

# NATIVE ADMINISTRATION REGULATIONS 1924.<sup>(1)</sup>

## PART I. PRELIMINARY.

1. These Regulations may be cited as the *Native Administration Regulations 1924.*<sup>(1)</sup>

(1) The *Native Administration Regulations 1924* (made under the *Native Administration Ordinance 1921-1938*) comprise the original *Native Administration Regulations 1924*, as amended by the other regulations referred to in the following Table:—

TABLE.  
PART I.—REGULATIONS MADE BY THE ADMINISTRATOR.

Description and number and year (if any).	Date on which made by Administrator.	Date on which published in N.G. Gaz.	Date on which came into force or operation.
<i>Native Administration Regulations 1924</i>	4.2.1924	26.2.1924	31.3.1924 ( <i>N.G. Gaz.</i> of 26.2.1924)
<i>Amending Regulations</i>	18.6.1924	30.6.1924	1.7.1924 ( <i>N.G. Gaz.</i> of 30.6.1924)
<i>Native Administration Regulations 1924 (No. 2)</i>	28.10.1924	31.10.1924	1.12.1924 ( <i>N.G. Gaz.</i> of 31.10.1924)
<i>Amending Regulations</i>	25.6.1925	30.6.1925	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 30.6.1925)
<i>Amending Regulations</i>	24.8.1925	31.8.1925	1.9.1925 ( <i>N.G. Gaz.</i> of 31.8.1925)
<i>Amending Regulations</i>	12.10.1925	15.10.1925	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 15.10.1925)
<i>Amending Regulation</i>	26.5.1926	31.5.1926	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 31.5.1926)
<i>Amending Regulations</i>	21.11.1927	30.11.1927	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 30.11.1927)
<i>Amending Regulations</i>	8.4.1929	15.4.1929	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 15.4.1929)
<i>Amending Regulations</i>	21.9.1929	30.9.1929	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 30.9.1929)
<i>Amending Regulation</i>	11.12.1929	16.12.1929	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 16.12.1929)
<i>Amending Regulations</i>	4.12.1930	15.12.1930	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 15.12.1930)
<i>Amending Regulation</i>	29.8.1931	15.9.1931	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 15.9.1931)
<i>Amending Regulations</i>	2.11.1932	15.11.1932	1.12.1932 ( <i>N.G. Gaz.</i> of 15.11.1932)
<i>Amending Regulation</i>	3.11.1932	15.11.1932	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 15.11.1932)
<i>Amending Regulation</i>	14.12.1932	15.12.1932	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 15.12.1932)
<i>Amending Regulation</i>	24.1.1933	15.2.1933	"Forthwith" <sup>(a)</sup> ( <i>N.G. Gaz.</i> of 15.2.1933)

(a) Each of the sets of Regulations to which this note (a) applies stated in their respective introductory parts that they were "to come into operation forthwith." At the relevant dates in 1925-1933, the *Native Administration Ordinance 1921-1938* (under which each of these sets of Regulations were made) made no provision for the publication of regulations, the date on which they were to come into operation, or the meaning of "forthwith"; nor was there at such dates any other Ordinance or regulation of general application providing for these matters.

[Footnote continued on next page]

NATIVES—

R. 2 am. by  
Regs. gazetted  
on 30. 6. 1924,  
r. 1, and on  
31. 10. 1924,  
r. 2.

2. These Regulations are divided into parts as follows:—

- PART I.—Preliminary.  
PART II.—Courts for Native Affairs.  
PART III.—Civil Claims.  
PART IV.—Marriage and Divorce.  
PART V.—Succession to Property.  
PART VA.—Planting of plants and crops by natives for their own benefit.  
PART VI.—Offences and Forbidden Acts.  
PART VII.—Miscellaneous.

3. In these Regulations unless the contrary intention appears:—  
“Complainant” means any person who makes a complaint.

(1)—continued.

Description and number and year (if any).	Date on which made by Administrator.	Date on which published in N.G. Gaz.	Date on which came into force or operation.
<i>Amending Regulation</i>	10. 6. 1933	15. 6. 1933	“Forthwith” <sup>(a)</sup> (N.G. Gaz. of 15. 6. 1933)
<i>Amending Regulations</i>	17. 10. 1933	31. 10. 1933	“Forthwith” <sup>(a)</sup> (N.G. Gaz. of 31. 10. 1933)
<i>Amending Regulations</i>	23. 10. 1934	31. 10. 1934	31. 10. 1934 (N.G. Gaz. of 31. 10. 1934)
<i>Amending Regulation</i> (1936, No. 5)	10. 3. 1936	19. 3. 1936	19. 3. 1936 (N.G. Gaz. of 19. 3. 1936)
<i>Amending Regulations</i> (1936, No. 14)	18. 5. 1936	30. 5. 1936	1. 8. 1936 (N.G. Gaz. of 30. 5. 1936)
<i>Amending Regulation</i> (1936, No. 24)	22. 8. 1936	31. 8. 1936	31. 8. 1936 (N.G. Gaz. of 31. 8. 1936)
<i>Amending Regulations</i> (1936, No. 37)	7. 11. 1936	20. 11. 1936	20. 11. 1936 (N.G. Gaz. of 20. 11. 1936)
<i>Amending Regulations</i> (1937, No. 5)	9. 2. 1937	15. 2. 1937	15. 2. 1937 (N.G. Gaz. of 15. 2. 1937)
<i>Amending Regulations</i> (1937, No. 12)	6. 4. 1937	15. 4. 1937	1. 5. 1937 (N.G. Gaz. of 15. 4. 1937)
<i>Amending Regulation</i> (1937, No. 17)	16. 8. 1937	21. 8. 1937	1. 9. 1937 (N.G. Gaz. of 21. 8. 1937)

(a) Each of the sets of Regulations to which this note (a) applies stated in their respective introductory parts that they were “to come into operation forthwith.” At the relevant dates in 1925-1933, the *Native Administration Ordinance* 1921-1938 (under which each of these sets of Regulations were made) made no provision for the publication of regulations, the date on which they were to come into operation, or the meaning of “forthwith”; nor was there at such dates any other Ordinance or regulation of general application providing for these matters.

PART II.—REGULATIONS MADE BY THE ADMINISTRATOR IN COUNCIL.

Description and number and year.	Date on which made by Administrator in Council.	Date on which published in N.G. Gaz.	Date on which came into operation.
<i>Amending Regulation</i> (1940, No. 1)	3. 1. 1940	15. 1. 1940	15. 1. 1940 (N.G. Gaz. of 15. 1. 1940)
<i>Amending Regulations</i> (1940, No. 15)	1. 10. 1940	15. 10. 1940	15. 10. 1940 (N.G. Gaz. of 15. 10. 1940)

*Native Administration Regulations 1924.*

“Complaint” means a complaint in any civil or criminal matter.

“Court” means a Court for Native Affairs.

“Defendant” means any person against whom a complaint is made.

“District” means the district of a court.

“Member of a court” means a person appointed by the Administrator in pursuance of the Ordinance as a member of a court.

“Offence” includes crime, misdemeanour, and simple offence.

“Sing-sing” means any gathering of natives for the purpose of feasting, dancing, or singing.

Ad. by Regs. gazetted on 30.9.1929, r. 1.

“The Ordinance” means the *Native Administration Ordinance 1921-1922*<sup>(2)</sup> and any Ordinance amending it.

“Weapon” includes spear, bow, arrow, tomahawk, axe, club, wooden sword, bone dagger, knife, and sheath-knife.

Ad. by Regs. gazetted on 30.9.1929, r. 1; am. by 1940, No. 15, r. 1.

4. All Regulations heretofore made under the provisions of the *Native Administration Ordinance 1921-1922* and now existing are repealed; provided that such repeal shall not affect any warrant or other instrument duly made or granted or any conviction or order made or any recognizance entered into or any information or notice given or any summons or warrant issued under or any court<sup>(3)</sup> established by or under the Regulations hereby repealed or any of them before the commencement of these Regulations.

5. These Regulations shall apply only to such persons as come within the definition of “native” that is contained in the *Interpretation and Amendments Incorporation Ordinance 1921-1923*.<sup>(4)</sup>

6. No civil action or proceedings shall lie against any member of a court or person permanently or temporarily employed to carry out the requirements of these Regulations for anything done by him honestly and in good faith and in the belief that in doing such thing he is lawfully acting under the powers conferred upon him by these Regulations, even though none of the Regulations authorizes or justifies such a thing being done.

PART II.

COURTS FOR NATIVE AFFAIRS.

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R. 6A ad. by Regs. gazetted on 30.6.1925, r. 1; rep. by Regs. gazetted on 15.11.1932, r. 1.

(2) Now the *Native Administration Ordinance 1921-1938*.

(3) The following courts were established by the repealed *Native Administration Regulations 1923*:—The Rabaul, Gasmata, Kaewieng, Namatanai, Kieta, Morobe, Madang, Aitape, Talasea and Manus Courts for Native Affairs. See also footnote (2) to the *Native Administration Ordinance 1921-1938*, printed on p. 3754.

(4) Repealed and replaced by the *Ordinances Interpretation Ordinance 1934-1941*.

NATIVES—

R. 6B ad. by  
Regs. gazetted  
on 15.10.1925,  
r. 1; sub. by  
Regs. gazetted  
on 31.5.1926;  
rep. by Regs.  
gazetted on  
15.11.1932, r. 1.

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7. Subject to the provisions of Section 6 of the *Native Administration Ordinance* 1921-1922<sup>(2)</sup> a court shall have:

Para. (a)  
sub. by Regs.  
gazetted on  
31.10.1924, r. 3.

(a) Jurisdiction in respect of all offences against these Regulations;

(b) Jurisdiction in all civil matters.

