

Native Land Purchase.

other part of the said Colony, either by inland carriage or coastways, any arms or other warlike stores or any gunpowder exceeding the weight of two pounds without a license for removing and carrying the same granted by some Justice of the Peace: Provided always that nothing herein contained shall extend or be construed to extend to prevent any person from carrying arms for the defence of his person or for sporting as by law he might before the passing of this Ordinance.

2. Every person who shall remove or cause to be removed any such arms gunpowder or other warlike stores contrary to the provisions of this Ordinance, shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than five pounds, to be recovered in a summary way.

Penalty for removing.

3. It shall be lawful for any Justice of the Peace, upon information on oath, to search for and seize, or to grant a warrant to any person to search for and seize, and for any officer of the Navy on full pay, harbour master, officer of Customs, police officer or constable, or for any other person acting in his or their aid and assistance, without such information on oath, to search for and seize all such arms gunpowder and other warlike stores which shall be in progress of removal or shall be removed without such license, or without producing such license on demand of any such person as aforesaid. And all such arms gunpowder and other warlike stores so to be seized as aforesaid shall be forfeited to Her Majesty.

Arms &c. on removal may be searched for and seized.

4. No person shall make construct amend or repair any arms gunpowder or other warlike stores without a license to be for that purpose granted under the authority of His Excellency the Governor.

No person to repair arms &c. without a license.

5. Every person who shall make construct amend or repair any arms gunpowder or other warlike stores without having obtained such license, shall for every such offence forfeit and pay any sum not exceeding fifty pounds nor less than five pounds.

Penalty.

6. Provided always that nothing herein contained shall extend to prevent the removal or the making or repairing of arms gunpowder and other warlike stores by or on account of the New Zealand police force, or by or on account of Her Majesty's land or sea forces.

Not to prevent the repairing of arms for Her Majesty's land or sea forces &c.

7. For the purposes of this Ordinance the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

Interpretation.

8. This Ordinance shall come into operation on the first day of January, one thousand eight hundred and forty-seven.

Commencement.

No. XIX.

AN ORDINANCE to provide for the Prevention, by Summary Proceeding, of Unauthorized Purchases and Leases of Land. [16th November, 1846.]

NATIVE LAND PURCHASE.

WHEREAS it is essential to both the peaceable and prosperous colonization of New Zealand that the disposal of land therein should be subject to the control of the Government of the Colony; and to that end the right of pre-emption in and over all lands within the Colony hath been obtained by treaty and is vested in Her Majesty, her heirs and successors; and all lands alienated without the sanction of the Crown by any person of the Native race to any person not of the same race do by virtue of such alienation vest in the Crown as

Preamble.

part

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part of the domain lands thereof: And whereas divers persons have without the sanction of the Crown entered into contracts for the purchase use or occupation of lands, which private contracts are not and in most cases cannot be made with due regard to the validity of title to the land comprised therein, and are often defective by reason of a want of a clear understanding by the parties to the contract of the terms and meaning thereof: And whereas by such secret and irregular purchases not only is the law sought to be evaded but the general tranquillity of the Colony is liable to be seriously endangered; for the purpose therefore of providing a speedy and effectual remedy for the evils aforesaid:

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Persons purchasing land from the Natives.

1. If any person shall, after the passing of this Ordinance, purchase or by writing or otherwise agree to purchase any estate or interest in land from any person of the Native race, or shall by writing or otherwise agree with any such person for the purchase of the right of cutting timber or other trees, or of the right of mining, or of the right of pasturage, or for the use or occupation of land. And also if any person who shall not hold a license from the Government for that purpose shall after the passing of this Ordinance be found using or occupying any land not comprised within a grant from the Crown, either by depasturing any sheep or cattle thereon, or by residing thereon, or by erecting any house or building thereon, or by clearing enclosing or cultivating any part thereof, or who shall be found without such license aforesaid to have cut timber or other trees thereon or to have gotten any mineral therefrom. Every such person shall, upon conviction of any of the offences hereinbefore mentioned, forfeit and pay any sum not less than five pounds nor more than one hundred pounds, to be recovered in a summary way: Provided that no person shall be convicted of any of the offences aforesaid except on the information or complaint of the Surveyor-General or of some other officer duly authorized in that behalf by His Excellency the Governor.

Or occupying &c. Native land without a license.

Liable to penalties.

Penalty for second offence.

2. If any person so convicted as aforesaid shall for the space of one calendar month continue in possession or occupation of such land, or otherwise persist in the unlawful act for which he shall have been so convicted, every such person shall, upon conviction of any such further offence, upon such information or complaint as aforesaid, forfeit and pay any sum not less than five pounds nor more than one hundred pounds, to be recovered in a summary way.

Summary proceeding not to affect any other remedy.

3. Provided always that nothing herein contained shall be construed to take away or affect any proceeding which might by law be had against any person for any of the offences aforesaid before the passing of this Ordinance.

Reward for activity in procuring conviction.

4. In case of any conviction under the provisions of this Ordinance, where any person or persons shall appear to have been active in or towards the procuring of any such conviction, it shall be lawful for His Excellency the Governor to award to such person or persons any portion of the penalty recovered upon such conviction, but not exceeding in the whole one-half thereof, as to him shall seem meet.

Interpretation.

5. For the purpose of this Ordinance the word "Governor" shall be deemed to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.