved in case of cession by inhabitants of the native race.

36.
Lands purchased from Natives may be converted into British territories.

And be it Enacted, That it shall and may be lawful for all persons who at the time of the proclamation of this Act shall hold or be entitled to any lands or hereditaments in the said Islands which shall have been bonâ fide purchased or obtained from inhabitants of the native race before the time of the said proclamation, to continue to hold the same, if they shall think fit, subject to the sovereignty of the native chiefs, in the same way as before the aforesaid proclamation, or otherwise to convert the same, in such portions and at such times as they shall

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shall think fit, with the express consent of the native chiefs or authorities (to be formally signified by treaty in the manner directed by this Act), into British territories, which shall be deemed parts of British settlements for the purposes of this Act, upon payment to the said Commissioners of such sum for each acre of land as shall be the then existing price required by the Commissioners for Public Lands to be applied towards the land revenue of the said settlements : Provided always, That upon every such conversion of lands as last aforesaid, the said Commissioners shall be required to reserve for the exclusive use and benefit of the inhabitants of the native race who shall have been the former owners thereof, the same proportion of the lands so converted, to be ascertained and held in the same manner as the proportion of lands hereinbefore directed to be reserved in cases of cession by inhabitants of the native race.

15 And be it Enacted, That it shall be lawful for the said Commissioners to receive money in the United Kingdom of Great Britain and Ireland, as the purchase-money of public lands, ceded or to be ceded, in pursuance of this Act, in the said settlements, and to give receipts or orders for the same, which shall be called " Land Orders," and shall be transferable either in the said United Kingdom or any other place whatsoever, to any person or persons lawfully capable of holding lands in the said settlements, and shall entitle the holders thereof, or their agents, to select public lands in the said settlements, according to such laws, rules, orders and regulations as may from time to time be made for that purpose by the said Commissioners : Provided always, That the purchase-money of such lands, so received by the said Commissioners in the said United Kingdom, shall be employed in the same manner as is hereinbefore provided in regard to the purchase-money of public lands received in the said settlements.

37.
Lands may be sold in United Kingdom.

30 And be it Enacted, That all mortgages and securities which, after the passing of this Act, shall be made and executed in the United Kingdom of Great Britain and Ireland, of or concerning any lands, tenements, hereditaments or other things, lying and being in the said British settlements in New Zealand, or any part thereof, or any estate or interest therein, or upon the security of any such land orders as aforesaid, or any transfers or assignments thereof or otherwise, to any persons whomsoever, for securing the repayment of the sums of money thereon respectively really and bonâ fide advanced and lent, with interest for the same, whether payable in the said United Kingdom, or in the said British settlements ; and all bonds and covenants which after the passing of this Act shall be made and executed in Great Britain, either by the person borrowing such sums of money, or by any other person or persons either residing in the said United Kingdom or elsewhere, by way of collateral security for the payment of such sums of money or interest

38.
Securities upon Lands made in United Kingdom to be as valid as in the Settlements.

and all transfers and assignments which after the passing of this Act shall be made and executed in the said United Kingdom, of such mortgages, securities, or bonds, or covenants, to any persons whomsoever, shall be as good, valid and effectual, to all intents and purposes whatsoever, as such mortgages, securities, bonds, covenants, transfers or assignments would have been if the same had been made and executed, and the interest thereon had been made payable, and the person or persons entering into such bonds or covenants by way of collateral security, had resided in the said British settlements; and that no such mortgages, securities, bonds, covenants, transfers or assignments as aforesaid, shall, by reason of any interest taken thereon, or secured thereby, be void, nor shall any party thereto be in any manner affected either as to his liability, or as to any penalty or forfeiture, by reason of any statute or law in force within the said United Kingdom for the prevention of usury: Provided always, That this Act shall not make good, valid or effectual, any such mortgage, security, bond, covenant, transfer or assignment, where the lender or lenders of any sum or sums of money shall knowingly have advanced or lent thereon more money than the lands, tenements, hereditaments, or things in such mortgages, securities, transfers or assignments mentioned or comprised, or to be mentioned or comprised, shall be, at the time or times of advancing or lending such sum or sums of money as aforesaid, really and bonâ fide worth to be sold.