8. Any member of a court may exercise all or any part of the jurisdiction of the court.

9. The several members of the court of a district may hold courts either concurrently or at different times or either at the same place or at different places.

10. In any proceedings before a court the opinion of the majority of the members of the court shall prevail and if the members are equally divided in opinion then the chairman shall have a second or casting vote and his decision shall prevail.

11. The Commissioner of Native Affairs,<sup>(5)</sup> if a member of the court, shall be the chairman. In his absence the member of the court who is a District Officer shall, where more members of the court than one are sitting, be the chairman. If two or more members of the court sitting are District Officers the senior District Officer shall be the chairman. If more than one member of the court is present, neither of whom is a District Officer, the senior member of the court shall be chairman.

12. Courts within their respective districts shall have a criminal jurisdiction where the accused resides or is found within the district of the court or when the offence has been committed within the limits of the district:

Proviso  
ad. by 1940,  
No. 15, r. 2.

Provided that if the offence was committed on a vessel within territorial waters, or in any case with the consent of the accused, any court may exercise a criminal jurisdiction in respect of the offence.

13.—(1.) If the complaint be one concerning land or water or anything built on or fixed to land or anything growing on a particular piece of land or the produce of any particular piece of land or water only the court of the district in which such land or water is situate may try the claim, and the defendant may be summoned to appear before that court whether he is in such district or not.

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(2) Now the *Native Administration Ordinance* 1921-1938.

(5) See Section 3 of the *Re-organization of Native Affairs Department Ordinance* 1932.

(2.) In all other civil cases any member of the court in whose district the complainant is residing at the time that the defendant is summoned to answer the claim may try the claim, but if in his opinion the claim can be more conveniently disposed of in the district in which the defendant resides he shall arrange with the court of that district to hear the case.

*Matters Preliminary to Trial or Hearing.*

14. A complaint may be in writing or may be made verbally.

15. Every member of a court may exercise the following powers:—

(1.) He may receive a complaint in respect of any matter in which a court has jurisdiction;

(2.) He may issue, in respect of such complaint, his summons to the party against whom the complaint is made, or, subject to the provisions of these Regulations, if he thinks fit, his warrant to apprehend such person;

(3.) He may admit any person accused of an offence in respect of which he has jurisdiction to bail;

(4.) He may where a conviction has been made by a court issue for the purpose of enforcing such conviction his warrant of commitment therein whether he is or is not one of the members of the court by whom the case has been heard and determined;

(5.) He may do all necessary acts preliminary to the hearing.

*Proceedings before Hearing.*

16. When a complaint is made:—

(a) A member of the court shall first make himself thoroughly acquainted with the particulars connected with the complaint or claim. Next he shall consider whether the matter is one which the court has power to deal with. If so he will fix a time and place at which the court will try the matter. Then he shall inform the complainant of such time and place, and direct him to come with his witnesses to such place at the time fixed. The member of the court in fixing a time shall select such a time as will enable him to acquaint the defendant of the complaint and as will enable the defendant to come with his witnesses to the place of trial at the time fixed.

(b) The member of the court shall then summon the defendant by informing him of the nature of the complaint, and of the time and place at which it will be tried. He may do this himself or through a messenger.

17. A member of a court shall have power to summon any native as a witness.

NATIVES—

18. A native may be summoned to attend a court by notice in writing or by word of mouth. It shall be sufficient if the native is informed that he is required to attend at the place of trial at the time fixed.

19. If a complainant or a defendant requests a member of the court to summon any native as a witness the member of the court shall do so. A witness shall be summoned in the same manner as a defendant. A witness who does not obey the summons may be arrested and brought to the court to give evidence.

20. If a member of a court wishes to summon a native to the court and such native is not in the district of such court, the member of the court shall, by writing, request a member of the court of the district in which such native is residing to summon such native to attend the first-mentioned court.

21. The member of the court who has been so requested to summon a native shall do so in the same manner as he would summon a native in his own district, and shall immediately notify, in writing, the member of the court who requested him, of the action he has taken.

22.—(1.) A person who is not a native may give evidence, but cannot be compelled to do so.

(2.) If it is desired to call as a witness any person other than a native, a member of the court shall issue a request to such person to attend, which request shall contain the place and date at and on which attendance is requested, and be served in the same manner as if it were a summons.

23.—(1.) Subject to these Regulations a member of a court may, of his own accord, summon and try any native whom he has good ground for suspecting has committed an offence, notwithstanding that no complaint has been made by any one against such native.

(2.) The member of the court shall have the same powers and shall proceed in the same way as if a complaint in respect of such offence had been made.

*Proceedings at Hearing.*

24. The court shall hear a complaint on the day fixed for the hearing unless there is some good reason for adjourning the hearing. A court may always adjourn the hearing to a future day if it considers that justice demands it.

25. If both parties appear before the court which is to hear and determine the complaint the court may proceed to hear and determine the case.

**26.** The proceedings at a trial shall be begun by one of the members of the court explaining clearly to the defendant the nature and particulars of the complaint.

**27.**—(1.) Before a native gives evidence, the member of the court shall affirm such native, by saying, either directly or through an interpreter appointed by the court, in a language understood by such native, these words or words to the same effect, and before receiving the evidence of the native the court shall satisfy itself that the native thoroughly understands the nature of such affirmation:—

“You must only say what you yourself know, and all that you say must be the truth, and you are liable to be punished if you say that which is not the truth.”

(2.) Any native who, after he has been so affirmed, shall knowingly and wilfully in any court say in his evidence that which he knows is not true shall be deemed to have given false evidence, and be liable to be punished accordingly.

**28.** On the court being satisfied that the defendant thoroughly understands the complaint a member of the court shall then ask the defendant whether he admits or denies the complaint.

**29.** If the defendant admits the complaint the court may, if it thinks necessary in the interests of justice, hear the complainant and his witnesses, and proceed to take their evidence. Before the court gives judgment it shall ask the defendant if he wishes to say anything with regard to the complaint, and, if he replies that he does, he shall then be allowed to make his statement, and to call witnesses in support. The court shall thereupon give judgment or defer doing so until it has time to consider the evidence.

**30.** If the defendant does not admit the truth of the complaint the court shall first hear the evidence of the complainant and his witnesses, and then of the defendant and his witnesses. After the complainant has said all that he himself wishes to say, the defendant may ask the complainant questions touching the matter, which questions the complainant must answer. The same rule applies to each witness of the complainant. After the defendant has said all that he himself wishes to say as a witness (when he gives evidence in the witness box) the complainant may ask the defendant questions touching the matter, which questions the defendant must answer. The same rule applies to each witness of the defendant.

**31.** A defendant may go into the witness box and give evidence in his own case if he chooses, but he cannot be compelled to do so except in civil cases. If he does so, he must answer any question put to him. All other natives in all matters must go into the witness box and give

## NATIVES—

evidence if the court orders them to do so. When in the witness box, witnesses must answer questions put to them by any member of the court. It shall be the duty of the court to ask all questions that appear necessary to elicit the true facts of the case.

32. A defendant shall not be called upon to give evidence until after the witnesses for the complainant have given their evidence. The defendant shall be entitled to hear the evidence against him before he brings evidence in his defence, but if the evidence of the defendant, or his witnesses, deals with matters that were not dealt with by the complainant, or his witnesses, the court may hear further evidence with regard to such matters.

33. The court having heard what each party has to say and the evidence adduced by each, shall consider the same, and shall either convict or make an order on the defendant, or dismiss the complaint (as the case may be) :

Proviso ad.  
by 1936,  
No. 14, r. 1.

Provided that, when the court is of opinion that the offence proved is of such a nature as not to merit punishment, it may caution and discharge the defendant.

34. Where, in the case of a complaint in a civil matter or for a simple offence, the defendant does not appear, and it appears to the court that he has been summoned to attend, the court may either proceed *ex parte* to hear and determine the complaint, or may adjourn the hearing to a future day. Where a person is charged with having committed an offence, it is advisable to arrest him, and compel him to be present at his trial rather than proceed *ex parte*.

35. Where, upon the day and the place appointed for the hearing of a complaint, the defendant is present, but the complainant does not appear, the court shall either dismiss the complaint or adjourn the hearing of the complaint.

36. If any complainant who knows that his complaint will be tried at a fixed time, or any defendant or witness who has been summoned to appear before a court at a fixed time, does not appear, the court may, if it sees fit, have such native arrested and brought before it.

37. Where either before or during the hearing of a complaint it appears advisable to the court, the court may adjourn the hearing of the complaint to a certain time and place to be then appointed ; and in the case of a complaint for an offence the court may in the meantime suffer the defendant to go at large or commit him to safe custody.

Am. by Regs.  
gazetted on  
15. 10. 1925, r. 2.

38. If the court dismisses the complaint, convicts, or makes an order against the defendant, a minute or memorandum thereof shall then be made, and the court shall transmit such minute or memorandum to the office of such officer as the District Officer shall direct.



39. A register of convictions, orders, and other proceedings in a Court of a district shall be kept by such officers as the District Officer shall direct.

Sub. by Regs.  
gazetted on  
15.10.1925, r. 3.

40. No evidence given before a court may be used against a native unless such native was present when the evidence was given, and unless such evidence was given in a language, or was interpreted out aloud into a language that such native understood, and unless such native was given the opportunity to cross-examine the witness who gave the evidence. Provided that this shall not apply to the case of a native who does not appear at a trial and where the trial takes place in his absence as provided in Regulation 34.

41. If, on the trial of any native for a simple offence, the court at any stage of the trial comes to the conclusion that the alleged offence took place more than twelve months before the complaint was made, the court shall forthwith discharge such native, unless it is of opinion that the complainant had not sufficient opportunity to bring such complaint within a period of twelve months after the offence complained of was committed. If the native is so discharged he shall not be liable to be again tried by a court for such alleged offence.

