



Province of Auckland.

THE ACTS
OF THE
SUPERINTENDENT & PROVINCIAL COUNCIL
OF THE
PROVINCE OF AUCKLAND,

PASSED IN SESSIONS I. TO XVI. INCLUSIVE :

WITH

An Appendix

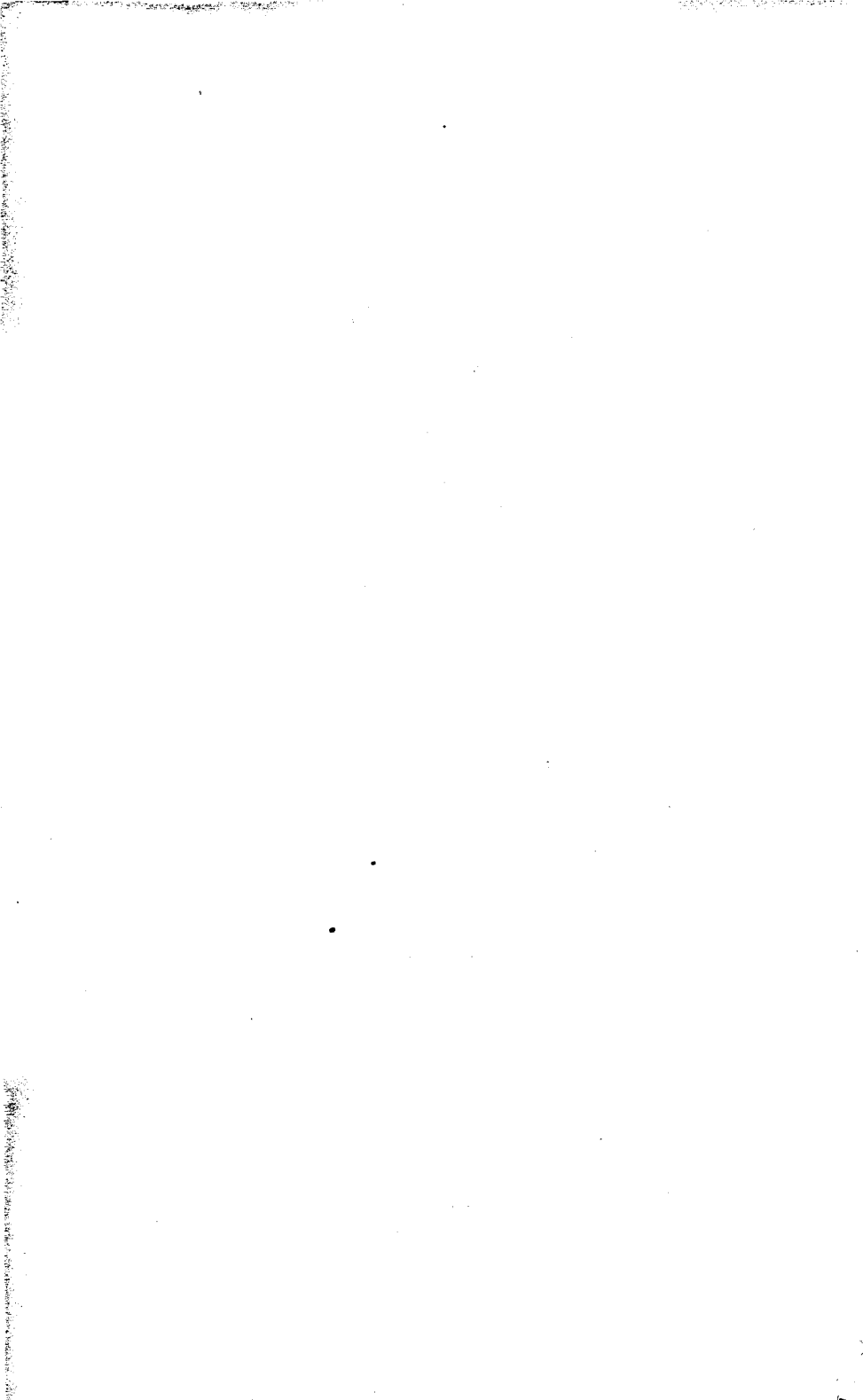
CONTAINING CERTAIN

ACTS PASSED BY THE GENERAL ASSEMBLY
OF NEW ZEALAND,
HAVING SPECIAL REFERENCE TO THE
PROVINCE OF AUCKLAND.



AUCKLAND :
CREIGHTON AND SCALES, PRINTERS TO THE PROVINCIAL GOVERNMENT,
QUEEN STREET.

1864.



INDEX.

Session.	No.	Title.	Page.
A			
XVI.	6	Amendment Act-- City Board Act, 1863	331
"	8	Do. City Board Loan Act, 1863	335
XV.	19	Do. Licensing Act, 1863	310
XIV.	11	Appropriation Act, 1862	203
"	12	Do. 1862, (No. 2.)	212
XV.	21	Appropriation Act, 1863	313
XVI.	10	Appropriation Act, 1864	343
XVII.	7	Appropriation Act, 1864 (No. 2)	363
XVII.	8	Appropriation Act, 1865	367
IX.	4	Auckland Building Act... ..	135
V.	12	Auckland City and Harbour Acts Repealing Act	68
XV.	8	Auckland Loan Act, 1863	254
XIV.	10	Auckland Municipal Police Act, 1862	196
XV.	1	Auckland Representation Act, 1863	216
VIII.	9	Auckland Reserves Act, 1858	126
XII.	5	Auckland Savings Bank Estate Act	169
VIII.	2	Auckland Waste Lands Act, 1858	93
XV.	9	Auctioneers' Licensing Act, 1863	258
I.	9	Audit Act... ..	18
			Appendix.
AUCKLAND HARBOUR DEBENTURE ACT, 1860			44
AUCKLAND HOSPITAL AND GRAMMAR SCHOOL RESERVES ACT			1
AUCKLAND IMMIGRATION CERTIFICATE ACT, 1861			51
AUCKLAND IMMIGRATION CERTIFICATE ACT (1858) AMEND- MENT ACT, 1861			56
AUCKLAND IMPROVEMENT ACT, 1858			17
AUCKLAND RESERVES ACT, 1858			12
AUCKLAND ROMAN CATHOLIC ENDOWMENT SALES ACT ...			7
AUCKLAND WASTE LANDS ACT AMENDMENT ACT, 1862			58
AUCKLAND WATERWORKS ACT			32
REPEALED ACTS.			
I.	3	Appropriation Act, 1854	5
II.	8	Do. 1855	32
III.	1	Do. 1855	35
IV.	2	Do. 1855	36
V.	11	Do. 1856	67
VIII.	8	Do. 1858	125
IX.	6	Do. 1858	145
XII.	4	Do. 1860	169
XIII.	1	Do. 1861	173
I.	10	Auckland City Council Act	20
II.	9	Auckland City Council Act Amendment Act	33
I.	11	Auckland Harbour Act... ..	20
II.	7	Auckland Harbour Land Act	32

Session.	No.	Title.	Page.
A—continued.			
II.	2	<i>Auckland Local Steam Navigation Company Act</i>	34
VIII.	7	<i>Auckland Municipal Police Act</i>	125
II.	1	<i>Auckland Steam Navigation Company's Act</i>	34
B			
XIV.	2	Bread, Sale of	321
IX.	4	Building Act—Auckland, 1858	135
		BAY OF ISLANDS SETTLEMENT ACT	Appendix. 29
REPEALED ACTS.			
			Page.
II.	10	<i>Bribery and Treating Act</i>	33
I.	14	<i>Building and Land Society's Ordinance Amendment Act</i>	21
C			
XIV.	3	Cattle Branding Repeal Act, 1862	177
V.	12	City and Harbour Acts Repealing Act—Auckland	68
VIII.	6	City and Harbour Endowments Act, 1858	121
IX.	9	City and Harbour Endowments Act Amendment Act, 1858	150
XV.	4	Do. Do. Do. 1863	224
XI.	1	City of Auckland Debenture Act, 1859	154
XV.	17	City Board Act, 1863	276
XVI.	6	City Board Act (1863) Amendment Act	331
XV.	23	City Board Loan Act, 1863	316
XVI.	8	City Board Loan Act (1863) Amendment Act	335
REPEALED ACTS.			
V.	7	<i>Cattle Branding Act, 1856</i>	61
II.	3	<i>Census Act, 1858</i>	23
I.	13	<i>City Building Act</i>	21
„	10	<i>City Council Act—Auckland</i>	20
II.	9	<i>City Council Act Amendment Act—Auckland</i>	33
V.	14	<i>City of Auckland Building Act, 1856</i>	83
XIV.	13	<i>Commissioners Act—Public Buildings</i>	214
D			
V.	9	Debentures Act, 1856	63
XI.	1	Debenture Act, City of Auckland, 1859	154
XVII.	3	Debentures Extinction Act, 1864	358
I.	5	Deeds Act	10
„	4	Dog Nuisance Act	6
XV.	2	Diversion of Roads Act, 1863	220
REPEALED ACTS.			
IV.	1	<i>Debenture Act, 1855</i>	36
XIV.	14	<i>Debenture Act, 1862</i>	215
V.	13	<i>Deeds Registration Act, 1856</i>	69
VIII.	1	<i>Diversion of Roads Act, 1858</i>	93

INDEX.

V.

Session.	No.	Title.	Page.
E			
VI.	2	Education Act, 1857	84
XVI.	11	Empowering Act, 1863	352
XVII.	5	Empowering Act, 1864	360
VIII.	6	Endowments Act, City and Harbour, 1858	121
"	6	Endowments Act, City and Harbour, Amendment, 1858	150
"	1	Endowments Act, Harbour, 1859	151
XI.	2	Endowments Act, Harbour (No. 2.), 1859	159
XV.	4	Endowments Amendment Act, City and Harbour, 1863	224
IX.	8	Enlargement Act, Provincial Council, 1858	148
ENDOWMENTS AUCKLAND ROMAN CATHOLIC ENDOWMENTS SALES			Appendix. 7
REPEALED ACTS.			
XIII.	2	<i>Endowments Act Amendment Act, Harbour, 1861</i>	Page. 173
XV.	20	<i>Empowering Act, 1863</i>	311
XVI.	3	<i>Empowering Act (1863) Amendment Act</i>	324
F			
-II.	5	Fencing Act, 1855	26
XV.	5	Ferries, Regulation of, Act, 1863	226
REPEALED ACTS.			
I.	12	<i>Fencing Ordinance Amendment Act</i>	20
"	2	<i>Foreign Seamen's Act</i>	5
G			
XV.	25	Gas Company Lease Act, 1863... ..	318
I.	7	Government, Provincial, Act, 1854	14
GRAMMAR SCHOOL AND HOSPITAL RESERVES			Appendix. 1
H			
XVII.	2	Harbour Appropriation Act, 1864	Page. 356
XV.	13	Harbour Debt Act, 1863	267
X.	1	Harbour Endowments Act, 1859	151
XI.	2	Harbour Endowments Act (No. 2), 1859	159
XVI.	7	Harbour Improvements Act, Mangawai, 1864	334
XIV.	5	Highways Act, 1862	179
XV.	12	Highways Act, 1862, Amendment Act, 1863	265
XVII.	1	Highways Act Amendment Act, 1864	355
HARBOUR DEBENTURE ACT, AUCKLAND			Appendix. 44
HOSPITAL AND GRAMMAR SCHOOL RESERVES			1
REPEALED ACTS.			
I.	11	<i>Harbour Act, Auckland</i>	Page. 20
XIII.	2	<i>Harbour Endowments Act Amendment</i>	173
II.	7	<i>Harbour Land Act, Auckland</i>	32

Session.	No.	Title.	Page.
		I.	
XIV.	9	Industrial School Act, 1862	194
I.	1	Interpretation Act, 1854	1
V.	1	Interpretation Act, 1856	37
XV.	16	Interpretation Act, 1863	275
V.	4	Impounding Act, 1856	42
IX.	7	Improvement Local	145
		IMMIGRATION CERTIFICATE ACT, AUCKLAND, 1861 ...	Appendix. 51
		L.	
XV.	3	Licensing Act, 1863, Military	Page. 223
"	6	Licensing Act, 1863	228
"	19	Licensing Act, 1863, Amendment Act	310
"	9	Licensing Act, Auckland Auctioneers, 1863... ..	258
"	8	Loan Act, Auckland, 1863	254
XV.	23	Loan Act, 1863, City Board	316
XVI.	8	Loan Act, 1863, Amendment Act	335
XV.	24	Loan Act, South and Onehunga Roads	317
		Ditto Ditto Ditto Amendment Act	330
IX.	7	Local Improvement Act, 1858	145
		REPEALED ACTS.	
V.	6	<i>Land Claimants Act</i>	61
IX.	3	<i>Licensing Act, 1858</i>	134
XIII.	3	<i>Licensing Act Amendment Act, 1861</i>	174
XIV.	1	<i>Licensing Act Amendment Act (No. 1), 1862</i>	175
"	2	<i>Licensing Act Amendment Act (No. 2), 1862</i>	176
II.	2	<i>Limited Liabilities Act</i>	22
"	2	<i>Local Steam Navigation Company, Auckland</i>	34
		M.	
XVI.	7	Mangawai Harbour Improvements Act	334
XV.	3	Military Licensing Act... ..	223
XIV.	10	Municipal Police Act, Auckland	196
		REPEALED ACTS.	
II.	6	<i>Merchant Seamen's Act</i>	32
V.	5	<i>Merchant Seamen's Act</i>	56
VIII.	7	<i>Municipal Police Act, Auckland</i>	125
		N.	
V.	8	Native Land Purchase Ordinance Amendment Act... ..	62
		REPEALED ACTS.	
"	3	<i>Native Land Ordinance Repealing Act</i>	42
"	10	<i>Naval and Military Scrip Act</i>	67

Session.	No.	Title.	Page.
P			
XIV.	4	Provincial Auditor's Salary Act, 1862	177
IX.	8	Provincial Council Enlargement Act	148
I.	7	Provincial Government Act	14
XII.	6	Public Seal Act	171
		PENSIONER CLAIMS ACT, 1861... ..	Appendix. 54
REPEALED ACTS.			
V.	6	<i>Pre-emptive Land Claimants Act</i>	Page. 61
XIV.	13	<i>Public Buildings Commissioners Act</i>	214
R			
XVI.	4	Railway Commissioners Act, 1864	325
XV.	5	Regulation of Ferries Act, 1863	226
"	11	Repealing Act, 1863	263
"	18	Repealing Act, Town Board Act, 1862	308
"	1	Representation Act, Auckland... ..	216
VIII.	9	Reserves Act, Auckland... ..	126
"	3	Revocation of Authority Act, 1858	115
IX.	1	Road Act (No. 1), 1858	131
"	2	Road Act (No. 2), 1858	133
XII.	1	Road Act (No. 1), 1860	164
"	2	Road Act (No. 2), 1860	165
"	3	Road Act (No. 3), 1860	167
XIV.	7	Road Act (No. 1), 1862	190
"	8	Road Act (No. 2), 1862	192
XV.	2	Road Act, Diversion of, 1863	220
		RESERVES ACT, AUCKLAND, 1858	Appendix. 12
REPEALED ACT.			
VIII.	1	<i>Roads, Diversion of, Act, 1858</i>	Page 93
S			
XVI.	2	Salc of Broad Act	321
XII.	4	Savings Bank Estate, Auckland	169
XV.	14	Sheep Act, 1863	268
XVI.	1	Sheep Act, 1863, Amendment Act	320
II.	4	Slaughter House Ordinance Amendment Act	23
XV.	24	South and Onehunga Roads Loan Act	317
XVI.	5	South and Onehunga Roads Loan Act Amendment Act	330
I.	6	Superintendent's Salary Act	13
XVII.	6	Supreme Court Site Act, 1864... ..	361
REPEALED ACTS.			
"	2	<i>Seamen's (Foreign) Act</i>	5
II.	1	<i>Sheep Act, 1854</i>	22

Session.	No.	Title.	Page.
S—continued.			
V.	2	<i>Sheep Act, 1856</i>	41
IX.	7	<i>Sheep Act, 1858</i>	144
II.	1	<i>Steam Navigation Company's Auckland Act</i>	34
T			
XVI.	9	<i>Tamaki Bridge Act</i>	337
XV.	10	<i>Telegraph Protection Act, 1863</i>	261
VIII.	5	<i>Thistle Act, 1858</i>	118
XV.	18	<i>Town Boards Act, Repealing Act, 1862</i>	308
I.	8	<i>Transfer of Powers Act</i>	16
XV.	7	<i>Turnpike Act, 1863</i>	247
„	22	<i>Turnpike Act, 1863, Amendment Act</i>	314
REPEALED ACTS.			
VI.	1	<i>Thistle Act, 1857</i>	84
XIV.	6	<i>Town Boards Act, 1862</i>	190
W			
VIII.	2	<i>Waste Land Act, Auckland, 1858</i>	93
XVII.	4	<i>Waterworks Appropriation Act, 1864</i>	359
XVII.	9	<i>Waterworks Act, Auckland, 1864</i>	376
VIII.	4	<i>Wharf Regulation Act, 1858</i>	116
		WASTE LANDS ACT	Appendix. 22
		WATER WORKS ACT, AUCKLAND	32
		WASTE LANDS ACT AMENDMENT ACT, AUCKLAND	58

INTERPRETATION ACT.*

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 1, 1854.

[3rd February, 1854.]

AN ACT to provide for the Interpretation, &c., of the Acts
to be passed by the Superintendent and Council of the
Province of Auckland. Title.

BE IT ENACTED AND DECLARED by the Superintendent
of the Province of Auckland with the advice and consent
of the Provincial Council thereof as follows:— Preamble.

1. Every Act of the Superintendent and Council of the
Province of Auckland shall be deemed and taken to be a
Public Act and shall be judicially taken notice of as such
unless the contrary be expressly provided by any such Act. All Acts to be
deemed public
Acts.

2. Every Act shall be divided into Sections if there be
more enactments than one which Sections shall be deemed
to be substantive enactments without any introductory
words. And to be divided
into sections.

3. Every Act which shall not prescribe the time from
which it may be intended to take effect and which shall be
assented to by the Superintendent on behalf of the Governor
shall come into operation on the day on which it shall
receive the Superintendent's assent. Acts when to come
into operation.

4. Every Act which shall not prescribe the time from
which it may be intended to take effect and which shall be
reserved for the signification of the Governor's pleasure
thereon shall come into operation on the day on which the
Superintendent shall signify that the Governor has assented
to the same. Reserved Acts
when to come into
operation.

* This Act only applies to Acts passed before Session 5, when a new Interpreta-
tion Act was passed. (See No. 1 of that Session.)

Acts may be amended in same session. 5. Every Act may be altered amended or repealed in the same Session of Council in which it may be passed any law or usage to the contrary notwithstanding.*

Repealed enactments to remain in force until Repealing Act come into operation. 6. Whenever any Act shall be made repealing in whole or in part any existing Law or substituting any provision in lieu thereof the Law so repealed shall remain in force until the substituted provision shall come into operation, and such repeal shall not without express words affect any matter or thing commenced to be done under the repealed Law but such matter or thing may be continued under the repealed Law unless the provision of the repealing Act shall be adapted to such continuation.

Repeal of a repealing Act not to revive Act first repealed. 7. Whenever any Act repealing in whole or in part any former Act shall be repealed such last repeal shall not revive the Act or provision before repealed unless words be added reviving such Act or provision.

Power of appointment to imply power of removal. 8. Whenever power shall be given by any Act to the Governor of the Colony or to the Superintendent of the Province or to any other officer or person to make appointments to any office or place it shall unless there are words to show a contrary intention be intended that such power shall be capable of being exercised from time to time as occasion may require and that the Governor Superintendent officer or person shall have power to remove or suspend the person appointed and to appoint permanently or temporarily as the case may require another person in his stead or in the place of any deceased sick or absent holder of such office or place.

Powers may be exercised from time to time. 9. Whenever power shall be given to do perform or submit to any act matter or thing such power shall be capable of being exercised from time to time as occasion may require unless the nature of the thing or the words used shall indicate a contrary intention.

Power to make Rules &c. to imply power to revoke alter &c. 10. In every enactment whereby power shall be given to any officers or persons to make rules orders or regulations it shall be implied that such officers or persons may revoke alter or vary the same from time to time as occasion may require, unless the terms used or the nature or objects of the power shall indicate that such power is intended to be exercised finally in the first instance.

When doing an act prohibited 11. Whenever the doing of anything is prohibited by any Act the prohibition shall be taken to extend to the causing

* This clause was omitted in Session 5, No. 1, but has again been enacted by No. 16 Session.

of such thing to be done, unless there be something in the subject or the words of the Act repugnant thereto. causing to be done implied.

12. Whenever any court or person shall be authorized by any Act to hear and determine any matter or thing such court or person shall have authority to receive and examine evidence and they are hereby empowered to administer an oath or to take an affirmation from all such witnesses as may be legally called before them. Power to administer oaths in certain cases.

13. In all cases in which an oath or affirmation shall be administered under the authority of this Act any false evidence given by any person to whom such oath shall have been administered or who shall have made such affirmation shall be deemed to be a misdemeanor. False oath a misdemeanor.

14. In all cases in which a solemn declaration shall be required to be taken or be authorized to be received by any such Act a false declaration made by any person shall be deemed to be a misdemeanor. False declaration a misdemeanor.

15. Whenever any fine penalty or forfeiture shall be imposed by any Act but the mode of recovering such fine penalty or forfeiture shall not be prescribed by the Act imposing the same such fine penalty or forfeiture shall be recoverable in a summary way. Penalties &c. to be recovered in a summary way.

16. Any fine penalty or forfeiture so to be imposed as aforesaid may be sued and proceeded for by any person whomsoever unless by the Act imposing the same the right to sue or proceed shall be expressly given to any officer or person by name or designation. Penalties &c. may be sued for by any person.

17. All fees fines penalties and forfeitures shall be paid by the persons entitled to receive the same to the Provincial Treasurer or duly appointed Receiver for the public uses of the Province and the support of the Government thereof at such times and in such manner as the Superintendent for the time being shall from time to time in that behalf direct unless special provision be made for the disposal of such fees fines penalties or forfeitures by the Act imposing the same. Fees fines &c. to be paid over to Provincial Treasurer.

18. The following words and expressions in all Acts shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say), Interpretation of words.

- Number.** Words importing the singular number only shall include the plural number and words importing the plural number only shall include the singular number.
- Gender.** Words importing the masculine gender only, shall include females.
- Person.** The word "person" or "party" shall include bodies politic or corporate body of trustees and any public company.
- Her Majesty.** The words "Her Majesty" shall include Her Majesty her heirs and successors.
- Governor &c.** The word "Governor" shall be construed to mean the Governor or other person for the time being lawfully administering the Government of New Zealand.
- Officer.** Whenever any person holding or occupying a particular office shall be mentioned or referred to in general terms such mention or reference shall be taken to include all persons who shall at any time thereafter occupy for the time being the said office.
- Month.** The word "Month" shall mean calendar month.
- Days.** Where any number of "days" shall be specified the same shall be reckoned exclusively of one and inclusively of the other of the days from and to which the computation may be directed to be made.
- Land.** The word "Land" shall include messuages tenements and hereditaments of any tenure.
- Estate.** The word "Estate" shall include any estate or interest right title charge claim demand lien or encumbrance at law or in equity.
- Oath &c.** The words "Oath" "Swear" and "Affidavit" shall include affirmation declaration affirming and declaring in the case of persons by law allowed to declare or affirm instead of swearing.
- Highway.** The word "Highway" shall include any public or common road bridge wharf and landing-place carriage-way cart-way horse-way bridle-way foot-way street and causeway.
- Port** The word "Port" shall include any roadstead harbour and river.
- Ship.** The term "Ship" shall include every description of vessel employed on the high seas or on the coasts.
- Boat.** The word "Boat" shall include any boat-barge punt or canoe.
- Master.** The word "Master" shall include any person being in command or charge of such ship or boat for the time being.
- Seamen** The word "Seamen" shall include every person except masters employed or engaged to serve in any capacity on board any ship or vessel.

The word "Cattle" shall include horses mares geldings Cattle.
colts foals fillies asses mules bulls cows oxen heifers
steers calves rams ewes wethers lambs goats kids and
swine and shall be deemed and taken to mean and
include and apply to any one animal of the said
several kinds.

The word "Carriage" shall include any cart dray gig Carriage.
omnibus or other vehicle of any description.

19. This Act shall come into operation on the day on Commencement.
which it shall receive the Superintendent's assent.

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

FOREIGN SEAMEN'S ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 2., 1854.

[4th February, 1854.]

AN ACT for preventing Desertion, and other Misconduct of
Seamen belonging to Foreign Ships.

N.B.—This Act was repealed by No. 14, 1858, and No. 4,
1860, of the General Assembly.

APPROPRIATION ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 3.

[4th February, 1854.]

AN ACT to *Appropriate the Revenue for part of the Year*
1853 and for the Year 1854.

N.B.—This Act was repealed by No. 11, Session 15.

DOG NUISANCE ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 4, 1854.

Title.

[4th February, 1854.]

AN ACT to abate the Nuisance caused by Dogs.

- Preamble reciting
ordinance of Le-
gislative Council
Session 3 No. 19.
- WHEREAS an Ordinance was enacted by the Governor of New Zealand with the advice and consent of the Legislative Council thereof Session 3 No. 19 intituled "An Ordinance to provide a summary mode of abating the nuisance of dogs wandering at large in towns" And whereas it is expedient to repeal the same ordinance and to make other provisions in lieu thereof Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—
- Recited ordi-
nance repealed.
1. The said recited ordinance so far as the same related to the Province of Auckland is hereby repealed.
- Commissioner
&c. of Police to
provide "dog
tickets."
2. For every year the Commissioner or other officer having charge of the Police Force shall provide "dog tickets" of a convenient description and shall cause the same to be marked in some distinctive manner.
- Tickets to be
marked.
3. In addition to the distinctive marks the tickets issued at each Police Office shall be numbered consecutively from one upwards for each year and shall also have the year for which they are issued marked thereon in figures.
- Supply of tickets
to be kept at
Police Office.
4. A supply of such tickets shall be kept at the Police Office Auckland and at such other police offices as the Superintendent shall from time to time direct and any person shall be entitled to receive any number of such tickets on payment of a fee of five shillings each.

5. The names and residences of all persons who shall procure such tickets shall be entered alphabetically in a book to be kept at every such Police Office for that purpose and opposite the names shall be stated the number on the tickets respectively purchased by such persons. Such book may be examined by any person during office hours on payment of a fee of one shilling.

Books with names of persons procuring tickets to be kept at Police Office for inspection.

6. If any dog upwards of three months old shall be at large (whether with or without its owner) on any highway or unenclosed land without a ticket issued for the then current year affixed to him the owner of such dog shall forfeit for every such offence any sum not exceeding twenty shillings. The proof that any dog is less than three months old shall in any proceeding under this Act lie on the owner of such dog.

Owner of dog at large without ticket liable to penalty.

7. If any person shall falsely make or counterfeit or knowingly the same to be false or counterfeit purchase use or have in his possession any ticket resembling or apparently intended to resemble or pass for any ticket provided or issued by any Commissioner or other Officer of Police as aforesaid every such person shall forfeit and pay for every such offence any sum not exceeding twenty pounds.

Penalty for counterfeiting &c. ticket.

8. Every dog whether with a ticket affixed to him or not found at large in any highway without his owner may be seized by any constable and shall be kept exposed to view in some public place to be appropriated for the purpose at the Police Office in or nearest to the district in which such dog shall be seized for the space of forty-eight hours at least if not sooner claimed.

Dogs found at large without owner may be seized by constable and kept 48 hours.

9. If within the said forty-eight hours any person shall claim any such dog the person in charge of such public place shall (upon being satisfied that the person making such claim is the owner thereof, or is some person authorised by him) deliver such dog to the person so claiming the same upon payment of the sum of five shillings.

If claimed to be delivered to owner on payment of fine.

10. If within the said forty-eight hours no such claim and payment as aforesaid shall have been made in respect of any such dog so seized and kept as aforesaid the person having custody of such dog shall forthwith destroy the same. Provided always that no dog which shall have a "dog ticket" affixed to him whereon the number shall be legible shall be destroyed without first giving notice in writing of the seizure of such dog twenty-four

If not claimed to be destroyed.

hours before he shall be destroyed to the person to whom such ticket was issued. Such notice to be served personally or by leaving the same at such person's usual or last known place of abode in the district in which such dog shall be seized.

A note of the description &c. of all dogs seized to be made and delivered to the Clerk of the Police Office.

11. When any dog shall have been seized under the authority of this Act the constable seizing the same or some person by his authority shall make a note in writing of the description of the dog so seized and the time and place of seizure thereof and stating whether the dog shall have been delivered to the owner thereof or destroyed and as soon as conveniently may be after such dog shall have been disposed of in manner hereinbefore provided such constable shall deliver the said note to the Clerk of the Police Office.

Clerk to enter particulars in book to be kept open to inspection.

12. The said Clerk shall forthwith enter the particulars contained in the said note in a book to be kept for the purpose and any person may examine such book at any time during office hours on payment of a fee of one shilling.

Penalty for permitting dangerous dogs to go at large without muzzles.

13. Any person who shall permit any bull-dog or mastiff or a mongrel of either of the same or any other dog which shall be known to be dangerous or to have bitten or injured any person or any cattle or other property (whether such dog shall have a "dog ticket" affixed to him or not) to go at large without a muzzle securely fixed upon the mouth of every such dog so as to prevent the same from biting or injuring any person or any cattle or other property shall forfeit and pay for every such offence any sum not exceeding forty shillings and any such dog so at large may be forthwith seized and killed by any constable.

Such dogs may be killed.

Penalty for dogs attacking persons &c.

14. If any dog shall on any highway or on any unenclosed place rush at or attack any person or any cattle whereby the life or limbs of any person shall be endangered or any cattle or other property injured the owner of such dog shall forfeit and pay any sum not exceeding five pounds without prejudice to any claim for the damage done by such dog.

Penalty on constable neglecting to inform against owner of dog without ticket attached.

15. Any constable neglecting to lay an information against the owner of any dog which shall not have a "dog ticket" affixed to him as hereinbefore provided shall forfeit and pay for every such offence any sum not exceeding forty shillings.

16. Any constable neglecting to seize or destroy any dog as hereinbefore provided shall forfeit and pay any sum not exceeding forty shillings. Penalty on constable neglecting to seize dogs improperly at large.

17. Any constable who shall knowingly seize any dog which shall not be at large contrary to the provisions of this Act shall forfeit and pay for every such offence any sum not exceeding twenty shillings and if such dog shall be destroyed shall pay to the owner of the same the full value thereof and also forfeit and pay a penalty not exceeding five pounds. Penalty on constable for improperly seizing dogs.

18. All money received by any constable in respect of dogs seized under the authority of this Act after deducting therefrom the sum of sixpence for food (to be provided by such constable) for every such dog seized and kept on the week preceding shall be paid over weekly to the Commissioner or other officer in charge of the Police to be accounted for by him. Money received by constables to be paid monthly to Commissioner or other officer in charge of Police to be accounted for by him.

19. One-half of all fines and penalties received under this Act shall be paid to the informer or prosecutor if the convicting justice shall so direct. Half penalty to be paid to informer.

20. The owner of any dog shall for the purpose of this Act be deemed to be the person upon whose premises such dog may be kept or the person in whose care such dog may temporarily be whether loose or confined. Interpretation of "owner."

21. This Act shall come into operation in the districts of the city and suburbs of Auckland (as the same are respectively constituted Electoral Districts for the purpose of returning members to serve in the Provincial Council) on the first day of March 1854 and from time to time in such other districts as shall be proclaimed by the Superintendent in the *Auckland Provincial Gazette* to come within the operation of this Act. Commencement and operation of Act.

DEEDS ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 5, 1854.

[4th February, 1854.]

Title. AN ACT *to provide for the Execution of Deeds, and for other purposes relating to Real Property.*

Preamble reciting clause No. 1 of Ord. No. 10 of Session 2 of Legislative Council. WHEREAS by an ordinance passed by the Governor of New Zealand with the advice and consent of the Legislative Council thereof entitled "An ordinance to facilitate the transfer of real property and to simplify the law relating thereto" it is enacted by clause No. 1 that "Every deed shall be signed by the conveying parties and shall also be attested by two witnesses the place of abode of the witnesses their calling or business shall be stated but no particular form of words shall be requisite for the attestation" And whereas the mode of attestation required by the said clause has been found inconvenient in practice Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof that

Recited clause repealed. 1. The said recited clause No. 1 as the same is hereinbefore set out is hereby repealed.

Signature and attestation of deeds. 2. Every deed shall be signed by the conveying parties and each signature shall be attested by at least one witness but no particular form of words shall be requisite for the attestation.

Deeds executed before passing hereof. 3. Every deed executed before the passing hereof attested as by this Act required shall from the execution thereof be deemed as valid and effectual as if the same had been attested as prescribed in the said ordinance by the said clause thereof hereby repealed.

Deeds releasing Dower need not be acknowledged. 4. And whereas it is expedient to facilitate the transfer of real property by rendering the releases of rights to

dower by married women valid without the same being acknowledged as now required. Be it therefore enacted that any deed heretofore or to be hereafter executed by a married woman whereby she releases extinguishes or disposes of any dower or right of dower in any land shall not require to be acknowledged by her but every such deed if made with the concurrence of her husband shall be as valid and effectual without any acknowledgment as though the same had been acknowledged as was required by law before the passing hereof.

5. And whereas an Ordinance No. 9 of Sess. 2 was enacted by the Governor of New Zealand with the advice and consent of the Legislative Council thereof intituled "An ordinance to provide for the registration of deeds and instruments affecting real property" And whereas it is expedient to make further provision in reference thereto Be it therefore enacted that whenever it shall be made to appear to the satisfaction of a Judge of the Supreme Court upon a summary application that any instrument authorized to be registered by the said recited ordinance No. 9 of Sess. 2 cannot be produced for such purpose it shall be lawful for such Judge on the production of a copy authenticated to his satisfaction to authorize by writing under his hand to be endorsed on such copy that the same may be registered instead of the original instrument.

Registration Ord. No. 9 Session 2 of Legislative Council recited.

Authenticated copies of instruments may be registered by order of Judge of Supreme Court in certain cases.

6. On such authenticated copy being authorized to be registered as aforesaid all the provisions of the said recited ordinance (No. 9 of Sess. 2) shall apply to the same as though such authenticated copy were the original instrument.

Provisions of recited ordinance applicable to such copies as to originals.

7. Every Power of Attorney with the verifications (if any) of the due execution of the same may be deposited at the Register Office for safe custody and reference.

Powers of Attorney may be deposited in Register Office.

8. Any person having possession of any Instrument authorized to be registered by the said recited ordinance (No. 9 of Sess. 2) or by this Act or of any power of Attorney which he or any other person may have covenanted to produce may deposit such Instrument or Power of Attorney in the Register Office for safe custody and reference and such deposit shall operate as a release and discharge from every covenant which may have been entered into for the production of the same.

Instruments under covenant for production may be deposited and covenanters thereby released.

9. Any person upon whom it may be incumbent to enter into a covenant for the production of any Instrument

Instruments may be deposited in lieu of entering

into covenants for production. authorized to be registered by the said recited ordinance (No. 9 of Sess. 2) or by this Act or of any Power of Attorney may deposit the same at the Register Office for safe custody and reference in lieu of entering into such covenant for production.

Deposited instruments and powers of attorney to be numbered &c. 10. Immediately upon any instrument or Power of Attorney being deposited as aforesaid the Registrar shall in the presence of the party depositing the same number the same and make a note thereon of the day and hour of the receipt thereof and shall stamp the same at the end of such note with the seal of the Register Office All instruments and Powers of Attorney deposited as aforesaid shall be numbered consecutively from one upwards.

Registrar shall keep instruments and arrange same and make indexes. 11. The Registrar shall securely keep in the Register Office and not permit to be removed therefrom (except in obedience to legal process for the production thereof) all Instruments and Powers of Attorney so deposited as aforesaid and shall cause the same to be arranged in some convenient manner and an alphabetical index made thereof for easy reference which index shall show the number marked by the Registrar the date of the deposit and the marks and numbers (if any) on such Instruments or Powers of Attorney by which the land comprised therein is designated in the Surveyor-General's map.

Receipts searches certified copies and fees as under recited ordinance. 12. In respect of Instruments and Powers of Attorney deposited under this Act receipts shall be given examinations or searches may be made certified copies and extracts shall be supplied and such copies and extracts shall be secondary evidence registration in certain cases shall be compulsory and the like fees (except for recording) shall be payable in the same manner as is provided in reference to all such matters in respect of instruments deposited for registration under the authority of the said recited Ordinance.

Receipts and certified copies admissible as evidence of deposit. 13. Receipts given in pursuance hereof shall specify in addition to the particulars required by the said recited Ordinance (No. 9 of Sess. 2) the date of the Instrument or Power of Attorney the parties thereto and the marks and numbers therein (if any) by which the land comprised therein is designated in the Surveyor-General's map Every such receipt and also a certified copy of any Instrument or Power of Attorney shall be admissible as evidence that the Instrument or Power of Attorney to which the same has reference has been deposited in the Register Office in pursuance of the provisions hereof.

14. The several clauses hereinbefore numbered 5 6 7 8 9 Above clauses 5
 10 11 12 and 13 shall be read and construed as part of the to 13 to be con-
 said recited ordinance No. 9 of Sess. 2. strued as part of
 recited ordinance.

15. And whereas much delay has frequently taken place Recites inconve-
 after the sale of Crown Lands before the grants of the same nience from delay
 have been issued And whereas between the time of such in issuing Crown
 sales and the date of the said grants many conveyances and Grants.
 other dispositions of the said land have been made And Deeds heretofore
 whereas to prevent loss and inconvenience to many persons executed before
 it is expedient to cure the defects in the titles to such land date of grant to
 in manner hereinafter provided Be it therefore enacted that have same effect
 all deeds heretofore executed by purchasers of Crown Lands as though grant
 their heirs and assigns after the purchases of such lands executed when
 have been made but before the date of the Crown Grants purchase money
 by which the same have been subsequently granted shall paid.
 for the purpose of completing the titles of parties to such
 deeds but for no other purpose) be deemed to have the
 same force and effect as though the Crown Grants respec-
 tively in which such lands are comprised had been executed
 immediately upon the payment to the Crown of the pur-
 chase money for the same.

16. All such deeds may be registered under the Land Such deeds may
 Registration Ordinance of the Governor and Legislative be registered.
 Council of New Zealand No. 9 of Sess. 2 notwithstanding
 anything in the said ordinance contained.

Printed under the authority of the Government of the Province of Auckland by
 Robert James Creighton and Alfred Scales, Printers to the Provincial
 Government.

SUPERINTENDENT'S SALARY ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
 QUEEN VICTORIA.

SESSION I., No. 6, 1854.

[4th February, 1854.]

AN ACT to fix the Salary of the Superintendent of the Title.
 Province of Auckland.

WHEREAS it is expedient that the salary of the Superin- Preamble.
 tendent should not be dependent on the annual vote of the

Legislature Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :

Superintendent's salary. 1. Out of the revenue of the Province of Auckland there shall be paid to the Superintendent thereof a salary after the rate of Eight Hundred Pounds yearly.

Payable quarterly. 2. The said salary shall be paid quarterly on the first days of January April July and October in every year without deduction or abatement Provided also that a proportionate sum shall be paid when any Superintendent shall cease to hold that office between any two of the said quarter days.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

PROVINCIAL GOVERNMENT ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 7, 1854.

[4th February, 1854.]

Title. AN ACT to provide for the Administration of the Government of the Province of Auckland.

BE IT DECLARED AND ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Government of Province to be conducted by Superintendent. 1. So far as may be consistent with the powers to be from time to time lawfully exercised by the Governor and the Officers of the General Government of New Zealand the administration of the Government of the Province of Auckland shall be conducted by the Superintendent thereof.

Public Seal to be kept and used by Superintendent. 2. There shall be a Public Seal for the said Province and such Seal shall be kept and used by the Superintendent thereof for the sealing of all things that shall pass the seal of the said Province.

3. An Executive Council shall be established for the said Province for aiding with their advice the Superintendent in administering the Government thereof. Executive Council established.

4. Such Council shall consist of not less than two members or of more than four members to be appointed by the said Superintendent and to hold office during his pleasure. At least one half of the members of the Executive Council for the time being shall be members also of the Provincial Council. Members of Council.

5. It shall be the duty of the said Executive Council to advise the Superintendent on all questions which may be referred to them by him for that purpose. Duty of the Council.

6. It shall be competent to any member of the Executive Council to propose for discussion there any question connected with the administration of the Executive Government and to record on the Minutes of the said Council his opinion and advice on such question. Any member may propose a question for discussion.

7. The Superintendent shall prescribe all such rules as it may appear to him necessary to establish for the holding of meetings of the said Council for giving notice of such meetings for the due and orderly conduct of the deliberations and proceedings thereof for taking the votes of the said Councillors for determining under the presidency of whom any such meetings shall be held during the absence of the Superintendent from the same for recording the various acts and decisions of the said Council for the adjournment or prorogation of the same and otherwise for promoting the effective despatch of the business thereof. Superintendent shall prescribe rules:

8. In the execution of the powers vested in the Superintendent it shall not be obligatory on him unless specially required by any Act or Ordinance of a competent Legislature to consult with the Executive Council in any case in which he may deem it inexpedient so to do neither shall it be obligatory on him unless so required as aforesaid to adopt the advice of the Executive Council in any case if he shall deem it inexpedient to adopt the same. Not obligatory on Superintendent to consult Council or to act as advised.

9. The appointment of all officers clerks and other persons employed or to be employed by or on behalf of the Provincial Government of the Province of Auckland is vested in and the power of making every such appointment shall be exercised by the Superintendent thereof in all cases except such as have been or shall be otherwise Appointment of officers &c. of Province vested in Superintendent.

specially provided for by any Act or Ordinance of a competent Legislature. Such officers clerks and other persons shall hold their respective offices and employments during pleasure.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

TRANSFER OF POWERS ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 8, 1854.

[4th February, 1854.]

Title.

AN ACT to Transfer certain Powers and Duties from the Governor and Colonial Treasurer of New Zealand to the Superintendent and Provincial Treasurer of the Province of Auckland respectively.

Preamble reciting certain Ordinances.

WHEREAS by several of the Ordinances enumerated in the Schedule hereunto annexed certain Powers are conferred upon the Governor of New Zealand And whereas many of the said Ordinances so enumerated prescribe that certain duties shall be performed by the Colonial Treasurer thereof And whereas it is expedient that the said powers and duties should be transferred respectively to the Superintendent and Treasurer of the Province of Auckland Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

All acts and powers under said Ordinances to cease to be performed and exercised by Governor and Colonial Treasurer.

1. All the acts authorised or required to be performed by and all the powers conferred upon or given to the said Governor and the said Colonial Treasurer respectively by the said Ordinances enumerated in the said Schedule hereunto annexed shall henceforth cease to be performed and exercised by the said Governor and the said Colonial Treasurer as the case may be.

2. All the said acts and powers shall and may henceforth be performed and exercised as fully and effectually for all purposes whatever within the Province of Auckland by the Superintendent and by the Treasurer thereof as the case may be as the said acts and powers could heretofore be done and exercised by the said Governor and the said Colonial Treasurer respectively. Such acts and powers hereafter to be performed and exercised by Superintendent and Provincial Treasurer.

3. In all cases where any such act is required to be performed or any such power to be exercised by the said Governor with the advice of an Executive Council such act shall be done and such power exercised by the said Superintendent with the advice of the Executive Council of the Province of Auckland. Executive Council of Province of Auckland substituted for Executive Council of New Zealand.

4. All Fines, Fees, and Penalties, and all sums of money whatever authorised or directed by the said Ordinances to be paid or accounted for to the said Colonial Treasurer shall in lieu thereof be henceforth paid and payable and accounted for to the Treasurer of the Province of Auckland chargeable nevertheless with any salary or sum of money made payable thereout by any of the said Ordinances respectively. Fines &c. to be paid to Provincial Treasurer.

5. All the provisions of the said Ordinances shall henceforth be read construed and take effect in the same manner as though the Superintendent the Executive Council and the Treasurer of the Province of Auckland were therein named instead of the Governor the Executive Council and the Colonial Treasurer of New Zealand respectively and as though the words "For the Public uses of the Province of Auckland" were expressed in the said Ordinances instead of the words "For the public uses of the Colony" and other words of similar import and effect. Such Ordinances how to be read.

6. Provided always that if there shall be any vacancy by death or otherwise in the office of Superintendent of the Province of Auckland, all the said acts and powers which may be performed and exercised by the Superintendent under this Act may during such vacancy be performed and exercised by the Governor as though this Act had not been passed. In case of vacancy in the office of Superintendent Governor to exercise powers.

7. The word "Governor" in this Act shall be taken to include the Governor-in-Chief, Lieutenant-Governor, and Officer Administering the Government. Meaning of word "Governor."

Meaning of
"Treasurer of
Province of Auck-
land."

8. The words "Treasurer of the Province of Auckland" shall be taken to mean the person who shall for the time being be authorised by the Superintendent to perform the duties of that office.

SCHEDULE OF ORDINANCES REFERRED TO.

Session 2, No. 5, "Summary Proceedings Ordinance."	Session 7, No. 4, "Sheriffs' Office Ordinance."
Session 2, No. 9, "Land Registration Ordinance."	Session 7, No. 5, "Coroners' Ordinance."
Session 2, No. 12, "Licensing Ordinance."	Session 7, No. 7, "Prisons Ordinance."
Session 2, No. 13, "Auctioneers Ordinance."	Session 7, No. 9, "Destitute Persons' Relief Ordinance."
Session 2, No. 17, "Raupo House Ordinance."	Session 7, No. 17, "Cattle Tresspass Ordinance."
Session 3, No. 8, "Court of Requests Ordinance."	Session 7, No. 20, "Sessions of the Peace Ordinance."
Session 3, No. 10, "Auctioneers Amendment Ordinance."	Session 7, No. 21, "Lunatics' Ordinance."
Session 3, No. 21, "Licensing Amendment Ordinance."	Session 8, No. 2, "Gunpowder Ordinance."
Session 5, No. 6, "Public Roads and Works Ordinance."	Session 8, No. 5, "Slaughterhouse Ordinance."
Session 7, No. 2, "Constabulary Force Ordinance."	Session 8, No. 6, "Impounding Ordinance."
	Session 8, No. 12, "Footpath Ordinance."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

AUDIT ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 9, 1854.

[6th February, 1854.]

Title.

AN ACT to provide for Auditing the Accounts of the
Province of Auckland.

BE IT ENACTED by the Superintendent of the Province of
Auckland with the advice and consent of the Provincial
Council thereof as follows;—

1. A full account of all the receipts and disbursements of the Revenue of the Provincial Government including the costs charges and expenses incidental to the collection management and receipts thereof shall be laid before the Provincial Council within ten days from the commencement of the next Session. Accounts of Provincial Government to be laid before Council next session.

2. A similar account in continuation of the last preceding account shall be laid before the said Council within ten days from the commencement of every subsequent Session. Similar accounts every subsequent session.

3. Every such account shall be referred by the said Council to a Select Committee thereof. Accounts to be referred to a Select Committee.

4. It shall be the duty of such Select Committee to audit examine and report upon the said account. Committee to audit and report.

5. Such Committee is hereby empowered to call for vouchers, and to examine witnesses touching the said account, and every person is hereby required to give such attendance and produce such vouchers and documents as the said Committee shall order and direct by a summons to be signed by the Chairman of the Committee, stating the object for which such person is required to attend, and specifying the vouchers and documents to be produced. Empowered to call for vouchers and examine witnesses.

6. Every person without reasonable cause failing to attend as required by such summons or to submit himself to examination or to produce such vouchers and documents or prevaricating before any such Select Committee or a quorum thereof shall forfeit and pay for every such offence any sum not exceeding £100. Penalty for refusing to attend.

7. Every person wilfully and knowingly giving false evidence before any such Committee or a quorum thereof shall forfeit and pay for every such offence any sum not exceeding £500. Penalty for giving false evidence.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

AUCKLAND CITY COUNCIL ACT, ETC.

AUCKLAND CITY COUNCIL ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 10, 1854.

[6th February, 1854.]

AN ACT to provide for the *Municipal Government of the
City of Auckland.*

N.B.—This Act was repealed by No. 12, Session 5.

AUCKLAND HARBOUR ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 11, 1854.

[10th February, 1854.]

AN ACT to provide for the *Regulation of the Harbour of
Auckland, and for the Construction of Docks and other
Works therein.*

N.B.—This Act was repealed by No. 12, Session 5.

FENCING ORDINANCE AMEND- MENT ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 12, 1854.

[10th February, 1854.]

AN ACT to amend "*An Ordinance to encourage the Fencing
of Land.*"

N.B.—This Act was repealed by No. 5, Session 2.

CITY BUILDING ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 13, 1854.

[17th February, 1854.]

AN ACT to regulate the construction of Buildings and
Chimneys in certain parts of the City of Auckland.

N.B.—This Act was repealed by No. 14, Session 5.

BUILDING AND LAND SOCIETIES ORDINANCE AMENDMENT ACT.

IN THE SEVENTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION I., No. 14, 1854.

[16th February, 1854.]

AN ACT to amend "An Ordinance for the Regulation of
Building and Land Societies."

N.B.—This Act was repealed by No. 11, Session 15.

Session II.

SHEEP ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 1, 1854.

[22nd December, 1854.]

AN ACT to prevent the *Extension among Sheep of the
Disease called the Scab.*

N.B.—This Act was repealed by No. 2, Session 5.

LIMITED LIABILITIES ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 2, 1854.

[22nd December, 1854.]

AN ACT to *Legalise Partnerships with Limited Liability.*

N.B.—This Act was repealed by an Act of the General
Assembly, No. 13, 1858.

CENSUS ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 3, 1854.

[22nd December, 1854.]

AN ACT *to make provision for taking a Census in the
Province of Auckland in the year 1855.*

N.B.—This Act was repealed by No. 11, Session 15.

SLAUGHTER HOUSE ORDINANCE AMENDMENT ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION 2, No. 4, 1855.

[January 5th, 1855.]

AN ACT *to amend an Ordinance for Regulating the Slaughtering* Title.
of Cattle in certain places.

WHEREAS an ordinance was enacted by the Governor of New Zealand with the advice of the Legislative Council thereof Session 8 No. 5 intituled An Ordinance for regulating the Slaughtering of Cattle in certain places AND WHEREAS it is expedient to amend the Law relative to the Slaughtering of Cattle.

Preamble reciting
Ordinance No. 5
Session 8.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows

Sections 4 and 5 of recited Ordinance repealed.

1. Sections numbered 4 and 5 of the said recited Ordinance are hereby repealed.

Within districts constituted by recited Ordinance public slaughter-houses may be appointed.

2. It shall be lawful for the Superintendent within any district to be proclaimed under the said recited Ordinance when and as he shall see fit from time to time by proclamation to appoint that one or more Slaughter House or Slaughter Houses shall be a Public Slaughter House or Public Slaughter Houses and any such Proclamation from time to time to alter or revoke Provided always that there shall be no Public Slaughter House within the limits of the City of Auckland.