39.
Duties of
Treasurers,
&c.

And be it Enacted, That it shall be lawful for the said Commissioners to appoint and at pleasure to remove all such treasurers, surveyors and other officers, as shall from time to time be necessary for carrying into execution so much of this Act as relates to the disposal of public lands within the said settlements, and the application of the land revenue arising therefrom, and to delegate to such treasurers, surveyors, and other officers, such of the powers of this Act as shall be necessary for that purpose; and the said Commissioners are hereby required to make all necessary regulations for the faithful discharge of the duties of such treasurers, surveyors and other officers, and in particular to direct that the said treasurers shall not apply or invest any monies received by them in pursuance of this Act, but upon some order of the said Commissioners, or such officer in the said settlements as they shall authorize to make orders in that behalf; and also that the said treasurers shall keep regular books and accounts, and make up quarterly abstracts of their accounts for the information of the said Commissioners, and shall give such security for the faithful discharge of their duties as the said Commissioners shall from time to time require.

40.
Proportion of
Land Revenue
for Local Im-
provements,
and benefit of
Natives.

And be it Enacted, That it shall be lawful for the said Commissioners, and they are hereby required to expend *one-fourth* part of the land revenue of the said settlements as hereinafter mentioned, videlicet, to expend upon the making of roads and bridges, or other local improvements,

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ments, and the building of school-houses, places of worship, or other edifices for the general benefit or convenience of the inhabitants, *one-fifth* part, and no more, of the said land revenue ; and to expend towards the providing for the inhabitants of the native race within such British settlements, medical assistance and instruction in the useful arts, or other objects for the exclusive benefit and improvement of the said inhabitants of the native race, *one-twentieth* part, and no more, of the said land revenue.

And be it Enacted, That, in order to defray the costs of the purchase of lands to be ceded, and of the conveyance of labourers to the said settlements until the land revenue thereof shall be sufficient for such purposes, and also in order to defray the necessary costs and charges of founding the said intended settlements, and of providing for the government thereof, and for the expenses of the said Commissioners, and for the costs and expenses incurred, or to be incurred in carrying this Act into execution, and in applying for and obtaining this Act, and in any-wise relating thereto, until the ordinary revenue of the said settlements shall be sufficient for the said last-mentioned purposes, it shall and may be lawful for the said Commissioners, from time to time, to borrow and raise by loan such sum and sums of money as shall be required for the purposes aforesaid, either by granting or issuing to any person or persons willing to advance such monies, bonds or obligatory writings under the common seal of the said Commissioners, payable by instalments or otherwise, at interest not exceeding *Ten Pounds* per centum per annum, or by granting and selling perpetual annuities, or annuities for any term or terms for years, or any life or lives, on such terms as to the said Commissioners shall appear reasonable ; and all such bonds, obligations and grants of annuities shall be in such form, and shall be payable and assignable in such manner, as the said Commissioners shall think fit, and the same shall be termed " British New Zealand Securities," and all such British New Zealand Securities, and the monies secured thereby, and the interest thereof, shall be charged and chargeable upon both the land revenue and also the ordinary revenue of the said British settlements in New Zealand, and shall be deemed and taken to be a public debt owing by the said settlements in all time to come to the holders of all such securities, bonds, obligations or grants of annuities, as shall have been made, granted or issued by the said Commissioners for all or any of the purposes aforesaid, in pursuance of this Act : Provided always, That in every grant of any perpetual annuity, or any annuity for any term exceeding *Forty Years*, under the security of this Act, shall be inserted an agreement or proviso that such annuity shall be redeemable or repurchaseable by the said Commissioners, and in such proviso or agreement shall be fixed such times and terms for the redemption and repurchase thereof as the said Commissioners under the circumstances of the contract shall think reasonable ; and it shall and

41.
Power to
raise Loans.

may be lawful for the said Commissioners from time to time to repay such loans of borrowed money, and to repurchase and redeem such annuities, as often as it shall appear to them that the charge created by such loan or annuities can be reduced with money borrowed on loan, or raised by any or all of the means authorized by this Act, which money the said Commissioners are hereby authorized to borrow and take up accordingly. 5