42. If a complaint respecting an offence has once been made it shall not be abandoned except by the leave of the court.

#### *Language and Interpretation.*

43.—(1.) For the purposes of these Regulations, except where it is provided to the contrary, any words that require to be spoken may be spoken in the English language or in the native language or dialect; provided that before any spoken words can be used against or can affect any native, such words, or the purport of such words, must first have been spoken to him or in his hearing in a language or dialect that he understands; provided that this shall not apply to the case of a native who neglects to appear and where the trial takes place in his absence as provided in Regulation 34.

(2.) Subject to the preceding sub-regulation a witness may give his evidence in any language that he can speak even though such language is neither English or the language or dialect of a native.

44.—(1.) A court may at any time and on any occasion order that any words shall be interpreted from any language or dialect into any other language or dialect; either from the one language or dialect into the other language or dialect, or through the medium of other intervening languages or dialects.

(2.) The court may accept or reject any interpreter or any interpretation.

## NATIVES—

(3.) The court with which the responsibility rests to ascertain whether a native understands any spoken words or not shall be the sole judge of whether such native understood those words.

45. If any native being employed as an interpreter on a trial before a court shall, in the opinion of the court, knowingly and wilfully misinterpret any words or the purport of any words such court may sentence such native to be imprisoned for any period not exceeding six months.

46. Except where otherwise provided, when any words are by these Regulations required to be written they shall be written in English.

### *Imprisonment.*

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R. 47 rep. by  
1940, No. 15,  
r. 3.

48. Every sentence of imprisonment imposed shall be deemed to be with hard labour unless it is expressly enacted that the imprisonment shall be without hard labour.

R. 49 sub. by  
1937, No. 17,  
r. 1.

49.—(1.) When a native who has been sentenced to a term of imprisonment is, before that term has come to an end, sentenced to a further term of imprisonment, the court may, if it thinks fit, order that such further term shall commence at the expiration of the term of imprisonment which the native is then undergoing or is then liable to undergo or of any term of imprisonment to which he is sentenced at the same court.

(2.) Subject to the last preceding sub-regulation, every term of imprisonment imposed by a court shall commence to run from the time when the native is first imprisoned under the order of the court imposing the term of imprisonment.

50. In any legal proceedings under these Regulations, if the court does not consider there is sufficient evidence to determine the question whether a native concerned in or in any way connected with the proceedings is or is not of or under any specified age, the court having seen the native may determine the question and such decision shall be final and conclusive.

### *Warrant may be Executed throughout the Territory.*

51. When any member of a court issues a warrant to apprehend a native or issues a warrant of commitment purporting on the face of it to have been made within the limits of his jurisdiction the warrant may be executed within any part of the Territory although beyond the limits of such jurisdiction.

*Enforcing Conviction.*

51A. When any sum of money is adjudged to be paid by a conviction, payment of such sum may be enforced by imprisonment.

Ad. by Regs. gazetted on 31. 8. 1925, r. 1.

51B. (1.) When a court adjudges the payment of any sum of money, it may, in and by its conviction, impose a term of imprisonment in default of payment.

R. 51B ad. by Regs. gazetted on 31. 8. 1925, r. 1.

(2.) Imprisonment may be imposed for any term the court thinks fit, not exceeding the time prescribed by regulation 52 with reference to the amount to be recovered.

52. The period of imprisonment imposed by a court for an offence against these Regulations or against any Ordinance or the Regulations thereunder in respect of the non-payment of any sum of money adjudged to be paid in respect of a conviction shall be such period as the court deems just, but shall not exceed in any case the maximum fixed in the following scale:—

Where the amount of the sum or sums of money adjudged to be paid in respect of a conviction as ascertained by the conviction—	The said period shall not exceed—
Does not exceed 10s. . . . .	one month
Exceeds 10s. but does not exceed £1 . .	two months
Exceeds £1 but does not exceed £3 . .	three months
Exceeds £3 but does not exceed £5 . .	four months
Exceeds £5 but does not exceed £10 . .	five months
Exceeds £10 . . . . .	six months

53. A court for native affairs by whose conviction or order any sum is adjudged to be paid may:—

- (a) Allow time for payment of the sum; and
- (b) Direct payment to be made of the sum by instalments.

54. Where a sum is directed to be paid by instalments and default is made in the payment of any one instalment, the same proceedings may be taken as if the default had been made in payment of all the instalments then remaining unpaid.

55. Where a term of imprisonment is imposed by a court in respect of the non-payment of any sum of money, that term shall, on payment of a part of such sum to any person authorized to receive it, be reduced by such number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum in respect of non-payment of which the imprisonment is imposed.

56. In all cases where the practice or procedure of courts for native affairs is not sufficiently defined by Regulation the practice and procedure of district courts shall, as far as applicable to native matters, be adopted. The forms for the time being in use in a district court may be used but compliance with any form shall not be required.

NATIVES—

PART III.

CIVIL CLAIMS.

*Native Customs.*

Sub-reg. (1)  
am. by 1940,  
No. 15, r. 4.

57.—(1.) All District Officers and patrol officers shall make themselves acquainted by all means in their power with the native customs of their district, and District Officers and patrol officers shall reduce such customs to writing and keep a copy of them in the district office.

(2.) Courts shall take judicial notice of all native customs and give effect to them, save in so far as they are contrary to the principles of humanity or conflict with any law or Ordinance in force in the Territory.

58. Where a complaint is made in a civil matter which in the opinion of the court before which the complaint is brought is frivolous, the court may decline to hear the complaint.

*Claims in which Land is Concerned.*

59. Where a court decides any claim involving the ownership of or the right to the occupation or use or possession of land or water or the right to the produce of any land or water or trees, the court shall cause the evidence to be taken down in writing and shall transmit a copy thereof to the Commissioner of Native Affairs.<sup>(5)</sup>

*Limitation of Proceedings for Debt.*

Ad. by 1940,  
No. 15, r. 5.

59A. All proceedings for the recovery of any debt shall be commenced within six years from the time when the debt became payable but not afterwards.

*Decision of Court.*

60. A court after trying a civil claim may make such order as in the circumstances appears to the court to be just.

*Enforcing Decisions.*

61. A court may enforce its decision or may punish any native who disobeys its decision by a fine not exceeding Thirty shillings and in default of payment by imprisonment with or without hard labour for any period not exceeding three months, or by imprisonment in the first instance for any period not exceeding three months, or by both fine and imprisonment.

*Enforcing Decision in Another District.*

62. If a decision in a civil claim has been given by a court of one district the decision may be enforced in any other district by a member

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(5) See Section 3 of the *Re-organization of Native Affairs Department Ordinance 1932.*

of the court of such other district if the decision be of such a nature that it can be there enforced.

*Complainant may Abandon Claim.*

63.—(1.) A complainant in a civil claim may at any time abandon his claim, and if he does so it shall be his duty to inform the defendant and the court that he has done so.

(2.) If a complainant abandons a claim he cannot again bring it forward in any shape or form.

*Members of a Court may act as Mediators.*

64.—(1.) Members of the court may mediate between the parties at any stage of the hearing of a complaint with a view to the amicable settlement thereof.

(2.) A court may postpone the hearing of a complaint if it thinks that by doing so an amicable settlement will be come to by the parties to the case.

PART IV.

MARRIAGE AND DIVORCE.

*Marriage by native custom to be valid.*

65.—(1.) Every marriage between natives which is in accordance with the custom prevailing in the tribe or group of natives to which the parties to the marriage or either of them belong or belongs shall be a valid marriage.

(1A.) Every marriage between natives which is celebrated or purports to be celebrated by a minister of religion registered or deemed to be registered under the *Registration of Births, Deaths and Marriages Ordinance 1935*<sup>(6)</sup> or by a European or native missionary authorized in writing by the Head, in relation to the Territory, of the Mission to which he belongs shall be deemed to be a valid marriage according to native custom and shall, for the purposes of these Regulations, have the same effect as a marriage in accordance with the last preceding sub-regulation.

Sub-reg. (1A)  
ad. by 1937,  
No. 17, r. 2.

(2.) The Administrator may forbid the marriage of a native woman in accordance with native custom if the woman objects to the marriage and has been educated in European surroundings, or has acquired European habits to such an extent that, in the opinion of the Administrator, it would be a hardship to compel her to conform to native custom.

(3.) A native who proceeds to marry a native woman in contra-

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(6) Now the *Registration of Births, Deaths and Marriages Ordinance 1935-1941.*

## NATIVES—

vention of any direction of the Administrator under this Regulation shall be guilty of an offence.

Penalty: Five pounds or imprisonment for six months, or both.

### *Dissolution of native marriage.*

66. Every dissolution of a marriage between natives which is valid according to custom prevailing in the tribe or group of natives to which the parties to the marriage belong, or, in a case in which the husband and wife belong to different tribes or groups, is valid according to the custom prevailing in the tribe or group to which the wife belongs, shall be a valid divorce or dissolution of marriage:

Provided that a marriage between natives celebrated under the *Marriage Ordinance 1912-1914*<sup>(7)</sup> of the Territory of Papua, in its application to the Territory, shall not be dissolved except as provided under *The Matrimonial Causes Jurisdiction Ordinance of 1910*<sup>(8)</sup> of the Territory of Papua, in its application to the Territory.

Proviso  
ad. by Regs.  
gazetted on  
15.4.1929, r. 1.

### *Maintenance of children.*

67. If a marriage between natives has been dissolved, the party who by native custom has the duty of maintaining the children of the marriage shall maintain them in accordance with that custom. Any native who commits a breach of this Regulation shall be guilty of an offence.