All cattle slaughtered within a certain distance to be slaughtered at public slaughter-houses.

3. All Cattle slaughtered within a certain distance of any Public Slaughter House for the purpose of sale barter shipping or exportation shall be slaughtered at a Public Slaughter House and not elsewhere and any person who shall within any such distance slaughter any Cattle for any such purpose elsewhere than at a Public Slaughter House shall forfeit and pay any sum not exceeding ten pounds for every head of Cattle so slaughtered Such distance as aforesaid shall in respect of each Slaughter House be from time to time fixed by the Superintendent by Proclamation to be published in the *Auckland Provincial Government Gazette*.

No cattle to be slaughtered within the limits of the City of Auckland.

4. No Cattle shall be slaughtered for any purpose whatever within the limits of the City of Auckland unless the same shall have become necessary on account of some accident or otherwise and the Inspector of Nuisances shall have granted a certificate to that effect And any person who shall slaughter any Cattle contrary to this provision shall forfeit and pay for every head of Cattle so slaughtered any sum not exceeding ten pounds.

Justice may grant warrant to ascertain if the cattle are slaughtered contrary to law.

5. If at any time it shall be made to appear on oath to the satisfaction of any Justice of the Peace that there is reasonable grounds to suspect that any Cattle are slaughtered in any place whatever in violation of the provisions of any law in force relating to Slaughter Houses or the slaughtering of Cattle it shall be lawful for such Justice to grant a warrant under his hand authorising any Inspector of Nuisances or any Constable with their assistants at any hour to enter into any such place for the purpose of ascertaining whether any violation of the Law has been committed therein.

Superintendent may make rules or management

6. It shall be lawful for the Superintendent from time to time to make rules and regulations as to him shall seem fit

for the management of any Public Slaughter House and securing the cleanliness thereof And also for the government of persons slaughtering Cattle and otherwise employed thereat and any person who shall offend against any rule or regulation so made shall forfeit and pay for every such offence any sum not exceeding five pounds.

of public slaughter-houses.

7. It shall be lawful for the Superintendent at any time to lease for any time not exceeding one year any Public Slaughter House subject to such powers and conditions as he shall think fit Provided always that every such letting shall be either by public auction or public tender.

Superintendent may grant leases of public slaughter-houses.

8. Any sums of money received as the rent of any Slaughter House shall be handed over to the Provincial Treasurer or other duly appointed receiver for the public uses of the Province and the support of the Government thereof.

Rent to be paid over to Provincial Treasurer.

9. AND WHEREAS it is expedient for the preservation of the public health to make provision for preventing the sale of meat unfit for human food BE IT THEREFORE ENACTED that if any person shall in any part of the Province knowingly take or assist in taking into any Slaughter House used for the slaughtering of Cattle intended for human food any animal or part of any animal which has died of any disease he shall forfeit and pay any sum not exceeding fifty pounds.

Penalty for taking animals dying of any disease into any place used for slaughtering cattle for human food.

10. If any person shall have within his possession for the purpose of slaughtering or shall slaughter for sale barter shipping or exportation any sheep infected with either of the diseases called the scab or influenza or catarrh he shall forfeit and pay for every such offence any sum not exceeding twenty pounds.

Sheep infected with scab or catarrh not to be slaughtered for sale.

11. If any person shall have within his possession for the purposes of slaughtering or shall slaughter any Cattle infected with any disease whatever rendering the same unwholesome or unfit for human food he shall forfeit and pay for every such offence any sum not exceeding twenty pounds.

Diseased cattle not to be slaughtered for sale.

12. If any person shall wilfully expose for sale the carcase or any part thereof of any cattle infected with any such disease as aforesaid or any meat otherwise unfit for human food or shall sell or offer for sale any such carcase or any part thereof or any such meat he

Carcases of diseased cattle and meat unfit for human food not to be exposed for sale or sold.

shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

Convicting Justice may order any such carcase or meat to be seized and destroyed. 13. It shall be lawful for the convicting Justice to direct any such carcase or part thereof or any such meat as aforesaid to be seized and destroyed or otherwise disposed of in such manner as such Justice shall think fit.

Foregoing sections except No. 1 to be construed as part of recited Ordinance. 14. All the several sections hereinbefore contained except the section numbered 1 shall be read and construed as part of the said recited Ordinance No. 5 of Sess. 8.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

FENCING ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 5, 1855.

[5th January, 1855.]

Title. AN ACT to make provision relative to Fencing Land in the Province of Auckland.

Preamble reciting Ordinance No. 8 of Session 8 and Act No. 12 of Session 1. WHEREAS an Ordinance was enacted by the Governor of New Zealand, with the advice and consent of the Legislative Council thereof intituled "An Ordinance to encourage the Fencing of Land" and whereas an Act was passed by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof (No. 12 of Sess. 1) intituled "An Act to amend an Ordinance to encourage the Fencing of Land" and whereas it is expedient to repeal the said Ordinance and Act, and to make other provisions in lieu thereof Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

1. The said recited Ordinance so far as the same relates to the Province of Auckland and the said recited Act are hereby repealed.

Recited Ordinance and Act repealed.

2. If any person shall before the 16th day of April 1853 have erected a substantial fence dividing his Land from the Land adjoining thereto and the owner or occupier of the adjoining Land being Land held by purchase or grant from the Crown shall avail himself of such fence or any part thereof he shall be liable to pay to the person by whom the dividing fence was erected or the then owner of such Land the half of the then value of so much of such dividing fence as shall be available as a fence to such adjoining Land.

Owner of land availing himself of fence erected before April 16 1853 to pay half the value thereof to the owner of adjoining land erecting same.

3. Any person using or permitting to be used any Land for the purpose of cultivation or for the purpose of depasturing cattle thereon being Land held by purchase or grant from the Crown shall be deemed to avail himself of the dividing fence and be liable to contribute towards the erection and repair thereof accordingly.

Depasturing cattle to render owner liable to contribute towards erection and repair of dividing fence.

4. If any person shall on or after the 16th day of April 1853 or shall hereafter erect a substantial fence dividing his Land from the adjoining Land (not being Waste Land of the Crown or a highway) the owner (whether owner at the time of the erection of the fence or thereafter become so) or the occupier of the adjoining Land shall be liable to pay to the person who shall have erected such dividing fence or the then owner of such Land the half of the then value of so much of such dividing fence as shall be made available as a fence to such adjoining Land.

Owner of land to pay half the value of substantial fence erected after April 16 1853 to the owner of land adjoining erecting same.

5. When any dividing fence which has been or shall hereafter be erected shall be out of repair the owners or occupiers of the land on both sides thereof shall be liable to the cost of repairing such fence in equal proportions and either owner or occupier respectively repairing the same shall be entitled to recover from the other owner or occupier one-half the cost thereof.

Owners of land on both sides of dividing fences liable to costs of repairs in equal proportions.

6. No person who shall hereafter erect or repair a fence shall be entitled to recover any sum in respect of the same unless he shall have erected or repaired one-half thereof nor until he shall have given to the person whom he seeks to charge a notice in writing requiring him to assist in making or repairing the dividing fence between their respective lands in equal proportions and such person shall

No person hereafter erecting a fence entitled to recover unless person to be charged shall have neglected or refused to assist after one month's notice.

have refused or shall have neglected for one month to commence making or repairing his share of the same or having commenced shall not have used reasonable diligence towards the completion thereof: Provided always that if any fence shall be destroyed or damaged by accident, the owner or occupier of the land on either side may immediately repair the same without notice and shall be entitled to recover from the owner or occupier of the land on the other side one half the cost of such repairs.

How notice may be given.

7. Such notice may be served on the person sought to be charged or on his agent and if such person or agent after reasonable enquiry cannot be ascertained or such person shall be absent from the Province and shall have no resident agent therein then such notice may be published for the space of one month in a newspaper to be published in the City of Auckland.

Beneficial occupier liable in first instance for making any fence.

8. If there be a beneficial occupier of land he shall in all cases be the person who shall be liable to contribute in the first instance towards the making of any fence.

Occupiers entitled to be reimbursed by owners in certain proportions.

9. Every occupier who shall so contribute shall be entitled to be reimbursed by the owner of the land in respect of which such contribution shall have been made a proportion of the sum *bona fide* paid by him as follows:—

An occupier having an interest less than a term of 2 years at the time of the erection of any fence two-thirds the sum paid.

For a term of more than 2 years and less than 4 years one-half the sum paid.

For a term of more than 4 years and less than 6 years one-third the sum paid.

And any sum so paid by any occupier may be set off against the rent or any other sum payable by him to the owner.

Occupier having a right to purchase to pay owner sum paid by him and interest when purchase completed.

10. Any occupier having a right to purchase at a fixed price shall on the completion of the purchase pay to the owner in augmentation and as part of the purchase money the sum so paid by him together with interest on the same after the rate of 8 per cent. per annum.

Beneficial occupier to be liable in all cases to contribute to repairs.

11. The beneficial occupier shall in all cases be the person liable to contribute to the repairing of any fence.

12. If there be no beneficial occupier the owner of the land shall be the person liable to contribute to the making or repairing of any fence. If no beneficial occupier the owner to be liable to contribute to making or repairing fence.

13. No greater sum shall be recovered under the provisions of this Act in respect of the making or repairing of any fence than the sum of 6s. per rod. No greater sum than 6s. a rod to be recovered.

14. All sums recoverable under this Act shall be recovered by summary proceeding whether the amount be under or over the sum of £20 and the Resident Magistrates or Justices of the Peace by whom any case shall be heard may direct the payment of any sum for which judgment shall have been given to be made altogether or by such instalments as said Resident Magistrates or Justices of the Peace respectively may think fit. Sums recoverable in a summary way.

15. If any person who shall have taken out a summons to recover a sum of money under this Act from the owner of any land held by purchase or grant from the Crown made before the passing hereof shall prove to the satisfaction of the Resident Magistrate of the District that after using reasonable diligence he has been unable from the defendant's absence or from any other cause to serve him with such summons such Resident Magistrate on application to him for that purpose shall direct such steps to be taken as to him may seem best adapted to inform the defendant through his agent or otherwise of the nature of the proceeding that is pending against him. In cases where land acquired before the passing of this Act if summons cannot be served after reasonable diligence Resident Magistrate shall direct what steps to be taken to inform defendant of the proceedings against him.

16. After the expiration of eighteen calendar months from the time of such application if the defendant cannot be sooner served the Resident Magistrate of the District shall proceed to hear the case *ex parte* and if judgment be given for the complainant shall allow legal interest on the amount recovered from the date when the same was expended together with such costs and expenses as he may deem reasonable. Provided always that the complainant shall first prove that he has taken all the steps which he shall have been so directed to have taken as aforesaid for the purpose of informing the defendant of the nature of the proceeding against him. After eighteen months case may be heard *ex parte* provided steps required shall have been taken.

17. If any person who shall have taken out a summons to recover a sum of money under this Act from the owner or occupier of land held by virtue of a purchase or grant from the Crown made after the passing of this Act shall prove to the satisfaction of the Resident Magistrate of the In case of land acquired after passing of this Act if summons cannot be served after reasonable

diligence case may be heard *ex parte*. District that after using reasonable diligence he has been unable from the defendant's absence or from any other cause to serve him with such summons such Resident Magistrate on application to him for that purpose shall appoint a day for hearing the case *ex parte* not being less than fourteen days or more than twenty-eight days from the time of such application and may direct such further steps to be taken in the meantime to inform the defendant through his agent or otherwise of the proceedings pending against him.

If amount recovered exceed £10 and there be no goods to levy on part of the land may be sold. 18. In all cases if the amount recovered shall exceed ten pounds and there shall be no goods and chattels within the jurisdiction of the Resident Magistrate's Court belonging to the defendant upon which the sum recovered may be levied the Resident Magistrate shall direct the sale of some portion (to be specified by him) of the land in respect of which such sum shall be recovered sufficient for the purpose of paying the amount thereof.

Land to be sold by public auction at a price not less than upset price of Crown Land of the same description. 19. Such land shall be sold by public auction at any sum that may be bid for the same not being less than an upset price to be fixed by the Resident Magistrate and not being less than the upset price of Crown land of the same description. Notice of such intended auction shall be advertised during one month in two newspapers published in the city of Auckland and posted for the same time on the door of the Resident Magistrate's Court of the district.

A conveyance by Resident Magistrate shall vest estate in fee simple. 20. A conveyance of the land so sold signed by the Resident Magistrate who may have directed the sale thereof shall vest in the purchaser thereof an absolute estate in fee simple free from incumbrances.

Definition of substantial fence. 21. A "Substantial Fence" under this Act shall be deemed to mean one of the fences following:—

1. A stone wall not less than $4\frac{1}{2}$ feet high with a cope stone, and not less than $2\frac{1}{2}$ feet breadth at bottom.
2. A post and three-rail fence of hard wood.
3. A post and two-rail fence (of hard wood) with a ditch three feet wide.
4. A whitethorn fence with a bank and brush 5 feet high, and ditch three feet wide; white thorns planted not more than one foot apart.
5. A bank faced or topped with stone 5 feet high, and a ditch three feet wide.
6. A paling fence not less than 5 feet high.

Provided always that no person shall plant furze on any bank dividing his land from the land of any other person without his consent if such latter person be within the Province of Auckland.

22. It shall be lawful for the owner or occupier of land not being within the limits of any Town or Village in making a fence dividing his land from the land adjoining thereto to make a ditch not exceeding four feet in width in such adjoining Land and to throw the soil taken therefrom upon his own land to form a bank; and if such owner or occupier making such dividing fence shall make the ditch upon his own land it shall be lawful for him to make the bank and erect posts and rails and plant a live fence upon such adjoining Land Provided always that it shall not be lawful for any person to destroy or injure any fence already made or growing; Provided also that no ditch shall be taken out of any highway or bank made thereon unless the written consent of the Superintendent shall be first obtained for that purpose.

Owner or occupier making dividing fences may make ditch or bank on adjoining land but not to injure existing fence.

Proviso as to highways.

23. Nothing in this Act contained shall make void or affect any covenant, contract, or agreement, relative to Fencing subsisting at the time of passing hereof between any Landlord or tenant.

Covenants &c. as to fencing between landlords and tenants not to be affected by this Act.

24. Nothing in this Act contained shall affect aboriginal natives, or any land owned by them.

Act not to affect Aborigines.

25. The word "owner" throughout this Act shall be taken to include a tenant in fee simple a tenant intail a tenant for life and a tenant for years having not less than ten years to run at the time the question of ownership is necessary to be determined.

Definition of word "owner."

MERCHANT SEAMEN'S ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 6, 1855.

[5th January, 1855.]

AN ACT to prevent Desertion and other Misconduct of
Seamen arriving in the Colony and Coastwise.

N.B.—This Act was disallowed by the Governor.—See
General Government Gazette, 18th May, 1855, No. 77.

AUCKLAND HARBOUR LAND ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 7, 1855.

[18th January, 1855.]

AN ACT to enable the Auckland Harbour Commissioners to
Sell and otherwise dispose of certain Lands granted
to them by the Crown.

N.B.—This Act was repealed by No. 12, Session 5.

APPROPRIATION ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 8, 1855.

[18th January, 1855.]

AN ACT for the further Appropriation of the Revenue for
the year 1854, and for the general Appropriation of the
Revenue for the first three months of the year 1855.

N.B.—This Act was repealed by No. 11, Session 15.

AUCKLAND CITY COUNCIL ACT AMENDMENT ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 9, 1855.

[18th January, 1855.]

AN ACT to amend "*An Act to provide for the Municipal
Government of the City of Auckland.*"

N.B.—This Act was repealed by No. 12, Session 5.

BRIBERY AND TREATING ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 10, 1855.

[18th January, 1855.]

AN ACT to prevent *Bribery and Corruption at Elections for
Superintendent and Members of the Provincial Council.*

N.B.—This Act was repealed by No. 11, Session 15.

AUCKLAND STEAM NAVIGATION COMPANY'S ACT, ETC.

AUCKLAND STEAM NAVIGATION
COMPANY'S ACT.

[Private Act.]

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 1, 1854.

[22nd December, 1854.]

AN ACT to Incorporate the "Auckland Steam Navigation
Company," and for other purposes therein named.

N.B.—This Act was repealed by No. 11, Session 15.

AUCKLAND LOCAL STEAM NAVI-
GATION COMPANY'S ACT.

[Private Act.]

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION II., No. 2, 1854.

[22nd December, 1854.]

AN ACT to Incorporate the "Auckland Local Steam Naviga-
tion Company," and for other purposes therein named.

N.B.—This Act was repealed by No. 11, Session 15,

Session III.

APPROPRIATION ACT.

IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION III., No. 1, 1855.

[30th April, 1855.]

AN ACT *for the further Appropriation of the Revenue for
a portion of the year 1855.*

N.B.—This Act was repealed by No. 11, Session 15.

Session IV.

THE DEBENTURES ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IV., No. 1, 1855.

[22nd September, 1855.]

AN ACT to authorise the raising of Money by the Sale of
*Debentures for completing and constructing the Public
Works within the Province of Auckland, and for other
specific purposes.*

N.B.—This Act was repealed by No. 9, Session 5.

APPROPRIATION ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IV., No. 2, 1855.

[22nd September, 1855.]

AN ACT for the further Appropriation of the Revenue for a
portion of the year 1855.

N.B.—This Act was repealed by No. 11, Session 15,

Session V.

INTERPRETATION ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION 5, No. 1. 1856.

[26th February, 1856.]

AN ACT *to provide for the Interpretation of the Acts to be* Title.
passed by the Local Legislature of the Province of
Auckland.

WHEREAS an Act passed by the Local Legislature of Preamble.
the Province of Auckland in the first Session thereof
intituled "An Act to provide for the Interpretation &c.
of the Acts to be passed by the Superintendent and
Council of the Province of Auckland" and Whereas
it is expedient that other provision should be made for
the interpretation of this Act and of all Acts to be
henceforth passed by the Local Legislature aforesaid and
for shortening the language to be used therein respec-
tively and that the said recited Act should not relate or
apply to or in anywise affect any Acts of the said Local
Legislature save (and save only) such Acts thereof as
have been by it heretofore passed.

BE IT ENACTED by the Superintendent of the Province
of Auckland with the advice and consent of the Provincial
Council thereof as follows

1. The said recited Act shall not relate or apply to Recited Act to
or in anywise affect any Acts of the Local Legislature apply to Acts
aforesaid save (and save only) such Acts thereof as have heretofore passed,
been by it heretofore passed. and to none other.

Acts to be construed to relate to Province only.

2. Every Act to be passed by the said Superintendent with the advice and consent of the said Provincial Council shall relate and be construed to relate to the said Province and its inhabitants (and not otherwise) unless it shall appear from the subject matter or context thereof that it relates and was intended to relate to a part only of such Province and inhabitants.

Acts may be cited by their short titles.

3. Every such Act and this Act may be cited and referred to by the short title thereof respectively in other Acts to be passed by the said Superintendent and Provincial Council and also in all instruments documents and proceedings provided that the citing thereof or referring thereto in any such instrument document or proceeding would not alter or in any way interfere with the practice of any Court of Judicature for which such Superintendent and Provincial Council are inhibited by law from legislating.

And to be judicially noticed by certain Courts.

4. Every such Act and this Act shall be judicially noticed by all Courts to be established within the said Province by the said Superintendent and Provincial Council and by all Courts which are now established therein and empowered to hear and determine offences in a summary way.

When to come into operation.

5. When any such Act shall not prescribe the time from which it shall take effect such Act shall take effect from the time of its receiving the assent of such Superintendent.

Repeal of a Repealing Act not to revive Act first repealed.

6. Whenever any such Act repealing in whole or in part any former Act of the said Superintendent and Provincial Council or any Ordinance of the late Legislative Council of New Zealand shall be repealed such last repeal shall not revive the Act Ordinance or Provision before repealed unless words be added reviving such Act Ordinance or Provision.

Acts done under repealed Acts to be valid in certain cases.

7. All acts matters and things done under and in pursuance of any such Act Ordinance or Provision so repealed shall be as valid and effectual as if the Act repealing such Act Ordinance or Provision had not been passed save so far (and so far only) as such acts matters or things may be repugnant to or would prevent or interfere with the operation of such Repealing Act.

8. Any person having committed any offence against any such Act Ordinance or Provision so repealed may be proceeded against at law for such offence and for any cause of action arising from the commission thereof as if the Act repealing such Act Ordinance or Provision had not been passed. Offences against repealed Act may be prosecuted.

9. All proceedings at law commenced against persons for or in respect of offences committed against any such Act Ordinance or Provision so repealed or for any such cause of action as aforesaid may be continued and carried on as if the Act repealing such Act Ordinance or Provision had not been passed. Proceedings commenced under repealed Act may be continued.

10. Whenever the doing of any act matter or thing shall be expressly or by implication prohibited by any such Act such prohibition shall be taken to extend to the causing to be done of such act matter or thing unless there be something in the subject or in the words of such Act repugnant to such construction. Prohibition to do any act to extend to causing such act to be done.

11. Whenever any such Court as aforesaid shall be empowered by any such Act to hear and determine any matter or thing such Court shall have authority to receive and examine evidence and is hereby empowered to administer an oath to or to take an affirmation from all such witnesses as may be called before it. Power to administer oaths.

12. Whenever any Fine Penalty or Forfeiture shall be imposed by any such Act but the mode of recovering such Fine Penalty or Forfeiture shall not be prescribed by such Act the said Fine Penalty or Forfeiture shall be recoverable with all the costs charges and expenses of such recovery in a summary way before any such Court as aforesaid and such Fine Penalty or Forfeiture together with such costs charges and expenses and the costs charges and expenses of levying the same shall be leviable by the distress and sale of the goods and chattels of the person liable to the same by warrant addressed to some constable or other person under the hand and seal of the Judge presiding in such Court or of any of Her Majesty's Justices of the Peace for and resident in the said Province Provided that if any person shall be committed to prison for any term for default of payment of any such Fine Penalty or Forfeiture or such costs charges and expenses as first aforesaid and shall undergo the term of such imprisonment then and in such case nothing shall be so levied save and except the costs Penalties to be recovered in a summary way, and to be leviable by distress.

charges and expenses first aforesaid and the costs charges and expenses last aforesaid.

And, in certain cases, to be paid into the Provincial Treasury.

13. All Fees Fines Penalties and Forfeitures shall be paid by the persons empowered to receive the same to the Treasurer or acting Treasurer of the said Province for the public uses thereof at such times and in such manner as the said Superintendent shall from time to time in that behalf direct unless special provision be made for the disposal of such Fees Fines Penalties and Forfeitures by the Act imposing the same.

Interpretation of words.

14. The following words and expressions shall have in every such Act and in this Act the meanings hereby assigned to them unless there be something in the subject matter or context repugnant to such construction (that is to say),

- “Number.” Words importing the singular number only shall include the plural number and words importing the plural number only shall include the singular number.
- “Gender.” Words importing the masculine gender only shall include females.
- “Person or party.” The word “person” or “party” shall include bodies politic or corporate body of Trustees and any public Company.
- “Officers.” Whenever any person holding or occupying any particular office shall be mentioned or referred to in general terms in any such Act such mention or reference shall be taken to include all persons who shall at any time thereafter occupy for the time being the said office.
- “Month.” The word “month” shall mean calendar month.
- “Days.” When any number of days shall be specified the same shall be reckoned exclusively of one and inclusively of the other of the days from and to which the computation may be directed to be made.
- “Oath, affidavit.” swear, The words “oath” “swear” and “affidavit” shall include affirmation declaration affirming and declaring in the case of persons by law allowed to declare or affirm instead of swearing.
- “Port.” The word “port” shall include any roadstead or harbour.
- “Ship.” The word “ship” shall include every description of vessel used in navigation and not propelled by oars.

The word "boat" shall include every description of "Boat." vessel used in navigation which is not comprehended within the meaning of the word "ship."

The word "master" shall include every person (ex- "Master." cept a pilot) having command or charge of a ship.

The word "seaman" shall include every person (ex- "Seaman." cept masters and pilots) employed or engaged in any capacity on board any ship.

The word "cattle" shall include horses mares "Cattle." geldings foals colts fillies asses mules bulls cows oxen heifers steers calves rams ewes wethers lambs goats kids and swine and shall be deemed and taken to mean and include and apply to any one animal of the said several kinds.

The word "carriage" shall include any cart dray "Carriage." gig omnibus or other vehicle of any description.

15. This Act shall take effect from the time of its Commencement receiving the assent of the said Superintendent. of Act.

The short title of this Act shall be "The Inter- Short title. pretation Act 1856."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

SHEEP ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION 5, No. 2, 1856.

[14th March, 1856.]

*AN ACT to prevent the Scab from spreading amongst the
Sheep within the Province of Auckland.*

N.B.—This Act was repealed by No. 5, Session 9.

NATIVE LAND ORDINANCE REPEALING ACT, ETC.

THE NATIVE LAND ORDINANCE REPEALING ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION 5, No. 3, 1856.

[Not in print.]

This Act was disallowed. See *Government Gazette*,
5th April, 1856.

IMPOUNDING ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION 5, No. 4, 1856.

[26th March, 1856.]

Title. *AN ACT to Regulate the Impounding of Cattle within the
Province of Auckland.*

Preamble. WHEREAS the late Legislative Council of New Zealand did pass in the seventh and eighth Sessions thereof, two Ordinances, intituled respectively "An Ordinance to repeal the Cattle Trespass Ordinance and the Cattle Trespass Amendment Ordinance, and to provide for the summary recovery of compensation for damage done by cattle trespassing," and "An Ordinance to authorise and regulate the Impounding of Cattle;" and whereas it is expedient that the provisions thereof so far as they affect or relate to

the Province of Auckland should be amended and consolidated :

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :

Repeal of the Cattle Trespass Ordinance and the Impounding Ordinance so far as they relate to the Province of Auckland.

1. The said two Ordinances so far as they affect or relate to the said Province, are hereby repealed.

Superintendent may erect, appoint or abolish public pounds.

2. The said Superintendent may from time to time erect public pounds at convenient places within the said Province or appoint suitable premises thereat to be and to be used as such pounds and may abolish any of the pounds so erected or appointed and erect or appoint if he should deem it necessary another pound in place of every one so abolished: Provided always that the erection or abolition of such pounds shall be duly notified in the *Provincial Government Gazette*.

3. Every such pound shall be properly fenced and enclosed, and shall be adapted for keeping such of the cattle impounded therein as are infected with any contagious disease separate and apart from such of them as are not so infected.

Pounds to be properly fenced, and diseased cattle to be kept apart therein from such as are healthy.

4. Any appointment or removal of any poundkeeper shall be duly notified in the *Auckland Provincial Government Gazette* and the production of such notice shall be taken to be sufficient evidence that such poundkeeper hath been legally appointed or removed.

Appointment or removal of poundkeeper to be notified in the "Provincial Government Gazette."

5. The said Superintendent shall and may from time to time specify all such reasonable fees as shall be taken and charged by such keeper for and in respect of any matter or thing required to be done by him under and by virtue of this Act and all such prices which such keeper may charge and receive for the sustenance of the cattle committed to such pound and may from time to time alter and vary such fees and prices: Provided always that such fees and charges shall be duly notified in the *Provincial Government Gazette*.

Superintendent to appoint from time to time the fees and charges to be demanded by keepers.

6. The said Superintendent shall and may from time to time estimate and assess reasonable rates for the ordinary damages which shall and may be demanded and recovered in a summary way by the person in possession of any lands

Superintendent to assess and vary from time to time the rates recoverable in a summary

way for ordinary damages committed by cattle trespassing on lands properly fenced. enclosed with such proper fence as hereinafter described and situate within ten miles of any public pound without proof of special damages for the trespass of any cattle thereon which rates shall be proportioned according to the respective descriptions and value of the crops growing upon such lands and the respective descriptions and nature of the cattle so trespassing thereon; and such Superintendent may from time to time alter and vary the rates so estimated and assessed: Provided always that such rates shall be duly notified in the *Provincial Government Gazette*.

Pounds to be kept clean and in good repair at the cost of keepers. 7. Every pound so erected or appointed shall be kept clean and in good order and repair by the keeper thereof at his proper cost and charge and shall be delivered up by him upon the determination of his office in the like order as the same may have been received by him to such person as shall be as and in manner aforesaid appointed his successor.

Keeper to detain cattle impounded until duly released. 8. Every such keeper shall receive into his custody and detain in such pound until the same shall be released or disposed of as and in manner hereinafter mentioned all such cattle as shall be delivered to him in such pound for the purpose of being therein impounded: and shall keep such of them as are so infected as aforesaid separate and apart from such of them as are not so infected and shall supply such cattle while so impounded with a sufficiency of wholesome food and water.

Keeper empowered to demand fees and charges for cattle impounded. 9. The keeper of every such pound is hereby authorised to demand and receive to his own use for the impounding of any cattle therein and for feeding and maintaining the same whilst so impounded and for giving notice thereof to the owner of such cattle and for all other matters and things which are by this Act required to be done by such keeper all such fees and charges as shall be from time to time specified in that behalf by the Superintendent in the *Provincial Government Gazette* and such keeper shall not demand or receive in respect of any such matters or things any other or higher fees or charges than such as shall be so specified.

Keeper to receive the sum of money for which cattle trespassing on enclosed lands are impounded, and 10. Such keeper is hereby authorised and required to demand and receive of the owner of any cattle so impounded or of the agent bailiff or servant of such owner the sum of money (and none other) for which such cattle shall be impounded under and in pursuance of the pro-

visions in that behalf herein contained and to pay the same upon demand thereof to the person who impounded such cattle provided that such person as last aforesaid shall not request or authorise such keeper to demand or receive and that such keeper shall not knowingly demand or receive of such owner agent bailiff or servant any sum of money whatever for or in respect of the trespass committed by such cattle and for which the same were so impounded unless the land whereon the said trespass had been committed was at the time of such trespass enclosed with such proper fence as aforesaid.

to pay the same on demand to the person who impounded such cattle.

11. It shall be lawful for any person or the agent bailiff or servant of any person upon whose land enclosed by such fence as aforesaid and situate within ten miles of any such pound any cattle the owner whereof shall be known to him may be found trespassing to impound and detain the same in any convenient place upon his lands if he shall think fit so to do: Provided that he shall within twenty-four hours of such impounding give or cause to be given to the owner of the said cattle the like notice as is hereinafter required to be given to the keeper of any such public pound by any person sending cattle thereto: And provided also that he shall feed and maintain the same cattle whilst so impounded and shall not keep them so impounded longer than three whole days of twenty-four hours each; but shall at the expiration of such three days if not sooner released upon payment of his lawful charges drive or cause the same to be driven to the nearest public pound and lodged therein in manner hereinafter mentioned: Provided also that any person impounding cattle on his own land as aforesaid or his agent bailiff or servants shall not be entitled to demand or receive any compensation for damages done by the said cattle save and except for such damage as was done before their first mentioned impounding or any fee or charge for such impounding except such as shall by law be chargeable by the keeper of the nearest public pound for feeding and maintaining.

Cattle may be impounded on the lands whereon they trespass, if lands fenced.

12. It shall be lawful for any person or the agent bailiff or servant of any person in possession of any land under cultivation situate within such distance as aforesaid of any public pound and whether such land be enclosed with such proper fence as aforesaid or be not so enclosed to impound in such pound all cattle which shall be found trespassing on such land; provided that no such ordinary damages as aforesaid shall be demanded or recovered by

Cattle trespassing on unenclosed lands under cultivation may be impounded, but no assessed damages to be demanded in respect of such trespass

such person agent bailiff or servant in respect of the trespass so committed if the land so situate and under cultivation and whereon such trespass was committed was not at the time of such trespass enclosed with such proper fence as aforesaid.

Fine for suffering cattle to stray in the streets or public places, or unenclosed lands, of certain towns and villages such cattle to be impounded. 13. It shall not be lawful for any person to suffer any cattle belonging to him or under his charge to stray or go about or to be tethered or depastured in any highway or public place or unenclosed land within the limits of such of the towns or villages of the said Province as the said Superintendent may from time to time as he shall deem meet declare by notification in the said *Gazette* to be and to come within the operation of the provisions of this Act in respect of cattle so straying going about being tethered or depastured in such highway or public place or unenclosed land and any person who shall so offend shall on conviction forfeit and pay for every such offence any sum not exceeding forty shillings and it shall be lawful for any person to seize and impound in the nearest public pound any such cattle there to be detained until released upon payment of the fees and charges of the keeper of such pound or until otherwise disposed of according to the provisions of this Act.

Limits of such towns and villages to be defined and varied by the Superintendent. 14. The said Superintendent may from time to time for the purposes in that behalf herein contained define the limits of such towns and villages and may alter and vary such limits from time to time as he shall deem meet.

Entire cattle above the age of twelve months not to be allowed to run at large. 15. It shall not be lawful for any person to suffer any entire cattle above the age of twelve months belonging to him or under his charge to be at large. Any person so offending shall on conviction thereof before any Justice of the Peace forfeit and pay for every such head of cattle any sum not exceeding five pounds without prejudice to any claim for the damage done by such entire cattle and it shall be lawful for any person to seize and impound such entire cattle in the nearest public pound there to be detained until released or otherwise disposed of by due course of law: Provided always that nothing herein contained shall prevent persons running entire cattle amongst their flocks and herds on any defined run.

Person impounding to specify to keeper in writing the number of 16. Every person impounding cattle in any of the said pounds shall specify in writing to the keeper of such pound the number and kind of the cattle so impounded and the

name of the owner thereof if he be known or of the supposed owner or that he is wholly unknown and the land whereon such cattle were trespassing and in case of such land being enclosed with such fence as aforesaid the amount of damages claimed for such trespass.

cattle impounded, the name of owner, and (in case of land trespassed on being fenced) the sum claimed for damages.

17. If any cattle impounded in such public pound shall not be claimed by the owner thereof or by some one on his behalf within twenty-four hours after the same shall have been therein impounded the keeper of such pound shall as soon as possible after the expiration of the said twenty-four hours send notice in writing to such owner if he be known to him and reside within ten miles of the said pound or to his agent or bailiff if such owner shall reside at a greater distance and have a known agent or bailiff residing within such ten miles which notice shall be personally delivered to such owner agent or bailiff or left for him at his usual place of abode and shall be in the form marked C in the schedule hereunto annexed.

Keeper to give notice of impounding to owner of cattle or his agent if within ten miles of pound.

18. In the event of the said owner agent or bailiff not residing within the said ten miles the said keeper shall transmit such notice without delay unto such owner agent or bailiff as the case may be.

And if beyond that distance to transmit notice

19. Such notice shall contain the number description and brands of the cattle so impounded the name of the owner or supposed owner thereof and of the person by whom such cattle shall have been so impounded the name of the place whereon such cattle had been trespassing and the date of such trespassing and the amount of damages (if any) claimed for the said trespass and the name of the place and the date where such cattle shall be sold in default of payment of the damages so claimed or of such fees and charges as aforesaid and shall be signed by the pound-keeper.

Contents of notice.

20. In the event of the said keeper not knowing such owner agent or bailiff he shall without delay give public notice of the impounding of the said cattle by posting a notice in some conspicuous place on the pound at the nearest post office and police station and by inserting a copy thereof in the *Provincial Gazette* or in one or more of the local papers; Provided that when such cattle shall consist of sheep goats swine or calves and be not more than two in number such public notice as last aforesaid shall not be necessary.

If owner or agent unknown public notice of impounding to be given.

If cattle not released within a certain time keeper to apply for an order of sale to the nearest Justice.

21. If any cattle so impounded shall not be released from the said pound by the owner thereof or by some one on his behalf within seven days after notice shall have been given to the said owner his agent or bailiff by delivering the same to him personally or by leaving the same at his usual place of abode or within eleven days after such public notice of the said impounding as aforesaid shall have been given in such mode and manner and form as aforesaid as the case may require it shall be lawful for the keeper of such pound to apply to the nearest Justice of the Peace not being interested in the sale of such cattle for an order for the sale of such cattle; and the said keeper shall at the time of making such application produce and show to the said Justice the pound-book to be kept by such keeper under the provisions of this Act or an extract of so much thereof as may apply to the case and also such other proofs as the said Justice may require for the purpose of proving to the satisfaction of such Justice that the said keeper has complied with the provisions contained in this Act touching and concerning the cattle so impounded.

Such Justice may issue order of sale or defer the issuing thereof.

22. Such Justice shall and may thereupon if he be satisfied that such provisions have been complied with make an order under his hand authorising the sale of such cattle or may direct such acts to be done as shall have been omitted and in the meantime may suspend the order for the said sale until a future day to be appointed anew by him and until the said provisions shall have been complied with.

When the issuing of order of sale is deferred, keeper to give notice to owner of cattle.

23. The said keeper shall give notice of such suspension and future time of sale unto the owner of such cattle his agent or bailiff personally or at his usual place of abode or by such public notice as aforesaid as the case may require and in the manner hereinbefore prescribed in such cases respectively for giving the original notice of impounding: Provided that when any such delay and suspension of sale shall be necessary in consequence of the neglect of such keeper the costs of all further proceedings and notice as well as of the future feeding and maintaining of the said cattle shall be borne by such keeper.

Three days after receipt of order keeper may sell by auction the cattle impounded.

24. Every such keeper notwithstanding that he shall not have taken out a licence as an auctioneer shall sell by public auction the cattle so impounded and not released on the expiration of three days from and after the receipt by

him of the said order for the sale of such cattle provided that such sale shall take place at the public pound where the cattle were so impounded and shall not be effected on Sunday or Christmas Day or Good Friday.

25. All such sales shall commence at the hour of noon; and not more than twenty sheep or goats or two pigs or one horse or one head of any other cattle shall be thereat offered to sale in one lot and neither the person who impounded the said cattle nor the keeper of the said pound nor the Justice who made the order for the sale thereof shall either personally or by any other person purchase any of the said cattle or any interest therein upon pain that every person so offending shall forfeit and pay for every such purchase contrary to the true intent and meaning hereof the sum of five pounds over and above restitution of the animal or interest so purchased.

Auction to commence at noon; certain persons inhibited from bidding at sale under a penalty.

26. It shall be lawful for any such poundkeeper to receive the price of any impounded cattle so to be sold as aforesaid and to apply the same—First in the payment of all lawful fees and charges due to himself; secondly in the payment of the sum (if any) due to the party at whose instance the same were impounded and the residue he shall pay over to the owner of the cattle sold when he is known or to his known agent or bailiff upon the same being demanded and if the owner of the cattle shall be unknown and have no known agent or bailiff the said poundkeeper shall within one month after the sale pay such residue into the hands of the Treasurer or Acting Treasurer of the said Province in trust for the party entitled thereto and the receipt of the said Treasurer or Acting Treasurer shall be the legal discharge of the said poundkeeper for the amount named therein and in case no claim to the same shall be duly made within two years next after the said money shall have been so paid into the hands of the said Treasurer or Acting Treasurer such money shall be subject to be appropriated to the public uses of the said Province by the Local Legislature thereof.

And may receive the price of cattle sold. How the same is to be disposed of.

27. Provided always that if the proceeds of any cattle impounded by any person or his agent or bailiff for trespassing or doing damage upon the lands of such person and sold under the authority of this Act shall be insufficient to satisfy the lawful fees and charges of the poundkeeper respecting the same the residue of such fees

If proceeds of sale insufficient to pay keeper's fees and charges keeper may recover the balance from the owner of cattle.

and charges shall be paid to the said poundkeeper by the owner of the said cattle if known.

Cattle trespassing on enclosed lands may be sent to their owner instead of to pound; owner or his agent to pay damage for the trespass.

28. For the purpose of avoiding as far as may be the impounding of cattle: Be it enacted that where any cattle shall be found so trespassing or doing damage within such distance as aforesaid of any public pound and the rate of damage for the said trespass shall have been as and in manner aforesaid estimated and assessed by the said Superintendent it shall be lawful for the person entitled to such rate or damage to take drive or send such cattle to their owner or his known agent or bailiff and such owner agent or bailiff is hereby required to pay the same as and for a satisfaction of the said damages and trespass: and if the owner of such cattle or some person in his behalf shall not pay the amount of such fixed rate of damage upon the same being demanded it shall be lawful for the party aggrieved by such trespass instead of impounding the cattle to make his complaint to the Resident Magistrate or any two Justices of the Peace and such Magistrate or Justices shall summon before them the owner of any cattle so having trespassed or if he be absent his known agent or bailiff and it shall be lawful for such Magistrate or Justices at the time appointed by such summons for the appearance of the party complained against whether he appear or not upon proof of the service of such summons summarily to enquire into and examine and hear and determine the matter of such complaint and upon satisfactory proof of such trespass and of the neglect and refusal of the party complained against to pay the fixed rate of damage to issue his or their warrant to levy the same together with such costs as to the said Magistrate or Justices shall appear fair and reasonable.

Party injured may sue for special damages.

29. Provided always that nothing herein contained shall extend or be construed to prevent the owner of any land trespassed upon and living within such distance as aforesaid of any public pound from waiving the ordinary damages to be estimated assessed and allowed as herein provided and claiming in any competent Court full satisfaction for any special damage sustained by him in consequence of any trespass.

Persons making rescue or breaking pound liable to a penalty of £50, or six months' imprisonment.

30. If any person shall rescue any cattle which shall have been lawfully seized for the purpose of being impounded under the provisions of this Act or shall break down injure or destroy any such pound as aforesaid

whether any cattle shall be impounded therein or not or shall commit any pound breach or rescue whereby any cattle of any description shall escape or be enlarged from any such pound every such person shall upon conviction before any Resident Magistrate or any two Justices of the Peace be liable to a penalty not exceeding fifty pounds or in default of payment to be imprisoned for any period not exceeding six calendar months.

31. Provided always that it shall be lawful for any two Justices of the Peace not interested in the matter in dispute to take cognizance of and decide in a summary way all causes of action arising out of the impounding of cattle for trespass wherein neither the party impounding nor the party whose cattle shall be impounded claims any greater amount of damages than twenty pounds.

Two Justices may adjudicate in causes of action arising out of impounding.

32. If the party whose cattle shall be impounded shall take out a summons in prosecution of his suit and shall enter into security before the Resident Magistrate or two Justices in double the amount of damage claimed to prosecute his suit it shall be lawful for the said Justices to direct the poundkeeper in whose custody the cattle shall be to liberate the same and thereupon the poundkeeper upon payment to him of his fees and charges due in respect of such cattle shall liberate the same in like manner as if the said cattle had been repelved.

Provisions enabling owner to replevy.

33. Upon hearing the parties and upon examination of the merits of the case it shall be lawful for such Justices to make such order as to damage and costs to be paid by either party and as to the detention or delivery of the cattle and as to the sale thereof or any part thereof in case of the non-payment of the amount of damage found to be due by them or of any costs payable by the owner of them as shall be just and to enforce the payment of such damages and costs in a summary way.

Justices may make order as to damages and costs.

34. The keeper of every such pound shall in the case of cattle impounded for trespassing on lands situate within such distance as aforesaid of such pound and not enclosed with such proper fence as aforesaid liberate such cattle from pound on payment of the fees and charges due and owing unto such keeper in respect of the impounding of such cattle.

Cattle impounded for trespass on unenclosed lands to be liberated on payment of keepers fees and charges.

A pound book to be kept by keeper; what entries to be made therein. 35. The keeper of every public pound shall have and preserve at or near the said pound a copy of this Act and also a pound-book ruled and divided into columns as near as may be in the form of schedule D hereunto annexed: and he shall enter into the said pound-book in a legible handwriting the particulars of all cattle lodged in the said pound specifying the day and hour as near as may be when and the cause for which the same were respectively impounded and by whom they were sent the time and mode of giving notice of the said impounding as by this Act required and also where and in what manner the same were released and by whose order and to whom delivered the particulars of sales and of the proceeds thereof and by whose orders the same were made and the said entries shall be made at the time the said acts were respectively done or as soon after as possible but not after any dispute concerning such entry shall have arisen.

Pound book to be open for inspection of public. 36. The said pound book and copy of this Act shall at all reasonable times be produced by the said pound-keeper to and be open for the inspection of any person desiring to see the same and the said poundkeeper shall grant extracts (signed by himself) from the said pound-book and shall preserve and keep for not less than one year all orders made by Justices as aforesaid concerning any cattle impounded.

A board with table of fees charges and rates painted thereon to be placed in some conspicuous part of the pound. 37. The keeper of every such pound shall erect and maintain in some conspicuous part of the said pound having painted thereon in legible black characters on a white ground a table of all such lawful fees and charges as he may be hereby authorised to demand have and receive and of all such rates of ordinary damages as shall be estimated and assessed and framed and published as and in manner hereinbefore provided.

Pound-keeper to receive and detain cattle and to be responsible for loss or damage while in his custody. 38. The keeper of every such pound shall receive and detain in his custody any cattle lodged in such pound and shall be responsible to the owner thereof for every loss and damage sustained by the wilful act or neglect of such poundkeeper or his servants but not otherwise. And the said poundkeeper shall and may detain all such cattle so impounded until the same shall be replevied in due course of law or until the sum for which the same were impounded with his lawful fees and charges shall be paid or tendered or secured to be paid in the manner herein provided or until he shall receive the written order of the person im-

pounding such cattle to deliver the same together with his lawful fees and charges and upon such payment as aforesaid being tendered or paid or secured as hereafter provided or such order being received from the person impounding together with his fees and charges as aforesaid the said poundkeeper shall immediately deliver such cattle to the owner thereof or his agent bailiff or servant or other person duly authorised by such owner to receive the same.

39. The security hereinbefore mentioned shall be an undertaking in writing and shall be in the form and to the effect mentioned in Schedule E hereunto annexed and shall be signed by the owner of such impounded cattle his agent or bailiff and every agent or bailiff who shall sign such note whereby such cattle shall be released from pound shall be deemed the authorised agent of his employer without any further proof being required thereof and every such security or undertaking at all events at the time and place therein before mentioned without any further notice or demand for such purpose and upon failure of such payment the amount or sum secured by such undertaking shall and may be recovered in a summary way by the poundkeeper before any Justice of the Peace upon the production of such undertaking or security before such Justice and the oath of the poundkeeper that the same is still due and unsatisfied.

Form of security to be given by owner of cattle releasing the same.

40. The keeper of every such pound whenever and so often as any cattle shall be impounded therein for trespass shall post a written notice on the gate or some other conspicuous part of the said pound setting forth a description of such cattle and each notice shall remain so posted until the said cattle shall have been claimed or otherwise disposed of by due course of law.

Keeper to post on pound description of cattle impounded.

41. A proper fence within the meaning of this Act shall be deemed and taken to be any bank sea river or creek not passable for cattle or any of the following, viz.:

Definition of a proper fence.

1. A stone wall not less than four feet six inches in height exclusive of the coping and not less than two feet six inches in breadth at the bottom.
2. A post and three rail or five wire fence.
3. A post and two rail or three wire fence with a ditch three feet wide.
4. A white-thorn fence with a bank and brush five feet high and a ditch three feet wide white-thorns planted not more than one foot apart.

5. A bank faced or topped with stone five feet high and a ditch three feet wide.
6. A paling fence not less than five feet high.

Keeper of pound liable to a penalty of five pounds for contravening any of the provisions of Act. 42. If the keeper of any of the said public pounds shall refuse neglect or omit to do any act matter or thing which he is required to do as such keeper by the provisions of this Act or if he shall do any act matter or thing which he is as such keeper prohibited from doing by such provisions he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Short Title of Act. 43. The short title of this Act shall be "The Impounding Act 1856."

SCHEDULE C.

Impounded on the _____ day of _____ 185 , by
 (here state the name of the party impounding) (here give the
 number, description, and brands of the cattle impounded), sup-
 posed to belong to (here state the name of the owner or
 supposed owner), for trespassing on (here describe the land
 where the cattle were trespassing,) for which (here state the
 damage claimed). And in default of being released the above
 cattle will be sold at the public pound _____ on the
 day of _____ 185

(Signed)

Poundkeeper of the
 Pound.

SCHEDULE D.

FORM OF POUNDKEEPER'S BOOK.

Date.	Time.	Particulars of Cattle impounded.	Brand marks.	Owner.	By whom impounded	For what cause impounded.	Time and mode of giving notice.	How disposed of.	Time when released or sold.	Particulars of release or sale.

IMPOUNDING ACT.

MERCHANT SEAMEN'S ACT.

SCHEDULE E.

FORM OF SECURITY OF UNDERTAKING.

I (A.B.) of (describing residence of owner of cattle impounded) hereby promise to pay within thirty days from the date hereof to (C.D.) or the Poundkeeper for the time being at (naming either the pound or place of residence of the Poundkeeper as may be required) the sum of £ (specifying the full amount of poundage as well as fees and charges therein) without any deduction whatever.

Dated at this day of 185

(Signed) A.B. or for A.B.
C.D. Agent for the said A.B.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

MERCHANT SEAMEN'S ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION V., No. 5, 1856.

[26th March, 1856.]

Title. *AN ACT for the Prevention and Punishment of Desertion and other Offences committed by Seamen within the Province of Auckland.*

Preamble. WHEREAS it is expedient to make provision for the prevention and punishment of desertion and other offences committed by seamen within this Province :

BE IT ENACTED by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof as follows :—

1. If any seaman shall refuse or neglect to join or proceed to sea in any ship within the said Province after having signed an agreement so to do, whether such agreement shall be in the form prescribed by law or otherwise he shall be liable for such offence to be imprisoned with or without hard labour for any term not exceeding twelve weeks.

Seaman deserting or neglecting to join ship after signing an agreement liable to be imprisoned for twelve weeks.

2. If any seaman shall refuse or neglect to join or proceed to sea in any such ship, after having signed an agreement so to do whether such agreement shall be in the form prescribed by law or otherwise and shall have received an advance note or have obtained cash in advance after having signed such agreement as aforesaid he shall be liable for every such offence to be imprisoned with or without hard labour, for any term not exceeding six months.

Seaman deserting or neglecting to join ship after signing an agreement liable to be imprisoned for six months.

3. When any seaman who shall have deserted from any such ship shall not be apprehended until after or so shortly before the departure of such ship from the Province that he cannot conveniently be brought to trial before such departure or that the Master cannot reasonably be expected to attend for the purpose of prosecuting him it shall be lawful for the duly authorised agent of the ship to which such seaman shall belong to prosecute him for such his desertion and upon conviction thereof he shall be liable to be imprisoned with or without hard labour for a period not exceeding three months or until the earlier departure of any ship belonging or partly belonging to the same owners as the ship from which he deserted in which his services may be required and in case the services of such seaman shall be required in any such ship as last mentioned during the said term of imprisonment he shall be bound to serve therein upon the terms of the articles by which he was bound at the time of such desertion and if such seaman shall refuse to sign the articles thereof he shall be forcibly put on board by order of the Resident Magistrate or any two or more Justices of the Peace and such Resident Magistrate or Justices of the Peace as aforesaid shall have power to sign the ship's articles on his behalf and if such seaman shall not be engaged during the term of imprisonment the Resident Magistrates or Justices of the Peace as aforesaid may after his release from custody give him a certificate of discharge.

Deserters from ships liable to three months' imprisonment whether such shall have left the port or not or until the earlier departure of any ship belonging or partly belonging to the same owners as the ship from which he deserted.