42.
Particular
Charges on
Land Reve-
nues and Or-
dinary Reve-
nue.

And be it Enacted, That in every case wherein any monies raised by the said Commissioners by loan as aforesaid, shall be applied by them in aid of any of the purposes to which the land revenue of the said settlements shall be applicable as aforesaid, the monies so applied, and the interest thereof, shall be deemed and taken to be a particular charge upon the said land revenue; and in every case wherein any monies so raised shall be applied in aid of any of the purposes to which the ordinary revenue shall be applicable as aforesaid, the monies so applied, and the interest thereof, shall in like manner be deemed and taken to be a particular charge upon the said ordinary revenue, and accordingly as such monies shall be applied by the said Commissioners in aid of the said land revenue, or of the said ordinary revenue respectively, such monies, with the interest thereof, shall be a debt due to the said Commissioners from the said land revenue, or from the said ordinary revenue, as the case may be; and the said Commissioners shall keep distinct and separate accounts of all such advances in aid of the said land revenue, or of the said ordinary revenue respectively, and such advances respectively shall be repaid or replaced, with the interest thereon, as soon as conveniently may be by the said Commissioners, out of the particular revenue debited therewith; and the said Commissioners are hereby required to make and issue such orders and regulations for their treasurers and other officers as shall be necessary for the repayment to the said Commissioners of such advances and interest respectively out of the particular revenue debited therewith. 10 15 20 25 30

43.
Rights of the
New Zealand
Company to
be purchased
by Commis-
sioners.

AND whereas a certain Company, called "The New Zealand Company," was formed in the year One thousand eight hundred and Twenty-five, for the purpose of establishing settlements in the said Islands, and a promise was made by the Government of his late Majesty King GEORGE the Fourth, that a charter of incorporation should be granted to the said Company, to enable the members thereof to effect their said purpose, whereby divers rights and privileges would have been conferred upon the said Company, and upon the faith of such promised charter the members of the said Company have actually expended a large sum of money in dispatching certain vessels to the said Islands, to survey the coasts thereof, as well as in acquiring lands and forming settlements therein, and by means of the said expenditure the said Company has become possessed of certain valuable tracts of land in the 35 40

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the said Islands, favourably situated for British settlements: AND
 whereas, for the furtherance of the objects of this Act, the members of
 the said Company have consented to relinquish their claims to the said
 charter; and to cede all their lands and other rights in the said Islands
 5 to the said Commissioners for the purposes of this Act, in considera-
 tion of receiving from the said Commissioners, as the purchase-money
 thereof, an annuity, to be charged on the revenues of the British set-
 tlements to be founded in pursuance of this Act, in the manner herein-
 after mentioned; BE it therefore Enacted, That it shall and may be
 10 lawful for the said Commissioners, in consideration of the cession to
 Her Majesty, or to the said Commissioners for the purposes of this
 Act, of all the lands, territories, hereditaments, rights and privileges,
 of whatsoever description, of the said Company, or the associated mem-
 15 bers thereof, within the said Islands, to grant unto the said Company,
 or in such manner for the benefit thereof as the members thereof shall
 require, an annuity or clear yearly sum, being either perpetual or for
 any term of years, or any life or lives, commencing from the time when
 such cession as last aforesaid shall be made, of any amount equal to
 20 the interest after the rate of *Five Pounds* per centum per annum on the
 sum produced, by adding together the sum of money actually expended
 by the said Company, and the interest thereon, after the rate of *Five*
Pounds per centum per annum up to the time of such cession as afore-
 said, and such annuity shall be charged and chargeable upon both the
 land revenue and the ordinary revenue of the said British settlements,
 25 in the same manner to all intents and purposes, and shall be redcem-
 able upon payment of the principal sum upon which the same shall
 have been calculated as aforesaid, in the same manner as is hereinbe-
 fore provided in respect of annuities to be granted by the said Com-
 missioners as "British New Zealand Securities;" and in case any
 30 difference shall arise between the said Commissioners and the members
 of the said Company, in the ascertainment of the sum actually ex-
 pended by the said Company as aforesaid, the same shall be determined
 by two arbitrators, one of whom shall be chosen by the said Commis-
 sioners, and the other by the said Company, which arbitrators, in case
 35 of their disagreement, shall appoint an umpire, and the decision of
 such arbitrators, or of such umpire as aforesaid, shall be final, and
 shall not be liable to be questioned or reversed in or by any Court of
 Justice whatsoever.

And be it Enacted, That all bonds, charges, grants of annuities, and
 40 other instruments, executed by the said Commissioners under the powers
 of this Act, shall not be liable to any stamp duty.