Penalty: For a first offence, Three pounds or imprisonment for four months, or both. For a subsequent offence, Five pounds or imprisonment for six months, or both.

67A. Any native who fails or neglects to provide or obtain medical treatment for any of his children, or for any child whose guardian he is by native custom, shall be guilty of an offence, if—

- (a) the child is under the age of fourteen years;
- (b) the failure or neglect results in bodily harm to the child;  
and
- (c) medical treatment is readily procurable or accessible.

Penalty: Three pounds or imprisonment for six months, or both.

(7) As from 10.1.1936 the *Marriage Ordinance 1912-1914* of the Territory of Papua ceased to apply to the Territory of New Guinea: see the *Laws Repeal and Adopting Ordinance (No. 2) 1935*. See now, however, the *Marriage Ordinance 1935-1936*, Section 5A of which reads as follows—"Nothing in this Ordinance shall apply to any marriage both of the parties to which are natives."

(8) As from 1.6.1934 *The Matrimonial Causes Jurisdiction Ordinance of 1910* of the Territory of Papua ceased to apply to the Territory of New Guinea: see the *Laws Repeal and Adopting Ordinance 1934*. The relevant Ordinance is now the *Divorce and Matrimonial Causes Ordinance 1934*.

Ad. by 1940,  
No. 15, r. 6.

*Applications for dissolution of marriage.*

68. Application for dissolution of a native marriage may be made to a court either by the husband or the wife, and the court shall grant a divorce in every case in which the court is satisfied that by native custom the complainant is entitled to a divorce.

*Penalty for adultery.*

69. If the ground of complaint is adultery the alleged adulterer may be made a party to the proceedings, and if the adultery is proved he may be found guilty of an offence against these Regulations.

Penalty: Three pounds or imprisonment for six months, or both.

PART V.

SUCCESSION TO PROPERTY.

*Intestate estates.*

70. When a native dies intestate, leaving property, such property shall descend to those persons who in accordance with native custom are entitled to it, provided that all debts owing by him shall first be paid out of such of it as does not consist of land or water or rights accruing from the land or water. For the purpose of paying the debts the District Officer of the district in which the native dies, or in which the property is, may sell or barter the whole or such portion of such property as is necessary for the payment of the debts.

71. When a native dies intestate in a district other than that in which his home is, the District Officer of the district in which he died shall realize his assets, and, after payment of all local debts, send the balance to the District Officer of the district in which the native's home is, and such last-mentioned District Officer shall give it to the person or persons entitled to it.

72. If after the expiration of six years from the death of a native any moneys remain to the credit of the estate of such native, and no person has apparently a right to such moneys, they shall be paid to the Treasurer of the Territory for the public use of the Territory.

73. A District Officer, before distributing the estate of a deceased native, shall deduct therefrom all expenses properly incurred by him in dealing with such estate.

74. If any dispute or doubt arises as to the person or persons entitled to any estate the matter should be determined by the court after hearing the evidence of the claimants to the property.

NATIVES—

75. As soon as possible after the 31st day of December and the 30th day of June in each year every District Officer shall send to the Treasurer, Commissioner of Native Affairs,<sup>(5)</sup> and Government Secretary a half-yearly report upon the estates that he has been administering. Such reports may be in the following form:—

Name of Deceased.	Date of Death.	Moneys Collected.	Values realized on Effects (other than Moneys).	Debts paid and to Whom.		Expenses Paid and to Whom.		Balance of Moneys collected and Effects sold and how disposed of.	
		£ s. d.	£ s. d.	£ s. d.		£ s. d.		£ s. d.	

Remarks:—

*Testamentary disposition of property.*

76. In cases where in accordance with native custom a native may make a will, such will, if made in a form that is in accordance with native custom, and so far as it disposes of his property in accordance with native custom, shall be effective to dispose of such property, provided always that before the property is distributed the debts of the testator are paid.

77. Provided his disposition of the property is not forbidden by native custom or by any Ordinance or law in force in the Territory and provided he does not dispose of any land or interest in land, or things attached to or growing on land, and provided there is no native form or custom regulating the same, a native may make a will as follows:—

- (a) The will may be made by the native in writing and signed by him in the presence of a District Officer or patrol officer, who shall sign it as a witness; or
- (b) A native may tell a District Officer or patrol officer what disposition of his property he intends to make, whereupon the District Officer or patrol officer shall put the same in writing and, after explaining the contents to him, shall sign a certificate at the bottom of the said will certifying that the document is the will of the native and that the native understands its nature and contents.

78.—(1.) The District Officer shall keep every will made in his district under Regulations 76 and 77 in safe custody at the district

(5) See Section 3 of the *Re-organization of Native Affairs Department Ordinance 1932.*

Para. (b) am. by 1940, No. 15, r. 7.



office and shall keep a register of the wills so made showing the date of their execution.

(2.) A copy of every will so made shall be forwarded by the District Officer to the Commissioner of Native Affairs<sup>(5)</sup> on the last day of March, June, September and December of each year, together with a copy of entries made in the register of wills during the preceding quarter.

(3.) The Commissioner of Native Affairs<sup>(5)</sup> shall keep the copies of wills so received and file the copies of the District Officer's register.

79. On the death of a testator his property may, subject to these Regulations, be distributed in accordance with the provisions of his will without probate or letters of administration being obtained.

PART VA.

PLANTING OF PLANTS AND CROPS BY NATIVES FOR THEIR OWN BENEFIT.

79A. \* \* \* \* \*

Part VA ad. by Regs. gazetted on 31.10.1924, r. 4.

R. 79A ad. by Regs. gazetted on 31.10.1924, r. 4.

Sub-reg. (1) omitted by Regs. gazetted on 30.6.1925, r. 2.

(2.) A District Officer may order that every able-bodied male resident in any village in his district shall plant and harvest and provide suitable storage accommodation for such food crops as shall in the opinion of the District Officer yield sufficient food for such native and his family.

Sub-reg. (2) am. by Regs. gazetted on 30.6.1925, r. 2.

(3.) District Officers and officers of the Department of Agriculture may give such orders and instructions as shall be necessary for the proper planting and tending of crops under the provisions of this Regulation, and the harvesting and storing thereof. Any native who refuses or neglects to carry out any such order or instruction shall be guilty of an offence.

Sub-reg. (3) sub. by Regs. gazetted on 30.6.1925, r. 2.

Penalty: Three pounds, or imprisonment for three months or both.

(4.) The Administrator may in his discretion exempt any native from all or any of the provisions of this Regulation.

PART VI.

OFFENCES AND FORBIDDEN ACTS.

80.—(1.) All natives resident in any town<sup>(9)</sup> shall live on the premises provided by their employers or in a reserve set apart for the use of natives, and any native offending against this sub-regulation shall be guilty of an offence.

R. 80 am. by Regs. gazetted on 30.9.1929, r. 2; 15.9.1931, r. 1; 15.11.1932, r. 1; and 15.12.1932, r. 1; sub. by 1937, No. 12, r. 1.

Penalty: Three pounds or imprisonment for three months, or both.

(5) See Section 3 of the Re-organization of Native Affairs Department Ordinance 1932.

(9) See the Town Boundaries Ordinance 1924-1927.

NATIVES—

(2.) No native resident in any town<sup>(9)</sup> shall without reasonable excuse (proof whereof shall lie upon him) be absent from the premises or reserve in or upon which he lives between the hours of 9 p.m. and 6 a.m.:

Provided that a native so resident, who has the written permission of his employer or a District Officer, may be absent from the premises or reserve (as the case may be) until the hour of 11 p.m. or during such later hours as he is actually engaged upon work or duties specified in the written permission:

Provided further that a native so resident, who has the written permission of his employer or a District Officer, may, during the hours from 9 p.m. to 6 a.m. be absent from the premises or reserve, if, during those hours, he remains outside the boundaries of the town in which he resides:

Provided also that the Administrator may, by notice<sup>(10)</sup> in the *New Guinea Gazette*, extend the hours during which a native holding the written permission of his employer or a District Officer, may be absent from the premises or reserve, on any day specified in the notice.

Penalty: One pound or imprisonment for two months, or both.

(3.) No native other than a native resident in a town<sup>(9)</sup> shall without reasonable excuse (proof whereof shall lie upon him) be within the boundaries of any town between the hours of 9 p.m. and 6 a.m. without the written permission of a District Officer.

Penalty: One pound or imprisonment for two months, or both.

(4.) All noise, shouting, beating of drums, singing, and dancing shall cease in all towns at 9 p.m., and any native offending against this sub-regulation shall be guilty of an offence.

Penalty: One pound or imprisonment for two months, or both.

(5.) Any native who plays any game in any street in any town<sup>(9)</sup> shall be guilty of an offence.

Penalty: One pound or imprisonment for one month, or both.

(6.) The Administrator may, by notice<sup>(11)</sup> in the *New Guinea Gazette*, direct that the provisions of this regulation shall apply to any area specified in the notice.

(7.) In this regulation, "District Officer" includes a patrol officer, a commissioned officer of the New Guinea Police Force, and any officer authorized in writing by a District Officer to grant a written permission under this regulation.

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(9) See the *Town Boundaries Ordinance 1924-1927*.

(10) No notice made pursuant to Regulation 80(2) is still in force.

(11) A Table containing particulars of notices made pursuant to Regulation 80(6) is printed on p. 3800, and the notices still in force are printed immediately after the Table.

*Native Administration Regulations 1924.*

(8.) For the purposes of sub-regulations (2.) and (3.) of this regulation, a native, who, when required by a member of the New Guinea Police Force to produce the prescribed written permission, fails to do so, shall be deemed not to have the prescribed written permission unless he satisfies the court that he has had and has lost that written permission.

