

No. 2.

COPY OF A MEMORANDUM BY HIS EXCELLENCY THE GOVERNOR.

Government House,
2nd July, 1859.

The Governor transmits for the consideration of his Advisers the draft of a proposed Bill which has been submitted to him by Mr. Sewell, and which that gentleman is anxious the Government should adopt.

The Governor will be obliged if his Advisers will give him their opinion on the subject generally.

(Signed) T. GORE BROWNE.

Enclosure in No. 2.

Heads of a Bill for promoting the Colonization of Lands in New Zealand, whereof the Native Title is at present unextinguished.

Preamble to recite that it is expedient to provide for the Colonization of Lands in New Zealand whereof the Native Title is at present unextinguished, with the assent of the aboriginal inhabitants thereof.

1. Enact that all the powers hereby vested in the Governor shall be exercised by and with the advice and consent of the Native Council hereinafter constituted, and not otherwise; except where otherwise specially enacted.

2. Her Majesty may appoint not more than nor less than persons to be a Native Council for the purposes of this Act, with the usual powers of removal and new appointment, with power to delegate such authorities to the Governor personally.

3. The Governor may frame rules for the conduct of business of the Native Council; may appoint necessary officers, with proper provision for payment of salaries and expenses.

4. Upon the address of both Houses of the Legislature, the Governor shall, on behalf of Her Majesty, remove any member of the Native Council, without the advice or consent of such Council.

5. The Governor may, with the advice of his Executive Council, raise from time to time not exceeding £250,000 on the security of the General Revenue of the Colony, to be applied to purposes to be defined in the Act.

6. The objects of such Loan to be as follows, viz., for the purpose of obtaining the assent of the aboriginal inhabitants to the cession of their Title, either by way of direct payment, or in public works beneficial to them, or by way of loan to individuals, or annual payments to Chiefs or others, or in the establishment or maintenance of institutions for their benefit, or in any other ways which to the Governor, with the advice of the Native Council, may appear calculated to advance the objects of the Act; with power to make advances from the Loan Fund for the expenses of management.

7. Proper accounts to be kept for distinguishing the expenditure made on account of the respective Provinces—with a view to apportion the charge on such Provinces respectively, according to the outlay incurred on their respective accounts.

8. The accounts to be laid before the General Assembly.

9. All such expenses as may be of a general character to be apportioned amongst the Provinces rateably, according to the outlay in each year on each Province.

10. Whatever may be thus laid out from the Loan on account of each Province to be a charge on such Province and its Revenue, and to be accounted for by the Province to the General Revenue of the Colony, subject to the provision hereinafter contained for reimbursing such outlay from the proceeds of Land fund.

11. The Governor may, by Proclamation, define and declare any Lands in New Zealand whereof the Native Title is at present unextinguished, to be a District subject to the provisions of the Act.

12. Each District to be termed a "Native Land District."

13. The limit and extent of such Districts to be determined with reference to their suitability for systematic Colonization.

14. Whensoever the assent of the aboriginal inhabitants of any such District shall have been ascertained, in manner to be provided by the Act, the Governor may by Proclamation in the Government Gazette declare such Districts to be subject to the provisions of the Act, after a date to be specified in such Proclamation.

15. Before any District shall be declared to be subject to the provisions of the Act, the Governor, by the Resident Magistrate and Assessors of the District, or by some person or persons specially appointed in that behalf, shall ascertain the assent of the aboriginal inhabitants having rightful claims in such manner as he shall deem expedient.

16. The Governor after such assent obtained, to cause a Township to be laid out within the District, and to make regulations, and to cause surveys to be made, and roads to be laid out, and made; to establish ferries; to make reserves for public purposes, and to do all other things requisite for preparing the lands for settlement.

17. In every District a Native Circuit Court, to be established under the "Native Circuit Courts' Act, 1858," and a Resident Magistrate, and at least two Assessors, to be appointed for the District.