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Mr. Tomoana.

NATIVE COMMITTEES EMPOWERING.

ANALYSIS.

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A BILL INTITULED

AN ACT to enable Native Committees to decide Disputes occurring between Natives, and to regulate Social Abuses in Proclaimed Districts. Title.

5 WHEREAS it is desirable to encourage the Natives to decide Native disputes, and to suppress Native abuses arising in Native districts among Natives : Preamble.

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

10 1. The Short Title of this Act is "The Native Committees Empowering Act, 1882." Short Title.

2. "Native person," in this Act, means and includes Natives, half-castes, and their descendants by Natives. Interpretation.

15 3. The Governor may proclaim any district a Native district for the purpose of this Act, and at any time may alter or revoke such Proclamation. Governor may proclaim districts.

20 4. In any district proclaimed a Native district under this Act, a Resident Magistrate or Government Agent, appointed in such Proclamation, (hereinafter called "the Returning Officer,") having jurisdiction within such district, so soon as he conveniently can, shall publicly notify in all populated parts of the district, by advertisement, placard, notice or otherwise, as he shall see fit, a day, not being less than twenty-one days after the publication of such notice, upon which day a Native Committee for the district shall be elected ; and in such notification shall appoint a place where nominations will be received of Native persons to be members of such Native Committee, and shall set

Resident Magistrate or Government Agent to take steps for election of Committee.

out such instructions to persons having a right to nominate members of the Committee for the district as he shall see fit.

Procedure on election.

5. Upon the day so named as aforesaid the Returning Officer shall preside, between the hours of ten in the morning and four in the afternoon, at the place appointed, and receive nominations in writing 5 or verbally of one or more Native persons, not being more than twelve, to be members of the Committee, from persons resident within such district who are entitled to vote for a Native member of the House of Representatives.

Members elected the Committee.

6. The twelve persons receiving the greatest number of nominations shall be the Committee for the district; and the Returning Officer, at twelve o'clock at noon the day after the nomination, shall cause a public notice to be posted up in a conspicuous place, in which he shall cause to be inserted the names of the Committee elected; he shall also forward the names of the Committee to the Native Minister, 15 who shall publish them in the *Kahiti* as the Committee for the district.

Publication in the Native gazette.

Appointment of Chairman.

7. The Committee shall appoint its own Chairman, who shall preside at all meetings of the Committee, and shall have a deliberative as well as a casting vote. 20

Committee to frame rules for the conduct of business.

8. The Committee from time to time shall frame, alter, or amend rules for the conduct of its business: Provided that such rules, alterations or amendments shall be gazetted in the *Kahiti* before being brought into operation.

Jurisdiction in case of dispute.

9. The Committee shall have jurisdiction in the following cases, 25 where a dispute has arisen between Native persons:—

(1.) Where the plaintiff seeks pecuniary compensation for a wrong, or for payment of a debt, and the amount claimed in either case does not exceed twenty pounds:

(2.) Where the plaintiff seeks to enforce a claim upon some 30 specific moveable property, and to be put in possession thereof, where the value of such property does not exceed fifty pounds:

Provided that the cause of action has arisen within the district, or the party sought to be charged is usually a resident within the district, in 35 which the Committee has jurisdiction: Provided also that the Native parties thereto shall agree by memorandum in the Maori language, signed by them, or, if they or either of them cannot write, attested by the Chairman of a Committee in the presence of two adult Natives, that the case shall be tried by the Committee. The memorandum 40 may be in the form of the *First Schedule* hereto.

Jurisdiction in cases of assault or simple larceny.

10. The Committee shall have jurisdiction to try cases of common assault, or of petty larceny, committed by one Native upon the person or goods of another within its district. And the Committee may impose a penalty upon the conviction of any offender, not exceed- 45 ing *twenty* pounds in the case of each case so tried and decided.

Committee may make by-laws.

11. The Committee may make by-laws for the better suppression of intemperance, and the regulation of social order, in its district, and impose penalties for the infringement of any of such by-laws, not exceeding in the case of each offence *five* pounds. And the Com- 50 mittee shall be the sole judge whether such by-laws have been infringed or not: Provided that such by-laws shall be under the hand

of the Chairman, and gazetted in the *Kahiti*.