80A.—(1.) The Administrator may by proclamation<sup>(12)</sup> in the *New Guinea Gazette* declare any place or area in the Township of Rabaul a recreation area for natives.

R. 80A ad. by Regs gazetted on 31.10.1924, r. 5.

Any native who, in the Township of Rabaul,<sup>(13)</sup> plays any game in any place or area not so proclaimed shall be guilty of an offence:

Sub-reg. (1) am. by Regs. gazetted on 30.6.1925, r. 3, and on 15.6.1933, r. 1.

Provided that it shall not be an offence under this sub-regulation for a native to play football upon land (other than land in any area declared to be a residential area under the *Public Health Ordinances 1932*)<sup>(14)</sup> occupied by his employer, where permission to play has first been obtained from the employer and a District Officer.

Penalty: One pound or imprisonment for two months, or both.

(2.) The Administrator may by notice<sup>(15)</sup> in the *New Guinea Gazette* direct that the provisions of this Regulation shall apply to such other towns as he may specify in such notice, and thereupon the provisions of this Regulation shall apply to such other towns.

Sub-reg. (2) ad. by Regs. gazetted on 31.10.1924, r. 5.

80B.—(1.) Any native found carrying a weapon within any township shall be guilty of an offence.

R. 80B ad. by Regs. gazetted on 30.9.1929, r. 3.

Penalty: One pound or imprisonment for one month, or both, and confiscation of the weapon.

(2.) No offence shall be deemed to be committed under this regulation if it is proved to the court, the onus of such proof lying upon the native charged, that the weapon is carried—

- (a) for the purpose of sale;
- (b) for the purpose of work or transport to or from work;
- (c) for the purpose of removing it from the township after purchase; or
- (d) with the permission in writing of a District Officer.

80c. No native shall attend, or take part in, a sing-sing in a township unless such sing-sing has been approved by the District Officer.

Ad. by Regs. gazetted on 30.9.1929, r. 3.

(12) Pursuant to Regulation 80A(1), the Administrator, by Proclamation dated 12.6.1925 and published in *N.G. Gaz.* of 15.6.1925, declared Lots No. 26, 165 and 173—Town of Rabaul, recreation areas for natives. By Proclamation dated 21.1.1928 and published in *N.G. Gaz.* of 31.1.1928 the Administrator revoked so much of the above Proclamation as related to Lot 165.

(13) The boundaries of the Town of Rabaul were defined in a notice (made under the *Town Boundaries Ordinance 1924-1927*) dated 5.5.1924, published in *N.G. Gaz.* of 15.5.1924, and printed below, title TOWNS.

(14) Now the *Public Health Ordinance 1932-1938*.

(15) No notice has been published in *N.G. Gaz.*

NATIVES—

R. 80D  
ad. by Regs.  
gazetted on  
31.10.1934, r. 1.

80D.—(1.) For the purposes of this regulation—

“street” includes any road, lane, thoroughfare, footpath, or place open to, or used by the public; and

“officer” means the officer-in-charge as defined by regulation 4 of the Police Force Regulations and includes any European member of the New Guinea Police Force authorized by the officer-in-charge to issue the authorizations referred to in the next succeeding sub-regulation.

(2.) A native shall not ride a bicycle upon any street in the town of Rabaul unless he is authorized in writing by an officer, and has the authorization in his possession.

Penalty: One pound.

(3.) The Administrator may by notice<sup>(16)</sup> in the *New Guinea Gazette* direct that the provisions of this regulation shall apply to such other towns or areas as he may specify in such notice and thereupon the provisions of this regulation shall apply to such other towns or areas.

Ad. by 1940,  
No. 1, r. 1.

80E. A native who is a labourer or servant employed under the *Native Labour Ordinance 1935-1939* shall not take part in a sing-sing between 11 p.m. and sunrise, without the consent in writing of his employer or a District Officer.

Penalty: One pound or imprisonment for one month, or both.

Ad. by 1940,  
No. 1, r. 1.

80F. The Administrator may by notice<sup>(17)</sup> in the *New Guinea Gazette* direct that natives in an area specified in the notice shall not attend or take part in a sing-sing of the kind or nature described in the notice.

Penalty: One pound or imprisonment for one month, or both.

*Contempt of Court.*

81.—(1.) Any native who—

(a) having been lawfully required to appear before a court or an officer having jurisdiction under these Regulations refuses or fails to so appear, or

(b) interrupts, interferes with or disturbs the proceedings of a court after he has been ordered by a member of the court not to do so, or

(c) wilfully obstructs or attempts to obstruct a member of the court or other officer having jurisdiction or authority under these Regulations in the performance of his duties,  
or

(16) No notice has been published in *N.G. Gaz.*

(17) No notice has been published in *N.G. Gaz.*

- (d) refuses to give evidence or to answer any lawful question when required by a court or a member of a court

shall be guilty of an offence; and when the offence is committed in court or in sight or hearing of the court may by direction of the court be proceeded against immediately and without being summoned.

Penalty: Five pounds or imprisonment for six months, or both.

(2.) Any native who knowingly gives false evidence in any court shall be guilty of an offence.

Penalty: Five pounds or imprisonment for six months, or both.

*Escaping from custody.*

82. Any native who—

- (a) while he is under legal arrest escapes or attempts to escape from custody, or
- (b) assists a person who is under legal arrest to escape or in attempting to escape from custody, or
- (c) whilst under sentence of imprisonment escapes or attempts to escape from gaol confinement or custody, or
- (d) assists a person under sentence of imprisonment to escape or in attempting to escape from gaol confinement or custody, or
- (e) supplies a prisoner with anything without the permission of a District Officer or gaoler or visiting justice

shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

*Assault, &c.*

83. Any native who—

- (a) unlawfully lays hold of or strikes or uses violence towards any other person; or
- (b) spreads false reports tending to give rise to trouble or ill-feeling amongst the people or between individuals; or
- (c) uses threatening, abusive, insulting, or obscene language; or
- (d) behaves in an indecent, offensive, threatening, or insulting manner towards any person; or
- (e) behaves in a riotous manner,

shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

R. 83 am. by  
1940, No. 15,  
r. 8.

NATIVES—

R. 83A  
ad. by Regs.  
gazetted on  
31. 10. 1933, r. 1.

83A. Any native who—

- (a) has in his custody or possession without lawful excuse (the proof of which excuse shall be on the native) any knuckle-duster, or other article, capable of being fitted to, over, or upon any finger or adjusted or affixed to any other part of the hand, and of being used for the purpose of wounding any person; or
- (b) carries or has upon his person without lawful excuse (the proof of which excuse shall be on the native) any razor or razor blade,

shall be guilty of an offence.

Penalty: Five pounds or imprisonment for six months, or both.

*Adultery and Prostitution.*

84.—(1.) Any native who abducts or entices a wife from the custody or companionship of her husband shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

Sub-reg. (2)  
sub. by 1936,  
No. 24, r. 1.

(2.) Any native man or woman who commits adultery and any native man or woman who has sexual intercourse with a married native of the opposite sex knowing that native to be married shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

Sub-reg. (3)  
sub. by Regs.  
gazetted on  
30. 6. 1925, r. 4;  
am. by Regs.  
gazetted on  
31. 10. 1933, r. 2.

(3.) No complaint shall be brought against any native under the last two preceding sub-regulations except by the native husband or wife of the woman or man with whom the offence was committed, or in the absence of such husband or wife, as the case may be, by his or her nearest relative.

Sub-reg. (4)  
ad. by Regs.  
gazetted on  
15. 4. 1929, r. 2.

(4.) Upon a charge of adultery under this regulation, the husband or wife (as the case may be) of the accused person shall be a competent but not a compellable witness.

Sub-reg. (5)  
ad. by 1940,  
No. 15, r. 9.

(5.) A court may order that any native convicted of any offence against sub-regulation (2.) of this regulation shall pay a sum not exceeding One pound, by way of compensation, to the aggrieved husband or wife, as the case may be, in lieu of any other punishment which may be lawfully awarded for that offence.

85. Any native who induces or compels or does anything with the object of inducing or compelling any female to have sexual intercourse with a male person who is not her husband shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

86. Any native possessing authority over a female native who accepts any gift or benefit for allowing or with the object of allowing

such female to have sexual intercourse with a male person who is not her husband shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

87. Any native woman who practices prostitution shall be guilty of an offence.

Penalty: Two pounds or imprisonment for four months, or both.

*Relating to Diseases.*

88.—(1.) A District Officer, a patrol officer, a medical officer, or a medical assistant may order any native to present himself at a certain time and place for medical examination or to enter a hospital for treatment.

R. 88  
sub. by Regs.  
gazetted on  
31.10.1924, r. 6;  
resub. by 1937,  
No. 5, r. 1; am.  
by 1940, No. 15,  
r. 10.

(2.) A medical officer or a medical assistant may examine any native and may treat the native or order him to enter a hospital.

(3.) Any native who disobeys an order given under the provisions of this regulation or refuses to be examined or treated or who, having been admitted to hospital, leaves the hospital without the authority of the officer in charge of the hospital, shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months.

88A.—(1.) A District Officer, patrol officer, medical officer, medical assistant, or luluai may order the native inhabitants of a village to assemble at a certain time and place for medical examination.

R. 88A  
ad. by 1940,  
No. 15, r. 11.

(2.) Any native inhabitant of a village, who becomes aware that an order under the last preceding sub-regulation has been given and who, without reasonable excuse (proof whereof shall lie upon him), fails to appear at the time and place appointed, shall be guilty of an offence.

Penalty: Two pounds or imprisonment for four months, or both.