Seaman deserting and secreting himself on board any other ship to evade apprehension liable to a penalty of £5, or one month's imprisonment. 4. Any seaman who having deserted from his ship shall secrete himself on board any other ship with intent to evade apprehension or who shall so secret himself with intent to escape from his present agreement as a seaman shall be liable for such offence to a penalty not exceeding five pounds or to imprisonment with hard labour for any period not exceeding one month over and above such punishment as he may have become liable to by the act of desertion.

Persons harbouring concealing or persuading any seaman to violate his agreement, liable to a penalty of £20 for first offence and £50 for any subsequent offence or in default six months' imprisonment. 5. If any person shall wilfully harbour conceal employ or retain or assist in harbouring concealing employing or retaining any seaman belonging to any such ship who shall have deserted therefrom or otherwise absconded or absented himself from duty without having used reasonable diligence to ascertain whether such seaman had been duly discharged from his last employment or shall cause induce or persuade any such seaman by words or any other means whatever to violate or to attempt or endeavour to violate any agreement which he may have entered into to serve on board any ship or shall knowingly connive at the desertion absconding or absence from duty of any such seaman such person so offending shall for every such offence upon conviction thereof forfeit and pay a penalty not exceeding twenty pounds for the first offence and not less than ten pounds nor more than fifty pounds for a second or subsequent offence or in case of non-payment thereof he shall be liable to be imprisoned in any gaol or house of correction for any term not exceeding six calendar months with or without hard labour the said commitment to be determined on payment of the penalty and costs. •

Seaman guilty of insubordination or neglect of duty liable to imprisonment for six weeks. 6. If any seaman or apprentice shall whilst in any port of this Province or otherwise within the limits thereof be guilty of insubordination or neglect of duty he shall be liable upon due conviction thereof to be imprisoned with or without hard labour in any gaol or house of correction for any period not exceeding six weeks.

Ships not being ships of war, in harbour liable to be searched for discovering deserters; penalty for obstructing search. 7. All ships not being ships of war whilst in port shall be searched by any police officer or constable for the purpose of discovering and apprehending therein any deserters from other ships of whatever description and belonging to whatever nation or state and if any master or other person in charge of such ship so liable to be searched shall refuse to permit such police officer or constable to board

or thoroughly search such ship or shall not when called upon so to do by any such police officer or constable or when any police boat shall be within sight and approaching such ship whilst under sail or steam cause the same to be hove to as soon as conveniently may be for the purpose of enabling such boat to overtake and board such ship he shall upon conviction of such offence forfeit and pay a penalty not exceeding twenty pounds.

8. It shall be lawful for any master or other person for the time being in charge of any ship in harbour to give in charge to a policeman or constable any seaman or other person who shall be drunk riotous or disorderly on board such ship and such policeman or constable shall receive such offender and convey him to some watch-house until he can be conveyed before the Resident Magistrate or two Justices of the Peace at the next usual hour of business and upon conviction of such offence such seaman or other person shall forfeit and pay a penalty not exceeding forty shillings or in default of immediate payment shall be imprisoned for not more than seven days.

Riotous and disorderly persons on board ship in harbour liable to be given in charge of the police and to be fined.

9. It shall be lawful for the Resident Magistrate Commissioner or other officer having charge of the police at any port upon the application of the master of any such ship to place constables on board such ship to prevent desertion therefrom and to prohibit the approach of boats without the authority of such constables or of the officer in charge of such ship.

Resident Magistrate Commissioner or other officer in charge of the police may put constables on board ship.

10. The occupier of any boat approaching any such ship without such authority as aforesaid after being duly warned shall forfeit and pay any sum not exceeding ten pounds for every such offence and any seaman attempting to leave any such ship without the consent of the officer in charge thereof may be apprehended by any constable without warrant first obtained and may be kept in safe custody to be taken as soon as conveniently may be before some Justice of the Peace to be dealt with according to law: Provided always that if any seaman shall make any complaint to any constable placed as aforesaid on board any such ship a statement of such complaint shall be made by such constable as soon as conveniently may be to such Resident Magistrate Commissioner or other officer having charge of the police who shall forthwith enquire into the ground of such complaint.

Penalty for approaching ship in boat after being duly warned.

Expenses to be paid by master.

11. All expenses incidental to the prevention of desertion by virtue of the powers and authority conferred by this Act shall be paid to the Resident Magistrate Commissioner, or other officer having charge of the police by the Master at whose instance the same shall have been done.

Offences against Act to be tried by the Resident Magistrate or two Justices of the Peace.

12. All offences against the provisions of this Act may be heard and determined in a summary way by any Resident Magistrate or by any two Justices of the Peace resident in the same Province.

The production of a duly attested copy of the agreement to be sufficient evidence.

13. In prosecuting under this Act it shall be sufficient to produce a duly attested copy of the agreement under which such seaman shall have engaged to serve and of the entry of the offence in the log-book.

Sums to be paid to informer.

14. It shall be lawful for any Resident Magistrate or Justice of the Peace before whom any conviction shall take place under this Act to apportion any portion of the fine or penalty not exceeding one-half to the person who shall give such information as shall lead to the conviction of any deserter.

Not to interfere with laws in force.

15. Provided always that nothing herein contained shall be construed to affect any law or ordinance now in force.

How the Act may be cited.

16. This Act shall be termed "The Merchant Seamen's Act, 1856," and may be cited and referred to by that title.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

PRE-EMPTIVE LAND CLAIMANTS ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION V., No. 6, 1856.

[7th April, 1856.]

AN ACT to Provide for the Adjustment of the Pre-emptive
Land Claims.

N.B.—This Act was disallowed; see *General Government
Gazette*, 5th June, 1856.

CATTLE BRANDING ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION V., No. 7, 1856.

[23rd April, 1856.]

AN ACT to provide for the Branding of Cattle in the Pro-
vince of Auckland.

N.B.—This Act was repealed by No. 3, Session 14.

NATIVE LAND PURCHASE ORDINANCE AMENDMENT ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION V., No. 8, 1856.

[10th April, 1856.]

Title. *AN ACT to amend the Native Land Purchase Ordinance of the late Legislative Council of New Zealand.*

Preamble. Whereas by an Ordinance of the late Legislative Council for the Colony of New Zealand passed during the 7th Session thereof intituled "An Ordinance to provide for the prevention by summary proceeding of unauthorised Purchases or Leases of Land" it was amongst other things enacted that no person should be convicted of any of the offences therein mentioned except on the information or complaint of the Surveyor-General or of some other officer duly authorised in that behalf by his Excellency the Governor and whereas it is expedient to repeal so much of the said Ordinance as aforesaid :

Be it enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Repeal of part of cited Ordinance. 1. So much of the said recited Ordinance as provides that no person shall be convicted of any of the offences mentioned in such Ordinance except on the information or complaint of the Surveyor-General of the said Colony or of some other Officer duly authorised in that behalf by his Excellency the Governor of the said Colony is hereby repealed.

Short title. 2. The short title of this Act shall be "The Native Land Purchase Ordinance Amendment Act."

THE DEBENTURES ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION V., No. 9, 1856.

AN ACT to Authorise the raising of Money by the Sale of Title.
*Debentures, for Completing and Constructing Public
Works within the Province of Auckland, and for other
specific purposes.*

WHEREAS it is expedient that certain public works com- Preamble.
menced within the Province of Auckland should be carried
on and completed, and that other public works essential to
the progress and prosperity of the said Province should be
immediately commenced therein carried on and completed
and whereas the monies subject to be appropriated by the
Superintendent and Provincial Council are not now and
may not be for several years to come adequate to the com-
pletion and to the construction of the said public works
respectively: And whereas the said Superintendent and
Provincial Council did during the fourth Session thereof
pass an Act intituled "An Act to Authorise the Raising
of Money by the Sale of Debentures for Completing and
Constructing Public Works within the Province of Auck-
land and for other specific purposes" whereby the said
Superintendent was empowered to raise by the sale of
Debentures under and subject to the provisions in that
behalf therein contained any sum or sums of money not
exceeding in the whole the sum of twenty-five thousand
pounds for the completion and construction of such public
works as aforesaid as well as for other specific purposes
And whereas the said Superintendent did by the sale of
thirty-four Debentures under and subject to the said pro-
visions raise for the purposes aforesaid the sum of ten
thousand pounds and may under and subject to such pro-
visions raise for the said purposes a further sum of fifteen
thousand pounds (but no larger sum) And whereas the

sum last mentioned will not be adequate to the purposes aforesaid and it is expedient in consequence to repeal the said Act and to make other provision for raising from time to time by means of loans bearing interest and secured upon the said monies subject as aforesaid to be appropriated by the Superintendent and Provincial Council all such sums of money as may be required for the completion and construction of the said public works respectively as well as for other specific purposes :

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Repeal of the
Debenture Act
1855.

Debentures issued
under repealed
Act and the interest
payable thereon
charged upon
the Provincial
revenue.

1. The said recited Act is hereby repealed.

2. Every of the said thirty-four Debentures and the interest payable thereon are hereby charged and made chargeable upon the monies subject as aforesaid to be appropriated by the said Superintendent and Provincial Council and the amount for which such Debenture was issued and the interest payable thereon as aforesaid shall be paid respectively out of the monies so subject to be appropriated to the holder of such Debenture by the Treasurer of the said Province at the several times and according to the rate of interest and as and in manner in that behalf respectively specified in such Debenture.

Superintendent
empowered to
raise by the sale
of debentures such
sums of money
for public works
and other purposes
as the Local
Legislature shall
by Act direct.

3. The Superintendent of the said Province shall and may raise from time to time and in the manner hereinafter prescribed by the sale of Debentures all such sums of money as the Local Legislature of the said Province shall by any Acts thereof to be passed from time to time order and direct to be raised for the completion and construction of such public works as aforesaid respectively or for other specific purposes.

Such sales to be
effected by public
tender.

4. The sale of such Debentures by the said Superintendent shall be effected by means of public tender and not otherwise Provided that it shall not be lawful for the said Superintendent to sell any of the said Debentures for any sum of money which shall be less in amount than the sum for which such Debenture shall be issuable.

Debentures to be
in a prescribed
form and signed
by the Superintendant
and Treasurer of the said
Province.

5. Every such Debenture shall be in the form contained in the Schedule to this Act, and shall bear the respective signatures of the said Superintendent and of the Treasurer of the said Province.

6. No such sale shall take place unless public notice of such intended sale shall have been given through the medium of the *Government Gazette* of the said Province and one or more of the public newspapers thereof for at least sixty days previous to such sale.

Public notice of such sale to be previously given in the *Provincial Government Gazette*.

7. The purchaser of every such Debenture shall pay the purchase money thereof into the public Treasury of the said Province and the Treasurer of the said Province shall at the same time write on such Debenture the day month and year of the purchase money thereof being so paid into the said public Treasury.

Purchase money to be paid into the Treasury of the Province.

8. No such Debenture so sold and purchased shall be payable or redeemable until the first day of May one thousand eight hundred and sixty-five nor until such further time as the Local Legislature shall by any Act in that behalf direct and appoint.

Debentures not redeemable until May 1865 nor until such time thereafter as the Local Legislature shall by Act direct and appoint.

9. Every such Debenture so sold and purchased shall from and after the day of payment of the purchase money thereof in manner aforesaid bear interest after the rate of ten pounds sterling per centum per annum and such interest shall be payable on application at the said Treasury on and after the first day of January and the first day of July in every year.

Interest at the rate of ten per centum per annum to be paid half yearly.

10. Every Debenture to be so issued and the interest to be paid thereon are hereby charged and made chargeable upon the monies subject as aforesaid to be appropriated by the said Superintendent and Provincial Council and the amount for which such Debenture shall be so issued and the interest to be paid thereon as and in manner aforesaid shall be respectively paid by the Treasurer of the said Province to the holder of such Debenture out of the said monies so subject to be appropriated as aforesaid at the several times and according to the said rate of interest and as and in manner in that behalf hereinbefore respectively contained.

Debentures to be issued secured with interest upon the Provincial revenue.

11. The said Superintendent shall cause to be published quarter-yearly in the *Government Gazette* of the said Province a statement of the sums of money so raised by the sale and purchase of Debentures under this Act during the quarter-year immediately preceding such publication and in every such statement shall be set forth the number of every such Debenture so sold and purchased and the

A full statement respecting all sums raised by such sales to be published quarterly in the *Government Gazette* of the Province.

Province, or to the person lawfully acting in that capacity.
Superintendent of the
Province of Auckland.
Treasurer, or Acting Treasurer (as the case may be)
of the Province of Auckland.
Entered at the Public Treasury of the Province
of Auckland, in Register of Debenture,
this day of 18 .
Treasurer, or Acting Treasurer (as the case may be)
of the Province of Auckland.

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

THE NAVAL AND MILITARY SCRIP ACT, 1856.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION V., No. 10, 1856.

[15th April, 1856.]

*AN ACT to enable the Superintendent of the Province of
Auckland to issue Scrip for a limited amount to certain
persons now or lately belonging to Her Majesty's Naval
and Military Forces.*

N.B.—This Act was repealed by No. 11, Session 15.

APPROPRIATION ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION V., No. 11, 1855.

[15th April, 1856.]

*AN ACT for the Appropriation of the Revenue and other
Moneys for the year One thousand eight hundred and
fifty-six.*

N.B.—This Act was repealed by No. 11, Session 15.

AUCKLAND CITY AND HARBOUR ACTS REPEALING ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION 5, No. 12, 1856.

[15th April, 1856.]

Title. *AN ACT to repeal all Acts of the Local Legislature constituting and regulating "The Auckland City Council," and "The Auckland Harbour Commissioners."*

Preamble WHEREAS the Local Legislature of this Province did pass during the 1st Session thereof two Acts intituled respectively "An Act to provide for the Municipal Government of the City of Auckland" and "An Act to provide for the Regulation of the Harbour of Auckland and for the Construction of Docks and other Works therein" and did pass during the 2nd Session thereof two other Acts intituled respectively "An Act to amend an Act to provide for the Municipal Government of the City of Auckland" and "An Act to enable the Auckland Harbour Commissioners to sell and otherwise dispose of certain Lands granted to them by the Crown" and whereas it is expedient that the said four recited Acts should be repealed:

Be it enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

Repeal of recited Acts. 1. The said four recited Acts shall be and are hereby repealed.

Goods and chattels personal of the Auckland City Council and of the Auckland Harbour Commissioners to be delivered on request to the 2. Every person who shall have in his possession any of the goods or personal chattels belonging on or immediately before the passing of this Act to the "Auckland City Council" or to the "Auckland Harbour Commissioners" (the two public bodies alleged to have been created and constituted and regulated by the said recited Acts and which have acted under the provisions

thereof as bodies politic) is hereby required to deliver such goods or personal chattels unto the said Superintendent or his appointee on being thereunto requested and if such person shall refuse or neglect to so deliver the same on being thereunto requested he shall forfeit and pay for every such offence any sum not exceeding one hundred pounds.

Superintendent or his appointee.
Penalty for refusing or neglecting to do so.

3. All the goods and personal chattels so to be received by the said Superintendent or his appointee shall be used and applied under the direction of the said Superintendent to the public uses of the town and port of Auckland.

Goods and chattels personal so received to be applied to public uses of the town and port of Auckland.

4. The said Superintendent is hereby authorised if he should deem it proper and for the public interests of the said town and port to carry out all or any of the contracts or any part of any contract entered into by the "Auckland City Council" or the "Auckland Harbour Commissioners" aforesaid touching or concerning the said town or port.

The Superintendent may carry out in certain cases the contracts entered into by the City Council and Harbour Commissioners.

5. The short title of this Act shall be "The Auckland City and Harbour Acts Repealing Act."

Short Title.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

DEEDS REGISTRATION ACT.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION 5, No. 13, 1856.

[15th April 1856.]

AN ACT to repeal an Ordinance to Provide for the Registration of Deeds and Instruments affecting Real Property, and to substitute other Provisions in lieu thereof.

Title.

WHEREAS an Ordinance No. 9 of Session 2 intituled "An Ordinance to provide for the Registration of Deeds and Instruments affecting Real Property," was enacted

Preamble.

by the Governor of New Zealand with the advice and consent of the Legislative Council thereof for the purpose of rendering titles to real property more secure and facilitating the transfer of the same and certain provisions of the said Ordinance have been found in practice inconvenient and it is expedient to make other provisions in lieu thereof or in reference thereto :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :

Recited Ordinance repealed from commencement of this Act.

1. The said recited Ordinance shall be and is hereby repealed so far as it relates to the said Province from and after the commencement of this Act.

I.—REGISTER OFFICES AND OFFICERS.

Superintendent to declare Registrar's district by public notification.

2. It shall be lawful for the Superintendent of the said Province by public notification to be for that purpose made in the "*Government Gazette*" for the Province of Auckland to declare that the said Province shall be a Registrar's District and in manner aforesaid from time to time to divide the said Province into such and so many districts as he shall think fit which districts respectively shall be called by a distinct name and the said Province and any such district shall be a district of a Registrar of Deeds and by such public notification as aforesaid to establish in such Province or in any such district an office to be called the "Register Office" for registering in manner hereinafter directed the deeds wills and memorials hereby authorised to be registered.

Superintendent may appoint Registrar and Deputy Registrar.

3. The Superintendent may from time to time appoint for each Register Office a fit person to be Registrar thereof and another fit person to be Deputy Registrar thereof who shall hold his office respectively so long as he shall well behave himself therein.

Superintendent may appoint subordinate officers.

4. The Superintendent may from time to time appoint so many clerks and subordinate officers as may be necessary for the performance of the business of the office who shall be removable at the discretion of the Superintendent.

Registrar and Deputy Registrar to give security.

5. Every Registrar and every Deputy Registrar shall before entering on the duties of his office give se-

curity for the due execution thereof in such manner and to such amount as to the Superintendent shall seem meet.

6. There shall be kept in every Register Office a seal of the impression whereof judicial notice shall be taken in all Courts without any evidence of such seal having been impressed or any other evidence relating thereto.

Seal to be kept in every Register Office.

7. No Registrar or Deputy Registrar appointed under the provisions of this Act shall be compellable to serve on any jury or inquest or to fill any parochial or corporate office whatever.

Registrars and Deputy Registrars exempt from serving on juries &c.

II.—WHAT MAY BE REGISTERED.

8. Every grant by the Crown of land within the said Province and every deed or contract except as hereinafter mentioned and every will whereby such land may be affected subsequently to the date of such grant may be registered by causing a copy thereof to be recorded and entry thereof to be made in manner hereinafter provided in the Register Office of the district wherein such land shall be situate: Provided that no lease or agreement for a lease for any period not exceeding seven years from the date thereof nor any assignment thereof shall be registered: Provided also that no instrument shall be registered which shall relate to the transfer of any share in any corporation or joint-stock company in any case where an entry of such transfer shall be made in the books of the corporation or company.

What may be registered.

9. Every judgment or decree of the Supreme Court of New Zealand every suit pending therein any acceptance of office whereby the person accepting the same shall become an accountant to the Crown every inquisition by which any debt shall be proved due to Her Majesty every bankruptcy and insolvency and every private Ordinance affecting any land within the said Province and every entry upon record of satisfaction of any such judgment or debt may subject to the provisions in that behalf herein contained be registered by causing a memorial thereof to be delivered to the said Registrar or Deputy Registrar and entry thereof to be made in manner herein provided.

Judgments, &c.

- Memorial of judgments.** 10. The memorial of every judgment or decree whereby the title to any land in the said Province shall be affected shall express the date thereof the title of the cause and so much of the decree or judgment as shall relate to the land affected thereby and shall be certified by the Registrars of the said Court.
- Suit pending.** 11. The memorial of every suit pending shall express the date of the commencement thereof the title of the cause the nature and object of the proceeding and shall be certified by the signature of the officer before whom such proceedings have been commenced.
- Judgment of debt.** 12. The memorial of every judgment or decree for the recovery of any sum of money shall express the names of the plaintiff and defendant and the sum thereby recovered and the time of signing the same shall be certified by the officer who shall have signed the judgment his deputy or successor.
- Acceptance of office** 13. The memorial of every acceptance of such office as aforesaid shall express the name of the officer and his office and the time of his accepting the same and shall be certified by the Colonial Secretary of the said Colony.
- Inquisition.** 14. The memorial of every such inquisition as aforesaid shall express the name of the defendant and the sum thereby proved to be due and the date of the same and shall be certified by the said Colonial Secretary.
- Bankruptcy.** 15. The memorial of every bankruptcy shall express the name residence and condition or calling of the bankrupt and the date of the fiat and shall be certified by the signature of the officer out of whose office such fiat shall issue.
- Insolvency.** 16. The memorial of every insolvency shall express the name residence and condition or calling of the insolvent the date of the order by which the insolvent shall have been divested of his property and shall be certified by the signature of the officer in whose office such order shall be enrolled.
- Private Ordinances.** 17. The memorial of any private Ordinance shall express the title date and number thereof.
- Satisfaction of judgments or other debts.** 18. The memorial of the entry upon record of satisfaction of any judgment or debt as aforesaid shall set

forth the names of the plaintiff and defendant the time of such entry being so made the amount for which satisfaction shall have been so entered and shall be certified by the signature of the officer authorised to make such entries.

19. Every memorial shall also describe the lands to which the same shall relate by reference to the number given or assigned to the parcel of land whereof such lands shall constitute the whole or a part by the said Registrar in the Book of Consecutive Numbers hereinafter mentioned. Description of property registered.

III.—EFFECT OF REGISTRATION.

20. Every deed or contract which is hereby authorised to be registered as aforesaid shall (so far as regards any land to be affected thereby) be void against any person claiming for valuable consideration under any subsequent deed or contract duly registered unless the prior deed or contract shall have been registered in the manner directed by this Act before the registration of the subsequent deed or contract. Deeds, &c., not registered, void as against subsequent deeds registered.

21. Every lease or agreement for a lease hereinbefore forbidden to be registered shall be void as against any person so claiming so long as actual possession shall not go along with such lease or agreement. Leases, &c.

22. Every will shall (so far as regards land to be affected thereby) be void as against any person claiming for valuable consideration under any deed or contract duly registered made after the death of the testator by his heir-at-law or by any person claiming as his devisee or executor under a former will or as his administrator either with a former will annexed or otherwise or by any other person by whom such subsequent deed or contract might have been made if such will as first aforesaid had not been executed unless such will as first aforesaid shall have been registered in manner directed by this Act before the registration of the subsequent deed or contract. Provided always that every will which shall be registered within the space of two years after the death of any testator shall be as valid and effectual as if the same had been registered immediately after the death of such testator. Wills.

23. Every judgment decree suit acceptance of office inquisition bankruptcy insolvency or private ordi- Judgments.

nance shall (so far as regards any land to be affected thereby) be void and of no effect as against any person claiming for valuable consideration under any subsequent deed or contract duly registered unless a memorial thereof shall have been registered in a manner directed by this Act before the registration of any subsequent deed or contract.

Notice.

24. The priority given by the provisions hereinbefore contained to any person claiming for valuable consideration shall not be taken away either at law or in equity in consequence of such person having been affected with notice either actual or constructive.

Voluntary conveyances.

25. Every person who shall claim without valuable consideration under any other person who shall have claimed for valuable consideration shall be entitled to the same protection as the person who shall have claimed for valuable consideration.

Voluntary conveyance not defeated by subsequent conveyance for valuable consideration.

26. A voluntary conveyance being duly registered shall not be defeated by any subsequent conveyance for valuable consideration whether such latter conveyance shall be registered or not.

Deeds or contracts when void.

27. Every deed or contract although duly registered whereby any title shall be derived or agreed to be derived from any person claiming under an unregistered deed shall be void as against any person claiming for valuable consideration under any subsequent deed or contract duly registered whereby title shall be derived or agreed to be derived from any person claiming under a deed or contract duly registered.

IV.—MODE OF REGISTRATION.

Maps to be kept.

28. There shall be deposited in the said Register Office maps of all the lands which shall from time to time be surveyed within the said Province which maps shall be signed by the Surveyor-General or other officer of Government at any time hereinafter discharging the duties now discharged by the Surveyor-General and by the Registrar. Such maps shall be drawn on a scale of 4 chains to an inch for Town lands; 10 chains to an inch for Suburban lands; and 20 chains to an inch for Country lands.

29. The Registrar shall prepare and keep a book to be called "The Book of Consecutive Numbers" containing in consecutive order the number of each instrument registered in the said Register Office the name of the person by whom such instrument was presented for registration the book and page wherein such instrument is registered and such other references as he shall deem meet.

Books of consecutive numbers to be prepared and kept.

30. The Registrar shall prepare and keep books to be called "Index Books" in which instruments presented for registration shall be entered in manner hereinafter provided.

Index Book.

31. Immediately on the presentation of any instrument for registration the Registrar or Deputy-Registrar shall in the presence of the party presenting such instrument number the same and make a note thereon of the day and hour of the receipt thereof and shall stamp the same at the end of such note with the seal of the said office. He shall also cause an entry under the proper head or title to be made specifying such day and hour and the nature of the instrument and referring to the Recording Book in which a copy thereof shall be made which entry shall be according to the form of the Schedule "A" hereunto annexed and shall be signed by the person presenting such instrument.

Memorandum on instruments by Registrar or Deputy Registrar.

32. The Registrar or Deputy-Registrar shall cause such instrument to be copied at full length in one of the Recording Books to be kept for that purpose and all such entries shall be made in the order in which the instrument to which such entries refer shall have been presented for Registration.

Instruments to be copied.

33. Every deed or instrument bearing date after the passing of this Act which shall be presented for registration shall have endorsed thereon the Registrar's number or numbers of the instrument or instruments last registered which assured or otherwise dealt with the same land or any part or parts thereof respectively: Provided always that in case it be shown to the satisfaction of the Registrar that such last registered instrument or instruments respectively is or are lost or inaccessible the number of some other previously registered instrument (if any) relating to the said land or parts thereof respectively shall be endorsed as aforesaid and in case all the previously registered instruments relating to the same land

The Registrar's number on prior instruments to be endorsed and included in recital.

be lost or inaccessible and some previously endorsed number or numbers thereof cannot be discovered the Registrar may dispense with the endorsement as aforesaid.

Instruments to contain delineation of land.

34. Every instrument presented for registration shall for the purpose of more easily identifying the land to which the same relates contain or shall have endorsed thereon a delineation or plan of the land to which the same shall relate showing the extent boundaries and relative position thereof and such delineation or plan on any Crown Grant or other instrument bearing date after the passing of this Act shall contain the delineation of an arrow pointing to the north.

Head of entry.

35. So long as the land in respect of which any entry was originally made shall remain undivided all entries relating thereto shall be placed under the title or number originally appropriated thereto.

New entry.

36. Whenever any portion thereof shall be absolutely alienated a new number shall be appropriated to such portion and whenever any such new number shall be formed the first entry thereunder shall contain a reference to the original number and under such original number there shall also be a reference to such new number.

Plans or instruments.

37. Every instrument presented for registration purporting to convey or otherwise deal with a portion of any land comprised in any Crown grant registered after the commencement of this Act being a first subdivision of the same shall have the whole plan delineated thereon as originally delineated in such Crown grant and the portion of land referred to by such instrument shall be distinctly marked thereon with the boundary lines and the dimensions thereof and the distance in feet or links and inches (if any) from an angle or corner of the original allotment to the point on the side thereof where the portion comprised in such instrument presented for registration commences and the provision thereby made with respect to the first division of any piece of land comprised in the Crown grant registered after the date of this Act shall apply to any second or subsequent subdivision. Provided that the measurement of the aforesaid distance be made to some corner of the piece of land of which the portion assured respectively is part.

Plans to be copied on index sheet.

38. A copy of the plan on any instrument registered shall be made by the Registrar on the sheet of the

Index Book on which the entry of such instrument is made.

39. Whenever any land which was originally comprised in one Crown grant shall be subdivided and at any future period shall become again vested solely in one person or in more persons than one as joint tenants or tenants in common the Registrar shall cause the instrument or instruments whereby such land became so vested to be entered on the sheet of the Index Book originally appropriated to such land and shall on each sheet appropriated respectively to such instrument or instruments make an entry of reference to such original sheet.

When the title to a subdivided property shall appear under the original head.

40. Where any mistake shall have been made in any entry the Registrar or in his absence the Deputy Registrar shall rectify the same by a new entry in such form as may be convenient specifying the day and hour of such correction. The erroneous entry shall not be erased or obliterated.

Mistake in entry.

V.—GENERAL PROVISIONS.

41. Every County of the said Province (except the County of Eden) shall for the purposes of registration be distinguished by a letter and each letter shall be added to the Registrar's number of any instrument assuring land in such county.

Counties to be known by distinguishing letters.

42. For each County in the said Province shall be opened and kept separate books and maps as hereinbefore provided and the said books and maps shall be marked and known by such distinguishing letter as aforesaid and any instrument assuring land in any County shall be registered in the books appropriated to such County and any instrument assuring land in more Counties than one shall as aforesaid be recorded in the respective books appropriated to each of such Counties. Provided that such instrument respectively is duly prepared and presented as hereinbefore provided.

Separate books to be kept for each county.

VI.—MISCELLANEOUS REGULATIONS.

43. Every grant of land by the Crown bearing date after the day of the passing of this Act shall be registered in the books of the Register Office in the manner directed by this Act before the delivery of the same to the grantee and the Registrar's number of such grant

Grants by the Crown to be registered before the delivery of the same.

shall be written on the Surveyor General's maps as the designation of the parcel of land comprised in such grant.

Receipts for instruments.

44. Every person by whom an instrument shall be brought or sent to the Register Office for the purpose of registration may require a receipt for the same which receipt shall be stamped with the seal of the office and shall specify the nature and number of the instrument and the day and hour of the receipt thereof.

Instruments to be compared with copy.

46. Before any instrument which shall have been registered shall be returned to the person who presented the same for registration such person shall compare the same with the copy thereof in the books of the office and shall sign his name at the foot of such copy as an attestation of the correctness thereof.

Copies to be supplied.

46. The Registrar or Deputy Registrar shall supply copies of or extracts from any index to be kept or copies of any instruments which shall have been recorded or any memorial which shall have been deposited under the provisions of this Act to any person entitled to the same which person shall have liberty to examine such index or recorded copy or deposited memorial for the purpose of satisfying himself of the correctness of the copy or extract so supplied.

To whom copies may be supplied.

47. Before the Registrar shall supply any such copy or extract the person applying for the same shall sign a declaration that such a copy or extract is required in respect of land in which he has or claims or has contracted for some estate or interest or that he is a barrister or solicitor employed by some other person to be named and described and so interested as aforesaid; or that he is the authorised clerk of a barrister or solicitor to be named and described employed as aforesaid.

False declaration.

48. If any person shall in any such declaration wilfully state anything that shall be untrue he shall forfeit and pay a penalty of not less than five pounds nor more than twenty pounds to be recovered in a summary way before any two Justices of the Peace.

Copy to be certified.

49. Every copy or extract so supplied as aforesaid shall have written or endorsed thereon a Certificate stating that such copy or extract is an examined copy of or extract from such index or recorded copy or deposi-

ted memorial as aforesaid and specifying the book and page from which the same is taken which Certificate shall be verified by the seal of the Office. Every copy or extract so verified shall be admissible as secondary evidence of the contents of the instrument of which it purports to be a copy or extract.

50. Any person having an estate in land under any instrument hereby authorised to be registered may require any person in possession thereof to cause the same to be registered and in case the person in whose possession the same shall be shall refuse so to do it shall be lawful for any Judge of the Supreme Court upon a summary application to make such order respecting the registration of such instrument as shall seem meet.

Registration,
when compulsory.

51. If any person shall apply to the said Registrar or in his absence to the said Deputy Registrar for his Certificate of the state of the title as exhibited at the time on the books of the said Register Office of any person to any land or hereditaments or to any part thereof or to any interest therein and shall sign a declaration that such Certificate is required in respect of land and hereditaments in which he has a claim or has contracted for some estate or interest or that he is a barrister or solicitor employed by some other person to be named and described and so interested as aforesaid or that he is an authorised clerk of a barrister or solicitor to be named and described and employed as aforesaid the said Registrar or Deputy Registrar shall make out and sign and deliver such Certificate to the person so requiring the same.

Registrar's certificate of the state of a title.

52. This Act shall not extend or be construed to extend to perfect improve prejudice invalidate or in any way affect any registration or supposed registration of any instrument heretofore registered under or by virtue of the said recited Ordinance but such registration respectively shall have in all respects the same effect or want of effect as it respectively would have had if this Act had not been passed.

This Act not to invalidate instruments registered under repealed Ordinance.

53. Any person upon payment of a fee of five shillings may deposit any deed or instrument which has been already registered in the said Register Office for which deed or instrument the said Registrar or in his absence the said Deputy Registrar shall give a receipt specifying the Registrar's number on every such deed or instrument and the date of the receipt thereof.

Deposit of deeds for safe custody.

Fees to be paid for depositing instrument.

54. Every person who may deposit in the Register Office any instrument or power of attorney under or by virtue of "*An Act to provide for the execution of Deeds and for other purposes relating to real Property*" shall pay to the Registrar or in his absence to the Deputy Registrar the fee of five shillings for every instrument or power of attorney so deposited.

Fees.

55. Such Registrar or in his absence Deputy Registrar shall be entitled to receive the fees specified in Schedule "B" to this Act annexed and the same shall be paid in advance unto such Registrar or Deputy Registrar.

Scale of fees to be hung up in office.

56. A table of such fees shall be hung up in some conspicuous place in the said Registrar's Office.

All fees received to be paid into Provincial Treasury.

57. All fees received under the authority hereof shall be paid monthly into the Treasury of the said Province.

Definition of "Estate," as used in Act.

58. In the construction of this Act the term "Estate" shall be taken to mean any estate interest right title claim or demand in to or upon any land situate within the said Province.

When Act to come into operation.

59. This Act shall come into operation on the first day of July next ensuing the passing thereof and shall be known and may be cited by the short title of "*The Deeds Registration Act, 1856.*"

Short title.

No.	Receipt of Instruments.	Nature of Instrument.	Date of Instrument.	Where Recorded.	Reference.	Signature.
3767 3768 3847 5970 5971	11 a.m., June 1, 1856 1m. past 11 a.m., June 1, 1856 6m. past 12 p.m., Sept. 8, 1857 4m. to 12 a.m., Jan. 5, 1861 3m. to 12 a.m., Jan. 5, 1861	Crown Grant Conveyance Mortgage Reconveyance Conveyance	May 31, 1856 June 1, 1856 Aug. 15, 1857 Jan. 4, 1861 Jan. 5, 1861	1G 2346 4D 876 3M 76 3M 903 6D 873	SA 19	Jas. Brandeth John Willan J. Thompson John Willan Philip Jones
3767 3768 3847 5970 5271	Brandeth, Grantee Brandeth to Willan Willan to Thompson Thompson to Willan Willan to Jones		10	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p style="text-align: center;">4</p> <p style="text-align: center;">400 links. No. 3767. 0 1 37 400 links.</p> </div>	5	9

SCHEDULE A.

DEEDS REGISTRATION ACT.

3767.

(Book 8 A folio) 19.

No.	Receipt of Instruments.	Nature of Instrument.	Date of Instrument.	Where Recorded.	Reference.	Signature.												
5971 5984 5985	3m. to 12 a.m., Jan. 5, 1861 6m. to 3p.m., Jan. 25, 1861 5m. to 3 p.m., Jan. 25, 1861	Conveyance Conveyance Conveyance	Jan. 5, 1856 Jan. 12, 1861 Jan. 20, 1861	6D 877 6D 967 6D 970	1A 673	Philip Jones John Brown Tim. White 8												
5971 5984 5985	Willan to Jones Jones to Brown Brown to White			4	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding: 2px;">120 links.</td> <td style="padding: 2px;">250 links.</td> <td style="padding: 2px;">120 links.</td> </tr> <tr> <td colspan="3" style="text-align: center; padding: 2px;">No. 5971</td> </tr> <tr> <td colspan="3" style="text-align: center; padding: 2px;">0 1 0</td> </tr> <tr> <td style="padding: 2px;">120 links.</td> <td style="padding: 2px;">250 links.</td> <td style="padding: 2px;">120 links.</td> </tr> </table>	120 links.	250 links.	120 links.	No. 5971			0 1 0			120 links.	250 links.	120 links.	6
120 links.	250 links.	120 links.																
No. 5971																		
0 1 0																		
120 links.	250 links.	120 links.																

10

SCHEDULE B.

For Registration of any Instrument	0 10 0
For the recording thereof, for every folio of 72 words	0 0 4
For a Copy of an extract from any recorded instrument or deposited memorial, for every folio of 72 words.....	0 0 3
For any Copy or extract from the General Index, for every line	0 0 6
For every search of inspection of Indices or recorded Instruments or deposited memorials	0 1 0
For comparing, if required, any instrument with the record thereof by reading over the same with the party registering, for every folio of 72 words	0 0 1
Deposit of Deeds for safe custody	0 5 0
For comparing, if required, any copy or extract supplied by the Register Office by reading over the same with the party registering such copy or extract, for every folio of 72 words	0 0 1
For every Certificate, by registry, of Estate or Title under clause 51	0 5 0

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

THE CITY OF AUCKLAND BUILDING ACT, 1856.

IN THE NINETEENTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION 5, No. 14, 1856.

[22nd April, 1856.]

AN ACT *for the Regulation of Buildings Party Walls and Chimneys within the City of Auckland.*

N.B.—This Act was repealed by No. 4, Session 9.

Session VI.

THISTLE ACT.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VI., No. 1, 1857.

[3rd February, 1857.]

AN ACT for discouraging the growth and spread of noxious
Thistles.

N.B.—This Act was repealed by No. 5, Session 8.

EDUCATION ACT.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VI., No. 2, 1857.

[6th February, 1857.]

Title.

AN ACT to Promote Education in the Province of Auckland.

Preamble.

WHEREAS it is advisable that provision be made for promoting the Education of Youth in the Province of Auckland and for that purpose that voluntary efforts should be aided by Grants from the Provincial Revenue :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

1. For the purposes of this Act Commissioners not less than five or more than nine in number shall from time to time be appointed by the Superintendent with the advice and consent of the Executive Council and the said Commissioners shall constitute a Board to be called the Board of Education and shall remain in office three years. Commissioners to be appointed.

2. The Superintendent shall from and out of any sum or sums of money that may be voted by the Provincial Council for that purpose cause grants of money to be made towards the support of all Schools within the Province which shall be reported by the Board of Education to be entitled to public support under the provisions of this Act. Superintendent to make grants of money.

3. The following branches of instruction shall be required to be taught in all Schools aided by the Board except Infant Schools :—Reading Writing Spelling Arithmetic Geography History English Grammar and the theory and practice of Vocal Music according to the age and standing of the pupils And in mixed and Girls' Schools provision shall also be made if practicable for the teaching of plain needlework If the Teacher be not competent to give instruction in vocal music a Teacher of Music shall be engaged by the Patrons or Committee of Management of the School unless they can prove to the satisfaction of the Board that one cannot be procured at a reasonable charge. Instruction required in schools aided by the Board.

4. The Board shall exercise no control over the choice of the books used in the School but shall reserve to themselves the right of excluding any book which they shall conceive to have an immoral tendency. Board to have no control over choice of books.

5. The Patrons or Committee of Management of all Schools receiving aid from the Public Revenue shall be at liberty to make such provision as they shall think fit for the communication of religious instruction in the schools under their charge without any interference on the part of the Board provided however that those children shall be exempted from attendance at the time of formal religious instruction whose parents or guardians shall signify their desire to that effect by a written application to the Teacher of the School Provided also that such an amount of secular Patrons or Committee of Management of schools to be at liberty to communicate religious instruction.
Children exempted from attendance.

instruction shall be given in all such Schools as shall satisfy the Board.

Schools to be open to visits and inspection.

6. Every School receiving aid under the provisions of this Act shall be open to the inspection of the Board either by an Inspector to be appointed as hereinafter provided or by a Special Inspector nominated by the patron or patrons of such School and approved of by the Board for that purpose; and every such Special Inspector shall once at least in every year forward to the Inspector of Schools all such reports containing all such information as the Inspector of Schools is hereinafter required to make and give.

LOCAL CONTRIBUTIONS.

Patrons or Committee of Management of Schools to contribute equal amount to that granted, to be applied towards payment of Teachers, any surplus to be appropriated as they may think fit

7. The Patrons or Committee of Management of all Schools aided by the Board shall contribute by children's payments or otherwise not less than an equal amount to that granted by the Board which contributions shall be applied to the payment of the Teachers and Assistant Teachers aided by the Board and in like amount. Any further sums contributed for the use of Schools beyond this equivalent may be appropriated by the Patrons or Committee of Management as they shall think fit. In case however the sum contributed by the Patrons or Committee of Management of any School shall fall short of that granted by the Board the Board shall be at liberty as they shall think fit either to withdraw their grant altogether from that School or to reduce it to the amount contributed by the Patrons or Committee of Management.

Power to Board to make additional grant.

8. In districts in which from the paucity of the inhabitants or from other causes there may be difficulty in supporting a School the Board shall be at liberty if they think fit to make an additional grant to the School beyond £2 per annum for each pupil as hereinafter provided such additional grant not to exceed £30 per annum, and the Patrons or Committee of Management of the School to be required if the Board shall deem expedient to contribute an equivalent to such additional grant.

Payments by pupils not to exceed 1s. each.

9. The payments by the pupils in Schools aided by the Board shall not exceed one shilling per week for each pupil.

Sufficient School-house and playground, &c., to be provided.

10. To entitle a School to aid from the Board a sufficiently large and well-ventilated school-house supplied with the necessary furniture together with an open space

attached to it for play-ground and the requisite out-buildings shall be provided by the Patrons or Committee of Management of the School and as long as such aid is continued the buildings and furniture must be kept in good order and repair.

MISCELLANEOUS.

11. A Register shall be kept in every School aided by the Board showing the daily attendance and the average attendance for each week and quarter according to a form which shall be furnished by the Board. Register of attendance to be kept.

12. Any Teacher knowingly making false returns of attendance or evading the spirit of the foregoing regulations by procuring a mere nominal attendance shall be deemed incompetent ever again to receive assistance from the Board as a School Teacher. Teacher making false return to be disqualified from again receiving aid.

13. The Patrons or Committee of Management of each School as aforesaid shall choose some person to be Superintendent of the School whose name shall be submitted to the Board for their approval. The duties of the Superintendent shall be to visit the School from time to time to examine the Register to enter his name with the date of his visit after the last quarterly and weekly averages to certify to the correctness according to the best of his belief of all School Returns required by the Board to see that the Regulations of the Board are carried into effect to receive from the Board whatever sums the Teacher or Teachers shall be entitled to and to pay them over to those to whom they shall be due. Superintendent to be appointed to every School, and his duties.

14. If any School shall be closed for a longer time than the Board shall conceive to be requisite or desirable for vacation the salary granted to the Teacher or Teachers of such School may be stopped during that time. If School closed too long for vacation, Board may stop payment.

QUALIFICATIONS AND SALARIES OF TEACHERS.

15. The money granted by the Board to Schools shall be applied exclusively towards the payment of Teachers and Assistant Teachers and shall be at the rate of £2 per annum for each scholar up to the limits hereinafter mentioned and the number of scholars shall be reckoned by the average attendance. Provided always that it shall be lawful for the said Board to grant additional sums to any Money granted by Board to be applied exclusively towards payment of Teachers, and rate of payment.

school or schools upon the recommendation of the Patrons or Committee of Management of such school or schools for the education of orphans and destitute children Provided that such additional grants shall not exceed the sum of one shilling a week for each orphan or destitute child.

Grants from Public funds to be applied in aid of secular instruction only. 16. All Grants from the Public Revenue shall be given in aid of secular instruction only and shall be awarded to all well-conducted schools in which the provisions of this Act shall be complied with.

Board to be satisfied as to character and fitness of Teachers. 17. Before such aid shall be granted to any school the Board must be satisfied with the Teacher's moral character and fitness to conduct a school and they shall cause each Teacher to be examined in their presence either by their Inspector or by such other person or persons as they shall appoint for that purpose Provided always that it shall be lawful for the said Board for the term of six months from the passing of this Act to dispense with the examination of any Teacher who shall for the term of one year have been regularly employed as a Teacher in any School established prior to the passing of this Act and upon such Teacher receiving a certificate under the hand of the Chairman of the Board that such examination has been dispensed with such Teacher shall for the space of three years be considered a Teacher who has received a certificate of the second degree.

Teachers to receive certificates. 18. Every Teacher with whose qualifications the Board shall be satisfied shall receive a certificate of the first or second degree according to the order of merit.

Amount of salary to be paid each Teacher. 19. The salary granted by the Board to Teachers receiving a certificate of the first degree shall not exceed £75 per annum for a Master and £50 per annum for a Mistress and the salary granted to Teachers receiving a certificate of the second degree shall not exceed £50 per annum for a Master and £35 per annum for a Mistress.

Salaries may be lowered. 20. The salary of any Teacher who may have received a certificate of the first degree may be lowered to that of the second degree if through the inefficiency of such Teacher the school under his charge does not succeed to the satisfaction of the Board.

Salaries may be raised. 21. Any Teacher who may have received a certificate of the second degree may after the termination of one year's employment in connection with the Board receive a

certificate of the first degree if upon examination he shall be found deserving of it and if he shall be recommended by the Inspector for diligence and efficiency as a Teacher and for careful and judicious management of the school under his charge.

22. The foregoing Regulations shall apply also to Teachers of Infant Schools. Regulations to apply to Infant Schools.

QUALIFICATIONS AND SALARIES OF ASSISTANT TEACHERS.

23. If the average attendance in any school shall exceed forty or in Infant Schools sixty £2 per annum shall be given by the Board for every scholar beyond such number up to the limit of £30 per annum provided that such money be applied to the payment of an Assistant Teacher and if the average attendance shall exceed 80 or in Infant Schools 120 £2 per annum shall be given in like manner for every scholar beyond such number up to the limit of £30 per annum provided that such money be applied to the payment of a second Assistant Teacher and so on for every additional 40 scholars or in Infant Schools 60 scholars as the Board shall see fit. Board may grant additional aid according to number of pupils.

24. No Assistant Teacher shall be under the age of 15 years or receive aid from the Board unless recommended by the Inspector for moral character and fitness for teaching. Age of Assistant Teacher not to be under 15, and to be recommended by Inspector.

25. A Female employed for teaching needlework to girls in a mixed or girls' school and for rendering such other assistance as may be agreed upon by the Patrons or Committee of Management may if recommended by the Inspector be regarded as an Assistant Teacher and receive the usual salary as such in accordance with the provisions of clause 23. Teacher of needlework may be paid as an Assistant Teacher.

26. The salary paid by the Board to an Assistant Teacher shall not exceed £30 per annum. Salary of Assistant Teacher.

27. If any Teacher or Assistant Teacher shall be found incompetent either from want of skill in conducting a school or from any other cause the salary granted by the Board to such Teacher or Assistant Teacher may be withdrawn if the Board shall think fit. If Teacher found incompetent, salary may be withdrawn.

28. Teachers or Assistant Teachers who shall be guilty of any moral offence or of negligence in their duties may be The salary of any Teacher offending may be withdrawn

punished by the withdrawal of the whole or of any portion of their salaries for such time as the Board shall determine.

APPOINTMENT OF TEACHERS.

Appointment of Teachers to rest with Managers. 29. The appointment of all Teachers and Assistant Teachers to every School receiving aid from the Board shall rest with the Patrons or Committee of Management thereof subject to the provisions herein mentioned.

PROCEEDINGS OF THE BOARD.

Business of Board to be transacted at meetings. 30. The business of the Board shall be transacted at meetings to be held for that purpose.

Notice of meeting to be given. 31. No meeting of the said Board for the purposes of this Ordinance shall be held unless notice of the time and place of such intended meeting and of the business to be transacted thereat signed by the Chairman of the Board or three Commissioners shall have been left at the usual or last known place of abode of every other Commissioner residing within the town or suburbs or at the Post Office in Auckland if residing beyond the limits of the town or suburbs seven clear days at least before such meeting.

At first meeting of Board, Chairman to be elected. 32. At the first meeting of the Board and from time to time in cases of vacancy the Commissioners present shall select from amongst their members a Chairman who shall preside at the meetings of the Board and shall have a casting vote only.

In the absence of Chairman, Commissioner to preside. 33. In the event of the absence of the Chairman of the Board from any meeting thereof the Commissioners present shall select one of their number to act as Chairman who shall have the same powers as the Chairman of the Board.

Quorum. 34. At all meetings of the Board five Commissioners shall form a quorum.

Board to submit a report annually. 35. The Board shall annually submit to the Provincial Government a report of their proceedings containing an account of all applications made to them for aid whether granted or refused with the grounds of their decision if refused also the quarterly and yearly average attendance in each of the schools aided by them and the amount of

money granted to each school together with such other information as they shall think fit to communicate.

36. The Board shall cause a Minute Book to be kept wherein shall be entered a full and correct account of all the proceedings of the Board. A copy of the Minutes of Meetings of the said Board and also a report of their proceedings containing an account of all applications made to them for aid whether granted or refused with the grounds of their decision if refused also the quarterly and yearly average attendance in each of the schools aided by them and the amount of money granted to each school together with such other information as they shall think fit to communicate and also a copy of every Report made to them by the Inspector of Schools shall be furnished by the Board once in every year and oftener if required to the Superintendent who shall lay the same before the Provincial Council at the Session then next following within ten days after the opening thereof.

Minute Book to be kept, and copy with copy of report to be forwarded to Superintendent, and laid before Provincial Council.

37. In order to secure the efficiency of all schools except as hereinafter mentioned receiving aid under the provisions of this Act such schools shall be inspected once at least in every year by an Inspector of Schools to be appointed for that purpose by the Board of Education subject to the approval of the Superintendent. The said Inspector shall hold his office during the pleasure of the Superintendent and shall receive such salary not exceeding £300 per annum as the Board shall from time to time think sufficient Provided always that in case a special Inspector shall have been appointed for the purpose of inspecting any school under the provisions contained in clause six such school shall not be subjected to the inspection of the Inspector of Schools so long as the said special Inspector shall forward to the Inspector of Schools all such reports and all such information as the Inspector of Schools shall from time to time be required to make and give.

Inspector to be appointed.

38. The Inspector shall not exercise any control in the schools inspected by him or interfere with the religious instruction given in them or with their discipline or management. His duty shall be to ascertain whether the required amount of secular instruction is satisfactorily given and whether the regulations of the Board are carried into effect and to report accordingly. He shall also be ready to assist in the organisation of new schools to suggest improvements in the teaching and discipline of schools and to give any advice or information in his power to the Patrons or

Duties of Inspector.

Committee of Management and Teachers if invited by them to do so.

Inspector to Report. 39. As soon as conveniently may be after the inspection of any such school the Inspector shall make a Report in writing to the Board setting forth the name or description of such school the number of children educated therein and the salary paid to each teacher He shall also report upon the system of education pursued in such schools the books used therein the management and discipline of such school the attainments of the children and the state of the school generally as regards its efficiency.

