

New Zealand.

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. —

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A BILL INTITULED

AN ACT for giving to the Governor Certain Powers in Disturbed Districts in the Colony of New Zealand. Title.

WHEREAS a Rebellion has existed for some time in the Colony of New Zealand and various districts of the Colony are in a disturbed state and it is expedient that certain powers should be vested in the Governor in such districts: Preamble.

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

I. The Short Title of this Act shall be “The Disturbed Districts Act 1864.” Short Title.

II. The Governor may by warrant under his hand authorise the seizure apprehension and detention in safe custody of any person of the Native race or otherwise who may have been or may be guilty of any or either of the offences following, namely:— Governor may authorise apprehension and custody of offenders.

- (1) Who shall since the First day of January One Thousand Eight Hundred and Sixty-three have been engaged in levying or making war or carrying arms against Her Majesty the Queen or Her Majesty's forces in New Zealand, or
- (2) Who shall have counselled advised induced enticed persuaded or conspired with any other person to make or levy war against Her Majesty or to carry arms against Her Majesty's Forces in New Zealand or to join with or assist any such persons as are before mentioned in sub-sections 1 and 2, or

(3) Who in furtherance or in execution of the designs of any such persons as aforesaid shall have been either as principal or accessory concerned in any outrage against person or property, or

(4) Who on being required by the Governor by proclamation to that effect in the *Government Gazette* to deliver up the arms in their possession shall refuse or neglect to comply with such demand after a certain day to be specified in such proclamation :

And may safely keep such person without trial for such period not exceeding calendar months as the Governor shall think fit and may cause such person to be kept in safe custody in any building or within any enclosed place or on board any hulk or vessel or elsewhere as he in his discretion shall think fit.

And may make regulations for their treatment.

III. The Governor may by warrant under his hand make regulations for the treatment of any such persons and any such regulations may from time to time alter or annul and such regulations shall have the same force at law as if they had formed part of this Act.

And move them from place to place for custody.

IV. The Governor may from time to time remove any such persons to other places than the places of original detention and there detain them in custody as he may see fit or he may at his discretion banish them to places beyond the limits of the Colony.

Writ of *Hab. Cor. sub.* shall not issue against such offenders Governor may permit any such persons to go at large.

V. No writ of *Habeas Corpus ad subjiciendum* shall issue requiring the attendance of any of such persons before any Court.

VI. The Governor may permit any of such persons to go at large permanently or for a time to be limited by him on such terms and subject to such conditions as may be in each case specified by him.

All vehicles used or suspected to be used by offenders to be seized.

VII. All ships vessels boats barges punts and canoes and all vehicles employed or used or suspected of being employed or used in the carriage of stores provisions supplies or munitions of war to or for the use of any persons in arms against Her Majesty or suspected of being in arms against Her Majesty or to any part of the Colony declared by the Governor in Council to be in a state of insurrection against Her Majesty may be seized by any Officer of Her Majesty's Army or Navy or Colonial Forces on full pay or by any Officer of Customs or by any Justice of the Peace or Constable or other person authorised by the Governor by writing under his hand and when seized shall be delivered into the care of some Officer of Customs as respects ships vessels boats barges punts and canoes and into the care of any Constable as respects vehicles employed on land.

Governor may declare a blockade of certain places.

VIII. The Governor may by Order in Council declare any portion of the coast or any harbour river estuary or arm of the sea to be in a state of blockade and after publication of any such order in the *Government Gazette* may by any means in his power prevent all ships vessels boats barges punts and canoes and all vehicles used on land from communicating with such blockaded district.

Vessel breaking blockade may be seized.

IX. It shall be lawful for any Officer of Her Majesty's Army or Navy or Colonial Forces on full pay or any Officer of Customs Justice of the Peace Constable or person appointed as aforesaid to seize and detain any ship vessel boat barge punt or canoe or vehicle breaking or attempting to break any such blockade: And any such ship vessel boat barge punt canoe or vehicle when seized shall as soon as may be delivered into such care as above provided.

Seizure to be published and claimants to be warned.

X. The person into whose care any such seizure shall have been delivered shall forthwith cause a notice giving full particulars thereof to be published in some newspaper published in the capital town of the Province in which the seizure shall be made and shall by such notice warn all persons having any claim in respect of such seizure to prefer the same to any Justice of the Peace within twenty-eight days after the day of the first publication of such notice. On such claim being made the said Justice shall fix a day for the purpose of hearing

the same and shall at the request of the claimant issue a summons calling upon the person in charge of the property seized to appear. On proof of the due service of such summons it shall be lawful for any two Justices of the Peace to examine the claim whether the person so summoned be present or not and either to condemn the said property as liable to seizure under this Act or to order the same to be given up to the claimant as to such Justice may seem just.

XI. If no claim shall be made in respect of any seizure within the time fixed for claiming the same or if made it shall not be duly prosecuted or if the property seized shall have been condemned in any such case the property seized may be sold in such manner as the person in charge of the same shall think fit and the proceeds arising from such sale shall be disposed of in such manner as the Governor shall direct.

If no claimants, property to be sold.

XII. Every person acting under the authority of this Act or under the authority of the Governor given in pursuance of the provisions of this Act shall be entitled in all respects to the like notices privileges and protection as are afforded and given by law to a Justice of the Peace or to a Constable acting on the authority of a warrant duly granted by a Justice of the Peace.

XIII. It shall be lawful for the Governor from time to time by warrant under his hand addressed to the Colonial Treasurer to direct the issue from the Colonial Treasury of such sums of money as shall be required to defray the cost of maintaining and clothing any persons detained in custody under the authority of this Act and any other charges and expenses attendant upon or resulting from their custody and detention and otherwise in carrying this Act into execution: Provided always that no such Warrant shall be made until the Governor shall in respect of each specific amount have received the authority of an order made by the Governor in Council.