89.—(1.) (a) A District Officer, patrol officer, medical officer, or medical assistant may order a luluai, tul-tul, or medical tul-tul to take or cause to be taken any native to a medical officer or medical assistant or to a hospital for treatment or examination.

R. 89  
sub. by Regs.  
gazetted on  
31.10.1924, r. 6.  
Para. (a) am.  
by 1940, No. 15,  
r. 12.

(b) A luluai or kukurai may order a tul-tul or medical tul-tul to take or cause to be taken any native to a medical officer or medical assistant, or to a hospital, for treatment or examination.

Para. (b)  
sub. by 1940,  
No. 15, r. 12.

(c) a patrol medical tul-tul may order a medical tul-tul to take or cause to be taken any native to a medical officer or medical assistant, or to a hospital, for treatment or examination.

Para. (c)  
ad. by 1940,  
No. 15, r. 12.

NATIVES—

Sub-reg. (2)  
am. by 1940,  
No. 15, r. 12.

(2.) Any luluai, tul-tul, or medical tul-tul failing to comply with such an order shall be guilty of an offence.

Penalty: Two pounds or imprisonment for four months, or both.

Am. by 1940,  
No. 15, r. 13.

90. If an unusual amount of sickness occurs in a village the luluai shall as soon as possible report the matter to the District Officer or a patrol officer. Any luluai failing so to report shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

91. When there is sickness in a village—

Para. (a)  
am. by Regs.  
gazetted on  
31. 10. 1924, r. 7,  
and by 1940,  
No. 15, r. 14.

(a) The District Officer or a patrol officer or any medical officer or medical assistant or luluai may order any native belonging to the village to remove any sick native to a place pointed out by him.

(b) The luluai shall take the necessary steps to have sufficient food shelter and attention provided for all natives so removed.

Para. (c)  
am. by 1940,  
No. 15, r. 14.

(c) No native shall have any communication with any native so removed except for the purposes specified in sub-regulation (b) or by the permission of the District Officer or a patrol officer or any medical officer or medical assistant.

Para. (d)  
am. by Regs.  
gazetted on  
31. 10. 1924, r. 7,  
and by 1940,  
No. 15, r. 14.

(d) The District Officer or a patrol officer or any medical officer or medical assistant may for the purpose of preventing the spread of disease forbid all communication between the inhabitants of any house or houses in the village or between the inhabitants of one village and those of another village.

Penalty for any contravention of or non-compliance with any direction given under this Regulation: Two pounds or imprisonment for four months, or both.

92. Every luluai or kukurai shall report or cause to be reported within a reasonable time all deaths and births which occur in his village or villages to any person whom the District Officer of his district appoints. Any luluai or kukurai failing to comply with the provisions of this Regulation shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

Am. by 1940,  
No. 15, r. 15.

93. Any native who is or who believes he is suffering from any venereal disease shall forthwith report the matter to the luluai of his village, who shall, if there is a Government hospital easy of access, have such native taken to such hospital. If a Government hospital is not easy of access the luluai shall forthwith take the native to the nearest



plantation or mission, whence he shall be forwarded to a Government hospital at the first available opportunity. The luluai shall report to the District Officer or a patrol officer every case of venereal disease which occurs in his village. Any luluai or other native contravening this section shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

*Refusing inoculation against disease.*

94.—(1.) To prevent the spread of any disease whether infectious or otherwise (whether or not the same shall actually exist in the Territory) the Administrator may order that all natives living in the locality named in the order or engaged in any specified calling shall present themselves, their children and wards to such persons as are mentioned in the order and at such places and at such times as a District Officer or patrol officer directs, and submit themselves, their children and wards to inoculation or any other preventative measure or treatment against such disease.

Sub-reg. (1)  
am. by 1940,  
No. 15, r. 16.

(2.) If any native shall disobey such order he shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

*Stealing.*

95.—(1.) Any native stealing the property of another person shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

(2.) Any native receiving property knowing that the property has been stolen from another person shall be guilty of an offence.

Sub-reg. (2)  
ad. by 1940,  
No. 15, r. 17.

Penalty: Three pounds or imprisonment for six months, or both.

(3.) In the case of a conviction for stealing or receiving under this regulation, the court may order the restitution of the stolen property to its owner.

Sub-reg. (3)  
ad. by 1940,  
No. 15, r. 17.

96. If any native shall find any property he shall inform the luluai of his village, who shall inform the District Officer or a patrol officer. Any luluai or other native contravening this regulation shall be guilty of an offence.

Am. by 1940,  
No. 15, r. 18.

Penalty: Three pounds or imprisonment for six months, or both.

*Sorcery.*

97. Any native who—

(a) practises or attempts to practise sorcery, or

NATIVES—

- (b) threatens any native with sorcery, whether practised by himself or by any other native, or
- (c) procures or attempts to procure any other native to practise or threaten any native with sorcery, or
- (d) is found in possession of implements or charms used in sorcery, or
- (e) accepts payments or gifts the intention of which is to propitiate a sorcerer, or
- (f) administers or is in possession of a drug assumedly used for unlawful purposes

shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

*Bribery.*

98. Any native who either directly or indirectly gives or promises to give any money or valuable whatever to any luluai, kukurai, tul-tul or member of the native police on account of anything done or to be done or omitted or to be omitted to be done in the discharge of the duties of such luluai, kukurai, tul-tul or member of the native police, shall be guilty of an offence.

Penalty: Two pounds or imprisonment for four months, or both.

*Relating to diseased animals.*

Am. by 1940,  
No. 15, r. 19.

99. The District Officer or a patrol officer or any medical officer or medical assistant may order the owner of any diseased dog pig or other animal to destroy it, or may have it destroyed. No compensation shall be paid to the owner. Any native who fails to comply with any order given under this Regulation shall be guilty of an offence.

Penalty: Two pounds or imprisonment for four months, or both.

*Cruelty to animals.*

100. Any native who carries any animal or bird other than in a crate or basket or other container shall be guilty of an offence. The method of carrying shall be such that the weight of the animal or bird is wholly supported by the crate, basket, or other container as aforesaid.

Penalty: One pound or imprisonment for two months, or both.

*Trespass.*

101.—(1.) The owner of any property, fenced garden, or other premises into which any pig, goat, or other animal shall trespass must, if he wishes redress, notify the owner of the animal of such trespass.



(2.) Where the owner of the animal is unknown the notice must be given to the luluai.

(3.) If the trespass is repeated it shall be lawful for him to kill the animal and report the fact to the owner or luluai, as the case may be.

(4.) If the animal is not removed before it becomes decomposed the person who killed it shall bury it, but shall not consume it or take it away.

(5.) If the owner of the property kills the animal without giving notice, or if he contravenes sub-regulation (4.) of this Regulation, he shall be guilty of an offence.

Penalty: Two pounds or imprisonment for four months, or both.

(6.) If the trespass is repeated after the owner of the animal, or the luluai, has been notified, the owner of the property, notwithstanding that he has killed the animal, may make a complaint against the owner of the animal for the damage caused by the trespass, and the court may award the owner of the property, by way of compensation, a sum not exceeding Five pounds.

Sub-reg. (6)  
ad. by 1940,  
No. 15, r. 20.

*Relating to the disposal of the dead.*

102.—(1.) No native shall bury the body of any person in the ground underneath any house, or in or near any occupied village, or keep the dead body of any native after it has reached a stage of decomposition in or near any occupied village.

Penalty: Three pounds or imprisonment for six months, or both.

(2.) Where it is according to native custom, the dead body of a native may be burned in an occupied village.

(3.) A District Officer or patrol officer shall mark out a suitable site for a burial ground for each village, which shall be kept clear and free of weeds by the natives of such village. Any native who buries the dead body of a native in a place other than a burial place so marked out shall be guilty of an offence.

Sub-reg. (3)  
am. by 1940,  
No. 15, r. 21.

Penalty: Two pounds or imprisonment for four months, or both.

(4.) Where the dead body of a native has been buried in a place other than the burial place of a village a District Officer or patrol officer or medical officer or medical assistant may order the chief of such village to exhume such body and have it buried in the burial place. Any native disobeying such an order shall be guilty of an offence.

Sub-reg. (4)  
am. by Regs.  
gazetted on  
31.10.1924, r. 8,  
and by 1940,  
No. 15, r. 21.

Penalty: Two pounds or imprisonment for four months, or both.

NATIVES—

*Gambling.*

R. 103  
sub. by 1940,  
No. 15, r. 22.

103.—(1.) Any native who plays cards for money or money's worth, or gambles in any way, shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

(2.) Any European member of the New Guinea Police Force may seize any cards and other instruments of gambling, money, and money's worth—

(a) in the possession of natives found committing an offence against the last preceding sub-regulation; or

(b) found by him abandoned at any place where he has reason to suspect that an offence against the last preceding sub-regulation was being committed.

(3.) Upon the conviction of a native for an offence under sub-regulation (1.) of this regulation or, where no arrest has been made, upon being satisfied by the evidence of a European member of the New Guinea Police Force that any cards and other instruments of gambling, money, and money's worth seized by him in accordance with the last preceding sub-regulation were being used for the commission of such an offence, the court may order the cards and other instruments of gambling to be destroyed, and the money and money's worth to be forfeited to the Administration.

*Intoxicating Liquors.*

104. Any native who drinks, or is found in possession of, intoxicating liquor shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

*Indecent practices.*

Rep. by Regs.  
gazetted on  
30. 6. 1925, r. 5;  
ad. by 1936,  
No. 5, r. 1.

105. Any native who, whether in public or private, commits an act of indecency with another male native, or procures another male native to commit an act of indecency with him, or attempts to procure the commission of any such act by any male native with himself, shall be guilty of an offence.