44.
 Bonds, &c.
 exempted
 from Stamp
 Duty.

And be it Enacted, That it shall be lawful for the said Commissioners
 to appoint *Five* or more of their own number or other persons to be
 Trustees of the surplus monies that may at any time be at the disposal

45.
 Trustees of
 surplus Funds.

of the said Commissioners, and from time to time to remove any such Trustees or Trustee, and so often as any Trustees or Trustee shall die or resign, or be removed, to appoint new or additional Trustees for the like purpose ; and it shall be lawful for the said Commissioners from time to time to cause so much of the monies at their disposal, as shall not for the time be required for the purposes of this Act, to be invested in the names of such Trustees, or of any Two or more of them, in the Bank of England, or in Government or Parliamentary Securities, at interest, and from time to time to sell or alter, vary or dispose of such investment, funds or securities, as the said Commissioners shall think fit, and the order of the said Commissioners shall be a sufficient warrant or authority to the said Trustees for all such sales, or other dispositions or investments of such monies, funds and securities.

46.
When Expeditions of Settlers to be sent out.

And be it Enacted, That until the said Commissioners shall have actually received, in pursuance of this Act, either as the purchase-money of public lands in the said settlements, or as a loan or loans for the purposes of the said settlements in any of the ways wherein the same are hereinbefore authorized to be raised, such sums of money as shall amount in the whole to the sum of *One hundred thousand Pounds* sterling, it shall not be lawful for the said Commissioners to employ any of the monies to be received by them, in pursuance of this Act, in the conveyance of any persons as emigrants or settlers to the said settlements or Islands, except such preliminary expedition or expeditions as they shall deem necessary for the purpose of surveying the lands in the said Islands, and making treaties with the native inhabitants or others, for the cession thereof in manner hereinbefore directed.

47.
Commissioners authorized to register Ships.

And be it Enacted, That if it shall become necessary to register any ship or vessel belonging to the said Commissioners, a declaration shall be made and subscribed by the Secretary or other officer of the said Commissioners, for that purpose, before the person or persons authorized to make registry and grant certificates under any Act for the time being in force for the registering British vessels, in the like form, or to the like effect, with the declaration required to be taken or subscribed in the like case by the Secretary, or other officer of any corporate body, and it shall be sufficient in such declaration to state that such vessel doth belong to the Commissioners for Settlements in New Zealand, and no new registry shall be necessary by reason of any change in the said Commissioners, or of any new Commission.

48.
Commissioners may sue and be sued by their Secretary, and not to be personally liable.

And be it Enacted, That the said Commissioners may sue and be sued in the name and names of any one of such Commissioners, or of their Secretary for the time being, and no action or suit to be brought or commenced by or against any of the said Commissioners in the name or names of any such one of such Commissioners or their Secretary, shall

shall abate or be discontinued by the death or removal of such Commissioner or Secretary, or by the act of such Commissioner or Secretary, without the consent of the said Commissioners, but that any one of the said Commissioners, or the Secretary for the time being to the said Commissioners, shall always be deemed to be the plaintiff or defendant (as the case may be) in every such action or suit; and all actions and suits for any thing done in pursuance of this Act, shall be commenced within the space of one year after the cause of complaint shall have arisen, or being done within the United Kingdom of Great Britain and Ireland, in the absence beyond the seas of any person aggrieved, then within the space of one year next after the return of such person to the said United Kingdom: Provided always, That nothing herein contained shall be deemed, construed or taken to make the Commissioners, who shall sign, execute or give any of the bonds, or obligatory writings, or grants of annuities, hereinbefore authorized or directed to be given personally, or their respective estates, lands or tenements, goods and chattels, or such Secretary, or their or either of their lands or tenements, goods and chattels, liable to the payment of any of the monies so borrowed and secured by reason of their giving any such bonds, securities or grants, as aforesaid, or of their being plaintiff or defendant in any such action as aforesaid, but that the costs, charges and expenses of every such Commissioner or Secretary by reason of having been made plaintiff or defendant, or for any contract, act, matter or thing whatsoever, made or entered into in the bonâ fide execution of this Act, from time to time be defrayed by the said Commissioners out of the monies which shall be received by them for the purposes and in pursuance of this Act!

And be it Enacted, That the powers hereby conferred on the said Commissioners shall continue for the term of _____ years, and no longer: Provided always, That, if at the expiration of such term of _____ years, any new arrangement shall be made by Parliament for the government of the said settlements, or the disposal of the public lands thereof, provision shall be made for the satisfaction of all obligations or securities affecting the said settlements, or the revenues of the same, for extinguishing all obligations and liabilities undertaken by the said Commissioners in pursuance of this Act, and not at that time discharged, extinguished or satisfied.

49.
Limitation of
this Act.

And be it Enacted, That this Act may be amended or repealed in this present Session of Parliament.

50.
Act may be
amended this
Session.