Certificate to accompany recommendation. 40. The Report to be made by the Board recommending any School as deserving of public support under the provisions of this Act shall be accompanied by a certificate in writing in the form hereunto annexed in the Schedule except in such cases as are provided for in clause 17 and shall be signed by a majority of the members of the Board and no recommendation in favor of any School except in the cases aforesaid shall be a sufficient authority to the Superintendent of the Province to cause a grant to be made towards the support thereof unless it be accompanied by such certificate so signed as aforesaid.

SCHEDULE REFERRED TO.

FORM OF CERTIFICATE.

We whose names are hereunto subscribed members of the Board of Education charged with the duty of administering the Public Funds in aid of voluntary efforts for promoting the efficient Education of Youth within the Province do hereby certify that to the best of our knowledge and belief after careful and diligent enquiry () the Teacher (or Assistant Teacher) of the School recommended by us as deserving of Public support is duly qualified to give the instruction prescribed by the Education Act that the children attending such school are well and efficiently taught and that the Public Funds of the Province will be duly expended according to the provisions of the said Act towards the support and maintenance of the said School.

Session VIII.

DIVERSION OF ROADS ACT.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII., No. 1, 1858.

[3rd March, 1858.]

*AN ACT to facilitate the closing of certain Roads in the
Province of Auckland and for making new Roads where
required.*

N.B.—This Act was repealed by No. 2, Session 15.

AUCKLAND WASTE LAND ACT, 1858.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII., No. 2, 1858.

[9th March, 1858.]

*AN ACT to regulate the Sale Letting Disposal and Occupa-
tion of Waste Lands of the Crown within the Province
of Auckland.*

BE IT ENACTED by the Superintendent of the province of Preamble.
Auckland with the advice and consent of the Provincial
Council thereof as follows:—

- Meaning of term "Waste Lands." 1. In the construction of this Act the term "Waste Lands" shall mean such lands within the Province of Auckland as are already subject to the disposal of the Provincial Government thereof and all other lands over which his Excellency the Governor under the provisions of the "Waste Lands Act 1856" shall hereafter notify by proclamation in the *New Zealand Gazette* that the Native title has been extinguished.
- Lands to be sold, &c., as provided by this Act. 2. All Waste Lands shall from and after the day on which this Act shall come into operation be sold let and disposed of as in this Act provided and not otherwise.
- Power to Governor to permit Native seller of lands to purchase a portion thereof. 3. Whenever the title to any Native land shall have been extinguished it shall be lawful for the Governor within one month thereafter to permit the Native sellers to purchase at the rate of ten shillings an acre any portion of such land and the same when surveyed may be conveyed by Crown Grant accordingly.
- Power to Governor to permit person at whose instance Native title to land has been extinguished to purchase a portion thereof. 4. It shall also be lawful for the Governor if he shall think fit within three months after the extinguishment of the Native title in any land to sell and dispose of the same or any part thereof to the person or persons at whose instance such extinguishment shall have been effected, for a sum not less than after the rate of ten shillings an acre with the addition of the price paid to the Natives for the release of their rights in the land sold and the cost of surveying thereof.
- Commissioner to be appointed. 5. For the purpose of carrying out the provisions of this Act there shall be a Waste Land Commissioner (hereinafter called "the Commissioner") who shall be appointed and be removable by the Superintendent with the advice and consent of his Executive Council.
- Superintendent may appoint Deputy Commissioner. 6. It shall be lawful for the Superintendent from time to time to appoint a fit and proper person to act as Deputy for the Commissioner at any place within the Province and the person so appointed shall have the same powers and authority as the Commissioner and all acts done by such Deputy shall be as valid as if done by the Commissioner.
- Superintendent shall divide land into five classes. 7. The Superintendent shall from time to time divide such portions of the Waste Lands as are about to be offered

for sale into the following or such of the said classes as he shall think fit, viz :—

1. Town lands,
2. Suburban lands,
3. General country lands,
4. Credit lands,
5. Land for special settlement ;

and may from time to time vary alter and annul such division and make a new division thereof Provided always that the total quantity of land which shall be notified as open for sale as Credit Land shall not exceed two hundred thousand acres (200,000) in the whole.

8. No land shall be offered for sale or disposed of by auction or otherwise until it shall have been properly surveyed and marked off on the ground and a map thereof deposited as a record in the Office (hereinafter called the Land Office) of the Commissioner.

9. Every allotment of Country Land shall have a frontage to a road and the Commissioner shall use all due diligence in causing to be selected the most available lines for roads with reference to their practical utility as means of communication and not as mere boundary lines of allotments he shall also as far as practicable lay off the allotments in such manner as to give to each in proportion to its extent equal advantages as nearly as may be in respect to practicable roads and to wood and water.

10. All Reserves Streets Roads Sections and Allotments and other divisions of the Land shall be so marked off on the ground and distinguished on the map thereof by numbers or otherwise as to be easily identified.

11. Corrections shall from time to time be made in every such map so as to clearly exhibit at all times the lands sold those about to be offered for sale and those which are open for selection as hereinafter provided and also any alterations that may at any time be made in the division of the land thereon delineated.

12. Every such map on which shall be delineated any land about to be offered for sale and any land open for sale or an authentic copy of such map shall be kept in the Land Office or some other convenient place open for public inspection at all times during office hours.

Power to the Superintendent to reserve lands for certain purposes.

13. The Superintendent may from time to time as to him it shall seem meet reserve portions of the said lands for public roads or other internal communications or for the sites of future towns or villages or for the sites of places of worship or public buildings or of common schools in which shall be taught reading and writing in English arithmetic and English Grammar or as endowments for the maintenance of such common schools or for charitable purposes or as places for the interment of the dead or for the recreation and amusement of the inhabitants of any town or village or as the sites of public quays or landing places on the sea coast or on shores of navigable streams or for any other purpose of public utility convenience health or enjoyment.

Sites for places of worship to be reserved, and mode of selection.

14. In every town or village set apart there shall be at least ten allotments containing as nearly as may be one-half of an acre each reserved in the most eligible situation as sites for places of worship and as soon as any allotments in such town or village have been declared open for sale the Superintendent shall by notification in the *Provincial Government Gazette* invite the representatives of the several religious bodies recognised as having Officiating Ministers residing within the Province coming within the provisions of the "Marriage Act" who may wish to obtain sites for places of worship to make to the Commissioner on or before a day to be named written application for one of such allotments and at noon on the Monday following the day appointed for such application the priority of the right of selection shall be decided by lot by the Commissioner in the presence of the parties applying or their representatives if any shall attend.

Reserved lands may be granted by the Governor.

15. All such reserved lands with the exception of such as shall be reserved as sites of towns and villages may upon the request of the Superintendent be granted by the Governor to any Body Corporate or to any person or persons gratuitously to be held in trust for the public uses for which the same were reserved and no other.

Any person who has resided on Native land entitled to a section.

16. Any person who for a period of five years prior to the passing of this Act shall have resided on land over which the Native title has not been extinguished shall at any time within three months after such title shall be extinguished be entitled to select an allotment of land of such form as the Commissioner shall prescribe containing any number of acres not exceeding three hundred including and adjacent to the site on which such person shall have resided.

17. Such allotment shall be sold to the person so selecting the same as aforesaid upon the same terms and conditions as are hereinafter prescribed in respect of Credit Land and any improvements at any time made on the land so selected before the selection thereof shall be deemed and taken as part of the improvements required to be made in respect of Credit Land under this Act. Such land so selected to be sold as Credit Land.

18. Any person who may have been put in possession of and *bona fide* occupied land under the Special Occupation clauses of the Auckland Land Regulations dated February 1855 shall be entitled to purchase the same at the price of 10s. an acre at any time before the termination of his lease and upon payment of the price thereof as aforesaid and of all rent due up to the date of payment he shall be entitled to receive a Crown Grant for the same and shall be relieved from all liabilities entailed upon him by the Special Occupation clauses of the Regulations aforesaid. *Bona fide* occupier of Special Occupation Land entitled to purchase the same.

TOWN LANDS AND SUBURBAN LANDS.

19. Town lands and Suburban lands excepting such as shall be reserved for public purposes or for any purpose in this Act specified shall be offered for sale by public auction at an upset price to be fixed by the said Superintendent with the advice and consent of the Executive Council. Town and Suburban lands to be sold by auction.

20. The Superintendent shall from time to time notify in the *Government Gazette* of the Province of Auckland and in such newspapers in the Colony of New Zealand or elsewhere as to him shall seem meet what lands are to be sold at such public sales and the upset prices thereof respectively and such lands shall not be so offered for sale until at least two calendar months shall have elapsed after the first publication of such notification. Superintendent to give notice of said sales at least two months prior to sale.

21. Such public sales shall be held and conducted by such person as such times and in such places within the said Province as the Superintendent shall by notification in the *Government Gazette* for the Province of Auckland from time to time nominate and appoint. Superintendent to appoint person to sell, and time and place of sale.

22. The purchase money of each allotment of land sold at such sale shall be paid by the purchaser thereof or his agent to a Receiver of Land Revenue as follows namely one fourth of the price thereof at the time of sale by way of deposit and the remaining three-fourths at any time within one calendar month after the sale. In the event of the Mode of payment.

second payment not being made to such Receiver within the said period of one calendar month the sale shall be void and the deposit forfeited.

Land in respect of which deposit has been forfeited may be purchased within 12 months. 23. It shall be lawful for any person within twelve calendar months after any such auction to purchase any land in respect of which the deposit shall have been forfeited as foresaid by paying for the same in cash the sum for which such land was knocked down at the auction.

Land put up for sale and not sold may be purchased within 12 months. 24. It shall be lawful for any person within twelve calendar months after any auction to become the purchaser by private contract of any land so put up for sale as aforesaid and not knocked down to any bidder on paying for the same in cash the upset price at which the same was put up for sale.

Superintendent may cause last-mentioned lands to be again put up for sale. 25. Provided always that it shall be lawful for the Superintendent instead of permitting any land to be purchased as authorised by the last two clauses to cause any lands which shall not have been already applied for under the said clauses to be put up again to auction giving such notice thereof as is hereinbefore provided in respect of land to be offered at auction.

COUNTRY LANDS.

Superintendent to notify time from which Country Lands shall be open. Written application to be sent to Commissioner. 26. The Superintendent shall from time to time notify a certain day on and after which any Country Land will be open for sale. On and after that day any person desirous of purchasing any of the same shall send in a written application during office hours under a sealed cover directed to the Commissioner or to his Deputy at such place as shall be stated in such notification.

Form of application. 27. Every such application shall state the name of the intending purchaser the area and situation of the allotment and the number of the same on the map deposited as aforesaid in the office of the Commissioner and shall have legibly endorsed thereon the words "Application for Land" together with the name of the intending purchaser and the number of acres he proposes to purchase.

Purchase money to be prepaid and receipt annexed to application. 28. The purchase money after the rate of 10s. per acre for the quantity of land applied for shall be paid to a Receiver of Land Revenue who shall give a receipt in duplicate and no application shall be entertained unless one of such receipts shall be annexed to the application.

29. The Commissioner or his Deputy shall on receipt of any such application (and in the presence of the intending purchaser or his agent if such purchaser or agent should desire the same) enter in a minute book to be kept for that purpose a minute of the receipt of such application and of the endorsement thereon. Commissioner, on receipt of application, to make a minute thereof.

30. The minutes to be so entered in such book shall be consecutively numbered from one upwards and shall set forth the date of the reception of every such application the name of the intending purchaser the number of acres which he proposes to purchase and the amount which he shall have so paid as the purchase money thereof. Minutes to be numbered; and form of minute.

31. Such book shall be open to the public for inspection at all times during office hours during which time any person may take a copy of or extract from any minute entered therein. Minute Book to be open to inspection.

32. The applications so received shall not be opened until noon of the first day appointed in manner aforesaid by the Superintendent for the sale of such country land on which day no further applications shall be receivable. Application not to be open until the day appointed.

33. The Commissioner or his Deputy together with a Receiver of Land Revenue shall on the day so appointed and in presence of such of the intending purchasers or their agents as may attend for that purpose proceed to open all such applications so received. On day appointed application to be opened.

34. Where it shall appear on opening the said applications that but one person has in manner aforesaid given notice of his intention to purchase any one allotment and that he has duly paid the purchase money thereof such person shall be deemed the purchaser of such allotment. If only one application, applicant to be purchaser.

35. But if it should at any time appear that two or more intending purchasers have made application for the same allotment and that each of them has duly paid the purchase money thereof the Commissioner or his Deputy shall at once decide by lot the priority of choice. If two or more applicants for same land, the Commissioner shall decide by lot the priority of choice.

36. The Commissioner or his Deputy shall immediately after such decision by lot give to each of the unsuccessful parties or his agent an order on a Receiver of Land Revenue for the return of the purchase money so paid by him in respect of such allotment and such Receiver shall pay the same on demand accordingly. After decision by lot, unsuccessful party entitled to return of money paid.

SUBSEQUENT APPLICATIONS.

After day fixed, unsold lands open for sale. 37. After the day fixed for opening the applications sent in as aforesaid all the unsold portions of such Country Lands shall be open for sale to the first applicant for the same.

Form of application for unsold land—applicant to produce receipt for purchase money. 38. Every application must be made in writing to the Commissioner or his Deputy during office hours and must state the area and situation of the allotment and the number of the same on the map deposited in the Land Office as aforesaid and no such application shall be entertained unless it be accompanied by a receipt for the purchase money signed by a Receiver of Land Revenue.

Commissioner to make minute of application. 39. The Commissioner or his Deputy immediately on receipt of such application shall in the presence of the intending purchaser or his agent if such purchaser or agent desire the same enter in the minute book to be kept for that purpose the day and hour of the receipt of the application the name of the purchaser and the area situation and number of the allotment and the amount paid as the purchase money of the same.

When minute made, purchaser to be entitled to Crown Grant. 40. As soon as such entry shall have been so made the land to which the same shall refer shall be deemed to be sold and the purchaser thereof entitled to a Crown Grant.

CREDIT LAND.

Superintendent to notify time when credit land will be open for at least 2 months. 41. Before any Credit Land shall be sold the Superintendent shall declare by notification in the *Provincial Government Gazette* and in such newspapers in the Colony of New Zealand and elsewhere as he may think fit that the same will be open for sale at a place and on and after a day to be fixed in the notification which day shall be at least two calendar months after the first publication of such notification.

Credit land to be sold subject to conditions. 42. All Credit Land shall be open for sale at the price of 10s. an acre and shall be disposed of only to persons willing to purchase the same subject to the conditions hereinafter contained for the occupation and improvement thereof.

On payment of 1s. an acre, applicant to receive land order. 43. Any person upwards of sixteen years of age desirous of making a selection of Credit Land shall on application to the Commissioner or his Deputy in Auckland or to such other person in the Colony of New Zealand as shall be appointed by the Superintendent to receive the same be en-

titled upon payment of a sum after the rate of one shilling an acre by way of deposit to receive a land order in a form to be from time to time prescribed by the Superintendent Provided always that no person shall be entitled to any such land order for more than eighty or less than forty acres of Land.

44. Every such land order shall authorise the person entitled to the same or his agent constituted in writing to make a selection out of any Credit Land which shall be open for selection at the time such person shall desire to make the same Provided always that the land so selected shall be either in one allotment or in contiguous allotments.

45. Every right of selection must be exercised within two calendar months from the date of the land order if such land order has been issued in the Province of Auckland but if such order has been issued elsewhere within six months from the date thereof and the selection under any such land order shall be deemed to be complete whenever the person making the same shall have delivered such order during office hours at the Waste Land Office together with a description in writing (under a sealed cover with the words "Description of Credit Land" legibly written thereon) sufficient for the purpose of identifying the land selected.

46. All such sealed covers shall be opened at noon on the next Monday (not being a holiday) by the Commissioner or his Deputy in the presence of a Receiver of Land Revenue or such other officer of the Provincial Government as the Superintendent may from time to time appoint for that purpose and in the presence of any applicants if they shall attend and if there be more than one application for the same allotment the Commissioner and such Receiver or other officer shall at once decide by lot the priority of choice.

47. Provided always that when the person so receiving a land order does not make a selection within two months or six months respectively after the date thereof it shall be lawful for such person to return to the Waste Land Office such land order and to receive back the amount paid for the same Provided also that if any such order be not returned within seven days from the time in which the selection in respect of the same should have been made such order shall be held to have lapsed and the amount paid for the same forfeited.

Successful applicant entitled to a lease and immediate possession.

48. Any person whose application shall be granted shall be entitled to have immediate occupation of the land selected and shall be entitled to a lease of the same for five years in a form to be from time to time prescribed by the Superintendent at a yearly rent after the rate of sixpence an acre payable yearly, and the payment hereinbefore required by the way of deposit shall be deemed to be in payment of the first two years' rent.

After 5 years' occupation and payment of rent, lessee to be entitled to a grant.

If rent in arrear at the expiration of the lease, land may be sold.

49. After five years' *bona fide* occupation and the payment of the rent reserved by the lease the lessee shall be entitled to a grant from the Crown in fee simple of the land contained in such lease on payment of the price thereof as aforesaid Provided always that if the purchase money and all the rent due be not paid within six calendar months after the expiration of the lease the land therein comprised together with all improvements thereon shall be sold by auction by order of the Superintendent after two months' notice given in the *Provincial Government Gazette* and in two of the newspapers published in Auckland and the proceeds after deducting all sums due in respect of the said land and all expenses incident to the sale thereof shall be paid over to the lessee forfeiting the claim or to his appointee or representative Provided that in default of such sale by direction of the Superintendent within twelve (12) calendar months after the expiration of the lease the Governor may direct the sale of such land upon not less than two months' notice given in such wise as he may think fit.

What to constitute occupation.

50. Every person shall be deemed to have *bona fide* occupied any Credit Land under lease as aforesaid who shall have erected a habitable dwelling-house thereon during the first year and made improvements thereon or any part thereof after the rate of one acre in ten of open land and one acre in twenty of forest land for every year after the first year during such occupation Such improvements to consist of tillage or clearing of forest or laying down to grass and a residence during the whole term of five years by the lessee on any such land shall be deemed and taken to be equivalent to such improvements.

Lessee having completed improvements within term entitled to a grant upon payment of rent and 10s. an acre.

51. Any lessee of Credit Land who shall at any time during the term of his lease have completed all the improvements which he is by this Act required to make during the whole term of five years and who shall pay the sum of ten shillings an acre and also all rent accrued due shall be forthwith entitled to a grant of the land included in such lease.

52. If any lessee or other person shall continue in possession of land which shall have become forfeited under the provisions of this Act (unless an appeal as hereinafter provided be pending) he shall be deemed to be in the unlawful occupation of Waste Lands of the Crown and shall forfeit and pay for every day during which he shall so continue in possession the sum of 40s. to be recovered before any Justice of the Peace in a summary way.

Penalty for any lessee continuing in possession of forfeited land.

53. Every lessee of Credit Land shall forward to the Commissioner on the last day of the second year and on the last day of every subsequent year of the term of his lease or within fifteen days after such days respectively a return in writing in a form to be from time to time prescribed by the Superintendent of the land improved by him during the preceding year and the nature of such improvements which return shall be certified by two householders and all such returns shall forthwith be published in the *Provincial Government Gazette* for general information.

Lessee of Credit Lands to make returns.

54. Any lessee or his assign will be permitted to assign and transfer any Credit Land subject to the terms and conditions prescribed in the original lease and subject also to the approval of the Superintendent on the recommendation of the Commissioner.

Power to Lessee to assign Credit Lands.

55. If any person holding under such lease as aforesaid shall not within six months enter into *bona fide* occupation of the land thereby leased or if he shall not pay the yearly rent of sixpence per acre at the end of the second and every subsequent year or if he shall cease to *bona fide* occupy or if he shall omit for one month after notice to make the return in writing required as aforesaid the Commissioner shall forthwith by a notification to be published in the *Provincial Government Gazette* declare that the right and interest of such lessee in such land has become forfeited and the Superintendent may let or sell or otherwise dispose of it under this Act in the same manner as if the land had never been let to such lessee.

Power to Commissioner to declare land forfeited, when same may be sold or let.

56. If any question shall at any time arise as to whether a forfeiture has been incurred or sufficient improvements made as required by this Act it shall be lawful for the lessee within one month after such question shall have arisen to prefer an appeal in writing to the Superintendent which appeal shall be referred at the expense of the party requiring the same to two arbitrators and an umpire to be appointed in the usual way whose decision shall be final and conclusive.

Appeal against the decision of the Commissioner.

Penalty for lessee continuing in possession after time for appeal has expired.

57. If any lessee or any other person shall after the time for appealing to the Superintendent against the decision of the Commissioner shall have elapsed continue in possession of land which shall have become forfeited under the provisions of this Act he shall be deemed to be in the unlawful occupation of Waste Lands of the Crown and shall forfeit and pay for every day during which he shall so continue in possession the sum of forty shillings to be recovered before any Justice of the Peace in a summary way.

LAND FOR SPECIAL SETTLEMENT.

Superintendent may set apart land for special settlement.

58. It shall be lawful for the Superintendent from time to time to declare by Proclamation that a certain block of land therein described shall be set apart and reserved for certain Immigrants expected to arrive from the United Kingdom or elsewhere other than the Australian Colonies.

Terms upon which such land to be sold.

59. Such land so set apart and reserved shall be sold exclusively to such Immigrants upon the terms and conditions hereinbefore prescribed respectively in reference to Town and Suburban Land and to General Country Land and Credit Land as the Superintendent may from time to time think fit.

Superintendent may revoke Proclamation.

60. It shall be lawful for the Superintendent at any time to revoke any such Proclamation and the land therein comprised shall thereafter be open to be classified and dealt with as though the same had not been set apart and reserved as aforesaid Provided always that the validity of any act which shall have been done under such Proclamation before revocation thereof shall not be affected by such revocation.

MINERAL LANDS.

Terms upon which persons entitled to Mining Lease.

61. Any person applying for a lease of Waste Land (other than Town or Suburban Land) whether surveyed or unsurveyed for the purpose of winning and working the minerals other than gold therein contained shall be entitled to the same upon the following terms and conditions :—

1. The Lease shall comprise so much Land as shall in the opinion of the Commissioner be necessary for the efficient working of the minerals not being less than 20 or more than 80 acres.
2. The term to be granted shall be any number of years at the option of the lessee not exceeding 21.
3. There shall be reserved a royalty or rent of one-fifteenth of the minerals to be raised.

4. The lease shall contain clauses in the usual form introduced into mining leases—1. For securing the payment of the royalty or rent. 2. For enabling some person on the part of the Lessor from time to time to enter and examine the mine. 3. For securing the regular proper and efficient winning and working of the minerals. 4. For making void the lease on breach of the stipulations on the part of the lessee therein contained. 5. For delivering up the property at the termination of the lease in good tenantable repair. 6. For enabling the lessee to abandon the working the minerals whenever he shall find the same unprofitable to work and surrender the lease.

62. All applications for leases shall be sent in by the applicant and dealt with in the same manner as applications for General Country Land.

Applications for leases to be made in same manner as applications for General Country Land.

63. Every applicant for a mineral lease shall furnish to the Commissioner within a time to be fixed by him after the application shall have been granted a plan and description of the land to be leased which plan and description shall be made and prepared by a Surveyor to be approved of by the Commissioner.

Applicants to supply plans and description.

64. The land comprised in any mining lease shall at the request of the lessee at any time after an occupation of three years be put up to auction at an upset price of ten shillings an acre subject to the lease thereof already granted.

Land leased may, upon application of Lessee, be put up to auction.

AURIFEROUS LAND.

65. It shall be lawful for the Superintendent with the advice of his Executive Council from time to time to make rules and regulations as hereinafter provided for regulating gold mining in the Province of Auckland and such rules and regulations from time to time to alter amend and revoke Provided always that all such rules and regulations and every right and interest created thereunder except leases shall cease and determine at the end of the next session of the Provincial Council after the same shall have been made.

Superintendent & Executive Council to make rules for regulating gold mining.

66. Such rules and regulations may be made for all or any of the following purposes :

Purposes for which rules may be made.

1. For regulating the use and occupation of the Waste Lands for the purpose of gold mining.

2. For authorising the occupation of Waste Lands for the purpose of residence with the object of mining or carrying on a business for furnishing supplies to miners.
3. For regulating the granting transfer and cancelling of licences to mine for gold on the Waste Lands and fixing the fees payable for such licences.
4. For regulating the granting of leases for mining purposes of portions of auriferous quartz veins and the terms and conditions for and on which such leases shall be granted and for fixing the amount to be paid by way of rent whether as a royalty or otherwise.

Power to impose penalty.

67. For the purpose of giving effect to the rules and regulations hereby authorised to be made it shall be lawful for the Superintendent with the advice of his Executive Council to impose any penalty not exceeding £20 for any offence against the same and such penalty shall be recoverable in a summary way.

Superintendent may appoint officers.

68. It shall also be lawful for the Superintendent to appoint officers for carrying out the provisions of this Act and of the rules and regulations to be made in pursuance thereof and with power and authority to determine disputes and differences as to the extent position and boundaries of the claims of persons holding licences or leases under this Act.

IMMIGRATION.

Superintendent may appoint Emigration Agents, who shall be authorised to grant Land Orders.

69. As it is expedient that persons emigrating at their own costs from the United Kingdom and elsewhere other than the Australian Colonies should be permitted to acquire land free of cost in proportion to their expenditure on emigration, it shall be lawful for the Superintendent from time to time to appoint Emigration Agents in the United Kingdom or elsewhere with authority to grant land orders to persons intending to emigrate and settle in the Province of Auckland and any such Agent at any time to remove Provided always that no person shall be entitled to demand any such land order as a right or be entitled to receive any land whatever free of cost in respect of any such expenditure unless he shall have obtained previously to his emigrating from some one of such agents of the said Province a land order as herein provided.

Land Orders to be granted according to scale; order for

70. Such land orders shall be granted according to the following scale namely for any person eighteen years of

age and upwards forty acres and for any person upwards of five years and under eighteen years of age twenty acres Provided always that in any case in which a child under eighteen years of age shall accompany a parent the order shall be granted to the parent and not to the child and in any case in which a servant shall be brought into the Province at the sole expense of a master the allowance shall be made to the master and not to the servant.

children to be granted to parent; for servant to master.

71. No such land order shall be transferable but in the event of the death before the expiration of the five years as hereinafter mentioned of any person to whom any land order shall have been granted in respect of his own emigration all his right and interest under such order shall vest in his appointee constituted in writing or in default of such an appointee in his legal representative who shall be at once entitled to a grant of the land in case all the terms and conditions to which such deceased person was subject have been fulfilled up to the time of his death.

Land Order not transferable except in case of death.

72. In the event of the death before the expiration of the period of five years as hereinafter mentioned of any child or servant in respect of whom any land order shall have been granted to any parent or master such parent or master shall if all the terms and conditions in respect of such deceased child or servant shall have been fulfilled up to the time of his death be entitled at once to a Crown Grant of the land which in respect of such order he may have selected or be entitled to select.

If child or servant die, parent or master to be entitled to grant.

73. Every such order shall be null and void unless the person in respect of whom the same shall have been granted shall present the same in person to the Commissioner or his Deputy within the said Province within twelve calendar months from the date of the order being granted.

Order to be presented within 12 months.

74. On presentation thereof to the Commissioner or his Deputy such officer on being satisfied that the person presenting the same is the person in respect of whom the land order was granted shall make a note thereon stating the fact of such presentation and of the day of the arrival in the Province of the person presenting the same, and shall date and sign such note.

On presentation, Commissioner to make note.

75. Every such land order when so signed shall authorise the person entitled to the same or his agent constituted in writing to select the number of acres mentioned therein

When so noted, holder entitled to selection.

out of the Special Settlement Land if any specified in such order or out of any General Country Land subject in all cases to the provisions of this Act in reference to the selection of Special Settlement Land and General Country Land respectively.

Power to Commissioner to divide any allotment. 76. Provided always that it shall be lawful for the Commissioner if he shall think fit to divide any allotment for the purpose of enabling any person to obtain the exact number of acres to which any such land order may entitle him Provided also that the land selected by any one person shall either be one allotment or contiguous allotments.

Land Order to be in force for five years. 77. Every such land order when so signed as aforesaid shall be in force for five years from the day of the arrival stated in such note and if no selection be made within that time such land order shall be null and void.

Land Order void if holder absent for 12 months within five years. 78. When any person in respect of whom any such land order shall have been granted shall within the said five years have been absent from the Province of Auckland more than twelve calendar months in the whole such land order shall be null and void, and all right to land selected under the same shall cease and determine.

Time when holder of Order entitled to Grant. 79. At the expiration of five years from the day of arrival stated in such note as aforesaid the person entitled to any land selected under any such order shall be entitled to a Crown Grant thereof on proving to the satisfaction of the Commissioner or his Deputy that the person in respect to whom such land order shall have been granted is then resident within the said Province and has resided therein not less altogether than forty-eight calendar months out of the said five years.

NAVAL AND MILITARY SETTLERS.

Naval & Military Officers, &c., entitled to Order for land. 80. Every Naval and Military Officer, whether on full or half pay and every non-commissioned officer and private marine and seaman whether belonging to Her Majesty's service or to the service of the East India Company who may retire or obtain his discharge from the service to which he may belong or who having retired or obtained his discharge for the purpose aforesaid has not selected land under any former law or regulation enabling Naval and Military Settlers to select land free of cost shall be entitled (in lieu of an allowance in respect of money expended in

passages as hereinbefore provided in respect of settlers emigrating from the United Kingdom and elsewhere) to receive from the Commissioner a land order enabling him to acquire land free of cost after the following rate :—

Commissioned officer 400 acres
 Non-commissioned and warrant officer 80 acres
 Private soldier marine and seaman 60 acres

81. Provided always that any such officer non-commissioned officer and private and any marine and seaman before he shall be entitled to receive any such land order shall prove to the satisfaction of the Commissioner by certificate or otherwise that he retired or obtained his discharge for the purpose of settling in the Province of Auckland and any non-commissioned officer or private marine or seaman shall at the same time produce to the Commissioner a certificate from the officer under whom he may have served of having during his period of service been of good character. Provided also that any such land order shall be applied for within twelve calendar months next after such retirement or discharge as aforesaid or within three months from the passing of this Act by those who have retired or been discharged.

Not to be entitled until proof of intention to settle and production of Certificate and Order, to be applied for within 12 months.

82. Every such land order shall be granted by the Commissioner or his Deputy in New Zealand and shall be to the same purport and shall have the same effect and shall entitle the person in whose favour the same is granted to the same rights and privileges as a land order granted by an agent in England to a person emigrating therefrom after such last mentioned order shall have been presented to and had a note made thereon by the Commissioner or his Deputy as hereinbefore provided.

Such Land Order to have the same effect as Orders granted by Agent in England.

SCHOOL TEACHERS AND COMMON SCHOOLS.

83. For the purpose of encouraging persons qualified to teach in common schools to settle in the Province of Auckland every such person who shall produce to the Superintendent a certificate signed by the Chairman of the Board of Education of the said Province established under the provisions of the Education Act 1857 that such person is qualified to teach reading writing arithmetic and English grammar such person shall be entitled to receive a land order for the selection of 80 acres of General Country Land.

Persons qualified to teach entitled to land.

Order not to be transferable, but holder entitled to grant if Teacher engaged in teaching during five years. 84. No such land order shall be transferable but the teacher to whom the same shall be granted shall be entitled to a Crown Grant of the land selected by him under such land order at the expiration of five years from the date of such order upon proof to the satisfaction of the Superintendent that such teacher has been engaged during the whole period of such five years in teaching youth within the said Province in a common school in connection with the said Board of Education.

In the event of death of Teacher, representative entitled to Grant. 85. Provided always that in the event of the death of any such teacher at any time within the said term of five years his appointee constituted in writing or in default of such appointee his legal representative shall be entitled at once to a Crown Grant of the land selected or to be then selected under such land order.

OCCUPATION OF WASTE LANDS.

Rules in Schedule to remain in force. 86. The rules and regulations set forth in the Schedule hereunto annexed shall remain and be in force for regulating the issue of pasture and timber licences for the occupation of Waste Lands of the Crown outside Hundreds.

Commissioner under this Act to have powers of Commissioner of Crown Lands. 87. Any Commissioner appointed under this Act shall have exercise and perform all the rights powers and duties which the Commissioner of Crown Lands mentioned in the said rules and regulations had or could exercise and perform under the said rules and regulations.

MISCELLANEOUS.

Power to Commissioner to cause survey to be made of Lands applied for under previous Regulations. 88. It shall be lawful for the Commissioner within three months after notice shall have been given in the *Government Gazette* for the Province of Auckland to cause to be surveyed at the applicant's cost (which shall be paid by such applicant before the Crown Grant shall be issued) all lands remaining unsurveyed which shall have been applied for and the application granted under any regulations relating to unsurveyed lands heretofore in force within the Province of Auckland.

Powers of Commissioner. 89. Any Commissioner appointed under this Act shall possess exercise and perform all the rights powers acts and duties which the Waste Land Board under the Waste Lands Regulations published in the *New Zealand Government Gazette* dated the ninth day of February 1855 and the

Waste Lands Commissioner under the Waste Lands Regulations published in the *New Zealand Government Gazette* dated the fourteenth day of May 1856 respectively possessed or could exercise and perform so far as may be necessary to complete carry out or compel the performance of any contract or agreement or other matter whatsoever which may have been lawfully made entered into or commenced but not completed under the said Waste Land Regulations respectively before the commencement of this Act.

90. Throughout this Act in the construction thereof the word "Governor" shall mean the person for the time being lawfully administering the Government of the Colony of New Zealand and unless there be something in the subject or context repugnant to such construction words importing the singular number only shall include the plural and words importing the plural number only shall include the singular and words importing the masculine gender only shall include females. Interpretation.

91. This Act may be cited for all purposes as the Short Title, "Auckland Waste Land Act 1858."

SCHEDULE.

OCCUPATION OF CROWN LANDS.

1. All persons requiring licences for runs on unoccupied portions of the Crown Lands or for portions of the same which they now occupy shall lodge a description of such run (as near as may be in the form B hereunto annexed) with the Waste Land Commissioner.

2. If no objection exists to the applicant being allowed to occupy such run the Commissioner shall thereupon publicly notify that it has been claimed as a run and shall at the same time publish in the *Government Gazette* the name of the person claiming the run and the description thereof.

3. No person shall be allowed to dispute the claim of another person to any run applied for under this Act unless he shall do so within three months subsequently to the date of the publication above mentioned.

4. After the expiration of three months from the date of the said publication the applicant shall be required to pay rent for the run at the rate and in the manner after mentioned and to distinguish by marked trees or posts or in such manner as shall be satisfactory to the Commissioner such boundaries of the run as are not distinctly defined by streams or natural boundaries.

5. Any person who shall have a run or any considerable part thereof unoccupied by the requisite amount of stock for a period of six months after he shall have claimed the same shall be liable to be regarded as having abandoned such run or part thereof and if the Commissioner shall find it necessary publicly to notify that such run or part thereof has been so abandoned it shall thereupon be given into the occupation of the first applicant for it.

6. In estimating the sufficiency of stock for any run applied for the Commissioner shall not allow for natural increase in any proportions with respect to the amount of stock on the run greater than those set forth in the following scale :—

For any number of sheep up to	
500 inclusive run to be granted	
for any number not exceeding 5000 sheep	
For every additional 100 between	
500 and 1000	500
1000 and 4000	400
4000 and 5000	200
5000 and 10,000	100

} additional
} sheep.

And in no case shall a run be granted capable of containing more than 25,000 sheep. In estimating runs for great cattle one head of such cattle shall be rated as six sheep.

7. In case of any questions arising as to attempts to evade the foregoing regulations or to obtain unduly the benefits thereof, the Commissioner shall have full power to decide such questions in such manner as may most effectually carry out the true spirit and meaning of such regulations.

8. So soon after the time at which rent for a run may have become payable under this Act as the occupant may in the opinion of the Commissioner have sufficiently stocked the same he will be entitled to a licence to depasture stock upon it for fourteen years in the form A hereunto annexed and subject to the following conditions :—

1. If at any time during the currency of such licence the land comprised therein or any part thereof shall be included within the boundaries of any Hundred the said licence shall cease and determine as to so much of the land as shall be included within such boundaries from and after the day of the date of the Proclamation by which such Hundred shall be constituted.
2. If at any time during the currency of such licence the land comprised therein or any part thereof shall be sold under the provisions of this Act then and in that case also the said licence shall cease and determine as to so much of the land as shall be sold as aforesaid from and after the

day of the date of the *Provincial Government Gazette* in which notice of such sales shall be published.

3. The annual license fee shall be in all cases at least five pounds ; and each person who occupies a run shall pay annually in addition a further license fee at the rate of one pound sterling for every thousand sheep above five thousand which the run so occupied shall be estimated to be capable of containing and in the same proportion for great cattle six sheep being rated as one head of great cattle.
4. If at any time during the currency of such license such annual fees and the said annual assessment shall not be paid by the holder of it in the manner and at the time required by this Act then and in that case the said license shall cease and determine and the Commissioner shall thereupon be empowered to notify publicly the forfeiture of such license and to let the run to which it relates by public auction to the highest bidder for a term of fourteen years subject to the conditions of this Act.

9. No such license for fourteen years will be granted to any applicant for a run until he shall have said all arrears of rent and assessments which may be owing by him for such run.

10. In the event of any dispute arising between two or more claimants regarding the boundaries of their respective runs it shall be in the power of the Commissioner to make such alterations in the boundaries of their runs or any of them as he may upon enquiry judge to be just and expedient.

Issue of Timber Licences.

11. Persons occupying Waste Land of the Crown for the purpose of cutting timber will be required to pay a fee of five pounds yearly upon the issue of the license.

12. The Commissioner shall determine the extent of land to which such license shall give a right of occupancy and the licenses shall only have effect within the district specified in them.

13. No fresh applicant for a license will be permitted injuriously to interfere with a portion of forest upon which any other person may have expended capital and labour.

14. In the event of any occupant of a portion of forest upon which he may have expended any considerable sum in the formation of roads or improvements to facilitate the removal of timber wishing to resign his license he shall if in the consideration of the Commissioner he should be regarded as having established a claim to this indulgence be permitted to transfer his license and right of pre-occupancy to such person as he may select.

15. All applicants for timber licences must address their applications to the Waste Lands Commissioner stating their names and residences in full.

16. When the application has been approved it shall be forwarded to the Receiver of Land Revenue by whom upon payment of the required fee the license shall be issued.

17. No person will be allowed to cut or remove timber on or from the Crown Lands which have been reserved by Government for the public use.

as may at any time be assigned by the Commissioner subject to the provisions of the "Waste Land Act 1858."

Receiver of Land Revenue.

N.B.—If the holder of the above license shall contravene or violate any order or regulation made with respect to any of the purposes for which this license is granted the Government reserves to itself the power of declaring the license of any such person so offending to be cancelled and such license shall thereupon become null and void and shall not be pleaded in justification of any offence committed against the provisions of any Ordinance relating thereto.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

REVOCATION OF AUTHORITY ACT, 1858.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII., No. 3, 1858.

[16th March, 1858.]

AN ACT to revoke the authority given to the Superintendent Tithe. of the Province of Auckland to raise the sum of £70,000 by sale of Debentures under the "Debentures Act, 1858."

WHEREAS by the "Debenture Act 1856" it was amongst other things enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof That the said Superintendent should and might raise from time to time in the manner in the said Act prescribed by the sale of Debentures all such sums of money as the Local Legislature of the said Province should by any Act thereof direct to be raised for the completion or construction of Public Works or for other specific purposes And whereas by an Act passed by the said Superintendent with the advice and consent of the Provincial Council in the 19th year of the Reign of Her

Preamble.

Majesty Queen Victoria intituled an "Act for the Appropriation of the Revenue and other Monies for the year 1856" authority was given to the Superintendent to raise a sum of £70,000 by sale of Debentures under and in pursuance of the Provisions in that behalf contained in the said recited Act, and whereas in pursuance of the said authority the Superintendent has raised a sum of £45,000 by sale of Debentures And whereas it is expedient to revoke the authority given by the last recited Act:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof:—

- Authority to raise any further sum by sale of debentures. 1. That the authority given to the said Superintendent by the last recited Act to raise any further sum of money on account of the said sum of £70,000 is hereby revoked.
- This Act not to affect debentures already issued. 2. Nothing in this Act shall affect any liability under any Debenture heretofore issued under the authority aforesaid.
- Short Title. 3. This Act may be cited and referred to as "The Revocation of Authority Act, 1858."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

WHARF REGULATION ACT.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII., No. 4, 1858.

[22nd March, 1858.]

Title. *AN ACT to enable the Superintendent of the Province of Auckland to make Rules and Regulations relative to a Wharf or Jetty in Queen-street, in the City of Auckland.*

Preamble. WHEREAS it is advisable to enable the Superintendent of the Province of Auckland to make Rules and Regulations

relative to the using of a certain Wharf or Jetty, known as the Queen-street Wharf, in the City and Harbour of Auckland:—

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council of Auckland:

1. It shall be lawful for the Superintendent with the advice and consent of the Executive Council thereof to make Rules and Regulations for the cleanliness and management of the Wharf or Jetty. Power to Superintendent to make Rules and Regulations.

2. Such Rules and Regulations may be made for all or any of the objects following that is to say,— Objects of Rules.

1. For regulating the use of such Wharf or Jetty.
2. For regulating the duties and conduct of all persons except the Officers of Customs who shall be employed on the said Wharf or Jetty or in any work connected therewith.
3. For Regulating the admission of ships and boats near the said Wharf or Jetty.
4. For regulating the landing shipping storing depositing and removing of all goods upon or from the said Wharf or Jetty subject to the approval of the Collector of Customs.
5. For the protection of such Wharf or Jetty and all ships and boats near thereto from injury by fire and from other damages of all kinds.
6. For keeping the said Wharf or Jetty and the approaches thereto clear from obstructions and nuisances.

3. No such Rule or Regulation shall come into operation until the expiration of one month after a copy thereof shall have been published in the Provincial Government *Gazette* and the production of a copy of the said *Gazette* containing the said Rules and Regulations shall be sufficient to prove the making and publication thereof. Rules to be published in 'Gazette'

4. Nothing in this Act shall authorise the Superintendent to make any Rule or Regulation which shall in any manner interfere with the performance of any work by any person who has prior to the passing of this Act entered into any contract for the performance of any work upon the said Wharf or Jetty or in connection therewith. No power to interfere with existing contracts.

Penalty.

5. Every person who shall be guilty of any breach or non-performance of any Rule or Regulation made under the authority of this Act shall be liable to a penalty not exceeding £20 to be recovered in a summary way pursuant to the Ordinances of the Colony for the regulation of summary proceedings before Justices of the Peace.

Short Title.

6. This Act may be cited and referred to as the "Wharf Regulation Act 1858."

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

THISTLE ACT AMENDMENT ACT, 1858.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII., No. 5, 1858.

[22nd March, 1858.]

Title.

AN ACT to Amend the Law for Discouraging the Growth and Spread of Noxious Thistles,

Preamble.

WHEREAS it is expedient to amend the Law for discouraging the growth and spread of noxious Thistles: Be it therefore enacted by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof:—

Thistle Act, 1857, repealed.

1. That the Thistle Act 1857 be hereby repealed.

Superintendent to proclaim Districts.

2. It shall be lawful for the Superintendent from time to time, by proclamation in the *Provincial Government Gazette* to declare that this Act shall come into operation within any district, and thereby to proclaim the limits of the district.

Penalty after certain notice for allowing Thistles to grow.

3. Any person who shall fail to eradicate or destroy any noxious Thistles growing on land belonging to him or in his occupation situate within any district within which the

said Superintendent has heretofore declared that the said repealed Act should come into operation or within any district within which the said Superintendent shall by any such proclamation as aforesaid declare that this Act shall come into operation after he shall have received seven days' notice in writing as hereinafter mentioned shall be liable to be fined any sum not less than ten shillings or more than thirty shillings for every day that such Thistles shall be permitted to grow.

4. It shall be lawful for the owner or occupier of any Land within any such district or for any person to be appointed by the said Superintendent for that purpose to serve a notice in the form or to the effect in Schedule A. to this Act annexed by delivering the same personally to or leaving the same at the last known residence of the person owning or occupying the land within any such district whereon any such Thistles shall be growing. Persons who may serve notice.

5. In case any such Thistles shall be growing upon any unoccupied Land or upon Land the ownership of which cannot be ascertained, then it shall be lawful for the owner or occupier of any Land within any such district or for any person who shall be appointed by the said Superintendent for that purpose, to cause a notice to be published in two consecutive numbers of at least two newspapers published within the Province of Auckland in the form or to the effect in the Schedule B. to this Act annexed. In case no occupier, notice to be published.

6. If the Thistles upon any such land as last mentioned shall not be eradicated or destroyed within ten days from the date of the last publication of such notice, it shall be lawful for any Resident Magistrate or two Justices of the Peace having jurisdiction within the district to make an order authorising any person or persons to be therein named to enter into or upon such land, and eradicate or destroy all noxious Thistles growing thereon. And in case it shall be proved on oath to the satisfaction of any such Resident Magistrate or any two such Justices that any costs have been incurred in eradicating or destroying such Thistles, it shall be lawful for the said Resident Magistrate or Justices to make an order under his or their hands for the payment of such costs to the person or persons who shall have incurred the same, which order shall be filed with the Clerk of the Resident Magistrate's Court sitting at Auckland. If Thistles not destroyed Justices may make order.

7. Any person who shall enter upon the occupation of any Land in respect of which any such order shall have Costs ordered to be a charge on the land.

been made as aforesaid and continue in occupation thereof for one week after the amount so ordered to be paid shall have been demanded shall be liable to pay the same to the person or persons named in such order or to any one of them.

For the purposes of this Act, Superintendent may direct an expenditure.

8. It shall be lawful for the Superintendent to direct any sum or sums of money out of any appropriation made for such purpose by the Provincial Council, to be laid out and expended in eradicating or destroying any noxious Thistles growing upon any waste lands of the Crown, or upon any lands belonging to the Aboriginal Natives, or on any Public Road or Reserve, or on any unoccupied Land, or upon any Land the ownership whereof cannot be ascertained.

Power to appoint persons to enter upon lands for the purpose of ascertaining the existence of Thistles.

9. It shall be lawful for the Superintendent to authorise any person or persons to enter upon any land situated within any such district for the purpose of ascertaining the existence of such Thistles therein, and eradicating or destroying the same, and no person when acting under such authority shall be deemed a trespasser.

Fines to be recoverable in a summary way.

10. All Fines imposed under the authority of this Act shall be recoverable in a summary way pursuant to the Ordinances of the Colony of New Zealand, for the regulation of summary proceedings before Justices of the Peace.

Proceedings taken under repealed Act to be deemed to have been taken under this Act.

11. All Notices served and other proceedings taken under the provisions of Thistles Act 1857 shall be deemed to have been taken under this Act.

Short Title.

12. This Act may be cited and referred to as the "Thistle Act 1858."

SCHEDULE A.

To Mr.

Take notice that there are certain noxious Thistles growing upon land, within the District now in your occupation, and that unless you eradicate or destroy the same within ten days from the service hereof upon you, I shall proceed against you under the "Thistle Act, 1858," for the penalty inflicted by the said Act.

Dated this day of 185

[Signature.]

N.B.—The land referred to in the above Notice is situated (describe the situation of the land.)

SCHEDULE B.

Whereas certain noxious Thistles are growing on land in District, the owner of which land cannot be ascertained by me after reasonable enquiry :

This is to give notice that if the Thistles on such land are not eradicated or destroyed within the time limited by the "Thistle Act, 1858," the said Thistles will be destroyed according to the provisions of the said Act, and an order applied for under the said Act to charge the expenses on the said land.

N.B.—The Land referred to in the above Notice is situated *(describe the situation of the land.)*

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

CITY AND HARBOUR ENDOWMENTS ACT, 1858.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII., No. 6, 1858.

[24th March, 1858.]

AN ACT to enable the Superintendent of the Province of Auckland to borrow money upon the security of certain Lands granted to him under the "Public Reserves Act, 1854." Title.

WHEREAS the several allotments of land mentioned in Schedule A to this Act annexed have been granted by His Excellency the Governor of New Zealand under the powers contained in Act passed by the General Assembly of New Zealand intituled "The Public Reserves Act, 1854" upon trust for the improvement and benefit of the City of Auckland: Preamble, reciting that allotments in Schedule A were granted under Public Reserves Act for improvement of City.

And whereas the several allotments of land mentioned in Schedule B to this Act annexed have been granted by His Excellency the Governor of New Zealand under the Reciting allotments in Schedule B for improvement of Harbour, &c.

powers contained in the said Act upon trust for the improvement of the Harbour of Auckland and the construction and maintenance of such Docks Piers and other works therein as may be deemed advisable by the said Superintendent for facilitating the trade and commerce of the City and Port of Auckland:

And whereas it is expedient to enable the Superintendent of the Province of Auckland to borrow money upon the said allotments of land in the manner and for the purposes hereinafter mentioned:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof:—

Power to Superintendent to lease or mortgage. Money raised to be applied for purposes mentioned in grant. No money to be raised until lands are reclaimed from the sea. Person advancing money not liable to see to the application.

1. It shall be lawful for the Superintendent of the Province of Auckland by and with the advice and consent of the Executive Council from time to time to alienate all or any of the said allotments of land either by mortgage or lease for any term not exceeding twenty-one years and to expend any monies which may be raised by such mortgage or lease in public works or improvements within the said City or Harbour, or to hand the same over to any Local Board which may hereafter be established for the purpose of carrying on any such public works or improvements Provided that all monies which may be raised upon any of the said allotments of land shall be applied for the purposes set forth in the grants thereof respectively Provided that no portion of the said lands situated below high-water mark shall be so alienated either by mortgage or lease until the same shall have been reclaimed from the sea Provided also that no person advancing any money upon any or either of the said allotments either by way of mortgage or as a premium for any lease shall be liable to see to the application of the money so advanced or be accountable for the misapplication or non-application of any part thereof.

Rent received from one allotment may be applied towards the payments of money due on another allotment held upon the same trusts.

2. It shall be lawful for the Superintendent to apply any rents issues or profits which may arise or become due on account of any or either of the said allotments towards the liquidation of any principal or interest which may accrue due in respect of any money borrowed upon any or either of the said allotments which are held upon the same trusts as the allotments out of which such rents issues or profits may arise or become due.

3. This Act may be cited as the "City and Harbour Short Title, Endowments Act 1858."

SCHEDULE A.

1. A portion of allotment No. 1 of Section No. 3 containing by admeasurement one rood and twelve perches (more or less) being bounded on the North by Fore-street one hundred and sixty-eight links on the East by other portion of said allotment No. 1 two hundred and eight links on the South by Shortland-street one hundred and forty-six links and on the West by Queen Street two hundred and four links.

2. Section No. 31 containing by admeasurement six acres and ten perches (more or less) being bounded on the North by Wellesley-street seven hundred and sixteen links on the East by Queen-Street four hundred and seventy links on the South-East by Grey-street five hundred links on the South by Cook-street four hundred and ninety-five links and on the West by Albert-street nine hundred and twenty-five links.