Penalty: Imprisonment for six months.

*Careless use of fire.*

106. If any native—

(a) through careless use of fire sets on fire any portion of the country that is not his own land or any property that is not his own whether the fire began on his own land or his own property, or elsewhere, or

(b) not having tribal right to set a piece of country on fire for hunting, sets fire to such country, he shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

107. If through careless use of fire, a native sets on fire any portion or portions of a plantation, he may be compelled to pay to the owner of such plantation compensation as fixed by the District Officer for the damage done by such fire. If he should fail to comply with such order for compensation he shall be guilty of an offence.

Penalty: Two pounds or imprisonment for four months, or both.

108. Any native who has the tribal right to set fire to any piece of country for hunting purposes shall give to all persons whose property is likely to be imperilled by such fire notice before doing so. If any person whose property is likely to be imperilled protests against the setting on fire of the aforesaid piece of country, the native who has the tribal right shall not do so until the decision of the District Officer has been obtained in the matter.

Penalty: Three pounds or imprisonment for six months, or both.

109. Any District Officer or patrol officer or luluai may order any native to remove or otherwise dispose of any inflammable material which he deems to be a menace to any village, house, garden or any improved plot of land. Any native disobeying such an order shall be guilty of an offence.

Am. by 1940,  
No. 15, r. 23.

Penalty: Ten shillings or imprisonment for one month, or both.

*Relating to wearing of clothes.*

110.—(1.) Male natives are forbidden to wear clothes on the upper part of the body, except natives especially exempted by a District Officer. This exemption may apply to individuals or to groups of natives and may be limited as to time or place and may be subject to conditions. The exemption may be withdrawn by a District Officer if it is being abused. Applications for exemption may be made to the District Officer of the district in which the native resides. Any native disobeying this regulation shall be guilty of an offence.

Penalty: For the first offence, Ten shillings or imprisonment for one month, or both. For the second and every succeeding offence, One pound or imprisonment for two months, or both.

(2.) In the case of a conviction, whether for a first or a subsequent offence, the clothes shall be destroyed.

(3.) For the purposes of this regulation "clothes" does not include clothing made of native material.

NATIVES—

Am. by 1940,  
No. 15, r. 24.

111. All natives except small children shall wear a loin cloth or other suitable covering in any town<sup>(9)</sup> and in such other places as the Administrator shall direct.<sup>(18)</sup> Any native offending against this regulation shall be guilty of an offence.

Penalty: Five shillings or imprisonment for fourteen days, or both.

*Relating to streams and water-courses.*

Am. by 1940,  
No. 15, r. 25.

112. If any native puts into any water-channel or any stream any thing which in the opinion of the District Officer or a patrol officer is likely to obstruct the flow of water in such channel, the District Officer or patrol officer may order him to remove such thing, and if the native disobeys such order he shall be guilty of an offence.

Penalty: One pound or imprisonment for two months, or both.

*Relating to the general sanitation of villages.*

Heading ad. by  
Regs. gazetted  
on 31.10.1934,  
r. 2; am. by  
1940, No. 15,  
r. 26.

R. 112A ad.  
by Regs.  
gazetted on  
31.10.1934,  
r. 2.

112A.—(1.) Every luluai or kukurai in charge of a village shall take all necessary steps to see that the village is kept clean and in a sanitary condition, and for that purpose may direct any native inhabitant of a village to keep clean his house or any part of the village allotted to him, and give such other orders and directions as he thinks necessary to keep the village clean and in a sanitary condition.

Penalty: Two pounds.

Sub-reg. (2)  
ad. by 1940,  
No. 15, r. 27.

(2.) Every luluai or kukurai in charge of a village shall take all necessary steps for the daily removal, destruction, or other disposal of refuse, garbage, and waste in the village, in such manner or by such means as he is, or may be, from time to time directed by a District Officer, patrol officer, medical officer, or medical assistant, and may give such orders and directions to any native inhabitant of the village for that purpose as he thinks necessary.

Penalty: Two pounds.

Ad. by Regs.  
gazetted on  
31.10.1934,  
r. 2; am. by  
1940, No. 15,  
r. 28.

112B. If any native house is, in the opinion of a District Officer, patrol officer, medical officer or medical assistant, in such an insanitary condition or state of disrepair as to be incapable of being made sanitary or of being repaired, the District Officer, patrol officer, medical officer, or medical assistant may order the native inhabitant of the house to pull it down.

R. 112C  
ad. by 1940,  
No. 15, r. 29.

112c. Every luluai or kukurai in charge of a village shall—

(a) be responsible for the provision of an adequate water supply for the native inhabitants of the village by a

(9) See the *Town Boundaries Ordinance 1924-1927*.

(18) No direction as to other places has been published in *N.G. Gaz.*

*Native Administration Regulations 1924.*

method or means approved by a District Officer, patrol officer, medical officer, or medical assistant, and shall take or cause to be taken all necessary steps to ensure that the water supply is not fouled by animals or surface drainage; and

- (b) when directed by a District Officer, patrol officer, medical officer, or medical assistant, cause the village to be provided with latrines of a type approved by, and in such numbers as are directed by, the District Officer, patrol officer, medical officer, or medical assistant.

112d.—(1.) A medical officer or medical assistant, if he considers it necessary, may order the male native inhabitants of a village to carry out such drainage, ditching, filling, weeding, and clearing, or to take such other measures, as, in the opinion of the medical officer or medical assistant, are required to prevent the breeding of mosquitoes.

R. 112D  
ad. by 1940,  
No. 15, r. 29.

(2.) Where an order has been given under the last preceding sub-regulation, the luluai or kukurai in charge of the village shall be responsible for seeing that the order is carried out, and for that purpose may give the male native inhabitants of the village such orders and directions as may be necessary.

*Relating to census taking.*

113. Any native who, after being ordered to appear by a District Officer or patrol officer or luluai to have his name recorded for the purpose of census taking, fails to appear, shall be guilty of an offence.

Am. by 1940,  
No. 15, r. 30.

Penalty: Two pounds or imprisonment for four months, or both.

114. Any native who induces a native to conceal himself, or conceals or attempts to conceal a native, with the object of preventing the recording of his name in the census shall be guilty of an offence.

Penalty: Two pounds or imprisonment for four months, or both.

115. Any native who is the lawful guardian of a native child and who does not produce such child when ordered to do so by a District Officer or patrol officer or luluai to have such child's name recorded for the purposes of census taking shall be guilty of an offence.

Am. by 1940,  
No. 15, r. 31.

Penalty: Two pounds or imprisonment for four months, or both.

*Proceeding into hostile districts.*

116. The District Officer or a patrol officer of any district may forbid any native to proceed into a district which is, in his opinion, hostile or dangerous to the life of such native. Any native who disobeys any direction given under this Regulation shall be guilty of an offence.

Am. by 1940,  
No. 15, r. 32.

Penalty: Three pounds or imprisonment for six months, or both.

NATIVES—

*Natives leaving Territory.*

R. 116A  
ad. by Regs.  
gazetted on  
30. 11. 1927, r. 1;  
sub. by Regs.  
gazetted on  
15. 4. 1929, r. 3.

116A.—(1.) The Administration may grant to any native, upon such conditions as he thinks fit to impose, a permit to leave the Territory.

(2.) The conditions shall be endorsed upon the permit.

(3.) The Administrator may, by notice published in the *New Guinea Gazette*, authorize any person to issue permits under this regulation.

(4.) Any native who leaves the Territory except under and in accordance with a permit issued under this regulation shall be guilty of an offence.

Penalty: Five pounds or imprisonment for six months.

*Failing to assist a District Officer.*

Am. by 1940,  
No. 15, r. 33.

117. Any native may be called upon by the District Officer or a patrol officer to assist him in the apprehension of a native for whose arrest a warrant has been issued, or who has contravened any law of the Territory, or for any lawful purpose which shall be required for the efficient supervision of the district. Any native who fails to render assistance required of him under this Regulation shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

*Disobedience of orders.*

118. Any native who without reasonable excuse (proof whereof shall lie upon him) neglects to carry out an order authorized by these Regulations shall be guilty of an offence; and unless some other penalty is imposed by these Regulations, shall be liable to a penalty of Three pounds or imprisonment for six months, or both.

Am. by 1940,  
No. 15, r. 34.

119. Any native who without reasonable excuse (proof whereof shall lie upon him) neglects to carry out, or wilfully prevents or hinders or attempts to prevent or hinder the carrying out of any order or instruction given by a luluai, kukurai, tul-tul, patrol medical tul-tul, or medical tul-tul, where such luluai, kukurai, tul-tul, patrol medical tul-tul, or medical tul-tul, is acting within his lawful powers, shall be guilty of an offence.

Penalty: One pound or imprisonment for two months, or both.

Ad. by Regs.  
gazetted on  
15. 2. 1933, r. 1;  
am. by Regs.  
gazetted on  
31. 10. 1933, r. 3.

119A. Any native who, without reasonable cause (proof whereof shall lie upon him), refuses or neglects to carry out an order given by his luluai or kukurai for the purpose of complying with the provisions of the *Roads Maintenance Ordinance 1922*<sup>(19)</sup> in relation to any road or track running through or bounded by land of which the luluai or

(19) Now the *Roads Maintenance Ordinance 1922-1938*.



kukurai is deemed to be the owner or occupier under section 8 of that Ordinance, shall be guilty of an offence.

Penalty: Two pounds or imprisonment for two months.

*Relating to luluais and tul-tuls.*

**120.**—(1.) The Director of District Services and Native Affairs shall appoint such luluais and kukurais as are necessary for the control and good order of tribes and villages, having due regard to the hereditary and customary chieftainship.