12. In all cases determined under authority of this Act, where payment has been given or order made for the payment of any sum of money, and the same is not paid forthwith, or 5 or as otherwise directed, to the Chairman of the Committee, it shall be lawful for any Justice of the Peace upon receiving a certificate from the Chairman of the Committee that the same or some part thereof remains unpaid, to issue a warrant of distress under his hand, directed to the bailiff of the Resident Magistrate's Court, or to some 10 other fit person to be named in such warrant, authorizing and requiring him to levy or cause to be levied such sum of money as shall have been ordered or adjudged to be paid by the Committee, or so much thereof as shall then remain unpaid, and also the costs of the execution, by distress and sale of the goods and chattels of the party against 15 whom such judgment shall have been given or order made, and shall pay the net proceeds of such distress to the Chairman of the Committee. Such certificate may be in the form of the *Second* Schedule hereto.

Justice of the Peace shall enforce penalties.

13. The Committee may expend the sums received as fines or penalties under this Act in defraying all necessary expenses incurred 20 in the administration of this Act, and in making provision for cases of destitution arising among Natives, or for other charitable purposes.

Penalties to be disbursed for charitable purposes.

14. Notwithstanding anything contained in this Act, any Court of Justice having jurisdiction may take cognizance of any offence against the person, or of any petty larceny, and may try any dispute 25 arising between Natives in any proclaimed district: Provided that its jurisdiction shall cease upon the production of a certificate, signed by the Chairman of any Native Committee, stating that such offence, petty larceny, or dispute has been heard and decided by the Committee of which he is Chairman. The certificate may be in the form of the 30 *Third* Schedule hereto.

Ordinary Courts jurisdiction not ousted.

Proviso.

15. Every Chairman of any Committee, known to the Native Minister to be of good character, shall, *ex officio*, be appointed a Native Assessor; but, upon vacation of office, shall cease to be an Assessor.

Chairman, *ex officio*, a Native Assessor.

16. The Native Land Court (hereinafter called "the Court,") 35 sitting in any district, shall take judicial notice of the decision of the Committee certified to it in writing in the Maori language, under the hand of the Chairman of such Committee, in the following cases:—

Native Land Court to take cognizance of decision of Committee in certain cases.

- (1.) Where it is desired to ascertain the names of the owners of any block of land being passed through the Court:
- 40 (2.) Where it is desired to ascertain the successors of any deceased Native owner:
- (3.) Where disputes have arisen as to the location of the boundary between lands claimed by Natives:

45 Provided that the Court shall be satisfied that the parties interested agreed to submit any such case to the decision of the Committee. And nothing herein provided shall be deemed to prevent the Court hearing and deciding any case as in the manner provided in any Acts for the time being in force for the regulation of the Court, if it shall see fit so to do.

17. All notices of any kind in the *Kahiti* or Government Gazette 50 published under authority of this Act shall be inserted free of cost.

Notices to be inserted in *Kahiti* or *Gazette* free of cost.

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Schedules.

SCHEDULES.

FIRST SCHEDULE.

WE agree that the dispute between us whereby [*Name of plaintiff*] claims [*Here state nature of claim*] shall be tried before the Native Committee for the District of
 A.B.
 C.D.

NOTE.—If either or both of the parties cannot write, he or they shall attach his or their mark, in the presence of a Licensed Interpreter and two adult witnesses, in the manner following:—

A.B., his x mark. Witness, E.F., Chairman.
 C.D., his x mark. Witness, E.F.

Attested in the presence of us—

G.H. }
 K.L. } Adult witnesses.

SECOND SCHEDULE.

I CERTIFY that £ remains unpaid by , being the sum [*or balance of sum*] he was ordered to pay by the Native Committee of the District, on the day of , 18 : And I request you to enforce the payment of the same.

To A.B., Justice of the Peace.

C.D., Chairman.

THIRD SCHEDULE.

I CERTIFY that the Native Committee of the District of heard, on the day of , 18 , a dispute, [*or ordered A.B. to pay a penalty of £*] for [*Here state the offence*] between A.B. and C.D., in which A.B. claimed [*Here state nature of claim.*]

E.F., Chairman.