3. Section No. 35 containing by admeasurement one acre two roods and thirty-two perches (more or less) being bounded on the North-West and North by Mount-street two hundred and seventy-two links and three hundred and eighty-four links on the East and South-East by Symonds-street nineteen links and six hundred and seventeen links on the South by a line thirty links and on the South-West by Wakefield-street four hundred and seventy-one links.

4. Section No. 50 containing by admeasurement seven acres and three roods (more or less) being bounded on the North-West by Picton-street one thousand five hundred and eighty-eight links on the East by Hepburn-street one thousand three hundred and seventy-five links on the South by Ponsonby-road one thousand one hundred and sixty links.

5. A portion of Section No. 51 containing by admeasurement thirteen acres two roods and twenty-five perches (more or less) being bounded on the North by Lot No. 11 five hundred and four links on the West by Lots Nos. 10 and 11 three hundred links again on the North by Smith-street in a curve and on the North-East by a street four hundred and ten links on the East by a line one hundred and ninety-five links on the South-East by Hopetoun-street nine hundred and sixty-two links on the South by Ponsonby-road five hundred and ninety links again on the West by Lots Nos. 18 and 19 three hundred and thirty-one links again on the South by Lot No. 18 aforesaid two hundred and fifty links and again on the West by Hepburn-street eight hundred and forty-one links.

6. Section No. 52 containing by admeasurement fourteen acres and two roods (more or less) being bounded on the North by Beresford-street one thousand four hundred and fifty links on the North-East by Howe-street six hundred and sixty-five links on the South-East and South-West by Smith-street in a curve and on the West by Hepburn-street seven hundred and thirty-three links.

7. Section No. 53 containing by admeasurement eight acres (more or less) being bounded on the North-East by Howe-street four hundred and thirty-three links on the South-East by Karangahape-road five hundred and thirty-three links and five hundred and fifty-six links on the South by Ponsonby-road eight hundred and thirty links and on the North-West by Hopetoun-street one thousand and seventy-eight links and five hundred and sixty links.

SCHEDULE B.

All that portion of Section No. 2 of the City of Auckland in the parish of Waitemata in the County of Eden containing by admeasurement four acres and three roods (more or less) bounded on the North by Custom House-street one thousand one hundred and eighty links on the East South-East and South by Fore-street two hundred and sixteen links six hundred and thirty-nine links and five hundred and fifty-three links and on the West by allotments Nos. 1 2 3 4 and 5 of same Section No. 2 five hundred and ten links. Also all that piece or parcel of land in our said Colony situated below high-water mark in the Harbour of the Waitemata in the said Province of Auckland bounded on the West by a line from Acheron Point bearing North to its intersection with another line drawn between the Watchman and the Bastion. On the North by the last mentioned straight line drawn between the Watchman and Bastion to its intersection with another line bearing South to Resolution Point. On the East by the said line bearing South to Resolution Point and on the South from Resolution Point by the seaward boundary of Sections Nos. 2 and 1 of the Suburbs of Auckland and by the seaward termination of all roads in the said Suburban Sections to the West of Resolution Point by the seaward boundaries of Lot No. 1 of Section No. 31 of the City of Auckland thence by the stream or water-course to the strand in Mechanics' Bay by the strand in Mechanics' Bay by the seaward boundary of Sections Nos. 12 and 8 of the City of Auckland and by the seaward terminations of the streets in the said Sections by the seaward boundary of the Ordnance ground known as Point Britomart by Custom-House street by the seaward boundary of Sections Nos. 18 25 20 and 19 in the City of Auckland and by the seaward terminations of

all streets thereon by Drake-street by the seaward boundary of a Government Reserve in Freeman's Bay thence crossing the mouth of the Western Creek in the said Bay by the seaward boundary of Section No, 8 of the Suburbs of Auckland to Acheron Point abovenamed.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

AUCKLAND MUNICIPAL POLICE ACT, 1858.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII., No. 7, 1858.

[23d March, 1858.]

AN ACT to *Regulate the Municipal Police in the Province
of Auckland.*

N.B.—This Act was repealed by No. 10, Session 14.

APPROPRIATION ACT, 1858.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII., No. 8, 1858.

[24th March, 1858.]

AN ACT to *appropriate the Revenue for the year 1857,
and for the year 1858.*

N.B.—This Act was repealed by No. 11, Session 15.

AUCKLAND RESERVES ACT, 1858.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION VIII., No. 9, 1858.

[19th March, 1858.]

- Title.** *AN ACT to enable the Superintendent of the Province of Auckland to grant Leases of certain Lands vested in him upon Trust.*
- Preamble.** BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :
- Power to Superintendent to lease land for 21 years.** 1. It shall be lawful for the Superintendent with the advice and consent of the Executive Council from time to time to Demise or Lease by Public Auction of which at least one month's notice shall be given all or any or either of the said Allotments of Land for any term or terms of years not exceeding twenty-one years to take effect in possession at reasonable Rents or at a reasonable Rent without taking any fine or premium for making any such Lease and subject to such conditions as the said Superintendent and Executive Council shall deem fit and the rent reserved by every such Lease shall be applied for the purpose for which the land thereby leased is now held Provided always that it shall be lawful for the said Superintendent to demise or lease portions of the Lands mentioned in Schedule C, not exceeding in any case one acre as sites for Schools at a nominal Rent.
- Act not to affect existing leases.** 2. Nothing in this Act shall in any way interfere with any right or title which any person or persons hath or have in or to any or either of the Allotments of Land mentioned in Schedule A and B or either of them under or by virtue of any Lease or Agreement heretofore made or entered into in respect of such land.
- Short Title.** 3. This Act may be cited and referred to as the "Auckland Reserves Act 1858."

SCHEDULE A.

1. All that allotment or parcel of land containing one rood and one perch (more or less) being No. 12 of Section No. 4 of the Town of Auckland in the Parish of Waitemata in the County of Eden.

2. All that allotment or parcel of land containing one rood and thirty-seven perches (more or less) being No. 16 of Section No. 7 of the Town of Auckland aforesaid.

3. All that allotment or parcel of land containing one rood and three perches (more or less) being No. 8 of Section No. 15 of the Town of Auckland aforesaid.

4. All those allotments or parcels of land containing one rood and thirty-six perches (more or less) being Nos. 7 8 9 and 10 of Section No. 9 of the Town of Auckland aforesaid.

5. All that piece or parcel of land containing thirteen perches (more or less) being the western half of allotment No. 17A of Section No. 4 of the Town of Auckland aforesaid.

6. All that allotment or parcel of land containing two roods and sixteen perches (more or less) being No. 1 of Section No. 31 of the Town of Auckland aforesaid.

7. All that allotment or parcel of land containing seven acres and one rood (more or less) being No. 21A of Section No. 11 of the Suburbs of Auckland aforesaid.

8. All that allotment or parcel of land containing fourteen acres and eight perches (more or less) being No. 8A of Section No. 12 of the Suburbs of Auckland aforesaid.

9. All that allotment or parcel of land containing fifty-three acres (more or less) being No. 7A of Section No. 12 of the Suburbs of Auckland aforesaid.

10. All that allotment or parcel of land containing twenty-seven acres and twenty-three perches (more or less) being No. 17A of Section No. 12 of the Suburbs of Auckland aforesaid.

11. All that allotment or parcel of land containing four acres and one rood (more or less) being No. 14A of Section No. 12 of the Suburbs of Auckland aforesaid.

12. All those allotments or parcels of land containing one hundred and two acres one rood and twenty-four perches (more or less) being Nos. 14 15 16 17 and 20 of the Parish of Takapuna County of Eden aforesaid.

13. All that allotment or parcel of land containing thirty-one acres and two roods (more or less) being No. 18 of Section No. 9 of the Suburbs of Auckland aforesaid.

14. All that allotment or parcel of land containing forty acres (more or less) being No. 24 of Section No. 6 of the Suburbs of Auckland aforesaid.

15. All that Section containing three acres three roods and twenty-seven perches (more or less) being Section No. 98 of the Suburbs of Auckland aforesaid.

16. All that allotment or parcel of land containing twelve acres (more or less) situated in the Suburbs of Auckland aforesaid being allotment No. 41 of Section No. 3.

17. All that allotment or parcel of land containing by ad-measurement three acres and fourteen perches (more or less) situated in the Suburbs of Auckland aforesaid being allotment No. 1 of Section No. 99.

SCHEDULE B.

1. All that allotment or parcel of land containing by ad-measurement three acres (more or less) situated in the Town of Auckland aforesaid being No. 1 of Section No. 10.

2. All those allotments or parcels of land containing one rood and thirty-six perches (more or less) situated in the Town of Auckland aforesaid and being Nos. 11 12 13 and 14 of Section No. 9.

3. All those allotments or parcels of land containing sixteen acres and twenty perches (more or less) situated in the Suburbs of Auckland aforesaid and being Nos. 2c 2d 2e and 2f of Section No. 10.

4. All those allotments or parcels of land containing one acre one rood and twenty perches (more or less) situated in the Town of Auckland aforesaid and being Nos. 14 15 16 17 and 18 of Section No. 22.

5. All those allotments or parcels of land containing fourteen acres one rood and twenty-seven perches situated in the Suburbs of Auckland aforesaid and being Nos. 18 and 19 of Section No. 4.

6. All that allotment or parcel of land containing one hundred and fifty-five acres (more or less) situated in the Parish of Pakuranga in the County of Eden aforesaid and being farm No. 59.

7. All that piece or parcel of land situated in the Parish of Pakuranga aforesaid containing fifty-three acres (more or less) being part of farm No. 17.

8. All that allotment or parcel of land containing nine acres and one rood (more or less) situated in the Suburbs of Auckland aforesaid and being No. 9 of Section No. 95.

9. All those allotments or parcels of land containing nineteen acres and two roods (more or less) situated in the Suburbs of Auckland aforesaid being Nos. 23A and 23B of Section No 6.

10. All that allotment or parcel of land containing five acres (more or less) situated in the Parish of Takapuna aforesaid and being No. 20 of Section No. 2.

11. All that allotment or parcel of land containing three acres (more or less) situated in the Suburbs of Auckland aforesaid and being No. 2 of Section No. 15.

12. All those allotments or parcels of land containing four acres (more or less) situated in the City of Auckland aforesaid and being Nos. 20 and 21 of Section No. 9.

SCHEDULE C.

1. All those allotments or parcels of land containing thirty-seven acres three roods and twelve perches (more or less) being lots Nos. 57 70 74 83 and 95 of Section No. 16 of the Suburbs of Auckland aforesaid.

2. All those allotments or parcels of land containing five acres three roods and thirty-seven perches (more or less) being lots Nos. 65 68 73 76 119 120 and 165 of the Village of Mahurangi in the Parish of Mahurangi in the County of Marsden in the Province of Auckland aforesaid.

3. All those allotments or parcels of land containing twenty-nine acres three roods and thirty-seven perches (more or less) being lots Nos. 30 52 91 99 122 123 135 and 152 of the Village of Matakana in the Parish of Mahurangi in the County of Marsden in the Province of Auckland aforesaid.

4. All those allotments or parcels of land containing two acres two roods and fifteen perches (more or less) being lots Nos. 12 13 14 15 16 and 17 of Section No. 2 of the Village of Pura Pura in the Parish of Waiuku East in the County of Eden in the Province of Auckland aforesaid.

5. All those allotments or parcels of land containing two acres one rood and twenty-four perches (more or less) being lots Nos. 43 44 45 46 58 59 60 and 61 of Section No. 8 of the Village of Drury in the Parish of Opaheke in the County of Eden in the Province of Auckland aforesaid.

AUCKLAND RESERVES ACT.

6. All that allotment or parcel of land containing one acre (more or less) being lot 1 of Section 8 of the Village of Otahuhu in the Parish of Manurewa in the County of Eden.

7. All that allotment or parcel of land containing two roods and twenty-five perches (more or less) being lot 1 of Section 3 of the Village of Panmure in the Parish of Waitemata in the County of Eden.

8. All that allotment or parcel of land containing one acre (more or less) being lot 36 of Section 2 in the Parish of Takapuna in the County of Eden.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

Session IX.

ROAD ACT, No 1, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IX., No. 1, 1858.

[21st December, 1858.]

AN ACT to close up a certain Road in the Parish of Wai-^{Title.}
temata in the Province of Auckland and to authorise
the Governor to grant the Land occupied by the said
Road to James Williamson and to open a new line of
Road over certain other Lands in the said Parish the
property of the said James Williamson.

WHEREAS it is expedient to close up the Road mentioned ^{Preamble.}
and described in the Schedule A to this Act annexed and
to open a new Road in lieu thereof over the Land de-
scribed in Schedule B to this Act annexed And whereas
the said Road so to be closed up as aforesaid passes
through certain Lands the property of James Williamson
And whereas the Land mentioned and described in the
said Schedule B is the property of the said James Wil-
liamson who has consented that the same should be laid
out as a Public Highway upon receiving compensation ac-
cording to the terms of "The Diversion of Roads Act
1858."

Be it therefore enacted by the Superintendent of the
Province of Auckland by and with the advice and consent
of the Provincial Council thereof as follows :

Road in Schedule A to be closed. 1. From and after the passing of this Act the said Road mentioned and described in the Schedule A to this Act annexed shall be closed.

Land may be granted to James Williamson. 2. It shall be lawful for His Excellency the Governor of New Zealand to grant the land occupied by the said Road to the said James Williamson his heirs and assigns in fee simple.

Land described in Schedule B to be opened as a Road. 3. From and after the passing of this Act the Land mentioned and described in Schedule B to this Act shall be opened as a new line of Road and the same shall for ever thereafter be used as and be a public Highway.

Superintendent may pay compensation. 4. It shall be lawful for the said Superintendent from and out of the Public Revenue of the Province of Auckland to pay to the said James Williamson his heirs or assigns such compensation as may be awarded under the provisions of the "Diversion of Roads Act 1858."

Short Title. 5. The Short Title of this Act shall be "The Road Act No. 1 1858."

SCHEDULE A.

A Road 50 links in width and 1043 links in length running from an angle on the Eastern side of the Epsom Road to the Scoria Reserve at Mount St. John through Farm No. 12, as the same is marked on the Large General Plan deposited in the Waste Land Office.

SCHEDULE B.

A Road commencing about 60 yards South of the junction of the Great South Road with the Green Road from Mount Hobson to Epsom and going through the property of James Williamson Esq. in a Westerly direction to the Scoria Reserve at Mount St. John as marked upon the Large General Plan deposited in the Waste Land Office.

ROAD ACT, No. 2, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IX., No. 2, 1858.

[21st December, 1858.]

AN ACT *to open a Road over certain Lands in the Parish Title.*
of Manurewa in the Province of Auckland.

WHEREAS it is desirable to open a line of Road over ^{Preamble.}
certain Lands in the Parish of Manurewa, the property of
William Thorne Buckland described in the Schedule to
this Act annexed, and the said William Thorne Buckland
has consented that the same should be laid out as a
Public Highway upon receiving compensation according to
the terms of the "Diversion of Roads Act 1858."

Be it therefore enacted by the Superintendent of the
Province of Auckland with the advice and consent of the
Provincial Council thereof as follows :

1. From and after the passing of this Act the land ^{Land described in}
mentioned and described in the schedule to this Act shall ^{Schedule to be}
be opened as a new line of Road and the same shall for ^{opened as a Road.}
ever thereafter be used as and be a public Highway.

2. It shall be lawful for the said Superintendent from Superintendent
and out of the Public Revenue of the Province of Auck- ^{may pay compen-}
land to pay to the said William Thorne Buckland his ^{sation.}
heirs or assigns such compensation as may be awarded
under the provisions of the "Diversion of Roads Act,
1868."

3. The Short Title of this Act shall be "The Road ^{Short Title.}
Act No. 2 1858."

SCHEDULE.

A Road commencing at the N.W. corner of lot 68 of the Parish of Manurewa County of Eden proceeding in an Easterly direction along the Southern boundary of Fairburn's Grant till it meets and terminates at the Road lying between Fairburn's Grant and lot No. 55 of the Parish of Manurewa as marked upon the Large General Plan in the Waste Land Office which Road 66 feet in width will be bounded on the North by Fairburn's Grant 4500 links on the South by remaining portion of lot 68 and 15 4500 links or thereabouts.

Printed under the authority of the Government of the Province of Auckland, by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

LICENSING ACT, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XI., No. 3, 1858.

[24th December, 1858.]

AN ACT to repeal the Laws for Regulating the Sale of Fermented and Spirituous Liquors and to make other Provisions in lieu thereof.

N.B.—This Act was repealed by No. 6, Session 15.

AUCKLAND BUILDING ACT, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION IX., No. 4, 1858.

[24th December, 1858.]

AN ACT for the Regulation of Buildings Party Walls and Title.
Chimneys within the City of Auckland.

WHEREAS an Act was passed by the Superintendent of the **Preamble.**
Province of Auckland with the advice and consent of the
Provincial Council thereof intituled "The City of Auck-
land Building Act 1856," and it is expedient that the
provisions thereof should be amended and for that purpose
that the said Act should be repealed :

BE IT THEREFORE ENACTED by the Superintendent of
the Province of Auckland with the advice and consent of
the Provincial Council thereof as follows :—

1. The said recited Act is hereby repealed from the date **Repeal of recited**
when this Act shall come into force. **Act.**

2. All buildings (not commenced before the date of the **Buildings in cer-**
passing of this Act) to be erected in the several parts of the **tain parts of the**
City of Auckland specified in the Schedule marked A **city to be classi-**
hereunto annexed shall be deemed to belong to one of **fied.**
four several classes Provided always that no building
shall be deemed to have been commenced before the date
of this Act unless the same was commenced with a *bona*
fide intention of forthwith completing the same.

3. Every such building shall be placed in one of the **Classification ac-**
said classes according to the rules set forth in the Schedule **ording to Sched-**
marked B hereunto annexed. **ule B.**

4. Every such building without reference to the purpose **Buildings to be**
for which it shall be intended shall according to the class **erected according**
in which it shall be placed be built in a manner and of the **to Schedule C.**

materials and in every respect in conformity with the several particulars rules and directions specified in the Schedule marked C hereunto annexed.

Chimneys to be erected according to Schedule C.

5. Every chimney to be built within the limits of the said City shall be built in a manner and of the material and in every respect in conformity with the several particulars rules and directions specified in the Schedule marked C hereunto annexed.

Building or chimney contrary to Act to be deemed a nuisance.

6. If any builder shall build or begin to build any building or chimney in contravention of the provisions of this Act such building or chimney shall be deemed a public nuisance.

Builder to be summoned before two Justices. Proceedings thereupon.

7. Such person as the Superintendent shall in that behalf from time to time appoint shall examine and inspect all buildings and chimneys in course of erection in the said parts of the City and if any such building or chimney is not in conformity with the rules and directions of this Act then such appointee as last aforesaid shall forthwith give forty-eight hours' notice (according to the form annexed to this Act or to the like effect) to the builder foreman or principal workman on the premises to amend any irregularity which shall have been committed and if within the said forty-eight hours the builder refuse or fail to amend any such irregularity then it shall be the duty of such appointee to summon the builder of such building or chimney so irregularly built or begun to be built before any Resident Magistrate sitting at Auckland or before any two Justices of the Peace and if such builder shall fail to appear at the time and place appointed in the summons then it shall be lawful for any such Resident Magistrate or Justices and they are hereby authorised and required on proof of default of appearance as aforesaid to issue a warrant to compel such builder to appear before him or them or any other two Justices and thereupon such builder upon proof being made that this Act has not been complied with is required to enter into a bond to the said appointee in such sum as the said Resident Magistrate or Justices shall appoint for abating and taking down the said nuisance within such convenient time as the said Resident Magistrate or Justices shall appoint or otherwise for amending the same so as to be in conformity with this Act and also for paying the costs charges and expenses incurred by the said appointee in laying the information and obtaining the conviction including such compensation for loss of time for the several persons who shall have been

required to attend as the said Resident Magistrate or Justices shall think fit.

8. If the said builder on being required shall fail to enter into such bond then it shall be lawful for any Justice of the Peace and they are hereby required to commit such builder to the common gaol there to remain without bail until he shall have entered into such bond as aforesaid or until such irregular building or chimney shall have been demolished or amended or until such nuisance shall have been abated or demolished as hereinafter provided and in every case until the costs charges and expenses of all proceedings and operations in relation to such building or chimney shall have been paid or discharged Provided always that such imprisonment shall terminate at the expiration of six months from the time of such committal.

Builder refusing to enter into Bond to abate nuisance, to be committed to gaol.

9. If such builder shall when required fail to enter into such bond as aforesaid or having entered into such bond shall fail to comply with the condition thereof or if such builder cannot be arrested on such warrant as aforesaid and application shall in any such case be made by the said appointee to any such Resident Magistrate or to any two or more Justices it shall be the duty of such Resident Magistrate or Justices and either on or without such application they are hereby empowered to authorise by their written order any persons to abate or demolish such nuisance as aforesaid and also to sell and dispose of the materials thereof and out of the money arising from such sale to pay the reasonable charges of abating or demolishing such nuisance and all such costs charges and expenses aforesaid and to pay the surplus money (if any) to the said builder of such building or chimney.

Justice, on application of appointee shall, and without such application may, authorise nuisances to be abated.

10. If any workman servant labourer or other person employed in any building shall wilfully and without the direction privity or consent of the builder do anything in or about such building contrary to the provisions of this Act every such offender shall forfeit and pay for every such offence any sum not exceeding five pounds.

Workmen, &c., acting wilfully contrary to Act, liable to a penalty.

11. If at any time whilst any building or chimney is in course of construction demolition or re-construction any person shall refuse to admit the said appointee during the customary working hours to inspect such building or chimney or shall refuse or neglect to afford such appointee every assistance that may reasonably be required in or about such inspection the person so offending shall forfeit

Penalty for refusing to admit appointee to inspect building or chimney. Appointee empowered to enter, accompanied by a Constable.

and pay any sum not exceeding twenty pounds and if such appointee shall be refused admittance to make such inspection he is hereby empowered accompanied by a constable to enter upon the ground building or premises necessary to enable him to make the same.

Appointee may, if necessary for inspection, cut into, lay open, or pull down any building or chimney. 12. If any building or chimney be so far advanced that such appointee cannot ascertain whether any irregularity exists or not it shall be lawful for him to cut into lay open or pull down so much of the said building or chimney as shall be necessary to enable him to judge whether any irregularity has been committed or not Provided always that if no irregularity shall have been committed then such appointee shall cause the work so cut into laid open or pulled down to be replaced at his own expense as soon as conveniently may be.

Penalty for obstructing appointee in performance of his duty. 13. If any person shall obstruct any such appointee in the performance of the duties to be performed by him under this Act such person shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

Builder about to commence building or chimney, must give notice to appointee. 14. Any person about to commence any building or chimney shall give twenty-four hours' notice thereof in writing to the said appointee or in default thereof shall forfeit and pay any sum not exceeding ten pounds.

Building contracts contrary to the provisions of this Act to be void, save in certain cases. 15. Every contract or agreement (other than a contract or agreement in the nature of a building lease) to erect any building or chimney contrary to the provisions of this Act is hereby made void unless such building or chimney shall have been commenced to be erected before the passing of this Act.

Persons under lease bound to erect buildings not in conformity with this Act, may erect one according to the provisions hereof, and the question of compensation to be determined by arbitration. 16. If any person under any lease or agreement in the nature of a building lease shall be bound to erect any building not in conformity with the provisions of this Act such person is hereby authorised in lieu of such building to erect one according to the provisions of this Act and on the completion thereof it shall be referred to arbitrators to be appointed by the parties themselves to determine whether under all the circumstances of the case such person as aforesaid so building under lease or agreement is entitled to any and what compensation from the lessor and any other question relative thereto which the said parties may think fit to refer to such arbitrators.

17. If from any circumstances whatever no award shall be made within three months after the completion of any such building by arbitrators so to be appointed as aforesaid the said appointee shall at the request of either party determine by his award whether under all the circumstances of the case such person building under such lease or agreement as aforesaid is entitled to any and what compensation from the lessor and whether such compensation shall be by payment of money reduction of rent or both or otherwise and if by payment of money when the same shall be paid and whether by instalments or not.

If no award made within 3 months, question of compensation to be determined by appointee.

18. The said appointee is hereby empowered to examine the parties and their witnesses and to call for the production by either party of all deeds books papers and documents relating to the matters to be so determined.

Appointee at liberty to examine witnesses and call for documents.

19. Such award of the said appointee shall be in writing and shall be binding on both parties.

Award to be binding.

20. With regard to old external walls or other external enclosures of any building already built in reference to materials to be used in the repair thereof if any such wall or enclosure be not built of the materials required by this Act for external walls or other external enclosures then every part of such walls or other external enclosures may be repaired with materials of the same sort as those of which such external wall or enclosure has been already built Provided always that it shall not be lawful to raise or increase in length breadth or height any old building not built of materials required by this Act with materials of the same sort as those used in such building.

Buildings already erected may be repaired with same description of materials.

21. It shall be lawful for the said Inspector whenever he shall observe any structure already erected or in the course of erection in which from weakness of material or from any other cause there is reason to fear that danger may be apprehended to give notice thereof in writing to the builder calling upon him on his part to appoint an architect to act as an arbitrator in company with the said Inspector and to examine the building referred to by the Inspector and the decision of such arbitrators given in writing shall be final and binding upon the builder or owner Provided always that in case the said builder or owner shall fail to apprise the Inspector within twenty-four hours after receipt of the said notice that he has appointed an architect to act as his arbitrator the Inspector shall proceed to make such examination as he may think

Inspector to give notice of defects in Buildings, and steps to be taken to compel parties to remedy defects.

necessary and decide accordingly such decision shall then be as final and binding as though given by an arbitrator and the said Inspector shall within twenty-four hours from the signing thereof forward the decision of the said arbitrator and himself or of himself alone as the case may be to the said builder who shall within a time to be therein mentioned comply with such decision under penalty of any sum not exceeding one hundred pounds to be recovered in a summary way.

Certain Buildings
exempted from
operation of Act.

22. Notwithstanding anything to the contrary in this Act contained every building to be hereafter commenced and every building intended to be used as a place of Religious Worship or for the purposes of either the General or Provincial Government or a Public Concert Room Public Hall Literary or Scientific Institution standing a distance of twelve feet from the boundary of any other land shall be excepted from all the provisions of this Act provided that such building is roofed with an incombustible material and has no woodwork on its exterior.

Act not to extend
to certain Iron
Houses.

23. Notwithstanding anything in this Act contained every building on a brick or stone foundation constructed (with the exception of the windows skylights and floors) of iron shall be excepted from the provisions of this Act Provided that no such building shall abut upon any Public Street or Highway.

No wooden fence
to be more than
six feet high.

24. It shall not be lawful for any person to erect a fence any part of which shall be constructed of wood of a greater height than six feet within that portion of the City of Auckland defined in Schedule A to this Act under a penalty not exceeding twenty shillings for every yard running measurement to be recovered in a summary manner from the owner or occupier of the land upon which such fence shall be erected Provided always that no penalty be imposed under this Clause shall exceed the sum of one hundred pounds for any one offence.

No fence to form
part of any outer
wall.

25. If any person shall include any portion of a fence which shall be in part constructed of timber as a portion of an outer wall of any building such person shall forfeit and pay any sum not exceeding one hundred pounds for every such offence to be recovered in a summary manner.

Limits of Auckland.

26. The words "City of Auckland" shall for the purposes of this Act comprise the Electoral District of the City of Auckland as at present constituted.

27. The word "Builder" throughout this Act shall be construed to mean the master builder or contractor employed to execute any work or if there be no master builder or contractor so employed then the owner of the building or chimney or other person for whom or by whose order any work is being done.

28. The word "Building" (when used as a substantive) throughout this Act shall be construed to include every description of building without reference to the purposes for which it is intended.

29. The meaning of the word "Chimney" throughout this Act shall be taken to include any pipe or flue used for the purpose of carrying off smoke.

30. This Act shall come into force on the first day of January, 1859.

31. The Short Title of this Act shall be "The Auckland Building Act, 1858."

SCHEDULE A.

PARTS OF THE CITY OF AUCKLAND WITHIN OPERATION OF ACT.

All that part of the City of Auckland situate and lying between and being bounded by the south side of Custom House-street from its junction with Emily-place to its junction with Albert-street and by the east side of the last named street from its said junction with Custom House-street to its junction with Victoria-street and by the north side of the last named street from its said junction with Albert-street to its junction with Victoria quadrant and by the said quadrant from its said junction with Victoria-street to its junction with Princes-street and by the west side of the last-named street from its said junction with Victoria quadrant to its junction with Emily-place aforesaid and by the west side of Emily-place aforesaid from its said junction with Princes-street to its said junction with Custom House-street.

SCHEDULE B.

Every building rising 40 feet or more measured from the footings shall be 1st Class.

Every building rising 30 feet or less than 40 feet measured from the footings shall be 2nd Class.

Every building rising 25 feet and less than 30 feet measured from the footings shall be 3rd Class.

Every building rising less than 25 feet from the footings shall be 4th Class.

External and party-walls the minimum thickness shall be as follows:—

1st Class below the two topmost storeys	$1\frac{1}{2}$ bricks
topmost story.....	1 " "
2nd Class, below the two topmost storeys	$1\frac{1}{3}$ " "
two topmost storeys	1 " "
3rd Class, ground story	$1\frac{1}{2}$ " "
other storey or storeys	1 " "
4th Class, from base to top	1 " "

SCHEDULE C.

Every wall of a building, including chimney stacks and fire-places, must be built of sound brick or stone, laid in mortar and cement, in such manner as to produce solid work.

The lowest course of every footing for a wall shall not be less than 6 inches in thickness; the narrowest part of such footing shall be at least twice the thickness of the wall to stand thereon, and shall be reduced to four inches more than that thickness by regular offsets.

The footings of every chimney must be similar to those of the wall to which it is attached. Jambs of fire-places shall not be less than nine inches, the back shall not be less than nine inches thick to the height of one foot above the opening, no corbeling out shall be allowed to project more than nine inches from the face of the wall, except a fire-place be constructed in the internal angle of any upper room, in which case iron girders shall be used.

When flues attached to a party-wall are built opposite other flues, on the other side of the same party-wall, the thickness of the partition between the flues shall not be less than nine inches through the whole height of such party-wall, although the fronts and side partitions of the flues may be four and a half inches in thickness.

The inside of every flue must be pargeted, and the breast rendered before any wooden mantle or combustible finishing is fixed thereto.

Every fire-place shall have a slab of tile, slate, brick, or stone, not less than 18 inches wide, and at least 12 inches

longer than the breadth of the opening. Slabs to be laid on trimmer arches or iron bearers, and set in mortar so as to give when finished a thickness of not less than 7 inches of incombustible material.

Every chimney shaft shall be carried up to such a height as the security of neighbouring buildings may require but in no case shall the height of a chimney be less than three feet above the gutter or below the lowest junction with the roof.

No wooden lintels nor wooden bricks shall be allowed in the construction of any fireplace.

Parapets to walls must be twelve inches above the gutter or roof and nine inches in thickness.

PARTY WALLS.

No bond timber shall be placed in any party wall.

No recess shall be made which will render a party wall less than nine inches in thickness.

No joists or brestsummers shall be inserted in a party wall nearer than four and a half inches to the centre of the wall.

Party walls shall be carried up one foot above the gutter and roof.

Roofs of all buildings must be covered with slate iron lead or other incombustible material saving that the frames of skylights and dormer windows may be of wood.

DOOR AND WINDOW OPENINGS.

Relieving arches springing free of the ends of any lintel must be thrown over all openings except shopwindows.

No brestsummer lintel template bond plate door or window frame must be placed nearer than four inches to the exterior face of any wall.

BRESTSUMMERS TO SHOP FRONTS.

When brestsummers are used they must rest upon stone or brick piers or iron story posts.

PROJECTIONS.

In streets measuring less than thirty feet no projection balcony or cornice shall project more than twelve inches over the line of street. In streets measuring more than thirty feet in width no projection shall exceed more than eighteen inches over the line of street.

SHEEP ACT.

No verandahs balconies cornices entablatures or other finishings on the street front of any building shall be allowed to be constructed of inflammable materials.

FORM OF NOTICE.

I do hereby give you notice that the building (or as the case may be) now in progress (under or by your superintendence or orders) situated in _____ street is not conformable to the _____ in the portions thereof undermentioned (note irregularities referred to) and you are hereby required within forty-eight hours from the date hereof, to amend the same.

Dated this _____ day of _____ at the hour of _____

(Signature and address.)

Printed under the authority of the Government of the Province of Auckland, by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

SHEEP ACT.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IX., No. 5, 1858.

[24th December, 1858.]

AN ACT to repeal an Act of the Provincial Council of the Province of Auckland intituled "An Act to prevent the Scab from spreading amongst the Sheep within the Province of Auckland" and to make other provisions in lieu thereof.

N.B.—This Act was repealed by No. 14, Session 15.

APPROPRIATION ACT, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IX., No. 6, 1858.

[24th December, 1858.]

AN ACT to appropriate the Revenue for the year 1859.

N.B.—This Act was repealed by No. 11, Session 15.

LOCAL IMPROVEMENT ACT, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IX., No. 7, 1858.

[24th December, 1858.]

AN ACT to enable the Superintendent of the Province of **Title:**
*Auckland to levy Special Rates within Towns and
Villages and other portions of the Province for the
purpose of improving and maintaining in repair Roads
Streets and Thoroughfares.*

WHEREAS it is expedient to make provision for construct- **Preamble.**
ing maintaining and repairing Roads Streets and
Thoroughfares and for other improvements in the Pro-
vince of Auckland.

BE IT THEREFORE ENACTED by the Superintendent of
the Province of Auckland with the advice and consent of
the Provincial Council thereof as follows :

Superintendent may, on application of rate-payers, cause special improvements, &c. to be made.

1. Whenever a majority of the persons occupying property liable to be rated under the provisions of this Act having a frontage to any street road or thoroughfare within any Town or Village or other portion of the Province not included in any District appointed under the provisions of an Ordinance of the Legislative Council of New Zealand intituled "An Ordinance to empower Owners and Occupiers of Land within certain Districts to maintain and repair Highways and Public Works within the same and to make and levy rates for defraying the expenses thereof" shall represent in writing to the Superintendent their willingness to be specially rated for any public work required for the particular improvement of the said street road or thoroughfare such as the forming or metalling of the said street road or thoroughfare laying down of a culvert or culverts for the drainage or sewerage of the said street or road paving the footpaths or other such works it shall be lawful for the Superintendent to cause an estimate of the cost of such improvements to be prepared and then to cause an equitable rate at a certain sum for every foot or chain of frontage to be assessed and levied upon all real property having a frontage to any such street road or thoroughfare except as hereinafter excepted and as soon as one moiety of the cost of such improvement shall have been paid into the Provincial Treasury by the persons liable to be rated in respect of the property having a frontage to such street road or thoroughfare whereon such improvement is proposed to be made the Superintendent shall forthwith cause such improvement to be made Provided always that no such rate shall be assessed and levied unless the persons making such representation as aforesaid shall occupy at least one-half of the frontage to the street road or thoroughfare upon which the money to be raised by such rate is proposed to be expended.

Amount of rate to be levied.

2. No rate to be levied under this Act shall in any year exceed the sums following viz. :—

Within that part of the Electoral District of the City of Auckland defined in Schedule A of the "Building Act 1858" the sum of 2s. 6d. per foot.

Within any other portion of the said District the sum of 1s. 6d. per foot.

Within that portion of the Electoral District of the Suburbs of Auckland included within St. George's Bay Road to its junction with the Epsom Road and the Epsom Road from the said

junction to the Boundary of the Electoral District of the City of Auckland and thence by the said boundary and high-water mark to the St. George's Bay Road the sum of 1s. 0d. per foot.

Within any other part of the last-mentioned Electoral District the sum of 5s. 0d. per chain.

Within any other portion of the Province of Auckland the sum of 2s. 6d. per chain.

3. All rates levied under the authority of this Act shall be paid by the occupier of the house land or tenement rated or in case there shall be no occupier by the owner thereof but the owners of all property liable to be rated under this Act let by them to weekly or monthly tenants or in separate apartments shall be rated to and pay the rates raised under this Act instead of the occupiers thereof.

By whom rates shall be paid.

4. Every rate levied under this Act shall be paid to some person appointed by the Superintendent to receive the same by the persons liable to the payment thereof on a day to be fixed for that purpose by public notice in at least two newspapers published or generally circulated in the Province and the day so appointed for the payment of the rate shall be not less than twenty-one days from the time of giving such notice and such notice shall set forth the names of the persons liable for the payment of such rate and the amount payable by each of such persons and if the rate or any part thereof shall not be paid on the day so to be fixed for that purpose the same may be recovered in a summary manner before any Justice of the Peace.

Rates to be paid to person appointed by Superintendent, on a day to be fixed.

5. In case it shall be impossible to levy the rate due by reason of the property rateable being unoccupied or otherwise the arrears shall at any subsequent time within seven years from the date of such rate becoming due be leviable upon any goods which may be found upon such property.

Arrears to be leviable upon goods found on land.

6. Nothing in this Act contained shall authorise the said Superintendent to assess or levy any rate upon any land the property of the Crown or upon any Public Reserve not let upon lease or upon any land set apart as a site for any place of Public Worship or upon any land in the occupation of any Aboriginal Inhabitants of New Zealand unless the same is included within a grant from the Crown.

Certain lands exempt from rates.

Short Title.

7. The Short Title of this Act shall be "The Local Improvement Act 1858."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

PROVINCIAL COUNCIL ENLARGEMENT ACT.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IX., No. 8, 1858.

[8th January, 1859.]

Title.

AN ACT to Enlarge the Provincial Council.

Preamble.

WHEREAS it is expedient to enlarge the Provincial Council:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Council to consist of 35 members. 1. After the passing of this Act the Provincial Council of the said Province shall consist of thirty-five members.

Number of members to each district. 2. For the purposes of the Election of the Members of the said Council the Province shall be divided into seven Districts the names of which and the number of Members to be returned by each District to serve in the said Council shall be as follows :—

By the City of Auckland 8 members
By the Suburbs of Auckland 4 members
By the Northern Division 6 members
By the District of Marsden 2 members
By the Southern Division 8 members
By the Pensioner Settlements 4 members
By the Bay of Islands 3 members.

3. The boundaries of the said several Districts shall be the same as those set forth and described for the same Districts in the Act of the General Assembly of New Zealand intituled "The Electoral Districts Act 1858." Districts defined.

4. The several persons who have been returned to serve as Members of the said Provincial Council for the said Districts other than the Districts of the Bay of Islands Marsden and Northern Division shall for all purposes be deemed to be Members for the said Districts respectively as the same are constituted by this Act. Present members to retain their seats.

5. The several persons who have been returned to serve as Members for the Districts heretofore constituted as the Bay of Islands and the Northern Division shall for all purposes be deemed to be the Members of the said Districts respectively as constituted by this Act. Members of the Districts now altered, to retain their seats for the new Districts of the same name.

6. As soon as the Electoral Rolls for all the said Districts shall have been duly formed according to law the Superintendent shall issue Writs for the election of the additional number of Members for the several Districts respectively to serve during the remainder of the continuance of the present Council— Time when writs are to be issued. Proportion of members to each District.

- By the City of Auckland 2 members
- By the Northern Division 2 members
- By the District of Marsden 2 members
- By the Southern Division 4 members
- By the Bay of Islands 1 member.

7. The Short Title of this Act shall be the "Provincial Council Enlargement Act 1858." Short Title.

CITY AND HARBOUR ENDOWMENTS ACT AMENDMENT ACT, 1858.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IX., No. 9, 1858.

[8th January, 1859.]

Title. AN ACT to amend the "*City and Harbour Endowments Act, 1858.*"

Preamble, reciting "City & Harbour Endowments Act, 1858." WHEREAS by an Act of the Superintendent and Provincial Council of the Province of Auckland intituled the "*City and Harbour Endowments Act 1858*" power was given to the said Superintendent to borrow money upon or to lease certain Lands mentioned in Schedule B to the said Act Provided that no portion of the said lands situated below high-water mark should be alienated by way of mortgage or lease until the same should be reclaimed from the sea And whereas it is expedient that the said recited proviso should be repealed:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

- Proviso repealed. 1. The said recited proviso is hereby repealed.
- Act to be read as though proviso not inserted therein. 2. The said Act shall be read and construed as though the words "Provided that no portion of the said Lands situated below high-water mark shall be so alienated either by mortgage or lease until the same shall have been reclaimed from the sea" had not been inserted therein.
- Superintendent not to raise money except as authorised by the "*Harbour Debenture Act, 1858.*" 3. This Act shall not authorise the Superintendent to raise any further sum than the amount mentioned in the "*Harbour Debenture Act 1858*" or to raise any sum at a higher rate of interest than the rate in the said Act mentioned.

Session X.

HARBOUR ENDOWMENTS ACT, 1859.

IN THE TWENTY-SECOND YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION X., No. 1.

[12th May, 1859.]

AN ACT to enable the Superintendent of the Province of Title.
Auckland to lease certain portions of the Lands held by
him in trust for the improvement of the Harbour of
Auckland.

WHEREAS by Deed of Grant dated the 23rd day of March ^{Preamble.}
1858 His Excellency the Governor of New Zealand
granted under the powers contained in the "Public
Reserves Act 1854" certain Lands in the said grant par-
ticularly described unto the Superintendent of the Province
of Auckland upon trust for the improvement of the
Harbour of Auckland and the construction and main-
tenance of such Docks Piers and other works therein as
might be deemed advisable by the said Superintendent for
facilitating the trade and commerce of the City and Port
of Auckland :

AND WHEREAS by an Act of the said Superintendent and
Provincial Council of the Province of Auckland intituled
the "City and Harbour Endowments Act 1858" power was
given to the said Superintendent to borrow money upon or
to lease for any term not exceeding twenty-one years the

said Lands Provided that no portion of the said Lands situated below high-water mark should be alienated by way of mortgage or lease until the same should be reclaimed from the sea And whereas by a certain other Act passed by the said Superintendent and Council intituled "An Act to Amend the City and Harbour Endowments Act 1858" the said Proviso was repealed And whereas it is considered advisable to extend the limit of time fixed by the firstly-hereinbefore recited Act :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof:—

Power to Superintendent to lease lands.

1. It shall be lawful for the Superintendent of the Province of Auckland from time to time to offer for sale by Public Auction to the highest bidder at a nominal rental for any term not exceeding ninety-nine years all or any portion of the said Lands and upon payment of the premium or purchase money to execute all necessary Deeds for demising and leasing every portion of the said Lands so let as aforesaid to the purchaser thereof his Executors Administrators and Assigns for the term for which the same shall be so let anything in the firstly recited Act contained notwithstanding.

Application of proceeds.

2. All monies received by the said Superintendent by way of fine or premium for any lease executed under the authority of this Act shall be applied for the purposes set forth in the said Grant subject to the appropriation thereof from time to time by the said Provincial Council but no purchaser or lessee shall be bound to see to the application of any money so paid as aforesaid.

Power to withdraw lots.

3. It shall be lawful for the said Superintendent to withdraw from sale any lot offered for sale under the provisions of this Act.

Limitation of quantity to be leased.

4. It shall not be lawful for the said Superintendent to offer for sale under the provisions of this Act any part of that portion of the said Lands described in the said Deed of Grant which is set forth in the Schedule hereunto annexed in larger allotments than one rood or a greater quantity of such portion in any one year than two acres or a greater quantity of the remaining portion of the said Lands described in the said Deed of Grant in any one year than three acres,

5. The Short Title of this Act shall be the "Harbour Short Title. Endowments Act, 1859."

SCHEDULE.

All that piece of land bounded on the West by a line commencing at the north-western extremity of lot No. 10 of section No. 19, City of Auckland, and thence extending on a bearing of north 1600 links.

On the north by a line from the northern termination of the last described boundary on a bearing of N. 80° E., 6150 links to Point Britomart.

And on the east and south by the boundaries of the land so granted from Point Britomart to the aforementioned north-western extremity of lot No. 10 of section No. 19, as the same is more particularly shown on the Plan appended to the grant of the said lands.

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

Session XI.

CITY OF AUCKLAND DEBENTURE
ACT, 1859.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XI., No. 1, 1859.

[10th November, 1859.]

Title. *AN ACT to authorise the raising of Money by the Sale of Debentures for constructing certain Works within the City of Auckland.*

Preamble. WHEREAS by Deed of Grant dated the sixteenth day of March one thousand eight hundred and fifty-eight the allotments or parcels of land mentioned and described in the Schedule A to this Act annexed were granted by His Excellency the Governor of New Zealand under the powers contained in an Act passed by the General Assembly of New Zealand intituled "The Public Reserves Act 1854" upon trust for the improvement and benefit of the City of Auckland AND WHEREAS it is expedient to enable the Superintendent of the Province of Auckland to borrow money upon the said allotments of land in the manner hereinafter mentioned:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof:—

Power to the Su- 1. It shall be lawful for the Superintendent of the Pro-

vince of Auckland with the advice and consent of the ^{Superintendent to} Executive Council from time to time to issue debentures ^{issue Debentures.} for sums of One Hundred Pounds not exceeding in the whole the sum of Fifteen Thousand Pounds and payable at such time and place as to the said Superintendent may seem expedient and such debentures shall be in the form set forth in Schedule B to this Act annexed and be signed by the said Superintendent and the holder or bearer for the time being of every such debenture shall be entitled to all rights and remedies under and in respect of the same in like manner as though he were named therein.

2. All the said debentures so to be issued shall be ^{Debentures to be} respectively numbered arithmetically beginning with the ^{numbered arith-} number one and ascending in arithmetical progression. ^{metically.}

3. The said debentures shall bear interest at a rate not ^{Debentures to} exceeding Eight Pounds per centum per annum and the ^{bear interest.} said interest and principal upon such debentures shall be paid and payable to the holder thereof at such place and time as may be specified or provided therein.

4. The said Superintendent may offer or cause to be ^{Sale of Deben-} offered for sale by public auction or tender the said de- ^{tures.} bentures provided that the purchaser of any such debenture shall previous to the delivery thereof pay the full amount of the purchase money into the funds of the Provincial Treasury and obtain the receipt of the Provincial Treasurer whose receipt in writing shall exonerate the person paying the same from all liability in respect of the application or misapplication of the same and such receipt shall be exchanged for such debenture.

5. The holder of every such debenture shall receive the ^{Holders of every} full amount of money secured thereby together with the ^{Debenture to re-} specified rate of interest at the time or times at the place ^{ceive full amount} and in the manner respectively mentioned in or endorsed ^{of money secured} on such debenture or according to the purport thereof ^{thereby.} and the amount of every such debenture together with interest shall be charged and secured upon the said allotments or parcels of land mentioned and described in the said Schedule A and the holder or bearer for the time being of every such debenture shall also be entitled to all powers vested in mortgagees under and by virtue of the Conveyancing Ordinance of New Zealand number ten of Session two.

6. Every such debenture shall be made payable to the ^{Debentures to be}

payable to bearer. bearer thereof and shall pass by delivery only and without any conveyance assignment or endorsement.

Superintendent to make arrangements as to place where Debentures are to be made payable. 7. The said Superintendent may make all such arrangements for the payment of any debentures at any office or banking establishment in London or elsewhere as to the said Superintendent may seem desirable to secure the due and punctual payment of any such debentures or interest thereon as may be required to be paid in London or elsewhere.

Power to holder of Debenture to alter place of payment on notice. 8. The person for the time being entitled to any such debenture may from time to time alter the place of payment of the principal or interest thereof to either Auckland London Sydney or Melbourne by giving at the office of the said Superintendent six calendar months' previous notice in writing terminating on a first day of January or a first day of July of his wish to make such alteration and a memorandum of such alteration shall be endorsed on the debenture by the person receiving the notice at the time of such receipt.

Three per cent on the amount due to be invested as a sinking fund. 9. The said Superintendent shall in each and every year so long as any money shall be due and owing on account of any debentures issued under authority of this Act invest on the security of Debentures issued by the General Government or upon security of real property within the Province of Auckland a sum equal to three pounds per centum on the amount due at the time of investment upon the security of the debentures issued under this Act for the purpose of forming a sinking fund to pay off the said debentures and the interest to accrue upon all monies so invested shall from time to time be re-invested in the like manner for the like purpose.

Appropriation of money raised. 10. All monies received by the Superintendent by reason of the exercise by him of any of the powers contained in this Act shall be applied in the first place (after defraying all necessary expenses of raising the same) to refund to the General Revenue of the Province all monies due and owing or which may have at that time been advanced from the said revenue for or towards the formation of the main sewer in the city of Auckland and the balance in completing the said sewer and in supplying water to the inhabitants of the said city of Auckland.

Short Title. 11. The Short Title of this Act shall be "The City of Auckland Debenture Act 1859."

SCHEDULE A.

1. A portion of allotment No. 1 of Section No. 3 containing by admeasurement one rood and twelve perches (more or less) being bounded on the north by Fore-street one hundred and sixty-eight links on the east by other portion of said allotment No. 1 two hundred and eight links on the south by Shortland-street one hundred and forty-six links and on the west by Queen-street two hundred and four links.
2. Section No. 31 containing by admeasurement six acres and ten perches (more or less) being bounded on the north by Wellesley-street seven hundred and sixteen links on the east by Queen-street four hundred and seventy links on the south-east by Grey-street five hundred links on the south by Cook-street four hundred and ninety-five links and on the west by Albert-street nine hundred and twenty-five links.
3. Section No. 85 containing by admeasurement one acre two roods and thirty-two perches (more or less) being bounded on the north-west and north by Mount-street two hundred and seventy-two links and three hundred and eighty-four links on the east and south-east by Symonds-street nineteen links and six hundred and seventeen links on the south by a line thirty links and on the south-west by Wakefield-street four hundred and seventy-one links.
4. Section No. 50 containing by admeasurement seven acres and three roods (more or less) being bounded on the north-west by Picton-street one thousand five hundred and eighty-eight links on the east by Heppburn-street one thousand three hundred and seventy-five links on the south by Ponsonby Road one thousand one hundred and sixty links.
5. A portion of Section No. 51 containing by admeasurement thirteen acres two roods and twenty-five perches (more or less) being bounded on the north by Lot No. 11 five hundred and four links on the west by Lots Nos. 10 and 11 three hundred links again on the north by Smith-street in a curve and on the north-east by a street four hundred and ten links on the east by a line one hundred and ninety-five links on the south-east by Hopetoun-street nine hundred and sixty-two links on the south by Ponsonby Road five hundred and ninety links again on the west by Lots Nos. 18 and 19 three hundred and thirty-one links again on the south by Lot No. 18 aforesaid two hundred and fifty links and again on the west by Heppburn-street eight hundred and forty-one links.
6. Section No. 52 containing by admeasurement fourteen acres and two roods (more or less) being bounded on the north by Beresford-street one thousand four hundred and fifty links on the north-east by Howe-street six hundred and sixty-five links on the south-east and south-west by Smith-street in a

curve and on the west by Hepburn-street seven hundred and thirty-three links.

7. Section No. 53 containing by admeasurement eight acres (more or less) being bounded on the north-east by Howe-street four hundred and thirty-three links on the south-east by Karangahape Road five hundred and thirty-three links and five hundred and fifty-six links on the south by Ponsonby Road eight hundred and thirty links and on the north-west by Hopetoun-street one thousand and seventy-eight links and five hundred and sixty links.

