

Unsworn Testimony.

1. In cases of summary conviction, whenever it is lawful under the said Summary Proceedings Ordinance for parties convicted to appeal to the County or District Court, it shall from and after the first day of September, one thousand eight hundred and forty-four, be lawful for such parties to appeal to the Supreme Court, subject to all such regulations and provisions as are in the said Summary Proceedings Ordinance contained.

Appeal from summary conviction to be to the Supreme Court.

No. XVI.

AN ORDINANCE for the Admission in certain cases of Unsworn Testimony in Civil and Criminal Proceedings. [16th July, 1844.]

UNSWORN TESTIMONY.

WHEREAS by an Act of Parliament passed in the sixth year of the reign of Her Majesty Queen Victoria, chap. 22, intituled "*An Act to authorize the Legislatures of certain of Her Majesty's Colonies to pass Laws for the Admission in certain cases of Unsworn Testimony in Civil and Criminal Proceedings*," power is given to the Legislatures of Her Majesty's Colonies to pass laws for the admission of the evidence of persons of the native races of such Colonies who by reason of defect of religious knowledge and belief would not otherwise be competent to give evidence in any Court of Justice: And whereas it is expedient to carry into effect in this Colony the intention of the said Act:

Preamble reciting 6 Vict. c. 22.

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

1. Any person of the aboriginal native race of the Islands of New Zealand or of countries adjacent thereto who by reason of defect of religious knowledge and belief would be by law incompetent to give evidence in any Court, shall be permitted to give evidence in any proceeding, civil or criminal, before any Justice of the Peace or before jury, upon making an affirmation that he will speak the truth, the whole truth, and nothing but the truth, and the evidence so given shall have the weight to which such Justice of the Peace or such jury may deem it to be entitled.

Certain persons may give evidence on affirmation.

2. All persons of whose parents one only shall be of the aboriginal race shall be deemed and taken to be of the aboriginal race within the provisions of this Ordinance.

Who to be deemed of the aboriginal race.

3. If any person so making affirmation as aforesaid shall wilfully give false evidence, he shall be deemed guilty of a misdemeanour.

Persons giving false evidence to be deemed guilty of a misdemeanour.

No. XVII.

AN ORDINANCE to amend an Ordinance to provide for the Regulation of Harbours.

HARBOURS AMENDMENT.

[16th July, 1844.]

WHEREAS by an Ordinance enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof

Preamble.

Harbours Amendment.

thereof (Session II., No. 15), intituled "*An Ordinance to provide for the Regulation of Harbours*," power is given to the Governor in Council to make regulations for the purposes in the said Ordinance mentioned: And whereas it is desirable that all regulations so made be submitted to Her Majesty for the Royal confirmation:

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

Regulations to be made by Governor in Council to be submitted to Her Majesty for confirmation.

1. No such regulations as aforesaid to be hereafter made under the authority of the said Ordinance shall continue in force for any period exceeding two years from the making thereof, unless in the meantime the same shall have received the Royal confirmation, and such confirmation shall have been notified in the New Zealand Government *Gazette*.

Regulations already made also to be submitted to Her Majesty for confirmation.

2. No such regulations as aforesaid as have been already made under the authority aforesaid shall continue in force for any period exceeding two years from the passing hereof, unless the same shall in the meantime have received the Royal confirmation, and such confirmation shall have been so notified as aforesaid.

No. XVIII.

NATIVE EXEMPTION. AN ORDINANCE to exempt in certain cases Aboriginal Native Population of the Colony from the ordinary process and operation of the Law.

[16th July 1844.]

Preamble.

WHEREAS it is greatly to be desired that the whole aboriginal native population of these Islands, in their relations and dealings amongst themselves, be brought to yield a ready obedience to the laws and customs of England: And whereas this end may more speedily and peaceably be attained by the gradual than by the immediate and indiscriminate enforcement of the said laws, so that in course of time, the force of ancient usages being weakened and the nature and administration of our laws being understood, the Native population may in all cases seek and willingly submit to the application of the same:

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

Mode of procedure in cases of crimes committed by the Natives *inter se*.

1. Where any crime or offence shall be committed or alleged to be committed by any person of the aboriginal race against any other person of the same race, no Police Magistrate or other Justice of the Peace or any other person shall, except under the special authority in writing of the Governor or of the Superintendent of the Southern Division for the time being, issue any warrant or take any other proceeding whatsoever against the alleged offender until an information charging such offence shall have been duly made by two principal chiefs of the tribe to which the injured party may belong; and in case any warrant may be issued for the apprehension of any such alleged offender, such warrant shall be directed for execution to two principal chiefs of the tribe laying such information, or (where the alleged offender, shall belong to a different tribe) then to two principal chiefs

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