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Sir George Grey.

NATIVE EMPOWERING.

ANALYSIS.

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A BILL INTITULED

AN ACT to enable the Natives to establish Municipal Institutions in their Settlements, and to make provision for the Management of their Tribal Lands. Title.

5 WHEREAS by an Act of the Imperial Parliament passed on the thirtieth day of June, one thousand eight hundred and fifty-two, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," it is provided that, inasmuch as it may be expedient that the laws, customs, and usages of the aboriginal inhabitants of New Zealand, so far as they are not repugnant to the general principles of humanity, should for the present be maintained for the government of themselves in all their relations to and dealings with each other, and that particular districts should be set apart within which such laws, customs, or usages should be observed, and that therefore it shall be lawful for Her Majesty, by any letters patent to be issued under the Great Seal of the United Kingdom, from time to time to make provision for the purposes aforesaid, any repugnancy to such Native laws, customs, or usages to the law of England, or to any law, statute, or usage in force in New Zealand, or any part thereof, in any wise notwithstanding: And whereas it was further provided that it shall be lawful for Her Majesty, by instructions under Her Majesty's Signet and Sign-manual, or signified through one of Her Majesty's Principal Secretaries of State, to delegate to the Governor all the powers reserved to Her Majesty respecting the establishment of Municipal Corporations and the preservation of aboriginal laws, customs, and usages: And whereas in the year one thousand eight hundred and fifty-eight the General Assembly of New Zealand passed measures to secure to the Natives

the advantages arising from local self-government and the management of their lands, but such measures proved unsuccessful, owing to the unsettled state of the country at that time, but which now might prove of great benefit to the Natives :

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

Short Title.

1. The Short Title of this Act is "The Native Empowering Act, 1892."

Governor may proclaim Native boroughs, and adopt provisions of Municipal Corporations Act to be in force therein.

2. The Governor may from time to time by Proclamation declare any portion of the colony, or any part thereof specified in the Proclamation, to be a Native borough under this Act from and after a day to be named in such Proclamation ; and the Governor may declare that any such provisions of "The Municipal Corporations Act, 1886," as he shall think applicable to the circumstances shall apply to and come into force in such Native borough ; and for the purposes of this Act the Governor may by Order in Council from time to time amend, alter, or revoke any such Proclamation in part or in whole, and either in respect of all Native boroughs or some particular Native borough or boroughs.

Every such Proclamation shall take effect from and after a date to be specified in such Proclamation, and shall be valid in law as if the same were enacted in this Act, and shall be judicially noticed ; and all such Proclamations and all regulations and orders made thereunder shall be laid before both Houses of the Assembly at the next meeting of Parliament after the issue of such Proclamations, or of any alterations or revocations thereof.

Governor may proclaim regulations for the management by Natives of their tribal lands.

3. The Governor may, by Proclamation, declare that districts of Native land defined in the said Proclamation shall hereafter be managed by the Native owners thereof, and shall issue regulations under which they may settle what portions of such lands belong to private owners, and draw up rules for the occupation of such land, or parts thereof, securing to certain Natives the right to such lands free from trespass or interference from other persons, and generally to make such regulations regarding such lands as may in their opinion be for the common welfare of the various hapus or of the whole tribe, which regulations, being submitted to the Governor for his approval, and being approved by him, shall have the force of law in reference to the said lands : Provided always that such regulations relate solely to the Native population, and in nowise permit of the dealing with such lands with any other person than the Governor. All regulations made by the Governor under the authority of this Act may be varied, altered, or revoked by the Governor.

Right of pre-emption of Native lands resumed by the Queen.

4. And whereas grievous evils have arisen through the abandonment of the second article of the Treaty of Waitangi, which provides—

"That Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand, and to their respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or severally possess so long as it is their

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wish and desire to retain the same in their possession ; but the chiefs of the united tribes, and the individual chiefs, yielding to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in that behalf :”

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Be it therefore further enacted that the second article of the Treaty of Waitangi is hereby revived, in order that such Treaty may be maintained in its integrity ; and that henceforth it shall not be lawful for any person other than the Governor to purchase or in anywise acquire or accept from the aboriginal natives the land of or belonging to or used or occupied by them in common as tribes or communities, or to accept any release or extinguishment of the rights of such aboriginal natives in any such land as aforesaid ; and no conveyance or transfer, or agreement for the conveyance or transfer, of any such land, either in perpetuity or for any term or period, either absolutely or conditionally, and either in property or by way of lease or occupancy, and no such release or extinguishment as aforesaid, shall be of any validity or effect unless the same be made to, or entered into with, and accepted by the Governor in the name and on behalf of Her Majesty.

All Acts of the General Assembly in relation to any alleged purchases or leases, and the prohibition thereof, shall, in respect of all transactions for the purchase of Native land not concluded at the time of the passing of this Act, but in no other respect, remain of the same force and effect as if this Act had not been passed.

5. From and after the passing of this Act the Native Land Court shall not proceed to hear and determine any cases for the ascertainment of title or purchases of land, save such cases as have been heard in open Court, which cases it shall proceed to hear and report upon, and such report or reports shall in all cases be laid before Parliament in the next session after the drawing up of such report or reports ; and no such report shall have force or effect unless a resolution shall have been passed by the House of Representatives adopting the same.

Limitation of functions of Native Land Court.