SCHEDULE B.

No. } £100 }	Province of Auckland.	{ No. { £100
Debenture	Transferable by delivery.	

Under the authority of the "City of Auckland Debenture Act 1859."

This Debenture entitles the bearer at the Office of the Superintendent of the Province of Auckland or at the Office of the Oriental Bank Corporation in Sydney Melbourne or London at the option of the bearer to payment of the sum of One Hundred Pounds sterling on the day of one thousand eight hundred and which with interest thereon at the rate of pounds per centum per annum is hereby charged and secured upon all the Lands Messuages Tenements and Hereditaments mentioned and described in Schedule A to the said Act annexed or any of them and the Revenue thereof which interest is payable half-yearly on the day of and the day of in each year (Dividend Coupons for which are annexed)

Dated this day of one thousand eight hundred and and signed the same day in the City of

N.B.—Any change which it may be desired to make in respect of the place of payment of either principal or interest must be previously registered at the Office of the said Superintendent in Auckland and the substitution of the one place for the other endorsed hereon.

HARBOUR ENDOWMENTS ACT 1859

No. 2.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XI., No. 2, 1859.

[10th November, 1859.]

AN ACT *to enable the Superintendent of the Province of* ^{Title.}
Auckland to raise money by Lease or Mortgage of
certain Lands granted to him under an Act of the
General Assembly of New Zealand intituled "The
Public Reserves Act 1854."

WHEREAS by an Act of the General Assembly of New ^{Preamble.}
Zealand intituled "The Public Reserves Act 1854" it
was amongst other things provided that it should be
lawful for the Governor of the said Colony with the
advice of his Executive Council to grant any land
reclaimed from the sea and any land below high-water
mark in any harbour arm or creek of the sea or in any
navigable river or on the seacoast within the said Colony
either to the Superintendent of the Province and his
successors in or to which such land might be situate or
adjacent or in such other manner to such other persons
and upon such terms as should be thought fit and for
such purposes as should be specified in any such Grant
subject to the provisos hereinafter contained And it
was further provided that for the purposes of the said Act
such Superintendent and his successors should be deemed
and taken to be a Body Corporate And it was further
provided that no such lands to be granted as aforesaid to
the Superintendent of any Province and his successors
should be alienated by way of sale or mortgage or by
lease for any longer term than three years except by the
authority of some Act or Ordinance of the Provincial
Council of such Province to be passed in that behalf nor
except by deed signed by the Superintendent and sealed

with the Public Seal of the Province And whereas by deed of grant made in pursuance of the said recited power bearing date the twenty-third day of March one thousand eight hundred and fifty-eight the lands mentioned in the Schedules to this Act annexed were granted to the Superintendent of the Province of Auckland and his successors upon trust for the improvement of the Harbour of Auckland and the construction and maintenance of such docks piers and other works therein as might be deemed advisable by the said Superintendent for facilitating the trade and commerce of the City and Port of Auckland And whereas by an Act of the Superintendent and Provincial Council of the said Province intituled "The City and Harbour Endowments Act 1858" power was given to the said Superintendent by and with the advice and consent of the Executive Council of the said Province from time to time for the purposes therein mentioned to alienate all or any of the said lands either by mortgage or lease for any term not exceeding twenty-one years Provided that no portion of the said lands situated below high-water mark should be so alienated either by mortgage or lease until reclaimed from the sea And whereas by an Act of the said Superintendent and Provincial Council intituled "An Act to amend the City and Harbour Endowments Act 1858" the said last-recited proviso was repealed And whereas by an Act of the said Superintendent and Provincial Council intituled the "Harbour Endowments Act 1859" power was given to the said Superintendent from time to time to offer for sale by public auction to the highest bidder at a nominal rental for any term not exceeding ninety-nine years all or any portion of the lands mentioned in the Schedule to the said Act and upon payment of the premium or purchase money to execute all necessary deeds for demising and leasing any portion of the said lands so let as aforesaid to the purchaser thereof his executors administrators and assigns for the term for which the same should be so let And whereas doubts have arisen whether the said hereinbefore recited "City and Harbour Endowments Act 1858" gave to the said Superintendent power to mortgage the said lands in fee and it is advisable to remove such doubts:

BE IT THEREFORE ENACTED by the said Superintendent of the Province of Auckland by and with the consent of the Provincial Council thereof as follows:—

Repeal of Acts.

1. The said recited Acts of the said Superintendent and

Provincial Council are hereby repealed so far as they relate to the said lands so granted to the said Superintendent by the said hereinbefore recited deed of Grant

2. It shall be lawful for the Superintendent from time to time to offer for lease by public auction to the highest bidder at an annual rental for any term not exceeding ninety-nine years all or any portion of the land mentioned and described in Schedule B to this Act annexed and to execute all necessary Deeds for demising and leasing every portion of the said lands so let as aforesaid to the purchaser thereof his Executors Administrators and Assigns for the term for which the same shall be so let.

Power to lease land in Schedule B at an annual rental for ninety-nine years.

3. It shall be lawful for the Superintendent from time to time to offer for sale by public auction the lease for any term not exceeding ninety-nine years at a nominal rental of the whole of or any portions of the lands mentioned and described in Schedule A to this Act annexed and upon payment of the premium of purchase money from time to time to execute all necessary deeds for demising and leasing every portion of the said lands so disposed of to the purchaser thereof his Executors Administrators and Assigns for the term for which the same shall have been so let Provided always that no greater quantity than two acres of the land set forth in Schedule B to this Act annexed nor any greater quantity than three acres of any other portion of the said lands so granted as aforesaid shall be disposed of under this clause in any one year.

Power to sell the lease of lands in Schedule A for ninety-nine years.

4. It shall be lawful for the Superintendent from time to time to borrow and take up at interest not exceeding the rate of eight pounds per centum per annum on the security of the whole or of a portion of the land so granted as aforesaid such sum or sums of money as he shall from time to time think proper and to mortgage by way of conveyance in fee or by way of demise for any term of years such lands or any part or parts thereof respectively as a security to any person or persons who shall advance such sum or sums of money.

Power to borrow money on mortgage.

5. Copies of all Mortgages and Leases made under this Act shall be entered in books to be kept for that purpose by the said Superintendent which books may at all reasonable times be perused inspected and copied without fee or reward by any person whomsoever.

Copies of mortgages and leases to be open to inspection.

6. All covenants and powers implied in a conveyance of Covenants and

power implied by land by way of mortgage by virtue of an ordinance of the Governor and Legislative Council of the Colony of New Zealand Session 2 No. 10 intituled "An Ordinance to facilitate the Transfer of Real Property and to simplify the Law relating thereto" shall be implied in any Mortgage made under this Act and any notice or demand of payment required by the said ordinance to be served on the mortgagor may be served on or left at the office of the said Superintendent.

Appropriation of money. 7. All monies received by the Superintendent by reason of the exercise by him of any of the powers contained in this Act shall be applied in the first instance (after defraying all necessary expenses of raising the same) to refund to the General Revenue of the Province all monies due and owing or which may have been advanced from the said Revenue for or towards the improvement of the Harbour of Auckland and the construction and maintenance of any works therein for facilitating the trade and commerce of the City and Port of Auckland and the balance if any to the reclaiming of the said lands or some part thereof from the sea and subject thereto to the other purposes set forth in the said Grant thereof.

Limit as to amount. 8. It shall not be lawful for the said Superintendent to raise under or by virtue of this Act by way of mortgage any greater sum than Twenty-five Thousand Pounds.

Mode of leasing and mortgaging. 9. The power of leasing and mortgaging given by this Act shall be exercised by offering the land to be leased or mortgaged by public auction or tender and not otherwise Provided always that it shall not be necessary for any lessee or mortgagee to enquire whether any part of the said land has been so offered or to see to the application of any premium rent or mortgage money raised by virtue of this Act.

Short Title. 10. The Short Title of this Act shall be the "Harbour Endowments Act 1859 (No 2)."

SCHEDULE A.

All that portion of Section Number 2 of the City of Auckland in the parish of Waitemata in the County of Edeh containing by admeasurement four acres and three roods (more or less) bounded on the North by Custom

House-street one thousand one hundred and eighty links on the East South-East and South by Fore-street two hundred and sixteen links six hundred and thirty-nine links and five hundred and fifty-three links and on the West by allotments Nos. 1 2 3 4 and 5 of the same Section No. 2 five hundred and ten links Also all that piece or parcel of land in our said Colony situated below high-water mark in the Harbour of the Waitemata in the said Province of Auckland bounded on the West by a line from Acheron Point bearing North to its intersection with another line drawn between the Watchman and the Bastion On the North by the last-mentioned straight line drawn between the Watchman and Bastion to its intersection with another line bearing South to Resolution Point On the East by the said line bearing South to Resolution Point and on the South from Resolution Point by the seaward boundary of Sections Nos. 2 and 1 of the Suburbs of Auckland and by the seaward termination of all roads in the said Suburban Sections to the West of Resolution Point by the seaward boundaries of lot No. 1 of Section No. 31 of the City of Auckland thence by the stream or water-course to the strand in Mechanics' Bay by the seaward boundary of Sections Nos. 12 and 8 of the City of Auckland and by the seaward terminations of the streets in the said Sections by the seaward boundary of the Ordnance ground known as Point Britomart by Custom House-street by the seaward boundary of Sections Nos. 18 25 20 and 19 in the City of Auckland and by the seaward terminations of all streets thereon by Drake-street by the seaward boundary of a Government Reserve in Freeman's Bay thence crossing the mouth of the Western Creek in the said Bay by the seaward boundary of Section No. 8 of the Suburbs of Auckland to Acheron Point abovenamed.

SCHEDULE B.

All that portion of Section No. 2 of the City of Auckland in the Parish of Waitemata in the County of Eden containing by admeasurement four acres and three roods (more or less) bounded on the North by Custom House-street one thousand one hundred and eighty links on the East South-East and South by Fore-street two hundred and sixteen links six hundred and thirty-nine links and five hundred and fifty-three links and on the West by allotments Nos. 1 2 3 4 and 5 of the same Section No. 2 five hundred and ten links.

Session XII.

ROAD ACT No. 1, 1860.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII., No. 1, 1860.

[8th May, 1860.]

Title. *AN ACT to open a Road over certain Lands in the Parish of Wangarei, in the County of Marsden, in the Province of Auckland.*

Preamble. WHEREAS it is desirable to open a line of Road over certain Lands in the Parish of Wangarei in the County of Marsden the properties of William Bedlington George Burnett and William Mair described in the Schedule to this Act annexed :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Land described in Schedule to be opened as a Road. 1. From and after the passing of this Act the land mentioned and described in the Schedule to this Act shall be opened as a new line of Road and the same shall for ever thereafter be used as and be a public highway.

Superintendent may pay compensation. 2. It shall be lawful for the said Superintendent from and out of the Public Revenue of the Province of Auckland to pay to the said William Bedlington George Burnett and William Mair their heirs or assigns such compensa-

tion as may be awarded under the provisions of the "Diversion of Roads Act 1858."

3. The Short Title of this Act shall be "The Road Act Short Title. No. 1 1860."

SCHEDULE.

A Road commencing on the Road from Wangarei to the Bay of Islands at a point within the boundary of a parcel of land being a subdivision of lot 2 of the Parish of Wangarei County of Marsden known as William Bedlington's property 400 links or thereabouts from its northern boundary and proceeding thence in a westerly direction through the several parcels of land situated in the said lot 2 of the Parish of Wangarei known as George Burnett's and William Mair's properties to the Whau Whau block, terminating on a road through the said block as the same is marked upon a plan numbered 1000 now lying in the Waste Land Office which Road being 100 links in width will be bounded on the north by the said William Bedlington's property 280 links by the said George Burnett's property 140 and 530 links, and by the said William Mair's property 440 1145 910 360 360 830 480 and 580 links and on the South by the said William Mair's property 600 522 839 321 364 880 1,150 398 and 200 links by the said George Burnett's property 338 links and by the said William Bedlington's property 560 links or thereabouts.

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

ROAD ACT No. 2, 1860.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII., No. 2, 1860.

[8th May, 1860.]

AN ACT to open a Road over certain Lands in the Parish of Title.
*Wangarei, in the County of Marsden, in the Province of
Auckland.*

Preamble.

WHEREAS it is desirable to open a line of Road over certain Lands in the parish of Wangarei, in the county of Marsden, the property of Robert Mair, described in the Schedule to this Act annexed :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof, as follows :—

Land described in Schedule to be opened as a Road.

1. From and after the passing of this Act the land mentioned and described in the Schedule to this Act shall be opened as a new line of Road, and the same shall for ever thereafter be used as and be a public highway.

Superintendent may pay compensation.

2. It shall be lawful for the said Superintendent from and out of the Public Revenue of the Province of Auckland to pay to the said Robert Mair his heirs or assigns such compensation as may be awarded under the provisions of the "Diversion of Roads Act, 1858."

Short Title.

3. The Short Title of this Act shall be "The Road Act, No. 2, 1860."

SCHEDULE.

A Road between the Bay of Islands and Ngunguru Roads, and commencing at a point 835 links from the junction of the two Roads aforesaid and running in an easterly direction through Robert Mair's land being a portion of lot 2 of the Parish of Wangarei County of Marsden until it joins the Ngunguru Road aforesaid, where it terminates as the same is marked upon a plan numbered 1,000 now lying in the Waste Lands Office which Road 100 links in width will be bounded on the North by a portion of lot 2 aforesaid 375 links and on the South by other portions of lot 2 aforesaid 350 links or thereabouts.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

ROAD ACT No. 3, 1860.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII., No. 3.

[8th May, 1860.]

AN ACT to close up a certain portion of a Road in the Parish Title of Manurewa in the Province of Auckland and to authorise the Governor to grant the Land occupied by the portion of the Road so closed to Edmund Foley and to open a portion of Land known as Fairburn's grant now owned by the said Edmund Foley as a Public Road.

WHEREAS it is expedient to alter and divert the Road Preamble. running through certain Lands in the Parish of Manurewa in the Province of Auckland known as Fairburn's Grant by closing up a portion of the said Road on the North-East side of the present Road as described in Schedule A to this Act and by declaring that the land on the South-West side of the said Road described in Schedule B to this Act which last-mentioned Land is the property of Edmund Foley should be declared a Public Highway according to the terms of "The Diversion of Roads Act, 1858:"

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland and with the consent of the Provincial Council thereof as follows :—

1. From and after the passing of this Act that portion Part of Road des- of the said Road mentioned and described in Schedule A eribed in Schedule A to this Act shall be closed. A to be closed.
2. From and after the passing of this Act, the Land Land described in mentioned and described in Schedule B to this Act shall Schedule B to be be opened as a Public Road, and shall for ever thereafter opened as a Road. be used as and be a Public Highway.

Land described in Schedule A may be granted to Edmund Foley. 3. It shall be lawful for His Excellency the Governor of New Zealand to grant the Land described in the said Schedule A to Edmund Foley his heirs and assigns in fee simple.

Superintendent may pay compensation. 4. It shall be lawful for the said Superintendent from and out of the Public Revenue of the Province of Auckland to pay to the said Edmund Foley his heirs and assigns such compensation as may be awarded under "The Diversion of Roads Act 1858."

Short Title. 5. The Short Title of this Act shall be "The Road Act No. 3 1860."

SCHEDULE A.

A piece of Land in the Parish of Manurewa in the County of Eden forming a portion of the Road known as the Great South Road where it abuts on the Western side of the Tamaki River the boundaries of which are on the East by the Tamaki River 17 links on the North-East by Fairburn's Grant 286 links and on the South-West by a line 287 links.

SCHEDULE B.

A piece of Land in the Parish of Manurewa in the County of Eden forming part of the Land known as Fairburn's Grant and abutting on the Western side of the Tamaki River the boundaries of which are on the East by the Tamaki River 17 links on the North-East by the Great South Road as at present existing 286 links and on the South-West by a line 287 links.

APPROPRIATION ACT.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII., No. 4.

[8th May, 1860.]

AN ACT to appropriate the Revenue for the Year 1860.

N.B.—This Act was repealed by No. 11, Session 15.

AUCKLAND SAVINGS' BANK ESTATE
ACT, 1860.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XII., No. 5, 1860.

[4th May, 1860.]

AN ACT to enable the Superintendent of the Province of Auckland Title.
to convey a certain Piece of Land to the Vice-President of the
Auckland Savings' Bank and for other purposes.

WHEREAS in pursuance of an Act of the General Assem- Preamble.
bly intituled "The Auckland Reserves Act 1858" a cer-
tain Piece of Land described in Schedule C to the said
Act and therein specified by the number 4 was by Grant
dated the eighteenth day of April 1860 granted to the
Superintendent of the Province of Auckland and his Suc-
cessors :

And whereas it is expedient that the said Piece of Land shall be conveyed to the Vice-President of the Auckland Savings' Bank and his Successors Vice-Presidents of the said Bank upon trust for the purposes of the said Bank .

And whereas it is intended to erect on the said Piece of Land a Building and Offices for the purposes of the said Bank and it would be advantageous to the interests of the said Bank that the said Piece of Land and Buildings should be made available as assets of the said Bank, and that the Trustees thereof should have power to raise money upon the security thereof to answer any sudden demands of depositors in the said Bank so as to enable such Trustees to apply a large amount of the capital thereof to profitable investment under the provisions of the "Savings' Bank Act 1858:"

BE IT THEREFORE ENACTED by the Superintendent and Provincial Council of the Province of Auckland :—

Superintendent,
may convey land.

1. The said Superintendent may in manner described in the "Public Reserves Act 1854" convey to the Vice-President for the time being of the said Savings' Bank the said Piece of Land with the appurtenances as a site for the erection of Offices and for other the purposes of the said Bank.

Power to Mort-
gage.

2. It shall be lawful for the Trustees of the said Bank to declare by resolution that it is expedient that a sum of money specified in such resolution shall be raised upon the security of the said land and hereditaments for the purpose of the said Bank and thereupon the Vice-President for the time being of the said Bank may borrow or take up at interest (not exceeding Eight Pounds per centum per annum) such specified sum and may convey the said lands and hereditaments to any person or persons who shall be willing to advance the same or any part thereof by way of mortgage in the usual form and any such mortgagee or mortgagees shall have all the powers and privileges given to mortgagees by an Ordinance of the Governor and Legislative Council of the said Colony intituled "An Ordinance to facilitate the Transfer of Real Property and to simplify the Law relating thereto" and an acknowledgment of receipt in any such mortgage deed signed by such Vice-President shall be an effectual receipt for the money therein expressed and the payer of such money shall not be bound to see to the application or be accountable for the misapplication thereof.

3. All such money shall be held by the said Trustees in trust to be applied by them to meet any sudden demands that may be made upon the funds of the said Bank by any depositors therein and for no other purpose. Money raised to be held for specific purpose.

4. After the objects for which such money shall have been so raised shall have been effected the Trustees shall as soon as it is competent to them to do so repay the same with interest and shall cause a re-conveyance of the mortgaged premises to be executed to the Vice-President for the time being of the said Bank and may again in like manner as the necessity arises mortgage the same and again pay off such mortgage and so *toties quoties* Provided always that no mortgage security made under this Act shall be made redeemable at a time more than five years from the date thereof. Money borrowed to be repaid as soon as object effected.

5. This Act may be cited by the name of the "Auckland Savings' Bank Estate Act 1860." Short Title.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

PUBLIC SEAL ACT.

IN THE TWENTY-THIRD YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XII., No. 6, 1860.

[1st June, 1860.]

AN ACT to Establish a Public Seal for the Province of
Auckland. Title.

WHEREAS it is expedient by an Act of the Provincial Council of the Province of Auckland to establish the Seal heretofore used by the Superintendent of the said Province as the Public Seal of the said Province ; Preamble.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

- Seal heretofore used to be the Seal of the Province. 1. The Seal heretofore used by the said Superintendent shall be the Public Seal of the said Province.
- What Deeds, &c., signed prior to Act to be deemed to have been sealed with the Provincial Seal. 2. Every Deed and other Document which is by law required to be sealed with the Seal of the said Province dated prior to the passing of this Act shall be deemed to have been so sealed at the time of the date thereof if it shall bear on the face thereof an impression of the said Seal or an endorsement thereon in the form in the Schedule hereunto annexed bearing an impression thereunder of the said Seal attested as hereinafter required.
- Appointment of Keeper of Seal. 3. The said Public Seal shall be kept by some person to be from time to time appointed by the said Superintendent by warrant under his hand.
- Public Seal to be used only under warrant of Superintendent. 4. The Public Seal shall be used in pursuance of warrants directed to the Keeper thereof to be issued under the hand of the Superintendent and it shall be the duty of the Keeper of the said Seal to seal therewith all things specified in such warrants.
- Public Seal not to be used unless in presence of two witnesses. 5. The Public Seal shall not be used except in the presence of two witnesses one of which witnesses shall be the said Keeper of the said Seal and the said two witnesses shall sign an attestation attesting the affixing of the said Seal.
- Superintendent may make regulations for safe custody and use of Seal. 6. It shall be lawful for the Superintendent to make regulations not being contrary to the provisions of this Act for the safe custody and for the convenient using of the Public Seal.
- Short Title. 7. This Act shall be intituled and may be cited as "The Public Seal Act."

SCHEDULE.

I the undersigned the Superintendent of the Province of Auckland do hereby confirm the within (to be filled up as required.) Given under my hand and the Seal of the Province of Auckland by virtue of the "Public Seal Act,"
 this day of 18

Session XIII.

APPROPRIATION ACT, 1861.

IN THE TWENTY-FOURTH YEAR OF THE REIGN OF HER MA
QUEEN VICTORIA.

SESSION XIII., No. 1, 1861

[20th February, 1861.

AN ACT to appropriate the Revenue for the Year 1861.

N.B.—This Act was repealed by No. 11, Session 15.

HARBOUR ENDOWMENTS ACT
AMENDMENT ACT, 1861.

IN THE TWENTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 2, 1861.

[20th February, 1861.]

AN ACT to amend the Harbour Endowments Act, 1859, No. 2.

N.B.—This Act was disallowed. See *General Government Gazette*, No. 16, March 25th, 1861.

LICENSING ACT AMENDMENT ACT,
1861.

IN THE TWENTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIII., No. 3, 1861.

[27th February, 1861.]

AN ACT to amend the Licensing Act, 1858.

N.B.—This Act was repealed by No. 6, Session 15.

Session XIV.

LICENSING ACT AMENDMENT ACT,
1862, No. 1.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 1.

AN ACT for Amending the "Licensing Act, 1858."

Title.

WHEREAS under the "Licensing Act, 1858," passed by the Superintendent and Provincial Council of the Province of Auckland in the 9th Session of the same Council persons who shall sell Fermented and Spirituous Liquors not being duly licensed according to the provisions of the said Act are made liable to the penalties therein mentioned and all liquors exposed for sale in any house or premises not licensed according to the provisions of such Act are declared forfeited :

Preamble.

BE IT ENACTED by the Superintendent of the Province of Auckland by and with the consent of the Provincial Council thereof:—

1. That nothing in the Licensing Act 1858 contained therein mentioned who shall under the written authority of the Speaker of the said Provincial Council sell to any of the members and officers of the said Provincial Council any Fermented or Spirituous Liquors within any building used for the purposes of the meeting of the Provincial Speaker empowered to authorize the sale of spirituous liquors within Council Chamber.

Council or to render liable to forfeiture any liquors exposed to sale by any such person within any such building.

Indemnity for previous sale.

2. All persons who shall have at any time heretofore sold or disposed of any Fermented or Spirituous Liquors within any such building as aforesaid shall be and they are hereby respectively indemnified against all penalties incurred by reason thereof.

Short Title.

3. This Act shall be entitled "The Licensing Act Amendment Act, 1862 (No. 1)."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

LICENSING ACT AMENDMENT ACT, 1862, No. 2.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 2.

[3rd February, 1862.]

AN ACT to amend the "*Licensing Act, 1853.*"

N.B.—This Act has expired by effluxion of time.

CATTLE BRANDING REPEAL ACT.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 3, 1862.

[22nd March, 1862.]

AN ACT to Repeal "*The Cattle Branding Act*," Session 5, No. 7. Title.

WHEREAS it is expedient to Repeal an Act passed in the Preamble. Ninteenth year of the Reign of Her Majesty Queen Victoria, Session 5, No. 7, enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof :

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

1. The said recited Act is hereby repealed. Repealing Clause
2. The Short Title of this Act shall be "*The Cattle Branding Repeal Act, 1862.*" Short Title.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

 PROVINCIAL AUDITOR'S SALARY
ACT.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 4, 1862.

[7th April, 1862.]

AN ACT to fix the Salary of the Provincial Auditor of the Title.
Province of Auckland.

Preamble.

WHEREAS by an Act of the General Assembly of New Zealand intituled "The Provincial Audit Act 1861" it is enacted that it shall be the duty of the Superintendent and Provincial Council of every Province to make provision by Act for the payment of a salary to an Auditor to be appointed under such Act and also of a Deputy-Auditor while acting and for the expenses of the department And whereas an Auditor and also a Deputy-Auditor have been appointed for the Province of Auckland under the said Act:

BE IT THEREFORE ENACTED by the Superintendent of the said Province, of Auckland by and with the advice and consent of the Provincial Council thereof as follows:—

Auditor's Salary.

1. Out of the revenue of the Province of Auckland there shall be paid to the Provincial Auditor thereof a salary after the rate of two hundred pounds yearly.

Payable quarterly.

2. The said salary shall be paid quarterly on the twelfth days of February May August and November in every year without deduction or abatement except as hereinafter provided Provided also that a proportionate sum shall be paid when any Provincial Auditor for the said Province shall cease to hold that office between any two of the said days.

Deputy Auditor to receive proportionate part while acting.

3. Whenever any Deputy Provincial Auditor shall be required to perform the duties of the Provincial Auditor in accordance with the provisions of the sixth clause of the said recited Act such Deputy Provincial Auditor during the time he shall so act shall be entitled to receive such proportion of the said salary as the said Provincial Auditor would have been entitled to receive had he continued to act as Provincial Auditor such proportion to be deducted from the salary of the said Provincial Auditor.

Expenses of department.

4. There shall also be paid to the said Provincial Auditor out of the Provincial Revenue of the said Province of Auckland the sum of sixty pounds yearly to defray the expenses of the department of the said Provincial Auditor such sum to be applied in such manner as by the said Provincial Auditor shall be deemed expedient.

Short Title.

5. The Short Title of this Act shall be "The Provincial Auditor's Salary Act 1862."

ⁱ ted under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

HIGHWAYS ACT

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 5, 1862.

[22d March, 1862.]

AN ACT to *Facilitate the Making and Repairing of Highways* within the Province of Auckland. Title.

WHEREAS it is expedient to make better provision for the making and repairing of highways within the Province of Auckland and that the same should be under the direction and control of a certain number of owners and occupiers of land in certain districts in the said Province to be elected Trustees for that purpose with necessary powers :

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

1. The Ordinance No. 6 of Session 5 enacted by the Governor of New Zealand with the advice and consent of the Legislative Council thereof intituled "An Ordinance to Empower Owners and Occupiers of Land within certain Districts to Repair and Maintain Highways and Public Works within the same and to make and levy Rates for defraying the expenses thereof" is hereby repealed so far as the same relates or extends to the said Province. Repeal of Ordinance No. 6, Session 5

I.—GENERAL PROVISIONS.

I. *General Provisions.*

2. The Superintendent of the said Province may from time to time for the purposes of this Act by public notification in the *Government Gazette* for the Province of Auckland appoint and define one or more district or districts in such Province and in any such notification shall state the name by which such district respectively shall be known. Formation of Districts.

3. The majority in number of all persons being tenants in fee simple of any estate or having interest in any lands or tenements within any such district and which lands or

Majority of land owners, &c., may present memorial.

ments shall not be under demise for a term of seven years or upwards or being mortgagees in possession or lessees of land or tenements within any such district for a term of seven years or upwards may present to the Superintendent a memorial stating their desire that the further operation of this Act shall be extended to such district.

Notification to be made.

4. On the receipt of such memorial by the Superintendent he shall publish in the Gazette of the Province a notification of such receipt and shall declare that this Act shall thenceforth be in full operation within such district thereupon this Act shall come into and remain in full operation therein.

Board of Highway Trustees.

5. For each such district there shall be a Board of Trustees to be called "The Highway Trustees of the District of [*insert name of district*]" to be from time to time elected by the persons and in the manner hereinafter described.

Land made subject to assessment.

6. Subject to the provisions limitations and restrictions hereinafter contained all land in any such district save and except as hereinafter mentioned is hereby made subject to a rate not exceeding One Shilling per acre or to a rate not exceeding Three Pence in the Pound to be made upon the estimated value to sell of the lands and tenements rated thereto the choice and adoption of one or other of the forementioned rates to rest with the majority of the rate-payers as hereinafter mentioned.

Lands to be accepted.

7. Provided always that no land other than land held under grant or lease from the Crown or sites for Schools for places of Public Worship or for Burying Grounds shall be liable to be rated under the authority of this Act.

II. *Election of Trustees.*

II.—ELECTION OF TRUSTEES.

Qualification of Electors and Trustees.

8. Every person who shall have for his own use a freehold estate or interest in any lands or tenements within any such district which lands and tenements shall not be demised for a term of one year or upwards every mortgagee in possession and every lessee of land and tenements within any such district for a term of one year or upwards who shall claim to be enrolled in manner hereinafter mentioned and every person duly appointed in writing as the proxy of any such person for the purposes of this Act shall be qualified to vote at the election of trustees and upon all

such questions as may be brought before the general meeting of the electors of the district as hereinafter mentioned and any person qualified to vote as aforesaid shall be qualified to be elected as one of such trustees. Provided always that no vote shall be received at any meeting of the electors from any person whose rate made as hereinafter enacted shall be three months in arrear or from the proxy of any such person nor shall any person whose rate shall be so in arrear be qualified to be elected as trustee.

9. Every person so seized or interested as aforesaid shall for the first Trustees within a period to be specified by the Superintendent and notified by him in the *Government Gazette* for the Province of Auckland and for each succeeding body of Trustees on or before the first day of August in each year make out in writing and deliver to the person to be for that purpose appointed by the Superintendent and notified by him as aforesaid a claim to the right of voting at the election of the first and each succeeding Board of Trustees respectively and at any meeting to be held for the purpose of determining what amount of rate shall be leviable and every such claim shall be in the form in the Schedule to this Act annexed and shall be addressed to the person so appointed as aforesaid. Provided that it shall not be needful for any person who shall have established his claim to renew such claim in each or any succeeding year unless his right to vote shall be subsequently objected to or his qualification shall have been changed. Form of claim to vote.

10. The person appointed by the Superintendent to receive such claim as aforesaid shall on or before the first day of September in the first and every succeeding year cause the names of all persons who shall have proved such claims to his satisfaction to be arranged in alphabetical order and shall cause a written or printed list with their names so alphabetically arranged qualifications and descriptions with the acreage or annual value to be posted up in some conspicuous place within the district and shall sign such list and add thereto the date of such posting and a notice of the place day and hour of meeting for the election of the trustees. List of claimants to be published.

11. Any person who shall wilfully make a false claim to be enrolled in such list of voters shall in every such case be liable to a penalty not exceeding Twenty Pounds Sterling to be recovered in a summary way. Penalty for false claims.

Meeting to be held and chairman to be elected.

12. On the first Tuesday in the month next but one succeeding the date of the posting of the list of electors and on the same day in every succeeding year at the hour and place fixed for such meeting in the notice so to be given as aforesaid one-third at least of the whole number of electors of the district being present a chairman shall be elected and if one-third of such number shall not be present on the forementioned day the meeting shall stand postponed from day to day until the business of the meeting can be proceeded with.

Amount of rate to be determined at first meeting and at every annual meeting thereafter

13. At the first meeting of the electors of each district for the purposes aforesaid after the passing of this Act and at the annual meeting in every year thereafter the meeting shall determine what amount of rate or assessment shall be levied for the ensuing year under the provisions of this Act.

Election of Highway Trustees.

14. After determining the amount of rate or assessment the meeting shall proceed to nominate and elect by open voting and a majority of votes five persons being electors willing to act as trustees such election to be conducted in such manner as the chairman shall deem most convenient and the chairman of such meeting shall present in writing to the Superintendent the names of the persons so elected and such trustees so elected shall form a board to be called "The Highway Trustees for the District of " (as the case may be) three of whom shall form a quorum with authority to carry into effect the provisions of this Act.

Term of continuance in office.

15. Such trustees shall continue in office for twelve calendar months from the date of their election and until their successors shall be elected Provided always that any trustee so going out of office may be forthwith re-elected if qualified as hereinbefore provided.

Provision for determining Trusteeship in certain case.

16. If any trustee shall refuse to act or be absent from the Province four months at any one time or become bankrupt or an insolvent debtor within the meaning of any laws relating to insolvent debtors or a public defaulter or be convicted of felony or any infamous crime he shall cease to be a trustee.

Provision for extraordinary vacancy.

17. In the event of any extraordinary vacancy occurring through death incapacity sickness or resignation of any trustee or through any other cause every such vacancy shall be filled up by an election to take place at a general meeting of the electors of the district to be called by any

remaining trustee or trustees by notice signed by him or them and posted as aforesaid on the second Tuesday after such vacancy occurring or as soon thereafter as conveniently may be and every person so elected shall hold office until the time when the person in the place of whom he was chosen would regularly have gone out of office.

III.—POWERS AND DUTIES OF TRUSTEES.

III. *Powers and duties of Trustees.*

18. The trustees so elected shall as soon as conveniently may be after their election cause a schedule or assessment to be made to be called the "Assessment Book," setting forth in alphabetical order the names and descriptions of all persons seised of or interested in land by this Act made subject to the beforementioned rate respectively a description of the land of or in which they are respectively so seised or interested the name of the occupier thereof respectively the number of acres or estimated value as the case may be of such land and the amount of money payable in respect thereof respectively at the rate or assessment agreed to by the electors and the trustees shall cause such schedule or assessment to be published in the said *Gazette* and also to be posted in some conspicuous place or places within the district.

Trustees to make Schedule of assessment.

19. For the purpose of ascertaining such names descriptions number or probable number of acres and value the trustees may by themselves or one or more of them or by their servants or agents and at all reasonable times enter upon view and survey all such land without let hindrance or impediment from the owner or occupier thereof or any other person whomsoever.

Trustees may enter and view.

20. The trustees shall at the foot or end of such schedule or assessment subjoin a notice in writing signed by the chairman that any objection thereto will be heard by the said trustees at a time and place to be in such notice mentioned such time being not less than one calendar month from the date of such notice and the said trustees shall hear such objections accordingly and shall have power to amend such schedule of acreage or valuation or any part thereof if in their opinion the objections taken thereto shall be sufficient and the trustees may adjourn such meeting for the purpose of obtaining or allowing to be obtained any evidence or information which may not be produced or available at the first meeting.

Trustees to hear objections.

Appeal from Trustees.

21. It shall be lawful for any person who shall think himself aggrieved by the decision of the trustees as to the number of acres or the estimated value at which he is assessed at any time within seven days of the hearing at which such decision was made to give to the chairman three days' notice of his intention to appeal against the same to the nearest Resident Magistrate or two Justices of the Peace who are respectively hereby empowered to act in such appeal as in any ordinary civil action and on the day named in such notice such person and the said trustees or any one of them or their authorised agent or attorney shall attend upon such Resident Magistrate or two Justices or suffer judgment for default of appearance and the decision of such Resident Magistrate or two Justices shall be final and conclusive in the premises.

Costs to be awarded.

22. It shall be lawful for the Resident Magistrate or Justices of the Peace who shall hear and determine any appeal to award such costs charges and expenses as to him or them shall seem meet to be paid to or by either of the parties to the same and such costs charges and expenses when awarded against such trustees shall be payable out of the rates collected under this Act.

Assessment to be settled and deposited.

23. The Schedule or Assessment for the respective district for the first and every succeeding year shall be finally settled by the trustees in accordance with the decision of the trustees or judgment of the Resident Magistrate or Justices of the Peace and shall then be deposited at some convenient place within the district to be named by the trustees and there lie for the inspection of any person whose name shall appear therein as liable to the payment of rates or by the authorised agent of such person without payment of any fee.

Rate to be paid to collector.

24. After the deposit of the completed Assessment as hereinbefore provided such amount of the rate by this Act made payable as shall have been determined to be collected shall be paid to a Collector appointed by the trustees to receive the same on demand at the place of abode or business of the person from whom or on the premises in respect of which such rates shall be due and shall on non-payment thereof be recoverable at the suit of any such Collector by summary proceeding before any two Justices of the Peace and shall be leviable by distress and sale At the hearing of any such case the production of the "Assessment Book"

showing the name of the person so proceeded against shall be deemed *prima facie* evidence of his liability to pay the rate.

25. Subject to the provision hereinafter made the occupier of any land in respect of which the aforesaid rate is made payable shall be liable to pay the same and in the event of there being no occupier the owner thereof shall be liable

Liability of occupier and of owner.

26. If there be no occupier and the payment of the rate cannot from any cause be enforced against the owner of the premises a statement of the amount thereof and all arrears from time to time due and of the property in respect of which the same is due shall once in every year be published in the *Government Gazette* for the Province of Auckland.

Statement of arrears to be published.

27. Any person who shall enter on the occupation of any premises in respect of which any arrears whatever shall be due and continue in the occupation thereof after such arrears shall have been demanded in manner hereinbefore provided shall be liable to pay the same.

Entering tenant liable to arrears.

28. Whenever any rate or portion of a rate made upon unoccupied land of which the owner or a duly authorised agent for the owner cannot be found shall be in arrear at the expiration of four years from the time of the earliest unpaid rate upon such land becoming due the trustees may register a memorial in the office of the Registrar of Deeds for the district in which the land is situated and so *toties quoties*.

Memorial may be registered against land if rate four years in arrear.

29. The effect of such registration shall be to charge the land against which the memorial is entered in the Registrar's office with the rate or rates stated in the memorial to be unpaid.

Effect of registration.

30. The amount of money stated in such memorial or a proportionate part thereof respectively together with interest thereon at the rate of five pounds per centum per annum may be recovered by the trustees with costs of suit by action in any court of competent jurisdiction from any person who may become the owner of the land to which the memorial refers or a part thereof.

Trustees may recover amount of such memorial & interest.

31. The Trustees shall have power to keep in good repair all Highways within the limits of the District.

Trustees may repair highways,

Contribution of equal amount by Superintendent. 32. Whenever the amount of the rate authorised by the ratepayers shall have been collected, or a sufficient guarantee given to the satisfaction of the Superintendent that the amount then stated will be collected on or before a day then to be named, it shall be lawful for the Superintendent to contribute an amount equal to the amount so paid, or so guaranteed, out of any sums appropriated for such purpose by the Provincial Legislature, so far as such sums shall suffice, and having reference to priority of application when the Trustees of more than one District shall have applied; and the amount so collected, or guaranteed to be collected as aforesaid, and the money so contributed by the Superintendent shall collectively and together be applied in defraying the cost and expenses necessarily incurred in the exercise of the powers hereby given to the Trustees, and no other cost or expenses whatsoever.

Superintendent may pay money appropriated for roads, &c., to the Board. 33. It shall be lawful for the Superintendent, if he shall think fit, to commit to the said Trustees the expenditure of any monies appropriated to the construction and maintenance of roads bridges drains or other public works within the District and to pay over the same to the account of the Trustees to be expended in accordance with the specific purposes for which such monies have been appropriated.

IV. *Proceedings of Trustees.*

IV.—PROCEEDINGS OF TRUSTEES.

Trustees to elect Chairman. 34. The Trustees shall at their first meeting in each and every year elect one of their number to preside as Chairman at their meetings and the Trustee so elected shall have an original as well as a casting vote and on any vacancy occasioned by death resignation or otherwise a new election shall take place.

And may hold meetings. 35. Such Trustees may hold meetings from time to time as to them it may seem meet for the consideration and despatch of all matters appertaining to their trust and may also adjourn such meetings.

Chairman or two Trustees may convene meeting. 36. The Chairman or any two of the Trustees may from time to time as to him or them may seem meet convene a meeting of the said Trustees by giving notice in writing of the time and place of any such intended meeting specifying the business proposed to be transacted thereat and signed by the Chairman or the two Trustees calling the same such notice to be left at the usual place of abode of every other Trustee three clear days at least before such meeting.

37. The acts and resolutions of the majority of the Trustees present at any such meeting thereof duly convened and constituted shall have effect and be binding as the acts and resolutions of the whole body. Acts of majority to have effect.

38. A minute of every resolution agreed to at such meeting shall be entered in a book to be kept for that purpose and shall be signed by the Chairman and shall remain open for inspection. Minutes to be kept.

39. The Trustees shall in a book to be kept by them for that purpose enter a true account of all sums of money by them received and paid and of the several matters in respect whereof such sums shall have been received and paid. All such accounts with all vouchers and papers relating thereto together with a full abstract and balance sheet thereof signed by three at least of the Trustees shall yearly at such general meeting as aforesaid be submitted to such meeting and shall (as soon thereafter as conveniently may be) be examined and audited by two or more persons to be appointed for such purpose by such meeting. Copy of balance sheet to be published.

40. All monies found by the Auditors to be due from the Trustees under the provisions of this Act together with all such books of accounts vouchers and papers shall be forthwith paid and delivered over to the Trustees for the ensuing year. Moneys, books, &c., to be handed over to new Trustees.

V.—MISCELLANEOUS.

V. *Miscellaneous.*

41. It shall be lawful for the Trustees to employ such agents as they shall find necessary for enabling them to carry into execution the provisions of this Act and to pay such agents such remuneration as they shall think reasonable. Trustees may employ agents.

42. No Trustee shall during the continuance of his office become a contractor under the board or hold any paid office in the gift of the Trustees. Trustee not to contract or become paid agent.

43. At any general meeting convened for the purpose of this Act each ratepayer shall have one or more votes in proportion to the amount of rate at which he shall have been assessed in the said Assessment Book in manner following that is to say: Rate-payers to have one or more votes.

For any amount not exceeding £1 1 vote.

For any amount exceeding £1 and not exceeding £3	... ..	2 votes.
For any amount exceeding £3 and not exceeding £6	... ..	3 votes.
For any amount exceeding £6 and not exceeding £10	... ..	4 votes.
For any amount exceeding £10	... ..	5 votes.

Superintendent to discharge duties unfulfilled.

44. If in any case where any power or authority duty or obligation is by this Act given to or conferred or imposed upon the Trustees or any other person such Trustees or other person shall refuse or neglect to exercise perform or discharge the same respectively within fourteen days from the respective times hereinbefore specified for the exercise performance or discharge of such powers or authorities duties or obligations and if no time be respectively specified as aforesaid then at such time as the Superintendent shall think meet then and in every such case and as often as the same shall happen it shall be lawful for the Superintendent to exercise perform and discharge all or any of such duties and obligations powers and authorities and in any notice or instrument where the signature of any person so refusing or neglecting as aforesaid shall be authorised or required the Superintendent may sign the same respectively in lieu of such person so refusing or neglecting and such notice or instrument when so signed shall have the same force and effect as if signed by the person refusing or neglecting.

Interpretation clause.

45. In the construction of this Act the word "person" shall be taken to include any body corporate or body of Trustees.

Ratepaying Justices may act.

46. No Resident Magistrate or Justice of the Peace shall be deemed incapacitated to perform any duty required by this Act on the ground of his being a ratepayer.

Short Title.

47. The Short Title of this Act shall be "The Highways Act, 1862."



SCHEDULE BY THIS ACT REFERRED TO.

FORMS OF CLAIM.

To

Esquire (*The person appointed by the Superintendent to receive claims*)

I hereby give you notice that I claim to have my name enrolled as a Voter for the Election of the Highway Trustees for the District of _____ (as Landowner, Lessee, or Mortgagee in possession, as the case may be); and that the particulars of my place of abode and qualification are as follows :—

Dated the _____ day of _____ in the year 186 .

(Signed)

Christian Name and Surname of Claimant at full length.	Place of abode.	Nature of Qualification.	Number of Allotments and Section, and name of occupying Tenant, if any, and situation of Property.	Number of Acres.
James Jones	Suburbs of Auckland.	Leaseholder, or Freeholder, or both, or Mortgagee in possession, as the case may be.	Allotment _____ of Section _____ of the Parish of _____ (or part of it, as the case may be).	

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

TOWN BOARDS ACT.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 6, 1862.

[14th April, 1862.]

AN ACT to enable the Superintendent of the Province of Auckland to establish Boards within Towns and Villages for the purpose of improving the same.

N.B.—This Act was repealed by No. 17, Session 15.

ROAD ACT, No. 1, 1862.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 7, 1862.

[14th April, 1862.]

AN ACT to close up a certain Road in the Parish of Wairoa, in the Province of Auckland, and to authorise the Governor to grant the land occupied by the said Road to John Henderson, and to open a new line of Road over certain other lands in the said Parish, the Property of William Steel and of the said John Henderson.

WHEREAS it is expedient to close up the Road mentioned and described in the Schedule A to this Act annexed and to open a new Road in lieu thereof over the Land described in Schedule B to this Act annexed: And whereas the said Road to be closed up as aforesaid passes through certain Lands the property of the said John Henderson: And whereas the land mentioned and described in the said Schedule B is the property of the said William Steele and John Henderson who have consented that the same should be laid out as a Public Highway upon receiving compensation

according to the terms of "The Diversion of Roads Act 1858:"

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland by and with the advice and consent of the Provincial Council thereof as follows:—

1. From and after the passing of this Act the said Road mentioned and described in the Schedule A to this Act annexed shall be closed. Road in Schedule A. to be closed.

2. It shall and may be lawful for His Excellency the Governor of New Zealand to grant the land occupied by the said Road unto the said John Henderson his heirs and assigns in fee simple absolutely. Land may be granted to John Henderson.

3. From and after the passing of this Act the land mentioned and described in Schedule B to this Act shall be opened as a new line of Road and the same shall thereafter be used as and be a Public Highway. Land described in Schedule B. to be opened as a road.

4. It shall be lawful for the said Superintendent and out of the Public Revenues of the Province of Auckland to pay to the said William Steele his heirs or assigns such compensation as may be awarded under the provisions of the "Diversion of Roads Act 1858" not to exceed Twenty Pounds. Superintendent may pay Compensation.

5. The Short Title of this Act shall be the "Road Act No. 1 1862." Short Title.

SCHEDULE A.

A portion of the Road between Papakura and Wairoa running in a Northerly direction through Lot 1 of the Parish of Wairoa and commencing at a point 320 links from the North-East angle of said Lot 1 containing by measurement 5 acres as the same is coloured yellow upon plan numbered 1001 now lying in the Waste Land Office which road 100 links in width is bounded on the North by Lot 33 of said Parish 140 links on the East by other portion of said Lot 1 1152 links 1000 links 360 links 890 links and 2020 links on the South by other portion of same road 250 links and on the West by other portion of said Lot 1 2296 links 854 links 366 links 997 links and 1052.

SCHEDULE B.

All that piece or parcel of land being a portion of Lot No. 1 of the Parish of Wairoa County of Eden containing by admeasurement 5 acres as the same is coloured red upon a plan numbered 1001 now lying in the Waste Land Office and bounded on the North by Lot 33 of said Parish 175 links on the East by other portion of said Lot No. 1 2280 links 2405 links and 780 links and on the West by the Papakura Road 220 links and by other portion of said Lot 1 590 links 2390 links and 2380 links.

Printed under the authority of the Government of the Province of Auckland, by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

 ROAD ACT, No. 2, 1862.

IN THE TWENTY-FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 8, 1862.

[14th April, 1862.]

Title.

AN ACT to close up a certain Road in the Parish of Waiuku, in the Province of Auckland, and to authorize the Governor to grant the land occupied by the same Road to Edward Constable and to open a new line of Road over certain other lands in the said Parish the property of the said Edward Constable.

Preamble.

WHEREAS it is expedient to close up the Road mentioned and described in Schedule A to this Act annexed and to open a new Road in lieu thereof over the Land described in Schedule B to this Act annexed And whereas the said Road so to be

closed up as aforesaid passes through certain Lands the property of the said Edward Constable And whereas the Land mentioned and described in the said Schedule B is the property of the said Edward Constable who has consented that the same should be laid out as a Public Highway upon receiving a grant in fee simple of that piece or parcel of land described in Schedule A and at present used as a Public Road.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland, by and with the advice and consent of the Provincial Council thereof as follows :—

1. From and after the passing of this Act, the said Road mentioned and described in the Schedule A to this Act annexed shall be closed. Road in Schedule A to be closed.

2. It shall be lawful for His Excellency the Governor of New Zealand to grant the land occupied by the said Road to Edward Constable his heirs and assigns in fee simple. Land may be granted to Edward Constable.

3. From and after the passing of this Act the land mentioned and described in Schedule B to this Act shall be opened as a new line of Road, and the same shall for ever thereafter be used as and be a Public Highway. Land described in Schedule B to be opened as a road.

4. The Short Title of this Act shall be "The Road Act No. 2, 1862." Short Title.

SCHEDULE A.

A road on the Western side of the Village of Waiuku commencing at the South-East angle of Lot 57, of the said Village, containing by measurement one acre one rood and nine perches as the same is coloured yellow upon the plan of the Waiuku Village now lying in the Waste Lands Office which Road 100 links in width is bordered on the North by Lot 57 aforesaid 280 links and the southern boundary of said Lot 57 produced 100 links on the West by Lot 2 of the Parish of Waiuku 1000 links on the South by Lot 64 of said Village 126 links on the East by other portion of the same road 104 links again on the North by Lot 63 of said Village 50 links again on the East by said Lot 63 and 61 of said Village 800 links again on the South by said Lot 61 256 links and again on the East by other portion of same road 104 links.

SCHEDULE B.

All that piece or parcel of land being portions of Lots 61 and 63 of the Village of Waiuku containing by ad-measurement 3 roods and 11 perches as the same is coloured red upon the plan of the Waiuku Village now lying in the Waste Lands Office and bounded on the North by a Road 104 links on the East by other portions of said Lots 61 and 63 320 links on the South by a road 104 links and on the West by other portions of said Lots 61 and 63 820 links.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

INDUSTRIAL SCHOOL ACT, 1862.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 9, 1862.

[23rd April, 1862.]

Title. AN ACT to authorise the Superintendent of the Province of Auckland to hold a certain piece of land in trust as a site for the erection of an Industrial School and for other purposes.

Preamble. WHEREAS in pursuance of the "Public Reserves Act 1854" the piece of land described in the Schedule hereunto annexed was by grant dated the fourteenth day of April one thousand eight hundred and sixty-two granted to the Superintendent of the Province of Auckland and his successors Superintendents of the said Province in Trust as a Public Square :

AND WHEREAS it is expedient that a specific purpose for which such piece of land was granted be changed under the powers contained in the said "Public Reserves Act 1854" and that the same should be appropriated as a site for the

erection of a school and for other purposes connected with the maintenance and education of orphans and destitute children in the Province of Auckland :

BE IT THEREFORE enacted by the Superintendent of the Province of Auckland by and with the advice and consent of the Provincial Council thereof as follows :—

1. The said Superintendent shall henceforth stand and be possessed of the piece of land particularly described in the Schedule hereto and shall hold the same in trust as a site for the erection by public subscription of buildings to be used as a home and school for the maintenance and education of orphans and destitute children in the Province of Auckland and for other purposes connected with the Institution.