Sub-reg. (1)  
am. by Regs.  
gazetted on  
30.11.1927, r. 2,  
and by 1940,  
No. 15, r. 35.

(2.) The Director of District Services and Native Affairs may appoint luluais and kukurais of specified portions of a district, and such luluais and kukurais shall have the chief authority in such specified portions of a district.

Sub-reg. (2)  
am. by Regs.  
gazetted on  
30.11.1927, r. 2,  
and by 1940,  
No. 15, r. 35.

(3.) Luluais and kukurais may arrest natives belonging to their tribes or villages whom they suspect to be guilty of wrong-doing or an offence, and shall bring them to the nearest court in the district, or before the district court, to be dealt with according to law.

(4.) District Officers shall appoint such natives as they think proper to be tul-tuls of the tribes and villages.

(5.) Tul-tuls shall act as the deputies of the luluais and kukurais of their tribes or villages, and shall be responsible that the orders and instructions of the luluais and kukurais are properly carried out.

**121.**—(1.) District Officers shall appoint such natives as they think proper to be medical tul-tuls of tribes and villages.

(2.) Medical tul-tuls shall be selected, trained, and recommended to the District Officer by a medical officer or a medical assistant before being eligible for appointment.

(3.) A medical tul-tul shall act as medical orderly to the village or group of villages to which he is appointed, and shall be responsible for giving effect to the orders and directions of a District Officer, patrol officer, medical officer, medical assistant, or patrol medical tul-tul with respect to the medical care and treatment of the native inhabitants of the village or group of villages.

Sub-reg. (3)  
am. by Regs.  
gazetted on  
31.10.1924, r.  
9; sub. by 1940,  
No. 15, r. 36.

Penalty: One pound.

(4.) Medical tul-tuls shall report to the luluais or kukurais of their respective villages the names of any native inhabitants of the village requiring treatment or examination by a medical officer or medical assistant or in a hospital.

Sub-reg. (4)  
ad. by 1940,  
No. 15, r. 36.

Penalty: One pound.

**121A.**—(1.) The Director of Public Health shall appoint such natives as he thinks proper to be patrol medical tul-tuls, who shall, subject to the directions of the Director of Public Health, supervise

R. 121A  
ad. by 1940,  
No. 15, r. 37.

NATIVES—

the medical care and treatment of the native inhabitants of any group of villages to which they are appointed.

(2.) The Director of Public Health may dismiss from office any patrol medical tul-tul for any reason which he thinks fit.

Am. by 1940,  
No. 15, r. 38.

122. The Administrator may order all luluais, kukurais, tul-tuls, patrol medical tul-tuls, and medical tul-tuls to wear any uniform or badge of office which he may direct.

R. 123  
sub. by Regs.  
gazetted on  
30.11.1927, r. 3.

Sub-reg. (1)  
am. by 1940,  
No. 15, r. 39.

123.—(1.) The Director of District Services and Native Affairs may dismiss from office any luluai or kukurai on the ground of misbehaviour or incapacity.

(2.) A District Officer may suspend from office, for a period not exceeding six months, any luluai or kukurai on the grounds of misbehaviour or incapacity.

(3.) A District Officer may dismiss from office any tul-tul or medical tul-tul on the ground of misbehaviour or incapacity.

Am. by 1940,  
No. 15, r. 40.

124. Any luluai, kukurai, tul-tul, patrol medical tul-tul, medical tul-tul or other native upon whom the Government has conferred authority, who uses such authority for the purpose of blackmail or wrongfully to get any property or benefit for himself or any other person or wrongfully to injure any other person shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

125. Any native who pretends to be in the service of the Government, or who pretends that the Government has conferred some authority upon him, shall be guilty of an offence.

Penalty: Three pounds or imprisonment for six months, or both.

*Penalties.*

126. The penalty, pecuniary or other, set out—

(a) at the foot of any Regulation; or

(b) at the foot of any sub-regulation, of any Regulation, but not at the foot of the Regulation,

shall indicate that any contravention of the Regulation or of the sub-regulation respectively, whether by act or omission, shall be an offence punishable upon conviction by a penalty not exceeding the penalty mentioned.

Provided that where the penalty is expressed to apply to a part only of the Regulation or sub-regulation it shall apply to that part only.

PART VII.

MISCELLANEOUS.

Part VII ad. by  
Regs. gazetted  
on 30.6.1924,  
r. 2.

127.—(1.) Where a District Officer is satisfied that the continued residence of any native in any town or place in the district administered by such District Officer is detrimental to or likely to become detrimental to the peace and good order of such town or place, he may recommend to the Administrator that such native be removed from such town or place.

R. 127  
ad. by Regs.  
gazetted on  
30.6.1924, r. 2.  
Sub-reg. (1)  
am. by Regs.  
gazetted on  
15.12.1930, r. 1.

(2.) Upon receipt of such recommendation the Administrator may in his discretion order such native to be removed from such town or place to such place within the Territory, and for such period as he may deem fit.

Sub-reg. (2)  
am. by Regs.  
gazetted on  
15.12.1930, r. 1.

(3.) Where the Administrator has made an order for the removal of any native under the last preceding sub-regulation, that native shall be removed accordingly, and may, pending removal and in the course of removal, be kept in such custody as the Administrator directs.

Sub-reg. (3)  
ad. by Regs.  
gazetted on  
15.12.1930, r. 1.

(4.) Where, upon consideration of a report furnished by the Director of District Services and Native Affairs or the Superintendent of Police in relation to a native who has been removed to a place in pursuance of an order made under sub-regulation (2.) of this regulation, the Administrator is satisfied that an extension of the period specified in the order is advisable, he may order that that period shall be extended for such time as he thinks fit.

Sub-reg. (4)  
ad. by 1936,  
No. 37, r. 1.

127A. Upon receipt of a recommendation from the Director of District Services and Native Affairs or the Superintendent of Police, the Administrator may, if he is satisfied that it is advisable to do so, order that a native shall remain in any District, area, or place specified in the order until permission to leave the District, area, or place is granted by the Administrator.

Ad. by 1936,  
No. 37, r. 2.

128. Any native who has been removed to a place in pursuance of an order made under regulation 127 of these Regulations or has been ordered to remain in any District, area, or place under the last preceding regulation, and who without the permission in writing of the Administrator leaves the place to which he has been removed before the expiration of the period specified in the order or of any extension of that period ordered under regulation 127 of these Regulations or without the permission in writing of the Administrator leaves the District, area, or place specified in the order made under the last preceding regulation, shall be guilty of an offence.

Ad. by Regs.  
gazetted on  
30.6.1924, r. 2;  
sub. by Regs.  
gazetted on  
15.12.1930, r. 2;  
resub. by 1936,  
No. 37, r. 3.

Penalty: Imprisonment for six months.

NATIVES—

R. 128A  
ad. by 1936,  
No. 14, r. 2.

128A.—(1.) The Administrator may, by notice<sup>(20)</sup> in the *New Guinea Gazette*, declare any area specified in the notice to be an area in which any native, not being a native born in the area, shall not reside except in a village or place in which there resides a European who has immediate control over the native:

Proviso  
ad. by 1937,  
No. 5, r. 2.

Provided that any District Officer administering a District, and authorized in writing by the Administrator to do so, may grant to any native, not being a native born in the area, upon such conditions and for such time as he thinks fit, a permit to reside in a village or place, specified in the permit, in an area specified in a notice under this sub-regulation, notwithstanding that there is no European who has immediate control over the native residing in the village or place.

Sub-reg. (2)  
am. by 1937,  
No. 5, r. 2.

(2.) Any native, not being a native born in the area, who resides in an area specified in a notice under the last preceding sub-regulation, except as provided in, or authorized by a permit granted to him under, that sub-regulation, shall be guilty of an offence.

Penalty: Five pounds or imprisonment for six months.

Sub-reg. (3)  
am. by 1937,  
No. 5, r. 3.

(3.) Any native, not being a native born in the area, who enters any village in an area specified in a notice under sub-regulation (1.) of this regulation, other than the village in which he resides or a village specified in a permit granted to him under sub-regulation (1.) of this regulation, unless in the company of a European who has immediate control over him, shall be guilty of an offence.

Penalty: Five pounds or imprisonment for six months.

Sub-reg. (4)  
ad. by 1937,  
No. 5, r. 3.

(4.) Every permit granted under sub-regulation (1.) of this regulation shall be in writing and shall be indorsed with the conditions (if any) upon which it is granted.

Sub-reg. (5)  
ad. by 1937,  
No. 5, r. 3.

(5.) A District Officer administering a District may at any time cancel a permit granted under sub-regulation (1.) of this regulation, by notice in writing to the native to whom it was granted.

Ad. by Regs.  
gazetted on  
30. 11. 1927, r. 4;  
rep. by Regs.  
gazetted on  
16. 12. 1929, r. 1;  
ad. by Regs.  
gazetted on  
15. 11. 1932, r. 2;  
am. by 1940,  
No. 15, r. 41.

129. Every native who remains within any town<sup>(9)</sup> for a longer period than four days without employment (proof whereof shall lie upon him) shall be guilty of an offence:

Provided that this regulation shall not apply to a native in possession of a written authority signed by a District Officer or a commissioned officer of the New Guinea Police Force, or to a native attending a native hospital in any town,<sup>(9)</sup> or to a native in any town<sup>(9)</sup> for the purpose of giving evidence before any court, or to a native awaiting, in any town,<sup>(9)</sup> the taking of the necessary steps by an employer to return him to his home after the expiration or determination of his contract of service.

Penalty: Ten pounds.

(9) See the *Town Boundaries Ordinance 1924-1927*.

(20) A Table containing particulars of notices made pursuant to Regulation 128A is printed on p. 3803 and the notices are printed immediately after the Table.