Superintendent to hold in trust the site for the Industrial School.

2. The said buildings and school shall be the property of and be under the management of such persons as may from time to time be appointed by the majority of the subscribers thereto.

Buildings to belong to persons appointed by subscribers.

3. This Act may be cited as “The Industrial School Act 1862.”

Short Title.

SCHEDULE.

All that parcel of land in the Province of Auckland in the Colony of New Zealand situate in the Parish of Waitemata and County of Eden containing by admeasurement three acres more or less and being section No. 55 of the City of Auckland bounded on the North by Smith-street six hundred links on the East by Howe-street five hundred links on the South by Hopetown-street six hundred links and on the West by Park-street five hundred links.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

AUCKLAND MUNICIPAL POLICE ACT, 1862.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 10, 1862.

[23rd April, 1862.]

Title.

AN ACT to repeal "*The Auckland Municipal Police Act 1858*" and to substitute other provisions in lieu thereof, and to regulate *Municipal Police in the Province of Auckland.*

Preamble.

WHEREAS an Act was passed by the Local Legislature of the Province of Auckland during the 8th Session thereof intituled "An Act to regulate Municipal Police in the Province of Auckland" and it is expedient that the provisions thereof should be amended and for that purpose that the said Act should be repealed:

BE IT ENACTED by the Superintendent of the Province of Auckland by and with the advice and consent of the Provincial Council thereof as follows:—

Repeal of recited Act.

I. The said recited Act is hereby repealed from and after the commencement of this Act.

Persons committing offences mentioned in this clause liable to fine.

II. Every person who shall within the Province of Auckland commit any of the offences next hereinafter specified shall for every such offence forfeit and pay a sum not exceeding five pounds (that is to say)

1. Every person playing at any Game in any Street By-way or Public Thoroughfare on the Lord's Day in the City of Auckland.

2. All persons assembling in any street or other public place on the Lord's Day to the disturbance of any congregation of worshippers.

3. Every person who shall negligently or wilfully fire any Litter Shavings or other combustible matter so as to endanger any House or other Building.

4. Every person who shall negligently carelessly or furiously ride or drive in a Public Thoroughfare any horse or vehicle.

5. Every person who shall wantonly and cruelly beat treat abuse or torture any Cattle Dog or other Domestic Animal.

6. Every occupier (and where there is no occupier every owner) of a house or other building accommodated by an opening in the public footway or roadway, giving access or light to any cellar or sunk casement who shall neglect to keep such opening securely covered and constantly closed by a substantial trap-door or by substantial rails or bars or in some other sufficient manner save only at reasonable times in the day-time when articles or things stored in such cellar or casement are in actual course and process of being lowered or brought up.

7. Every occupier (and where there is no occupier every owner) of a house or other building, who shall neglect to keep all wells in open or unenclosed places belonging to his house or premises securely covered.

8. Every person who shall convey within the Electoral Districts of the City of Auckland and of Parnell and of Newtown night soil or offensive matter from a Slaughter House along any public thoroughfare after the hour of Six o'clock in the morning and before the hour of Twelve o'clock at night or who shall shoot or cast from any conveyance any night soil offensive matter filth or ammoniacal liquor upon any street thoroughfare or public place except in such places as shall be set apart for that purpose or who shall wilfully slop or spill any such offensive matter in the removal thereof or who shall not carefully sweep and clean every place where any such offensive matter shall have been placed slopped or spilled.

9. Every person who shall sell or expose for sale or have in his possession with intent to sell any meat fish or vegetables which after due examination by the Commissioner of Police shall be condemned as unfit for human food or who shall have in his possession for the purpose of slaughtering and disposing of for human food any diseased animal unfit for such food.

10. Every person who (without due authorization) shall throw or leave earth stones or rubbish upon a public thoroughfare.

11. Every person who shall in any thoroughfare within the City of Auckland fly any kite or kites beat any carpet or carpets throw or leave glass earthenware hoops rubbish ashes offals slops or any dead animal or animal remains or offensive matter of any kind in into or upon any street lane road or other public place except some place to be appointed for that purpose or into any river creek stream or other water or leave or cause the same to be left on the bank thereof or who shall suffer any dead animal or offensive matter to remain before his premises or who shall slaughter any animal in upon or near any public street lane or other thoroughfare so that any blood or filth shall flow thereon.

12. Every person who shall place upon any part of a public thoroughfare (without any authority from the Superintendent or the Officer appointed by him) any timber stones bricks lime or other materials for building.

13. Every person who having been given such authority as last aforesaid shall occupy with such building materials more than one third of the width of the thoroughfare in front of the space to be built upon or who shall refuse or neglect on being thereto required by the Commissioner of Police or any Constable of the Police force to enclose such building materials with a hoarding of not less than six feet in height and to place on the outside of such hoarding and along the whole length thereof a planked footpath of not less than 3 feet in width with a hand-rail for the use of passengers every such refusal or neglect to be deemed a separate offence.

14. Every person who shall suspend or place any carcase meat or offal so as to overhang any part of a public thoroughfare.

15. Every person who shall within the City of Auckland permit any goods wares merchandize empty casks cases or any other things whatsoever to remain upon any carriageway or footway for a longer time than may be reasonably necessary in the course of removing the same or suffering any vehicle to remain upon any carriage-way for a longer time than may be necessary to load or unload the same so as by any such means to obstruct the free passage of any such carriage-way or footway The Commissioner of Police or any Constable is hereby authorized and empowered to seize and remove any Property causing such obstruction as aforesaid and to detain the same in some

place to be set apart for that purpose until the expense (to be ascertained and fixed by the Commissioner of Police) of removing and detaining the said Property shall be paid. If the property seized be perishable and be not claimed within 24 hours it may then be forthwith disposed of in such manner as the Resident Magistrate of the City of Auckland or in his absence any two Justices of the Peace may direct and if the Property so seized be not perishable and be not claimed within one week after being twice advertised in one at least of the newspapers published in Auckland at the time it may forthwith be sold by Public Auction the proceeds arising from the sale of any such property shall be paid into the Provincial Treasury as part of the funds thereof.

16. Every person who shall train or break Horses in a public thoroughfare within any town or village.

17. Every driver of a vehicle not driven by means of reins who shall ride thereupon there being no person on foot to guide the same, or who shall remain at such a distance from his vehicle (whether the same shall be at rest or in motion) as not to have the command of the Horses or Cattle drawing the same and every driver or rider leaving any Horse standing without being secured or some person left in charge of the same or not keeping to the left or near side of the Road when meeting any other person riding or driving, or in overtaking any such person not keeping to the off or right side for the purpose of passing or wilfully preventing any other person from passing or wilfully interrupting the free passage of any other person.

18. Every driver or conductor of any Omnibus or other Vehicle plying for hire who shall overload such Vehicle or carry therein a greater number of passengers than in the proportion of one to every eighteen inches of space provided for the accommodation of such passengers or who shall carry any passengers on the roof of such Vehicle without having a proper seat with back and side rails provided for such passengers.

19. Every person driving any Omnibus or other Vehicle plying for passenger hire who shall neglect to have legibly painted on the side and door of such Omnibus or Vehicle the number of passengers which he is entitled to carry according to the provisions of this Act.

20. Every person being the driver of or having charge of any Vehicle plying for hire who shall use as a stand any Street Lane or Thoroughfare or any part thereof except the place or places to be from time to time set apart for that purpose by the Superintendent of the Province.

21. Every person who shall wilfully encumber or obstruct a Public Thoroughfare in any way not before specially described.

22. Every person who having charge of any stallion or bull shall permit the same to cover in any Paddock Close or Land being within public view in any City Town or Village.

23. Every person who shall profanely swear or use in a public thoroughfare or place any obscene language.

24. Every person who shall indecently expose his person.

25. Every person who shall wantonly or maliciously deface injure or remove any door plate bell knocker lamp or signboard gate or other property or who shall wantonly or maliciously disturb any inhabitant by ringing any door-bell or by knocking at any door.

26. Every person who shall without lawful cause discharge any fireworks or firearms or any explosive material within the Electoral Districts of the City of Auckland.

27. Every person who shall for the purposes of sale expose or place upon any part of a Public Thoroughfare within the Electoral District of the City of Auckland any goods wares or merchandize or shall make use of any show-board projecting over any part of such thoroughfare.

28. Every person placing or permitting to be placed in front of any shop or house within the City of Auckland any awning which shall be less than 7 feet high from the footway or the poles whereof shall be placed otherwise than at the outer edge of such footway every day on which any awning of a less height than that hereinbefore specified shall be used to be considered a separate offence.

III. Every occupier who shall allow any chimney of the house occupied by him to take fire shall be fined for the first offence a sum not exceeding Two Pounds and for a

Occupier allowing chimney to take fire liable to fine.

second offence within the space of two months a sum not exceeding Five Pounds.

IV. Every person who shall commit any of the offences next hereinafter specified shall for every such offence forfeit and pay a sum not exceeding Twenty Pounds that is to say :—

Persons committing any of the offences mentioned in this clause liable to fine.

1. Every person who shall wilfully destroy or damage any public building erection bridge fence trees post gate bench sewer culvert watercourse road footway or other public work.

2. Every person who shall remove without due authority any soil stone or other material used in the formation of any road or footway.

3. Every person who shall dig or excavate without due authority upon or beneath the surface of any road or footway or who having opened any hole vault foundation or excavation in any public thoroughfare shall leave the same without being securely fenced in and shall not keep a light burning upon the said enclosure from sunset to sunrise.

4. Every person who shall without due authority encroach upon the limits of any road street or public thoroughfare.

5. Every person who shall wilfully and wantonly remove any survey-mark set up by any Government surveyor or other public authority.

V. Upon any complaint by the Commissioner of Police or other person to be appointed by the Superintendent of the existence of any nuisance within the limits of the Electoral Districts of the City of Auckland Newtown and Parnell (whether by exercise of any noisome or unwholesome trade or by the keeping of hogs or of any privy sty or receptacle of filth of any kind or otherwise howsoever so such nuisance shall arise) it shall be lawful for the Resident Magistrate acting within the District or for two Justices of the Peace to issue a notice requiring the occupier or if there be no occupier then requiring the owner of the land or property on which such nuisance shall exist to abate such nuisance within a reasonable time to be specified in such notice and the said Resident Magistrate or Justices shall cause every such notice to be forthwith served on such occupier or owner or to be affixed in some

Persons failing to abate nuisances after proof liable to fine.

conspicuous situation on such property and in case and so often as such occupier or owner shall disobey any such notice he shall for every such offence on proof of the existence of the nuisance specified in such notice forfeit and pay a sum not less than one pound nor exceeding ten pounds.

Penalty on vehicles plying for hire without a certificate of the number they are allowed to carry.

VI. Every owner of an omnibus or other public vehicle plying for passenger traffic shall obtain from the Commissioner of Police a certificate setting forth the number of passengers which such omnibus or other vehicle is capable of carrying according to the measurement of eighteen inches of space to each passenger and on neglecting to do so shall be fined any sum not exceeding two pounds every day during which such neglect shall continue to be deemed a separate offence.

Act not to affect Common Law or other Acts.

VII. Nothing in this Act shall be construed to take away or repeal any liability or penalty which at Common Law or by virtue of any Statute Ordinance or Act in force within the Province shall attach or be incurred in respect of any such offence as aforesaid.

By whom complaints to be made.

VIII. All complaints and informations under this Act shall be made and lodged by any officer or constable of the Armed Police Force or by any person to be appointed by the Superintendent provided that such officer constable or other person shall and he is hereby required to lay such information or complaint on being thereunto requested in writing by any householder.

Penalties to be recoverable in summary way.

IX. All penalties imposed by this Act shall be recoverable in a summary way.

Commencement of Act.

X. This Act shall come into operation at the expiration of one month from the publication thereof in the *Provincial Government Gazette*.

Short Title.

XI. This Act may be cited and referred to as "The Auckland Municipal Police Act 1862."

APPROPRIATION ACT, 1862.—No 2.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
 QUEEN VICTORIA.

SESSION XIV., No. 12, 1862.

[23rd April, 1862.]

AN ACT to appropriate the Revenue for 1862. Title.

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :

1. Out of the Revenue of the Province of Auckland subject to the appropriation of the Provincial Council thereof, and to any conditions expressed in this Act there may be issued and applied any sums of money for or towards the several services mentioned in Schedule 1 hereto and such sums shall be issued for and applied to the several services specified and set forth in the several divisions sub-divisions and items of sub-divisions opposite to the same in the said Schedule and not otherwise.

Certain sums to be applied to defray the charge of the Provincial Government.

2. Out of the Revenue of the Province of Auckland there shall and may be appropriated issued and applied to defray the supplementary charge for the services of the years 1858 1859 1860 and 1861 any sum or sums of money not exceeding Sixteen Thousand Four Hundred and Thirty-one Pounds Eleven Shillings and Two-pence for or towards the several services mentioned in Schedule 2 hereto and such sums shall be issued for and applied to the several services specified and set forth in the same Schedule.

Certain sums to be applied to defray supplementary charges from 1858 to 1861.

3. All moneys borrowed under the authority of any Act of the Provincial Legislature shall be deemed to be revenue of the Province of Auckland for the purposes of the Provincial Audit Act 1861.

Moneys borrowed to be deemed revenue.

4. The Provincial Treasurer or other person having charge of the Public Funds of the Province shall issue and pay from time to time any sums of money not exceeding in the whole the sums respectively specified to such persons and in such portions as the Superintendent for the time

Treasurer or other person in charge of Public Funds to pay money on warrant to Superintendent.

being shall by warrants to be granted by him from time to time direct and such Treasurer or other person having charge of the public funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sums for which such receipts shall have been given and the amounts thereof shall be passed to his account accordingly.

Persons in possession of Public Funds to pay to Treasurer, or such other person as Superintendent shall direct. Former appropriations repealed.

5. Every person who shall have possession of any Public Funds of this Province is hereby authorised and required to pay the same to the Treasurer thereof or to such other person and in such manner as the Superintendent by warrant granted under his hand shall direct.

6. All appropriations made prior to the 31st day of December 1861 of moneys not before that date expended on the specific services for which the said appropriations were recommended are hereby repealed excepting in regard to engagements already entered into by the Superintendent under such appropriations and not yet fully carried out on account of which it shall be lawful for the Superintendent to issue and apply such sums accruing from the Revenue of former years and within the limits of such appropriations as shall suffice to discharge the obligations so incurred in any cases where no provision shall have been made for the purpose in either of the Schedules hereto.

Short Title.

7. This Act may be cited and referred to as "The Appropriation Act 1862."

ESTIMATE OF THE REVENUE OF THE PROVINCE
OF AUCKLAND FOR THE YEAR 1862.

	£	s.	d.
Customs	32,000	0	0
Land Revenue	5,000	0	0
Provincial Revenue, and Repayment of Assisted Passages	9,000	0	0
Portion of Refund from the Harbour Trust Available	10,000	0	0
	<hr/>		
	£56,000	0	0
From City of Auckland Trust	2,000	0	0
	<hr/>		
	£58,000	0	0

SCHEDULE I.

ESTIMATE OF THE EXPENDITURE OF THE PROVINCE OF
AUCKLAND, FOR THE YEAR 1862.

	£	s.	d.	£	s.	d.
1. THE SUPERINTENDENT ...				800	0	0
2. THE PROVINCIAL COUNCIL:—						
Speaker (also Chairman of Committees) ...	250	0	0			
Clerk (also Librarian and Clerk of the Executive Council) ...	250	0	0			
Expenses of Members, £50 each ...	400	0	0			
Contingencies—Printing, Messenger, Clerical Assistance, &c. ...	400	0	0			
Provincial Council Library ...	100	0	0			
	<hr/>			1,400	0	0
3. SUPERINTENDENT'S OFFICE:—						
Chief Clerk and Provincial Treasurer	400	0	0			
Accountant, (also Immigration Agent)	300	0	0			
Clerk of Records ...	200	0	0			
Clerk ...	150	0	0			
Messenger (also Messenger of Waste Land Office) ...	110	0	0			
Contingencies—Postage, Stationery, Firewood, &c....	100	0	0			
	<hr/>			1,260	0	0
4. WASTE LANDS OFFICE:—						
Waste Land Commissioner ...	Nil.					
Deputy Commissioner ...	300	0	0			
Provincial Surveyor ...	350	0	0			
Draftsman (also Inspector of City Buildings) ...	300	0	0			
Second Draftsman ...	240	0	0			
Engrossing Clerk ...	150	0	0			
Extra Clerical Assistance... ..	15	0	0			
Contingencies—Stationery, Drawing Materials, Firewood, Travelling Expenses ...	100	0	0			
	<hr/>			1,455	0	0
5. ROADS AND WORKS OFFICE:—						
Engineer ...	300	0	0			
Assistant and Clerk ...	200	0	0			
Carpenter ...	150	0	0			
Contingencies—Stationery, Drawing Materials, Firewood, Travelling Expenses ...	150	0	0			
	<hr/>			800	0	0

6. HARBOURS :—

AUCKLAND—

Port Master and Pilot	£300	0	0
Assistant Pilot	120	0	0
Two Boatmen (one at £96, one at £72)	168	0	0
Signal-man	110	0	0
Harbour Master	100	0	0
Warfinger, including cost of collecting fees, (to be a charge on Harbour Trust)	250	0	0
Contingencies	150	0	0

1,198 0 0

MANUKAU—

Harbour Master and Pilot	250	0	0
Signal-man	84	0	0
Four Boatmen at £60	240	0	0
Contingencies including new Pilot Boat	100	0	0

674 0 0

RUSSELL—

Harbour Master and Pilot	150		
Two Boatmen at £6 8s. each month per ...	153	12	0
Repairs of Boat, &c.	10	0	0
Contingencies	10	0	0

323 12 0

MONGONUI—

Harbour Master and Pilot	100	0	0
---------------------------------	-----	---	---

HOKIANGA—

Harbour Master and Pilot	75	0	0
New Flag Staff, Paint, Rope, &c.	75	0	0

KAIPARA—

Harbour Master and Pilot	100	0	0
---------------------------------	-----	---	---

2,545 12 0

7. POLICE DEPARTMENT :—

Commissioner	300	0	0
Sergeant-Major, 8s. 6d. per diem	175	0	0
Two Sergeants, 7s. 6d. do.	273	15	0
Two Corporals, 6s. 6d. do.	237	5	0
Twenty Privates, 6s. do.	2,190	0	0

Four District Constables at £30 per annum ...	120	0	0	
Occasional Assistance at Russell and Mongonui	50	0	0	
Rent at Otahuhu, Papanui, and Mongonui	53	16	0	
Rations—Prisoners in Auckland Lock-up and Russell and Mongonui				
Gaols	42	0	0	
Boat Hire	30	0	0	
Stationery	10	0	0	
Firewood, Oil, &c. ...	24	0	0	
Travelling and Incidental Expenses	100	0	0	
				<u>3,515 16 0</u>
“Dog Nuisance Act” Ex- penses	30	0	0	
Inspector of Weights and Measures	100	0	0	
Contingencies	11	15	0	
				<u>141 15 0</u>
				<u>3,757 11 0</u>

8. HOSPITAL :—

Provincial Surgeon	350	0	0	
Nurse	100	0	0	
Assistant Nurse	55	0	0	
Matron	63	17	6	
Cook	55	0	0	
Rations and Medical Comforts ...	1,000	0	0	
Medicine—for Hospital, Asylum, and Prisons	160	0	0	
Firewood	120	0	0	
Washing	60	0	0	
Bedding and Clothing	150	0	0	
Sundries	50	0	0	
				<u>2,163 17 0</u>

9. LUNATIC ASYLUM :—

Head Keeper	100	0	0	
Two Keepers at £55	110	0	0	
Matron	63	17	6	
Assistant to Matron	40	0	0	
Cook	50	0	0	
Rations and Medical Comforts ...	800	0	0	
Firewood	60	0	0	
Bedding, Clothing, Washing, &c. ...	140	0	0	
Sundries	50	0	0	
				<u>1,413 17 6</u>

10. PROVINCIAL SOLICITOR 350 0 0

11. Prisons :—

Gaoler	250	0	0
Under Gaoler (Mount Eden Gaol) ...	200	0	0
Visiting Justice			
Two Turnkeys at £120 each ...	240	0	0
Eight Overseers at £100	800	0	0
Matron	60	0	0
Bedding	160	0	0
Clothing	457	0	0
Rations and Medical Comforts ...	1,690	0	0
Firewood, Tools, and Repairs ...	220	0	0
			<u>4,077</u> 0 0

12. SHEEP AND CATTLE DEPARTMENT :—

Inspector of Sheep, (also Inspector under the Thistle Act, including travelling expenses)	275	0	0
Inspector of Sheep and Thistles, and Registrars of Brands at the Bay of Islands and Mongonui £50 each ...	100	0	0
			<u>375</u> 0 0

13. MISCELLANEOUS :—

Interest on Debentures	6,750	0	0
Board of Education	2,300	0	0
Printing and Stationery	200	0	0
Crown Prosecutions	200	0	0
Relief of Sick and Destitute ...	800	0	0
Aid for Maintenance of Orphans and Destitute Children	200	0	0
North Shore Ferries	144	0	0
Panmure Ferry	250	0	0
“ “ Repairs to Approach ...	25	0	0
Wangarei Ferry	30	0	0
Waipu Ferry, Main Branch ...	15	0	0
Ditto East ditto	10	0	0
Ditto West ditto	10	0	0
Mangawai Ferry	25	0	0
Arai Ferry, Bentley's Point ...	10	0	0
Awitu ditto	18	0	0
Karaka ditto	50	0	0
Onehunga and Mangarei Ferry ...	50	0	0
Orewa, Waiwera, Puhoi, and Mahu- rangi Ferries	75	0	0
Kawai to Hay's Point Ferry ...	12	0	0
Expenses under Thistle Act ...	200	0	0
Rent of Public Offices	170	0	0
Repairs of Public Buildings ...	250	0	0
City Lighting and Cleansing ...	400	0	0
Rent of Water for Tank in Official Bay	10	0	0
Auckland Dispensary	100	0	0

Homœopathic Hospital	100	0	0
Mair's Claim under "Diversion of Roads Act"	225	0	0
Waitemata Falls, Improvement of Approaches	55	0	0
Compensation to J. Hardy (to be expended in purchase of cottage and acre)	50	0	0
Water Tank at Russell (including cost of site for the same)	200	0	0
Prize Essay on Management of Land	25	0	0
Design for Market Place	30	0	0
Design for a Bridge over the Tamaki	50	0	0
Aid to Prospectors at Coromandel, &c.	500	0	0
Hustings	5	0	0
Road from Waipa to Raglan	500	0	0
Compiling Return of Traffic on Roads	16	0	0
Mechanics' Bay Wall	75	0	0
Mr Russell's claim for drawing Mortgage Deed on Harbour Lands	79	0	0
Auckland Volunteer Band Fund	100	0	0
	<hr/>	14,314	0 0

14. SPECIAL.

Surveys and Opening Blocks of Land	5,000	0	0
Great North Road	2,000	0	0
" " " Additional for branches to East Coast	500	0	0
" " " between Arch Hill and Swanson's Creek	318	0	0
Great South Road	1,500	0	0
" " " Contract not completed	450	0	0
" " " Award to Mr. McGuire	180	0	0
" " " Mr. J. Gallagher	15	0	0
Road Repairs	2,500	0	0
City Main Sewer	2,000	0	0
Bridge at Oruru	120	0	0
Opening Road from Awanui to Ahipara	100	0	0
Streets and Branch Roads to meet Assessments and Local Contributions	3,000	0	0
Opening Road from Mongonui to Wangaroa	75	0	0
Road from Wangaroa to Keri Keri	200	0	0
Bridge at Puketone, Waimate	300	0	0
Bridge at the Oruti, Russell	75	0	0
Bridge at Parahaki, Wangarei	20	0	0
Opening Road from Wangarei to Wairoa	250	0	0
Waipu Road and Bridges	200	0	0
Mangawai to Kaiwaka Bridge	130	0	0
Bridge at Matakana	30	0	0
Bridge at Kaukapakapa	125	0	0

Bridges in the Whaingaroa District...	200	0	0
Road from Flagstaff Hill to the College, North Shore	130	0	0
Buoys in South Channel, Manukau ...			
Steam Communication	3,000	0	0
Making addition to Queen-street Wharf			
Survey and Estimates, Drury Railway	500	0	0
Road between South Head of Hokianga and Waima	250	0	0
			23,168 0 0
15. IMMIGRATION			750 0 0
			£58,629 18 0

SCHEDULE II.

SUPPLEMENTARY EXPENDITURE OF 1858, 1859, 1860, 1861.

1858.	£	s.	d.
Geological Survey	1,098	5	5
1859.			
Provincial Council—Furniture for Council Chamber	124	6	0
Ditto Printing and Stationery ...	134	14	1
Ditto Library	39	15	4
Printing and Stationery	18	9	4
Road from Mangawai to Kaiwhaka	156	11	10
1860.			
Provincial Council—Contingencies	212	16	7
Superintendent's Office—Salaries	23	6	8
Ditto Contingencies	21	17	4
Waste Lands Office—Contingencies	21	6	3
Harbours—Auckland—Contingencies	2	10	0
Ditto Manukau—Beacons	206	4	6
Police—Pay of Police Force	326	18	10
Provincial Hospital—Wages of Servants	44	7	0
Ditto Contingencies	17	9	2
Lunatic Asylum—Rations, Bedding, and Clothing	339	10	0
Registry of Deeds—Contingencies, Extra Clerical Assistance	52	9	2
Prisons—Salaries	8	6	8
Ditto Rations, &c.	117	0	8
MISCELLANEOUS—			
City of Auckland, for Lighting, &c.	74	15	10
Compensation under Auckland Improvement Act	161	15	10

SPECIAL—

Surveys, Opening Blocks of Land	...	...	2,331	19	9
Road Repairs	...	...	89	2	2
Repayment of Pukekohe Road Rate	...	...	87	12	11
Election Expenses	...	...	10	14	5
Fire Engine Repairs	...	...	8	8	6
Great North Road	...	...	7	2	0
Diversion of Road Act Expenses	...	...	6	0	0

1861.

Waste Lands Office—Contingencies	...	...	3	6	4
Harbours—Auckland—Repairing the Pilot Cutter	...	...	124	17	3
Ditto Manukau—Signal Mast and Buoys	...	...	440	19	7
Ditto Russell—Oars and Repairs	...	...	3	7	0
Police—Payment of Police Force	...	...	342	12	3
Lunatic Asylum—Rations	...	...	64	8	8
Registry of Deeds—Contingencies	...	...	8	15	8
Prisons—Rations and Clothing	...	...	439	14	3
Sheep and Cattle Department—Sheep-dipping Shed, &c.	...	...	108	0	5

MISCELLANEOUS—

Panmure Ferry—Repairing Punt and approaches	...	...	48	14	0
Waipu Ferry, West Branch—Ferryman's Salary	...	...	5	0	0
Ditto East Branch Ditto	...	...	5	0	0
Mangawai Ferry—Ditto	...	...	6	5	0
Onchunga and Awitu Ferry—Ditto	...	...	9	0	0
Relief of Sick and Destitute	...	...	177	17	8
Printing and Stationery	...	...	17	12	0
Repairs of Public Buildings	...	...	96	10	0
City of Auckland, for Lighting and Cleansing Streets	...	...	136	1	3

SPECIAL—

Road Repairs	...	...	2,555	2	2
Great South Road	...	...	1,048	7	8
Great North Road	...	...	179	13	8
City of Auckland Main Sewer	...	...	745	6	10
Half cost of building Police Office and Resident Magistrate's Court, Auckland, per General Government	...	...	2,429	9	6
Compensation for damage to Ellerslie Paddocks	...	...	40	0	0
Refund of Hospital fees	...	...	1	5	6
Election Expenses, per General Government	...	...	288	0	6
Standard Weights and Measures, per ditto	...	...	78	0	0
Interest on over-due Accounts	...	...	990	2	8
Expenses under Diversion of Roads Act	...	...	205	0	0

Fire Engines, repairs and new hose	...	...	...	75	12	0
Arbitration Expenses	...	...	...	13	13	0
				<hr/>		
				£16,431 11 2		
				<hr/> <hr/>		

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

APPROPRIATION ACT, 1862. (No. 2.)

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 12, 1862.

[8th May, 1862.]

Title. AN ACT *to provide for additional Expenditure for 1862.*

Preamble. WHEREAS it is necessary to make provision for additional expenditure for the year 1862 :

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Certain sums to be applied to defray the charge of the Provincial Government.

1. Out of the Revenue of the Province of Auckland subject to the appropriation of the Provincial Council thereof and to any conditions expressed in this Act there may be issued and applied any sums of money for or towards the several services mentioned in Schedule I. hereto and such sums shall be issued and applied to the several services specified and set forth in the same Schedule and not otherwise.

Superintendent may raise temporary loan.

2. For the purpose of making provision for the several items of expenditure set forth in Schedule II. to this Act annexed it shall be lawful for the Superintendent of the Province of Auckland to raise by temporary loan at an interest not exceeding eight per cent. per annum a sum not exceeding the sum of Two Thousand Nine Hundred and

Sixty-two Pounds Two Shillings and Sixpence and that such sum when borrowed shall be a charge upon the General Revenue of the Province of Auckland for the year 1863 subject to be appropriated by the said Superintendent and the Provincial Council in case the Revenue for the year 1862 shall be insufficient to repay the same.

3. Out of the sums so to be raised as aforesaid there shall and may be appropriated issued and applied any sum or sums of money not exceeding Two Thousand Nine Hundred and Sixty-two Pounds Two Shillings and Sixpence for or towards the several services mentioned in Schedule II. hereto and such sums shall be issued for and applied to the several services specified and set forth in the same Schedule.

Certain sums to be applied to defray supplementary charges for 1862.

4. Any moneys borrowed under the authority of this Act shall be deemed to be Revenue of the Province of Auckland for the purposes of the "Provincial Audit Act 1861."

Moneys borrowed to be deemed revenue.

5. All the clauses in the Appropriation Act 1862 so far as the same may be applicable hereto, shall be considered as incorporated in this Act.

Clauses in Appropriation Act, 1862, to be incorporated in this Act.

6. The Short Title of this Act shall be "The Appropriation Act 1862 (No. 2.)"

Short Title.

ADDITIONAL ESTIMATE OF REVENUE OF THE PROVINCE OF AUCKLAND FOR THE YEAR 1862.

	£	s.	d.
Temporary Loan	2,962	2	6
Sale of Auckland Provincial Debentures	9,000	0	0
	<u>£11,962</u>	<u>2</u>	<u>6</u>

ADDITIONAL ESTIMATE OF EXPENDITURE FOR THE YEAR 1862.

SCHEDULE I.

Erection of Market Place, Auckland, to be a charge after the City of Auckland Debentures, upon the City Endowments	£7,000	0	0
Supreme Court, General Assembly Chambers, and Government Offices (Contingent Fund)	2,000	0	0
	<u>£9,000</u>	<u>0</u>	<u>0</u>

SCHEDULE II.

Repairing Queen-street Wharf	...	...	430	0	0
Ditto Custom-house-street	...	...	200	0	0
Mechanics' Bay Road	...	...	200	0	0
For completing Traffic Return on Roads (additional)	...	...	5	0	0
Provincial Council Messenger	...	...	5	0	0
Gratuity to Engineer for plan of Ferry-boat	...	...	10	0	0
Maintenance of Lunatic J. Evans, to be paid to Mr. Fuller, Raglan	...	...	52	2	6
General Contingencies	...	...	500	0	0
Professional fees for Crown Prosecutions	...	...	150	0	0
Freeman's Bay Road	...	...	250	0	0
Great North Road, between Arch Hill and Swanson's Creek (additional)	...	...	100	0	0
Auditor's Salary and Department	...	...	260	0	0
Provincial Council - Contingencies (additional)	...	...	500	0	0
Road Repairs (additional)	...	...	300	0	0
			<u>£2,962</u>	<u>2</u>	<u>6</u>

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

THE PUBLIC BUILDINGS COMMISSIONERS ACT, 1862.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XIV., No. 13, 1862.

[29th May, 1862.]

AN ACT for the appointment of a Board of Commissioners to superintend the erection of certain Public Buildings in the Province of Auckland.

This Act was repealed by No. 11, Session 15.

THE DEBENTURE ACT, 1862.

IN THE TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IV., No. 14, 1862.

[29th May, 1862.]

AN ACT *to enable the Superintendent of the Province of
Auckland to raise a Loan not exceeding Sixty Thousand
Pounds for the purpose of erecting certain Public Buildings
in the Province of Auckland.*

This Act was repealed by No. 11, Session 15.

Session XV.**AUCKLAND REPRESENTATION ACT,
1863.**

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 1, 1863.

[13th January, 1863.]

- Title.** AN ACT to divide the Province of Auckland into new Electoral Districts for the Election of Members of the Provincial Council.
- Preamble.** BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—
- Council to consist of 35 members.** 1. After the dissolution of the present Provincial Council the said Council shall consist of thirty-five Members.
- Electoral Districts established.** 2. For the purpose of the Election of Members of the said Council the Province shall be divided into twelve Electoral Districts as the same are respectively defined and set forth in the Schedule to this Act.
- Names of Districts and number of Members.** 3. The names of such Electoral Districts and the number of Members to be returned by each District respectively shall be as follows :—
1. Mongonui - - - - One Member.
 2. Bay of Islands - - - Two Members.
 3. Marsden - - - - Three Members.
 4. Northern Division - - - Five Members.
 5. City of Auckland East - - Three Members.
 6. City of Auckland West - - Five Members.

- | | | | | | | |
|--------------------------|---|---|---|---|---|----------------|
| 7. Parnell | - | - | - | - | - | Two Members. |
| 8. Newton | - | - | - | - | - | Two Members. |
| 9. Pensioner Settlements | - | - | - | - | - | Three Members, |
| 10. Town of Onehunga | - | - | - | - | - | Two Members. |
| 11. Franklin | - | - | - | - | - | Four Members. |
| 12. Raglan | - | - | - | - | - | Three Members. |

4. This Act shall come into force on the day next after the dissolution of the present Council. Commencement of Act.

5. This Act may be repealed altered or varied during the present Session. Act may be repealed during present Session.

SCHEDULE.

1. MONGONUI—1 member.

This Electoral District comprises so much of the North Island as lies to the North of a line from the head of False Hokianga harbour to the summit of Maungataniwha mountain and thence to the mouth of the Pupuke river at the head of Wangaroa harbour including the adjacent islands.

2. BAY OF ISLANDS—2 members.

This Electoral District is bounded on the North by the Mongonui District hereinbefore defined on the South by the Marsden District hereinafter defined, and on the East and West by the Sea including the adjacent islands.

3. MARSDEN—3 members.

This Electoral District is bounded on the North by a line commencing at Mongonui Bluff on the West Coast and running thence along the summit of the Mangakahia range to Tutamoi mountain thence by a right line to the North Head of Tutukaka harbour on the East by the Coast line to the Southern point of Hawere Island, on the South by a right line to the summit of the Dome thence by a right line to the confluence of the Hotea and Kaitoto rivers thence by the Hotea river to high-water mark in Kaipara harbour thence by high-water mark to the Tapura Flats thence by a right line to the North Head of Kaipara harbour, and on the West by the Sea to Mongonui Bluff.

4. NORTHERN DIVISION—5 members.

This Electoral District is bounded on the North by the Marsden District last defined and by Kaipara harbour, on the

West by the Sea, on the South by the Manukau harbour, on the East by the Western boundary of the Whau Township to the Whau Creek thence by the Whau Creek to Waitemata harbour and thence by the Coast line to Cape Rodney including the Islands of Rangitoto Motutapu Great and Little Barrier Tiri Tirimatangi Kauau and adjacent isles.

5. CITY OF AUCKLAND EAST—3 *members.*

This Electoral District is bounded on the North by Auckland harbour, on the West by the centre of Queen Street, on the South by the centre of Karangahape road, and on the South-East by the centre of Symonds-street to the Southern boundary of City Section 34 thence along that boundary to Stanley-street thence by the centre of Stanley-street to the Southern boundary of City Section 11 thence by the Southern and Eastern boundaries of Section 11 to the Mill Stream in Mechanics' Bay and by that stream to the Sea.

6. CITY OF AUCKLAND WEST—5 *members.*

This Electoral District is bounded on the North by Auckland harbour, on the North-west by the centre of Franklin-road, on the South-west by the centre of Ponsonby road, on the South by the centre of Karangahape road, and on the East by the centre of Queen-street.

7. PARNELL—2 *members.*

This Electoral District is bounded on the North by Auckland harbour, on the West and North-west by the City of Auckland East District hereinbefore defined from the Mill Stream to Cemetery Road and thence by the centre of Cemetery Road to Scoria Quarry Road, on the South by Scoria Quarry Road Kyber Pass Road and Tamaki Road and on the East by the Eastern boundary of Suburban Section 14 from Tamaki Road to Remuera Creek and thence by that Creek to the Sea.

8. NEWTON—2 *members.*

This Electoral District is bounded on the North by Auckland harbour and the City of Auckland East and West Districts hereinbefore defined, on the East by the Parnell District hereinbefore defined, on the South by the centre of Cabbage Tree road and Karangahape road, and on the West by Meola Creek and Scoria Creek to Auckland harbour.

9. PENSIONER SETTLEMENTS—3 *members.*

This Electoral District comprises the following Pensioner Villages—1, Otahuhu bounded on the North by the Portage

Road and Tamaki river on the West by the Great South Road and on the South by Fairburn's Road and on the East by Tamaki river. II. Panmure comprising all the Village Lots and Sections 1 2 3 and 4 of the Suburban Lots adjacent. III. Howick comprising all the Village Lots and Sections 1 2 3 4 5 7 8 9 10 11 and 12 of Suburban Lots adjacent.

10. TOWN OF ONEHUNGA—2 *members*.

This Electoral District is bounded on the North by Mount Smart Road on the East by Section 17 of the Suburbs of Auckland on the South by Manukau Harbour and on the West by Section 13 of the Suburbs of Auckland.

11. FRANKLIN—4 *members*.

This Electoral District is bounded on the North by the Parnell District hereinbefore defined and by the Sea including the Islands of Waiheke Pounui and other isles in the Frith of the Thames, on the East by the Sea from Cape Colville to the 39th parallel of South Latitude on the West by the Great South Road from the junction of Kyber Pass Road to Maungatawhiri on the Waikato river thence by the Waikato river to Lake Taupo and thence by a line due South to the 39th parallel, and on the South by the 39th parallel of South latitude. Excepting the Pensioner Settlements District hereinbefore defined.

12. RAGLAN—3 *members*.

This Electoral District is bounded on the North by the New-ton District hereinbefore defined and by Waitemata Harbour to Whau Creek, on the West by the Northern Division District hereinbefore defined and the coast line to Mokau river, on the South by the Grey and Bell District as defined in the Schedule of an Act of the General Assembly intituled "The Representation Act 1860" and on the East by the Great South Road and Franklin District hereinbefore defined. Excepting the town of Onchunga District hereinbefore defined.

DIVERSION OF ROADS ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 2, 1863.

[14th March, 1863.]

Title.

AN ACT to *repeal* the "*Diversion of Roads Act*," Session VIII., No. 1, and to make other provisions in lieu thereof.

Preamble.

WHEREAS it is expedient to repeal an Act passed in the twenty-first year of the reign of Her Majesty Queen Victoria Session VIII. No. 1 intituled "An Act to facilitate the closing of certain roads in the Province of Auckland and for making new roads where required" and to make other provisions in lieu thereof And whereas certain roads or parts of roads which have been or may be hereafter laid out in the Province of Auckland are not or may not be required as Public Highways And whereas it is necessary that new roads should from time to time be laid out and constructed part whereof may pass through land being the property of private individuals and it is expedient that some general rule should be established for the closing up of such Highways as may no longer be required for public use and for the disposal of the land occupied thereby:

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

Recited Act repealed.

1. The said recited Act is hereby repealed.

Diversion to be by special Act.

2. Except as hereinafter provided no public road shall be closed up or diverted and no new line of road shall be laid out or constructed in lieu thereof passing over any private lands except under the authority of a special Act of the Superintendent and Provincial Council in that behalf.

All Bills to be published in Gazette and served upon all persons interested.

3. Every Bill for closing up or diverting any public road or for carrying any public road through private lands in lieu of any public road closed up shall be published in the *Government Gazette* of the Province and a copy of each

Gazette shall not less than thirty days previously to the introduction of any such Bill into the Provincial Council be served upon every person resident in the Province having any estate or interest in any lands fronting upon or crossed by any such road proposed to be diverted or closed, or in any lands over which any such new road is proposed to be carried.

4. Such copy of the *Government Gazette* shall be served upon such person either personally or by leaving the same at his last usual place of abode if any such can by diligent inquiry be found within ten days from the publication thereof and in case such person shall be absent from the Province or cannot upon diligent inquiry be found the Superintendent shall cause a notice to be published in three successive numbers of two newspapers published in the Province the last time of such publication to be at least twenty days before the introduction of the said Bill into the said Council stating that such copy of the Gazette is left at the office of the Superintendent and will be given to such person or to any agent or attorney lawfully acting in his or her behalf upon application for the same.

Service of copies of Gazette.

5. Provided always that upon the introduction of any such Bill and before the same shall be read a second time it shall be referred to a Select Committee of the Council for the purpose of enquiring into the expediency of such Bill and whether the provisions of sections 2 and 3 of this Act have been complied with and also to enquire into any claims for compensation to which any person may become entitled in respect of any damage done to his property by the construction of any road passing through the same or in any way arising from the provisions of the intended special Act and if such Committee shall report that any person is entitled to any compensation by reason of the provisions of the intended special Act and the Council shall adopt such report the Speaker of the Council shall transmit such report to the Superintendent who if he shall think fit may recommend that provision be made in such special Act for the payment of such compensation.

Special Bill to be referred to Select Committee.

Committee to enquire into claims for compensation. Superintendent to recommend compensation (if any) to be provided for by special Act.

6. It shall be lawful for the Superintendent at any time to cause a public highway to be laid out and constructed through any private lands upon receiving from every person having any estate or interest therein or from his or her attorney or agent lawfully authorised in that behalf a deed duly executed in the form or to the effect set forth in the Schedule hereunto annexed And every such deed shall be published in the *Government Gazette* of the Province.

Superintendent may cause highway to be constructed over private lands on conditions.

And henceforth such lands to vest in Her Majesty.

7. From and after the execution of any such deed on a day to be named in any special Act as aforesaid, the land described in such deed or Act shall thenceforth be a public highway and be subject to the like right of way and pasturage as if the same had been reserved as a road in the Crown Grant or Grants of the adjacent land through and over such land.

In case public roads passing through private property be closed up, such roads to be granted to the owner of such property.

8. If any public road shall be closed up passing through any private property the land occupied by such road may be granted to the owner or owners of such property in the same manner and subject to the same trusts as the remaining part of such property. And if any public road shall be closed up not passing through any private property the land occupied by such road shall be deemed to be Waste Lands of the Crown and shall be dealt with accordingly.

Interpretation clause.

9. The word "person" in this Act shall be taken in the case of a Corporation aggregate to mean the principal manager or director of such Corporation and in case of a Lunatic or Idiot to mean the Committee of such Lunatic or Idiot and in the case of an infant to mean the guardian of such infant and in case of a *cestui qui* Trusts to mean the Trustees of such trusts and the word "road" shall be taken to include any public highway bridle-path or foot-path and any bridge culvert embankment ditch or other works necessary to the construction or maintenance of the line of such road.

Short Title.

10. The Short Title of this Act shall be "The Diversion of Roads Act 1863."

SCHEDULE.

KNOW ALL MEN by these presents that I (*or we*) [here insert the name of owner or other person having an interest in the lands] of [insert place of abode] being [insert nature of interest *e.g.* seised in fee simple] of all that [here insert description of the land to be occupied by the new road] and delineated and coloured brown on the plan drawn on the margin hereof for valuable consideration do hereby dedicate the said land to the public to the intent that the same may for ever hereafter be used as and be a public highway (or drain) to all intents and

purposes whatsoever in testimony whereof I have hereto set my
hand this day of 186

Signed by the abovenamed
in the presence of
(One witness.)

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

MILITARY LICENSING ACT.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 3, 1863.

[14th March, 1863.]

AN ACT to restrict the Sale of Fermented and Spirituous Title.
Liquors to Her Majesty's Troops within certain limits.

WHEREAS an Act of the Superintendent and Provincial Preamble.
Council of the Province of Auckland (Session XIV. No. 2),
having for its object the prevention of the unlimited sale of
Spirituous and Fermented Liquors to Her Majesty's Troops
within certain limits has expired by effluxion of time: and
whereas it is expedient to re-enact certain portions of the
said Act:

Be it therefore enacted by the Superintendent of the
Province of Auckland by and with the consent of the Pro-
vincial Council thereof:—

1. That no person holding or who may hereafter hold a No Licenc-
Licence for the Sale of Spirituous and Fermented Liquors holder to sell
under the Licensing Act, 1863, in any house or place situ- Fermented Li-
ated within three miles of any camp where any of the Mili- quor to Her Ma-
tary engaged in Her Majesty's Service in the Province of jesty's Troops
Auckland are or may be encamped or employed such camp within three miles
being distant at eleven miles from any Town shall sell any of encampment
Spirituous or Fermented Liquor to any one or more person without consent of
or persons of or belonging to such Military Force without officer in com-
mand.

the written consent of the Officer in command of such Military Force under a penalty not exceeding Ten pounds for every offence such penalty to be recovered in a summary way.

Duration of Act. 2. This Act shall continue in force only until the end of the next Session of the Provincial Council of the Province of Auckland.

Short Title. 3. The Short Title of this Act shall be the "Military Licensing Act 1863."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

CITY AND HARBOUR ENDOWMENTS AMENDMENT ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 4, 1863

[14th March, 1863.]

Title. AN ACT to amend an "*An Act to enable the Superintendent of the Province of Auckland to borrow money upon the security of certain Lands granted to him under the 'Public Reserves Act, 1854.'*"

Preamble. WHEREAS an Act was passed by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof No. 6 of Session VIII. intituled "*An Act to enable the Superintendent of the Province of Auckland to borrow money upon the security of certain Lands granted to him under the 'Public Reserves Act, 1854.'*" And whereas by the first section of the said Provincial Act it is enacted that it shall be lawful for the Superintendent of the Province of Auckland by and with the advice of the Executive Council from time to time to alienate all or any of the said allotments of land either by mort-

gage or lease for any term not exceeding twenty-one years and to expend any moneys which may be raised by such mortgage or lease in public works or improvements within the said City or Harbour or to hand the same over to any Local Board which may hereafter be established for the purpose of carrying on any such public works or improvements Provided that all moneys which may be raised upon any of the said allotments of land shall be applied for the purposes set forth in the grants thereof respectively Provided that no portion of the said lands situated below high water mark shall be so alienated either by mortgage or lease until the same shall have been reclaimed from the sea Provided also that no person advancing any money upon any or either of the said allotments either by way of mortgage or as a premium for any lease shall be liable to see to the application of the money so advanced or be accountable for the misapplication or non-application of any part thereof And whereas under and by virtue of the said first section the Superintendent by and with the advice of the Executive Council has granted and executed divers Leases of the Lands mentioned in Schedule A. annexed to the said Act at an improved annual rental without any premium and has not by such Lease raised any money by way of loan on any such Lease And whereas doubts have arisen as to the power of the Superintendent to grant such Leases as aforesaid And whereas it is expedient to remove such doubts and to enable the Superintendent to grant such leases as aforesaid :

Be it enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council :—

1. That it shall be lawful for the Superintendent of the Province of Auckland by and with the advice of the Executive Council from time to time to demise and lease all or any of the lands mentioned in Schedule A annexed to the said recited Act for any term not exceeding twenty-one years at such annual rent and subject to such covenants and conditions as the said Superintendent and Executive Council shall deem reasonable.

Power to demise and lease.

2. All Leases heretofore granted or given by the Superintendent by and with the advice of the Executive Council in pursuance of the said recited Act shall notwithstanding such doubts be deemed and taken as valid Leases and made in pursuance and execution of the powers conferred by the said Act.

Former leases legalized.

Rents received to be subject to the same trusts 3. All rents and moneys received by the Superintendent under and by virtue of this Act or under or by virtue of Leases made heretofore as aforesaid shall be deemed and taken to be received under the provisions and trusts of the said recited Act.

Short Title. 4. The Short Title of this Act shall be "The City and Harbour Endowments Amendment Act, 1863."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

REGULATION OF FERRIES' ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 5, 1863.

[14th March, 1863.]

Title. *AN ACT to authorize the Superintendent of the Province of Auckland to make Rules for the Regulation of Ferries under the control of the Provincial Government.*

Preamble. WHEREAS it is expedient to authorise and empower the Superintendent of the Province of Auckland to make Rules and Regulations for regulating ferries under the control of the Provincial Government of the Province of Auckland :

Be it enacted by the Superintendent of the Province of Auckland and the Provincial Council thereof :—

Power to make regulations. 1. It shall be lawful for the said Superintendent with the advice and consent of the Executive Council thereof from time to time to make such Rules and Regulations for the Management and Regulation of all Ferries that may be or shall come under the control of the said Provincial Government.

2. Such Rules or Regulations may be made for all or any of the objects following, that is to say :

- (1.) For regulating any charges or fees that may be taken from any persons crossing such ferry as aforesaid.
- (2.) For regulating the time when any boats or punts used in such ferries shall ply for the convenience of passengers.
- (3.) For regulating the number of persons or cattle that shall be allowed to cross at any time over such ferries, and the mode and right of precedence that passengers shall observe in crossing any such ferries.

3. No such Rule or Regulation shall come into operation until the expiration of one month after a copy thereof shall have been published in the Provincial Government Gazette and the production of a copy of the said Gazette containing the said Rules and Regulations shall be sufficient to prove the making and publication thereof. And before the expiration of the said month the Superintendent shall cause a Copy of such Rules or Regulations to be painted with black letters on a white board and such board shall be placed in a conspicuous place on one side of every such ferry in respect of which such Rules and Regulations shall be so made. Provided always that no person shall incur any penalty for breach of any such Rules or Regulations until the same shall be so painted and placed as aforesaid.

When rules to come in force.

Rules to be painted up at ferries.

4. Every person who shall be guilty of any breach or non-performance of any Rules or Regulations made under the authority of this Act shall be liable to a penalty not exceeding Five Pounds to be recovered in a summary way.

Penalties.

5. The production of the Provincial Government Gazette containing such Rules and Regulations shall be sufficient proof of the due making of such Rules and Regulations. And with respect to the proof of the same being painted and placed up as aforesaid, it shall be sufficient to prove that a board with a copy of the said Rules and Regulations painted thereon was placed in manner by this Act directed unless proof be adduced by the party complained against that such board did not contain a copy of the Rules and Regulations under which he is prosecuted or that it was not placed up as required by this Act.

Proof of Gazette containing rules.

Short Title.

6. The Short Title of this Act shall be "The Regulation of Ferries Act 1863."

Printed under the authority of the Government of the Province of Auckland, by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

LICENSING ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 6, 1863.

[24th March, 1863.]

Title.

AN ACT *to regulate the Sale of Fermented and Spirituous Liquors.*

Preamble.

WHEREAS it is expedient that amended provisions should be made for Regulating the Sale of Fermented and Spirituous Liquors in the Province of Auckland:

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof:—

Repealing clause.

I. All laws in the said Province that are repugnant to the provisions of this Act or that would in any way interfere in the operation thereof are hereby repealed.

Act when to commence.

II. From and after the fifteenth day of April 1863 the Sale of any Spirituous Liquor Wine Ale Beer or other Fermented Liquor in the Province of Auckland shall be regulated as follows and not otherwise: Provided always that nothing in this Act shall permit the sale of Fermented and Spirituous Liquors without a licence between the passing hereof and the 30th day of June 1863 and all the restrictions and penalties of the Licensing Act 1858 shall continue and be in full force and effect until the 30th day

of June 1863 anything herein contained to the contrary notwithstanding.

I.—LICENCES.

III. No person shall after the 30th day of June 1863 unless he shall be duly licensed under this Act sell any Spirituous Liquor Wine Ale or Beer within the Province of Auckland or permit the same to be sold by any other person in or upon his house or premises Provided that nothing herein contained shall extend to the sale of any Fermented or Spirituous Liquors as Perfumery or Medicine or at any Military Canteen established under the Regulations of Her Majesty's Service or to any Sale by Auction by any licensed Auctioneer Provided also that nothing in this Act contained shall extend to render any person liable to the penalties therein mentioned who shall under the written authority of the Speaker of the said Provincial Council sell to any of the Members and Officers of the said Provincial Council any Fermented or Spirituous Liquors within any Building used for the purposes of the meeting of the Provincial Council or to render liable to forfeiture any Liquors exposed to sale by any such person within any such Building.

None but licensed persons to sell spirits, &c., not to include perfume and medicine.

IV. The Licences to be granted by virtue of this Act shall be of three kinds viz. one to be granted to Innkeepers and Publicans for the sale of all liquors as aforesaid and which shall for the purposes of this Act be denominated a "Publican's Licence" and shall be in the form in the Schedule hereunto annexed marked A another to be granted to Innkeepers and Publicans for the sale of all Liquors as aforesaid and subject to such terms and conditions as the Justices assembled for the purpose of granting Licences shall think fit and which shall for the purposes of this Act be denominated a "Bush Licence" and shall be in the form in the Schedule hereunto annexed marked M and another to be granted to persons selling not less than two gallons at any one time and which shall be called a "Wholesale Licence" and shall be in the form in the Schedule hereunto annexed and marked K and the said Publican's Licences shall be in force from the first day of July next following the date of such Licence to the thirtieth day of June next ensuing (unless sooner forfeited) and no longer and the said Bush Licences shall be in force from the time of granting such Licence until the thirtieth day of June next ensuing and the said Wholesale Licences shall be in force from the time of granting of such Licence until the thirtieth day of June next and no longer.

Form of Licences.

Publicans' Licence.

V. Every such Publican's Licence as aforesaid shall authorize the person thereby licensed to sell and dispose of any fermented or spirituous liquors in any quantity in the house or on the premises therein specified.

Wholesale Licences.

VI. Every such Wholesale Licence as aforesaid shall be held to authorize the person thereby licensed to sell and dispose of any kind of fermented or spirituous liquors provided however that no such Licence shall be held to authorise the sale of any quantity less than two gallons of any one description of liquor to be delivered to the purchaser thereof at one time. Provided also that nothing in this Act shall authorise the holder of a Wholesale Licence to permit any kind of fermented or spirituous liquor purchased or to be purchased from him to be consumed in or upon his house or premises.

Temporary extension of licence.

VII. In case any person holding a Publican's Licence shall obtain from any two or more Justices of the Peace in the District in which any public exhibition or other general amusement shall take place an authority in the form in the Schedule hereunto annexed marked E then in every such case the privileges of the licence of every such person as aforesaid shall respectively be extended to the place of amusement to which such authority shall apply and for the time in such authority as stated and it shall be lawful for the said Justices to order the extension of the time during which liquor may be legally supplied.

II.—GRANTING AND TRANSFERRING PUBLICANS' LICENCES.

Notice of application for licence.

VIII. Every person desirous of obtaining a Publican's Licence under this Act shall on or before the first Tuesday in the month of April in every year cause to be delivered to the Clerk of the Court for the district in which it is proposed to exercise such Licence a notice in writing signed by him in the form in Schedule B hereunto annexed together with a certificate signed by at least five substantial householders residing within such district in the form in Schedule C hereunto annexed.

List of applicants to be posted up.

IX. The Clerk of the Court shall cause a list of the names of all such applicants together with their places of abode respectively to be posted up on or before the first Wednesday following in the month of April in every year on the door of the Court House there to remain for the space of one week.

X. On the third Tuesday in the said month there shall be holden at the office of the Resident Magistrate a General Meeting of the Justices in the District to be called the Annual Licensing Meeting for the purpose of taking into consideration applications for Licences and three Justices shall form a quorum. Annual licensing meeting.

XI. In the event of a number of Justices sufficient to form a quorum not being so assembled on the day appointed the meeting shall stand postponed from day to day until a quorum of Justices shall have been obtained. And it shall be lawful for the Justices having met to adjourn the meeting from time to time as to such Justices shall seem expedient Provided always that such adjournment shall not extend to such time as would have the effect of nullifying any provision in this Act contained and if there be not a quorum present at any meeting so adjourned the meeting shall stand adjourned from day to day until a quorum be obtained. Postponement and adjournment of meeting.

XII. At such General Annual Meeting and at all other meetings of Justices provided for under this Act the Justices present shall proceed to elect a chairman from amongst themselves for that meeting and for all others held by way of adjournment from such meeting Provided that if at any such adjourned meeting the Chairman shall be absent the Justices shall proceed to a fresh election and in case the Justices assembled at any licensing meeting shall be equally divided in opinion the chairman in addition to his original vote shall have a casting vote. Chairman to be elected.

XIII. It shall be lawful for the Justices assembled at such Meeting to grant to such persons as shall be approved of by the majority of such Justices Certificates in the form in Schedule D hereunto annexed authorising the issue of Publicans' Licences subject to the provisions contained in Clause 24 of this Act Provided that no Justice of the Peace being a brewer maltster or distiller or an importer of or dealer in any spirituous liquor wine ale or beer or being interested directly or indirectly in any house or premises already licensed or in respect whereof an application for a licence is about to be made shall act at any such meeting or in granting any transfer removal or extension of any such licence Provided also that no Publican's Licence shall be granted or transferred to any constable or bailiff nor shall any licence be granted or transferred in respect of any house or premises of which any constable or bailiff shall be owner or wherein any constable or bailiff shall be directly or indirectly interested. Certificates may be granted.

Former licence holders.

XIV. The holder of an untransferred Publican's Licence if claimed for the premises already licensed shall be entitled to such certificate without attending the annual licensing meeting unless notice in writing signed by three householders residing within the district in which the licensed house is situate of an intention to oppose the renewal of any such licence stating the ground of such opposition shall have been given to the holder of such licence or left for the holder at the house named in such licence at least one week previous to such annual licensing meeting and unless similar notice within the same time shall also have been given to the Clerk of the Court.

Notice of Licensing meeting.

XV. The Clerk of the Court shall cause a notice of each Annual Licensing Meeting to be inserted at least one calendar month before the holding thereof in at least two of the newspapers of the Province of Auckland.

Sickness of applicants.

XVI. If any person desirous of obtaining such certificate shall be hindered by sickness infirmity or any other reasonable cause from attending in person at any such meeting it shall be lawful for the Justices to certify in favour of such person.

Names of parties receiving certificates to be forwarded to the Provincial Treasurer.

XVII. The said Clerk shall also within fourteen days after such meeting transmit to the Provincial Treasurer a list signed by at least two of the Justices specifying the names and residence of all the persons to whom such certificates as aforesaid shall have been granted or issued.

Amount payable for licences and issue of licences.

XVIII. Every such certificate shall be null and void unless the same and the sum of Forty Pounds shall be lodged in the office of such Treasurer as aforesaid on or before the thirtieth day of June next following the Annual Licensing Meeting at which such certificate was granted. On receipt of such certificate and payment of the said sum of Forty Pounds such Treasurer or such other person as the Superintendent may for that purpose appoint shall issue and shall register in his office a Publican's Licence in the form hereinbefore prescribed.

Transfers.

XIX. On the first Tuesday in each of the months of September December and March and also on the day appointed for the General Annual Licensing Meeting there shall be holden at such place as aforesaid a special meeting of the aforesaid Justices for the purpose of receiving applications for the transfer of Publicans' Licences. The Justices so assembled may transfer any such Publican's Licence

to the appointee of the holder of such licence by a writing under their hands in the form in Schedule F hereunto annexed subject to such conditions as hereinbefore required in respect of the person originally licensed. Provided that every such applicant shall give seven days' notice in writing of his intention to make such application to the Clerk of the Court and shall also deposit with such Clerk a certificate according to Schedule C hereunto annexed seven days before such application. Provided always that in the case of any person holding such licence in respect of premises and refusing or neglecting to transfer the original licence to the owner of such premises, or to the reversioner of any term affecting such premises it shall be lawful for such owner or reversioner upon entering into possession of the said premises forthwith to apply to any two Justices of the Peace resident in the District wherein such premises are situate for permission to carry on the business of a publican in such premises and it shall be lawful for such Justices in their discretion by writing under their hands to permit such owner or reversioner to carry on such business as though he held a licence under this Act until the transfer day which shall next happen after possession shall have been taken as aforesaid.

XX. In case of the death of any person holding a Publican's Licence his executor or administrators may carry on the business of such person and act under the authority of his licence during six months (if the licence have so long to run) from the day of his decease. Executors may carry on business

XXI. In case the house belonging to any person holding a Publican's Licence being the house named in such licence shall be destroyed or rendered untenable by fire tempest or any other inevitable accident and such person shall be desirous of removing his business to any other house it shall be lawful for any two Justices of the district within which such other house shall be situated upon a memorial presented to them for that purpose to authorise such removal by an endorsement upon the original licence or by a writing under their hands in the form in Schedule G hereunto annexed for a period to be fixed by such Justices but not exceeding what in their opinion would be sufficient for the rebuilding or repairing the house destroyed or rendered untenable and not extending beyond the General Annual Licensing Meeting next ensuing when such further time if required as may be needed for the said rebuilding or repairing may be granted. Removal of licence.

Re-transfer of licence.

XXII. It shall be lawful for any two Justices in the district upon a memorial presented to them for that purpose to authorise by an endorsement on the original licence or by a writing under their hand in the form H or I as the case may be in the Schedule to this Act annexed the transfer of the said licence or if the period for which the licence was transferred as aforesaid shall have expired to renew by writing under their hands the original licence to the house which may have been built upon the ground whereon the house named in the original licence stood or to the house which may have been rendered untenable but which at the time of the memorial shall have been again rendered tenable.

Clerk to report transfer.

XXIII. Every transfer of a Publican's Licence authorised by any Justices under this Act whether as regards the person or the house to which such licence shall apply shall within fourteen days after such transfer be duly reported to the Provincial Treasurer or such other person appointed to issue licences as aforesaid by the Clerk of the Court by which such transfer shall be authorised.

Accommodation required.

XXIV. No Publican's Licence shall be granted to any person not being heretofore duly licensed until the Justices granting the Certificates for such licence shall be satisfied that the house for which such licence is sought contains at least two moderate sized sitting rooms and two sleeping rooms actually ready and fit for public accommodation independent of the apartments occupied by the family of such Licence holder and shall also be provided with a place of accommodation on or near the premises for the use of the customers thereof in order to prevent nuisances or offences against decency.

III.—WHOLESALE LICENCES.

Issue of certificate for wholesale licence.

XXV. It shall be lawful for the Justices in the District in any meeting held under this Act to issue a Certificate authorising and requiring the Provincial Treasurer to issue a wholesale Licence in the form K in the Schedule to this Act annexed to any householder residing within such district upon a payment of a fee of Twenty Pounds in the City of Auckland and Ten Pounds elsewhere which licence shall expire on the thirtieth day of June next after the granting thereof Provided that the Provincial Treasurer may and shall issue wholesale Licences for the City of Auckland or any town within the Province of Auckland at

any time to any householder upon payment of the fee subscribed without such certificate as aforesaid,

IV.—REGULATIONS FOR PUBLIC-HOUSES.

XXVI. No person holding a licence under this Act shall sell or supply any liquor or suffer the same to be drunk in or upon his house or premises except between the hours of five in the morning and ten at night on any working day nor shall any such person sell or supply any liquor or suffer the same to be drunk in or upon his house or premises except to or by travellers and persons who may be resident at and sleep therein within the space of time between the legal hour for closing on Saturday night and the legal hour of opening on Monday morning or at any time on Christmas Day or Good Friday or any day appointed for a public fast except between the hours of one in the afternoon and seven in the evening of such days. When houses to be opened.

XXVII. At all other hours such house and premises shall be closed. Provided always that it shall be lawful for the Justices at their discretion at such Annual Licensing Meeting to grant to any number of Innkeepers on payment of the further sum of Ten Pounds respectively an extension of the time hereinbefore prescribed for the sale or supply of such liquors as aforesaid until twelve of the clock at night on any day excepting Sundays and Saturdays, on which latter day the hour of closing on an extended licence shall be eleven o'clock at night. When houses to be closed.

XXVIII. No person holding a Publican's Licence under this Act shall permit any gambling in the house or premises for which such Licence shall have been granted. Gambling prohibited

XXIX. No person holding a Publican's Licence under this Act shall suffer or permit any music or dancing for public entertainment to take place in the house or on the premises for which such licence shall have been granted without the sanction of any two Justices of the Peace for the special occasion named such sanction to be expressed in writing bearing the signature of the said Justices and to remain in force only for a number of hours not exceeding twelve to be mentioned in the said writing. Provided that such sanction shall not extend to or permit any such music or dancing to take place in such licensed house except within the hours during which such licence permits the sale of spirituous and fermented liquors in such Licensed House. Special sanction for music and dancing.

Sign-boards and lamps.

XXX. Every person holding a Publican's Licence under this Act shall keep his name painted at length in legible letters at least three inches long with the words "Licensed to retail fermented and spirituous liquors" on some conspicuous part of his house and shall also keep a lamp affixed over the door of his house and on the outside thereof burning every night from sunset to sunrise.

Drunkards.

XXXI. No person holding a Publican's Licence under this Act shall in his house or in any of the appurtenances thereto supply or permit any fermented or spirituous liquor to be supplied or given to any person in a state of intoxication.

Money only to be taken in payment.

XXXII. No Licensed person shall take anything whatever in pledge for any liquor sold or supplied nor shall any such person take in payment for the same anything whatever except coined or paper money.

Wages not to be Paid in licensed houses.

XXXIII. No such person shall permit any wages to be paid in his house or upon his premises save only the wages of persons employed as servants therein.

Licence to be shown on demand.

XXXIV. Every person holding a Publican's Licence under this Act shall on demand at his licensed house produce his licence or any permission granted under Clause 19 to any Justice of the Peace or to any Constable.

Constable may demand entrance.

XXXV. Any Constable may demand entrance into any house for which a Publican's Licence shall be in force at any hour and any unnecessary delay in giving admission to the said Constable or Constables shall subject the party to the penalties hereinafter contained.

V.—PENALTIES.

Persons adulterating liquors liable to penalties.

XXXVI. If any dealer in spirituous or fermented liquors or other person shall put into or mix or cause to be put into or mixed with any spirituous or fermented liquors any poisonous deleterious or pernicious substance whatsoever or shall sell or otherwise dispose of or keep for sale any spirituous or fermented liquors so adulterated he shall forfeit and pay any sum not exceeding one hundred pounds to be recovered in a summary way.

Penalty for possessing any adulterated liquors.

XXXVII. If any dealer in spirituous or fermented liquors or any other person shall knowingly have in a

possession any spirituous or fermented liquors so adulterated as aforesaid such person upon proof thereof shall forfeit and pay any sum not exceeding one hundred pounds to be recovered in a summary way and all fermented and spirituous liquors so adulterated as aforesaid found in the possession of any such dealer or person shall and may be seized by the Constable acting under a warrant from a Justice of the Peace and all such spirituous or fermented liquors proved to be adulterated shall be forfeited and destroyed.

XXXVIII. If any person not being duly licensed shall sell any quantity of any fermented or spirituous liquor or permit the same to be sold in or upon his house or the premises he shall forfeit and pay for every such offence a sum not exceeding fifty pounds to be recovered in a summary way. On persons selling without licence.

XXXIX. All fermented or spirituous liquors which shall be hawked about or exposed for sale contrary to the provisions of this Act shall be forfeited for the use of Her Majesty and may be seized by any Constable. Hawking liquors.

XL. If any person being duly licensed shall offend against any other of the provisions of this Act or against any of the conditions under which a bush licence as hereinafter provided shall have been granted he shall forfeit and pay for every such offence a sum not exceeding twenty pounds to be recovered in a summary way. For other offences against this Act.

XLI. If any person shall be convicted of drunkenness before any Justice of the Peace he shall forfeit and pay a sum of not less than five shillings nor more than twenty shillings and in default thereof shall be imprisoned for any period not exceeding forty-eight hours. If any person shall have been so convicted three times within the space of three calendar months he shall upon such third conviction forfeit and pay such sum as aforesaid and be imprisoned for any period not exceeding seven days. For drunkenness.

XLII. In case any person holding any licence under this Act shall be three times convicted of any offence against the provisions of this Act or against the tenor of his licence it shall be lawful for any two Justices in the District to order his licence to be cancelled and upon the signature of the said Justices of an order to that effect the said licence shall become null and void. Licence may be cancelled.

Conviction under
Sale of Spirits Or-
dinance.

XLIII. A conviction for an offence against an Ordinance passed by the Lieutenant-Governor of New Zealand with the advice and consent of the Legislative Council thereof intituled "An Ordinance to prohibit the Sale, &c., of Spirits, and to regulate the Sale, &c., of other Intoxicating Liquors to persons of the Native Race" shall be deemed to be a conviction for an offence against this Act.

BUSH LICENCES.

Bush licences.

XLIV. Whereas it may be desirable for the accommodation of travellers in remote and thinly populated parts of the Province that licences should be granted otherwise than at the time and in the manner hereinbefore provided Be it enacted that it shall be lawful for the Justices in the District at any meeting to be holden under this Act to authorise the issue of a licence to be called a Bush Licence in the form in Schedule M hereunto annexed to any householder in such remote part upon such terms and conditions and upon payment of such annual sum not less than Five Pounds as such Justices shall think fit anything to the contrary in this Act contained notwithstanding Provided always that written notice of an intention to apply for such licence shall have been given and posted against the door of the house usually known as the Court House for the district for fourteen days at least immediately before the meeting at which such licence shall be applied for Provided also that no such licence shall be granted for any house situate within fifteen miles by road over land from Auckland Provided also that all such licences if within Native Districts shall be subject to any regulations made by the Governor under the Native Districts Regulation Act 1858.

MISCELLANEOUS.

Present licences
to remain in force.

XLV. All licences existing at the date of the passing of this Act and all other licences which may have been granted if any under the "Licensing Act 1858" by reason of this Act not having been received at the time of such granting by the Resident Magistrate or either of them at Russell and Mongonui shall remain in force for the time they may respectively have to run but shall be subject nevertheless to the pains and penalties and conditions of this Act.

Notices to remain
good.

XLVI. All notices of applications for licences delivered before the 15th April 1863 and in accordance with the

on the Licence Now I the Treasurer of the said Province (or other person appointed by the said Superintendent for the purpose of issuing Licences under the said Act as the case may be) in pursuance of and by virtue of the powers vested in me by the said Act do hereby license the said A B to keep a Common Inn Ale House or Victualling House and to sell fermented and spirituous liquors in any quantity in the house in which he (or she) now dwelleth (or is about to dwell) being the sign of situated at _____, aforesaid, and the appurtenances thereto belonging but not elsewhere and this Licence shall commence upon the first day of _____ next and continue in force till the 30th day of June then next ensuing both days inclusive provided it be not forfeited in the meantime according to the provisions of the said Act. Given under my hand and seal at

Auckland this _____ day
of _____ one thousand eight
hundred and _____
Registered—P.Q.

N.O. (L.S.)
Provincial Treasurer
(or other person as the case may be.)

B.

FORM OF NOTICE OF APPLICATION FOR A PUBLICAN'S LICENCE FOR AN INN OR PUBLIC-HOUSE.

*To the Worshipful Justices of the Peace acting in and for
the District of _____ in the Province of Auckland
in the Colony of New Zealand.*

I A B (state trade or occupation) now residing at _____
in the parish city or district of _____
do hereby give notice that it is my intention to apply at the
next Annual Licensing Meeting to be holden for this
District for a Publican's Licence for the sale of fermented
and spirituous liquors in the house and appurtenances
thereunto belonging situated at _____ (here describe the
house proposed to be licensed specifying the situation of it
the person off whom rented the present occupier whether
now licensed and if so under what Sign) and which I intend

to keep as an Inn or Public-House. [If previously licensed add] That I now hold a Publican's License within the meaning of "The Licensing Act 1863."

Given under my hand this
 day of one
 thousand eight hundred
 and

A B

C.

FORM OF HOUSEHOLDERS' CERTIFICATE TO
 BE APPENDED TO THE ABOVE.

We the undersigned householders residing within the District of do hereby certify that the above A B is a person of good fame and reputation and fit and proper to be licensed to keep an Inn or Public-House for the sale of fermented and spirituous liquors therein.

Witness our hands this day
 of one thousand eight
 hundred and

One
 Two
 Three
 Four
 Five.

D.

FORM OF CERTIFICATE BY JUSTICES TO AU-
 THORISE THE GRANTING OF A LICENCE.

Province of Auckland, }
to Wit. *}*

At the Annual Licensing Meeting (or an adjournment of the Annual Licensing Meeting) of Her Majesty's Justices acting in and for the District of holden at on the day of in the year of our Lord one thousand eight hundred and pursuant to the "Licensing Act 1863" for the purpose of considering applications made to us for Publicans' Licences pursuant to the said Act We being the majority of the Justices assembled at the said Meeting do in virtue of the power

vested in us hereby authorise the Provincial Treasurer or other proper officer to deliver to A B of the Licence in the said Act called a Publican's Licence for (here state the house sign and district) the year commencing from the first day of July next—[The following certificate to be added in the case of application for licence by any person not then holding a licence within the meaning of "The Licensing Act 1863"—]—And we do hereby certify that we are satisfied the said A B is a person of good fame and reputation and fit and proper to be licensed as aforesaid.

Given under our hands and seals
the day of
at the place aforesaid

G. H. J.P. (L.S.)
J. K. J.P. (L.S.)

E.

FORM OF TEMPORARY LICENCE TO SELL
FERMENTED AND SPIRITUOUS LIQUORS
AT PUBLIC FAIRS.

Province of Auckland }
to Wit. }

BE IT REMEMBERED that A B of holding a Publican's Licence (describe the nature the house place and district for which the same is granted) having applied to us on the day of

for authority to exercise the privileges of the said Licence at a public fair (or other place of amusement as the case may be) on the said day of

Now we do hereby grant to the said A B authority to exercise the said Licence at the said fair (or other place of amusement) on the said day of between the hours of in the morning and in the evening. (If extension of time be applied for add) and do extend the time during which liquors may be legally supplied under such licence until such hours in the evening. Provided always (here add any conditions which the Justices may see fit to attach to the granting of the permission applied for).

Given under our hands on the
day and year aforesaid.

C. D. J.P.
E. F. J.P.

F.

FORM OF TRANSFER OF LICENCE.

Province of Auckland, }
to Wit. }

BE IT REMEMBERED that we the undersigned being the majority of the Justices present at a Special Meeting of the Justices for the district of _____ held at _____ for the purpose of transferring Publicans' Licences do hereby upon the application of the within-named _____ transfer the rights and privileges of the within licence (or licence described in that writing as the case may be) to G. H. for the period of _____ from this date the said G. H. having first exhibited the certificate and entered into the recognizance required by law.

C. D. J.P.
 E. F. J.P.

G.

FORM OF WRITING OR OF ENDORSEMENT ON
 LICENCE ON CHANGE OF HOUSE AND
 PREMISES.

MEMORANDUM.

We do hereby declare that the within licence (or licence described in this writing as the case may be) shall henceforth cease to apply to the House and Premises within described and shall apply instead thereof for the term of _____ days from this date and no longer to the House and premises occupied (or about to be occupied) by the said G. H. situate (described as in original Licence).

C. D. J.P.
 E. F. J.P.

H.

FORM OF WRITING OR ENDORSEMENT ON
 LICENCE OF RE-TRANSFER OF BUSINESS
 TO ORIGINAL HOUSE.

MEMORANDUM.

We do hereby declare that the within Licence (or Licence described in that writing as the case may be) shall

henceforth [or from the _____ day of _____]
] cease to apply to the House and Premises
 in the _____ Memorandum referred to and
 shall apply instead thereof to the House and Premises
 about to be occupied by _____ (described
 as in original Licence).

I.

FORM OF WRITING OR ENDORSEMENT ON
 LICENCE ON RE-TRANSFER OF BUSINESS
 TO ORIGINAL HOUSE.

MEMORANDUM.

We do hereby declare that the within Licence (or
 Licence described in this writing as the case may be)
 which had been transferred to the House and Premises in
 the _____ memorandum referred is hereby
 renewed and shall henceforth apply to the House and
 Premises about to be occupied by _____
 (described as in original Licence).

K.

FORM OF A WHOLESALE LICENCE.

Province of Auckland }
to Wit. }

KNOW ALL MEN by these presents that A. B. of
 (Merchant or as the case may be) is hereby
 Licensed pursuant to the "Licensing Act 1863" to sell
 any quantity of fermented and spirituous liquors pro-
 vided the same be not sold in quantities less than two
 gallons of any one description of Liquor and to be
 delivered at one time from the _____ day of
 _____ until the 30th day of June next the
 said A. B. having this day paid the sum of
 _____ pounds into the Provincial Treasury.
 Dated this _____ day of _____
 one thousand eight hundred and _____

C. D.
 Provincial Treasurer

L.

FORM OF CERTIFICATE BY JUSTICES TO
AUTHORIZE THE GRANTING OF A BUSH
LICENCE.

Province of Auckland }
to *Wit.* }

At a meeting of Her Majesty's Justices acting in and
for the District of _____ holden on the _____
day of _____ in the year of
our Lord one thousand eight hundred and _____
pursuant to the "Licensing Act 1863" for the purpose of
considering applications made to us for Publican's Licences
pursuant to the said Act We being the majority of the
Justices assembled at the said meeting do in virtue of the
power vested in us hereby authorize the Provincial
Treasurer or other proper Officer to deliver to A.B. of
_____ the Licence in the said Act called a
Bush Licence for (here state the house district and the
conditions imposed by the Justices if any) the year com-
mencing from the first day of July next and we hereby
certify that we are satisfied the said A.B. is a person of
good fame and reputation and fit and proper to be licensed
as aforesaid.

Given under our hand and seal
the _____ day of _____
at the place aforesaid

G.H. J.P. (L.S.)

J.K. J.P. (L.S.)

M.

FORM OF A BUSH LICENCE.

Province of Auckland }
to *Wit.* }

Whereas A.B. of _____ hath deposited in this office
a certificate from the Justices of the Peace assembled at a
Meeting held under the Licensing Act 1863 at _____
on _____ day of _____ in the year of our Lord
one thousand eight hundred and _____ authorizing the
issue to the said AB of the Licence in the said Act called
a Bush Licence for the House situated at _____ in
the District of _____ in the said Province of _____

LICENSING ACT.

Auckland And whereas the said AB hath paid into my office the sum of pounds sterling as the duty on the Licence Now I the Treasurer of the said Province (or other person appointed by the said Superintendent for the purpose of issuing Licences under the said Act as the case may be) in pursuance of and by virtue of the powers vested in me by the said Act do hereby license the said A.B. to keep a Common Inn Ale House or Victualling House and to sell fermented and spirituous liquors in any quantity in the house in which he (or she) now dwelleth (or is about to dwell) situated at aforesaid and the appurtenances thereto belonging but not elsewhere (here state the conditions if any expressed in the said Justices' certificate) and this Licence shall commence upon the first day of next and continue in force till the thirtieth day of June then next ensuing both days inclusive provided it be not forfeited in the meantime according to the provisions of the said Act.

Given under my hand and seal at

Auckland this day
of one thousand eight
hundred and

Registered P.Q.

N.O. (L.S.)

Provincial Treasurer

(or other person as the case may be.)

N.

1.—DISTRICT OF MONGONUI.

The boundaries of this District shall be the boundaries of the Electoral District of Mongonui as at present defined in the Schedule to the Auckland Representation Act 1863 passed by the Superintendent and Provincial Council of the Province of Auckland.

2.—BAY OF ISLANDS DISTRICT.

The boundaries of this District shall be the boundaries of the Bay of Islands Electoral District as at present defined in the Schedule to the aforesaid Act.

3. CITY AND NORTHERN DISTRICT.

The boundaries of this District shall be such as will include the following Electoral Districts namely: Marsden the Northern Division the City of Auckland East the City

of Auckland West Parnell and Newton as at present defined in the Schedule to the aforesaid Act.

4.—SOUTHERN DIVISION.

The boundaries of this District shall be such as will include the following Electoral Districts namely Pensioner Settlements Town of Onehunga Franklin and Raglan as at present defined in the Schedule to the aforesaid Act.

5.—MARSDEN DISTRICT.

The boundaries of this District shall be the boundaries of the Marsden Electoral District as at present defined in the Schedule to the aforesaid Act.

Printed under the authority of the Government of the Province of Auckland, by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

TURNPIKE ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 7, 1863.

[24th March, 1863.]

AN ACT to enable the Superintendent of the Province of
Auckland to erect Toll Bars on the Great South Road. Title.

WHEREAS it is expedient to make provision for the erection Preamble.
of Toll Bars or Gates on the Great South Road for the
purpose of raising money towards defraying the cost of the
repairs thereof :

Be it therefore enacted by the Superintendent of the
Province of Auckland with the advice and consent of the
Provincial Council thereof as follows:—

1. It shall be lawful for the Superintendent to cause from Superintendent
time to time such and so many Toll Bars Toll Gates and may erect Toll
Bars.

Toll Houses to be erected and built in and upon the said Great South Road and at the sides thereof at the junction of any roads leading into the said Great South Road at such places as to the said Superintendent shall seem fit and in like manner to cause the same or any of them to be removed or built or placed on other parts of the said Road and to direct Tolls to be paid for all animals and vehicles passing or re-passing through such Toll Bars Toll Gates or Toll Houses at a rate not exceeding the rates set forth in the Schedule to this Act annexed and such rates from time to time reduce or raise again to any amount not exceeding the amount in the said Schedule Provided that no such Toll shall be taken at any such Toll Bar Toll Gate or Toll House as aforesaid until a List of the Tolls payable thereat shall have been publicly notified in the Provincial Government Gazette at least one month previously Provided also that no person shall be required to pay toll on his return on the same day through the Toll Bar or Toll Gate in respect of the same horse cattle or carriage.

People using
Roads to pay
Tolls.

2. After publication in such Gazette as aforesaid the Tolls according to the rates therein specified shall be of the same force and effect as if the same were specially directed to be paid by this Act and the same shall be paid to the respective collectors thereof at the respective rates for the respective animals or vehicles as the same shall be specified in and by such publication and if any person other than those exempted from toll as herein provided shall refuse to pay any such toll the collector thereof may seize and distrain any horse beast cattle carriage or other vehicle in respect of which any such toll is payable and the goods and chattels of the person refusing to pay and if such toll with reasonable charges for such seizure and distress shall not be paid within four days the animals goods or chattels seized may be sold and the proceeds applied in payment of such tolls and charges.

Exemption from
Tolls.

3. No Toll shall be demanded or taken by virtue of this Act at any Toll Bar Toll Gate or Toll House of or from any person for any horses or vehicles employed in carrying or going empty to carry on the same day any stones or other materials for the purpose of repairing the said road or any part thereof or of or from the Surveyor or Contractor when engaged in surveying inspecting executing or proceeding to execute any works for repairing or maintaining the said road or for any horses or carriages employed only in conveying or returning from conveying the Mails of Letters under the authority of the Postmaster-General or

for the horses of any officers or soldiers in Her Majesty's service in uniform and on duty or for any horses cattle or carriage employed only in carrying or conveying the arms or baggage of any such officers or soldiers or for any horses cattle or carriages employed only in conveying any Ordnance Barrack or Commissariat or other public Stores of or belonging to Her Majesty or for the use of Her Majesty's Forces or returning empty from having been so employed or of or from any person in respect of any horse beast or other cattle or carriage employed only in carrying or conveying on the same day any dung soil compost or manure for improving lands or in respect of any ploughs harrows or implements of husbandry unless laden also with some other article not lawfully exempted from toll or in respect of any horses or other beasts employed in husbandry going to or returning from plough or harrow or to or from pasture or watering-place such horses or other beasts going or returning on these occasions not more than two miles on the turnpike road on which the exemption shall be claimed or of or from any person in respect of any horse or vehicle used for conveying any person or persons to attend any funeral or of or from any person in respect of any horse ridden by such person for the purpose of attending any jury to which he shall have been lawfully summoned to attend provided that no person shall be entitled to claim such last-mentioned exemption unless he shall on passing through any such gate produce to the Collector the summons requiring his attendance upon any such jury.

4. If any person or persons shall by any fraudulent or collusive means whatsoever claim or take the benefit of any exemption from toll in this Act contained every such person shall for every such offence forfeit and pay any sum not exceeding five pounds and in all cases the proof of exemption shall be upon the person claiming the same. Penalty for fraudulently taking benefit of exemption.

5. Any person who shall in any manner evade or attempt to evade or aid or assist or abet any person in evading or attempting to evade the payment of any Toll authorised by this Act or who shall fraudulently or forcibly pass through or by any Toll Bar Toll Gate or Toll House erected or established under this Act or shall do any other act whatsoever in order or with intent to evade the payment of any such Toll or whereby the same shall or may be evaded shall for every such offence forfeit and pay a sum not exceeding five pounds. Penalty for evading Tolls or forcing Toll Bars.

Superintendent
may appoint Col-
lectors.

6. The Superintendent may from time to time employ and appoint such proper persons as he may think to be collectors and who shall take charge of any such Toll Bars Toll Gates and Toll Houses and collect thereat all Tolls authorised to be collected or taken under this Act. Provided always that the said Superintendent shall require the said collector to find two good and sufficient sureties for the due performance of his duties and for the due accounting of all moneys that may come into his hands as such collector.

And with respect to letting or leasing the said Tolls be it enacted :

Tolls may be Let.

7. It shall be lawful for the said Superintendent from time to time to let and farm out for any term not exceeding one year all or any of the Tolls authorized to be collected under the provisions of this Act together with any Toll Bar Toll Gate or Toll House such letting or farming out to be by Public Auction whereof due notice shall be given by publishing the same in not less than two newspapers circulated in the Province fourteen days at the least before such letting and such security shall be taken by the said Superintendent as he may deem necessary and advisable for the due payment of the rent or sum stipulated to be paid for such Tolls and any lessee or farmer of Tolls during the continuance of any such letting or farming out or any collector or person by him appointed is hereby authorized and empowered to demand take have and receive such Tolls so let or farmed out and to enforce the recovery thereof in the same mode and by the same ways and means to all intents and purposes as the said collector appointed by the Superintendent could by virtue of this Act have demanded taken and received such Tolls if the same had not been so let or farmed out. Provided that no Tolls shall be so let until the maximum rate of Tolls which may be demanded and taken under this Act during the continuance of such letting or farming out shall be fixed in manner aforesaid.

If not Sold by
Auction, may be
Let by Private
Contract.

8. If at any such auction as aforesaid no bidder shall offer or in case the said Tolls shall not be let at such auction it shall be lawful for the said Superintendent to advertise for tenders for the said tolls in the same manner as tenders for other public works are advertised for and to accept a private tender for the same and any such person who shall take the said Tolls by private contract shall be entitled to the same privileges and shall in all respects be

deemed and taken to be for the purposes of this Act a person who shall have taken the said Tolls by reason of his being the highest bidder at any such auction.

9. If the person who shall be the farmer or renter or collector of such Tolls shall demand or take a greater or less Toll from any person than what is authorized or directed by this Act he shall for every such offence forfeit the sum of five pounds and after any such conviction the Superintendent may if he shall think fit in case the said Tolls shall have been let as aforesaid vacate any agreement or contract for that purpose and the same shall thereupon become null and void.

Penalty for demanding or taking more or less than legal Toll.

10. If in pursuance of this Act the said Superintendent shall erect or cause to be erected more than one Toll Bar Toll Gate or Toll House for the purpose of collecting such Tolls no person passing through the same shall be required to pay Toll in respect of any horse cattle or carriage at more than one of such gates on the same day and the said Superintendent shall provide tickets denoting the payment of Toll and the amount thereof and on such several tickets shall be named and specified the name of the gate at which the same respectively shall be delivered one of which tickets shall be delivered gratis to the person paying the Toll and on the production of such ticket at any other gate erected by virtue of this Act the person producing the same shall pass through such other gate without paying any further or additional Toll for any horses cattle or carriages in respect of which the said ticket was issued.

No person to pay at more than one gate on same day

11. Every Toll Collector shall cause to be placed and kept on some conspicuous part of the Toll Bar Toll Gate or Toll House at which he shall be stationed and so that the name shall appear to public view his Christian or first and surname and a list of the Tolls payable thereat painted in black letters at least two inches in length on a board with a white ground And if any such collector shall not place and keep such board as aforesaid during the time he shall be such collector or shall in any wise hinder any person from reading the inscription on such board or shall refuse to tell his Christian or first and surname to any person who shall demand the same or shall give a false name or shall demand more than the legal Toll or upon the legal Toll being tendered shall detain any passenger horses cattle or carriage or shall use any abusive language every such collector shall upon conviction for every such offence forfeit and pay any sum not exceeding £10.

Collectors to have their names in front of Toll house, and List of Tolls.

Penalty for injuring Toll Bars, &c. 12. Any person who shall wilfully injure damage or destroy any Toll Bar Toll Gate or Toll House or any board or list of Tolls erected or put up in pursuance of this Act or who shall wilfully obstruct or prevent any such collector in the due execution of his duty under the provisions of this Act shall for every such offence forfeit and pay any sum not exceeding £5.

And as to the disposal of the Tolls to be collected in pursuance of this Act be it enacted :

Moneys collected to be paid over to Provincial Treasurer. 13. All moneys and rents collected and received by virtue of this Act shall be paid to the Provincial Treasurer of the Province of Auckland who shall keep a separate account of the same and the said Treasurer shall thereout in the first place pay all interest due to any person for any moneys borrowed by virtue of this Act and any sinking fund and principal money that shall be due in respect of any money so borrowed and in the next place the said Treasurer shall pay all the costs charges and expenses incurred occasioned and incident to the collection of the said Tolls and the letting thereof and all costs incurred in prosecuting any persons for penalties incurred under this Act and in the next place the said Treasurer shall pay thereout all costs charges and expenses in and about the erection construction and repairs of all Toll Bars Toll Gates and Toll Houses erected in pursuance of this Act and lastly the balance shall be expended in the repair maintenance and construction of the Great South Road and the Main Road leading from Onehunga to Auckland and the several Bridges thereon.

Interpretation.

14. For the purposes of this Act the Great South Road shall be that portion of the same commencing at the junction of the Karangahape Road with Symonds-street and shall extend as far as Young's Hotel Drury The word "Collector" for the purpose of this Act shall mean any person employed by the Superintendent for the purpose of collecting any Tolls authorised to be collected under this Act or any lessee of the said Tolls who shall himself collect such Tolls or any person employed by any such lessee for the like purpose or any person who shall for the time being have temporary charge of any such Toll Bar Toll Gate or Toll House The word "Treasurer" for the purpose of this Act shall mean the Treasurer for the Province of Auckland or the person lawfully acting in that capacity.

15. It shall be lawful for the said Superintendent for the purpose of defraying any expenses incurred or to be incurred by him in the execution of this Act or for the purpose of repairing the said Road to borrow and take up at interest on the credit of the Tolls authorised to be raised by him under the authority of this Act any sums of money necessary for defraying any such expenses or the costs of such repairs And for the purpose of securing the repayment of any sums so borrowed together with such interest as aforesaid the Superintendent may mortgage and assign over to the person by or on behalf of whom such sums are advanced the Tolls upon the credit of which such sums are borrowed in such manner at such interest and for such period as to the said Superintendent may seem fit.

Superintendent
may raise money
by mortgaging
the Tolls.

16. The Short Title of this Act shall be the "Turnpike Short Title. Act 1863."

SCHEDULE REFERRED TO.

	£	s.	d.
For every Single or Saddle Horse	0	0	3
For every Carriage or Vehicle drawn by one Horse	0	0	6
For every Carriage or Vehicle drawn by two Horses	0	0	9
For every Carriage or Vehicle drawn by more than two Horses	0	1	0
For every Public Van or Conveyance carrying passengers for hire	0	2	0
For every Dray drawn by Bullock every two Bullocks to be charged as one Horse			
For all great and small Cattle per head ...	0	0	3
For Pigs Sheep and Goats per head ...	0	0	0 $\frac{1}{2}$

Provided that all vehicles with wheels having tires of a breadth not less than four and a half inches shall only be liable to one-half the above rates of Toll.

AUCKLAND LOAN ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 8, 1863.

[2nd April, 1863.]

Title. AN ACT to enable the Superintendent of the Province of Auckland to raise a loan not exceeding Five Hundred Thousand Pounds for the purpose of paying off certain existing liabilities and for other purposes.

Preamble. WHEREAS it is expedient to raise a loan for the purpose of repaying outstanding loans purchase of native lands promoting immigration the erection of public buildings and for other purposes :

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Power given to the Superintendent to raise £500,000 by way of Loan. 1. It shall be lawful for the Superintendent of the Province of Auckland to raise by way of loan a sum not exceeding Five hundred thousand pounds and to take up the same on Debentures from time to time as he may deem expedient Provided always that no money shall be borrowed under the provisions of this Act after the expiration of six years from the passing hereof.

Form of Debenture. 2. Every such Debenture shall be in the form contained in the Schedule to this Act annexed marked A or to the like effect and shall bear the respective signatures of the said Superintendent and of the Treasurer of the said Province and shall be numbered consecutively and shall have interest coupons attached.

Debenture to be dated and to bear Interest. 3. Every such Debenture shall be dated on the day on which the same shall be issued and shall bear interest from that day not exceeding six per cent. per annum payable half-yearly on the first day of April and the first day of

October in every year at such places in New Zealand or elsewhere as shall be therein named.

4. The principal and interest payable upon such Debentures are hereby charged upon and made payable out of all Revenues of the said Province subject to be appropriated by the Superintendent and Provincial Council thereof. Principal and Interest charged on Revenue.

5. Such Debentures shall be issued from time to time and at such times and at such places as the Superintendent shall by warrant under his hand direct How to be issued. Provided that it shall not be lawful for the said Superintendent to sell any such Debenture for any sum of money which shall be less than the sum for which such Debenture shall be issued.

6. The principal of every such Debenture shall be payable and shall be paid on demand on some day to be named therein being not later than thirty-three years from the day of the issue thereof. Principal how to be paid.

7. The said Superintendent shall in each and every year until payment of the Debentures issued under the authority of this Act invest on security of Debentures issued by the General Government or upon security of real property within the Province of Auckland or in the re-purchase of any Auckland Provincial Debentures a sum of money out of the said Revenues of the said Province equal to Two Pounds per centum per annum on the amount of the said Debentures unpaid at the time of such investment for the purpose of forming a sinking fund to pay off the said Debentures and the interest to accrue upon all moneys so invested shall from time to time be re-invested in like manner for the said purpose. Sinking Fund.

8. No portion of the said sum of Five hundred thousand pounds shall be expended in any other way than for the purpose of promoting and assisting immigration the redemption of outstanding debts contracted in pursuance of any Loan or Debenture Acts passed by the Provincial Council of the Province of Auckland the purchase of native lands the erection of public buildings the erection maintenance and repair of works in the Harbour and City of Auckland and for the execution maintenance and repair of the public works in the Province of Auckland Money raised how to be expended. Provided always that no larger sum shall be expended for the said respective purposes than the respective sums mentioned in the schedule to this Act to be spent for each particular purpose Provided also that no money raised under the provisions

of this Act shall be paid or expended without the authority of an Act of the Superintendent of the Province of Auckland and the Provincial Council thereof Provided further that no person who shall lend or advance any money upon the security of any Debentures issued by the authority of this Act shall be required to investigate into or inquire whether any such Act has been passed or not.

The sum of £185,000, part of the said Loan to be advanced by way of loan for the execution of Public Works. 9. Provided also that not less than the sum of one hundred and eighty-five thousand pounds part of the said sum of five hundred thousand pounds shall be expended by way of Loan to such boards or other bodies as exist or shall be from time to time established in the said Province for the purpose of executing and maintaining such public works for the execution and maintenance of which the Superintendent is authorised to raise the said sum of Five hundred thousand pounds or some part thereof.

No such Loan to be so made without an Act of the Superintendent and Provincial Council. 10. Provided also that no loan shall be made to any such Board or other bodies in pursuance of this Act unless the same shall be sanctioned by an Act of the Superintendent and Provincial Council of the Province of Auckland and proper provision shall be made therein for the purpose of paying the interest on such Loan and providing a sinking fund for the payment of any such Loan Such interest and sinking fund not to be less than the interest and sinking fund provided by this Act for the payment of the said sum of five hundred thousand pounds.

Interpretation. 11. In the interpretation of this Act the word "Treasurer" shall mean the Treasurer of the said Province or the person lawfully acting in that capacity.

Short Title. 12. The Short Title of this Act shall be the "Auckland Loan Act 1863."

SCHEDULE 1.

Form of Debenture and Coupon.

COLONY OF NEW ZEALAND.
PROVINCE OF AUCKLAND.

TRANSFERABLE BY DELIVERY.

No.	}	in words	{ No.
£	}	sterling	{ £

Under the authority of the "Auckland Loan Act 1863."
This Debenture entitles the Bearer at the office of the Super-

intendent of the Province of Auckland or at
to payment of the sum of
sterling on the day of
one thousand eight hundred and which with
interest thereon at the rate of pounds per centum
per annum is hereby charged and secured upon all the revenues
of the said Province subject to be appropriated by the Super-
intendent and Provincial Council thereof which interest is
payable half-yearly on the day of and the
day of in each year. (Dividend coupons
for which are annexed.)

Dated this day of
one thousand eight hundred and
and signed the same day in the City of

NEW ZEALAND.
PROVINCE OF AUCKLAND.

(Coupon)

"The Auckland Loan Act 1863."

Debenture No. Debenture No.
£ £

On presentation at the at
on or after the first day of 18 the bearer will
be entitled to receive pounds
shillings being the half-year's interest on that date on Deben-
ture No. for £

Superintendent of the Province of Auckland.

SCHEDULE B.

Distribution of Loan.

First Division of Loan—

	£	s.	d.
Redemption of Provincial De-			
bentures due 1st May 1865	45,000	0	0
Public Buildings	70,000	0	0
Immigration and Purchase of			
Land	200,000	0	0
	<hr/>		
	£315,000	0	0

Second Division of Loan—

Auckland Harbour Trust	60,000	0	0
City of Auckland	50,000	0	0
Public Works (in the Province)	75,000	0	0
	<hr/>		
	£185,000	0	0
	<hr/>		
	£500,000	0	0

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

AUCTIONEERS LICENSING ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 9, 1863.

[April 16th, 1863.]

Title. AN ACT *to make better provision for Licensing Auctioneers
in the Province of Auckland.*

Preamble. WHEREAS it is expedient to make better provision for
granting Licences to Auctioneers in the Province of Auckland:

Be it enacted by the Superintendent of the Province of
Auckland with the advice and consent of the Provincial
Council thereof as follows:—

Ordinance No. 13 1. The Ordinance No. 13 Session 2 enacted by the
Session 2 repealed Governor of New Zealand with the advice and consent of
the Legislative Council thereof entitled "An Ordinance
for Licensing Auctioneers" is hereby repealed from and
after the fourteenth day of April next so far as the same
relates to or extends to the said Province.

Auctioneers to 2. Every person who in the Province of Auckland exer-
take out License. cises or carries on the trade or business of an auctioneer or
who acts in that capacity at any sale and every person who
sells or offers for sale any goods or chattels lands tenements
or hereditaments or any interest therein at any sale when
any person or persons become the purchaser of the same
by competition and being the highest bidder either by being
the single bidder or increasing upon the bidding made by
others or decreasing on sums named by the auctioneer or
person acting as auctioneer or by any other mode of sel-
ling by competition shall (except as hereinafter mentioned)
be deemed to carry on the trade or business of an auctioneer
and shall be required to take out a Licence as by this Act
is directed.

Form of License. 3. Every such Licence shall be in the form in the
Schedule hereunto annexed marked A or to the like effect

and shall commence on the fifteenth day of April and shall be in force for one year.

4. Such Licence shall be issued by the Provincial Treasurer of the Province of Auckland to any person who shall apply for the same on payment of the sum of Forty Pounds or for Country Licences (as hereinafter mentioned) on payment of the sum of Ten Pounds. Amount to be paid for such Licence.

5. Every such Treasurer shall within fourteen days after the issue of any such Licence cause a list of the persons to whom he shall have granted such Licences setting forth their names places of abode and calling to be published in the *Provincial Government Gazette*. List of Auctioneers to be published.

6. And be it enacted that it shall not be necessary for any person selling any goods or chattels by auction in any of the cases hereinafter mentioned to take out the Licence by this Act required: any person selling any goods or chattels by auction under a distress for non-payment of rent for a less amount than Twenty Pounds Or any person selling any goods or chattels under any warrant issued from the Resident Magistrate's Court or from the District Court provided the sum for which such process is enforced is under Fifty Pounds. License not requisite in certain cases.

And in respect to the Issue of Licences to persons residing in distant parts be it enacted:

7. That the said Treasurer may issue such Licences as aforesaid for the sum of Ten Pounds: provided that such Licence shall not entitle such person to sell by virtue of such Licence at any place South of the Southern Boundaries of the Wainui and Matawhero Blocks or North of Hewling's line from the Wairoa to the Pahurehure Creek in the County of Eden Such Licence shall be called a Country Licence and shall be in the form in the Schedule hereunto annexed marked B. Country Licences may be granted at a less cost.

8. No person so licensed shall exercise his business of an auctioneer by any artificial light or after the hour of six o'clock in the afternoon from April to September inclusive or after the hour of seven o'clock in the evening during the residue of the year and every person offending against this provision shall forfeit and pay for every such offence the sum of Twenty Pounds to be recovered in a summary way. Hours of Business Penalty.

Auctioneer holding Country Licence on demand of Constable.

9. If any person acting as an auctioneer holding a Licence as aforesaid does not at the time of any sale by auction on demand of any police officer or constable produce and show to such officer a proper Licence to him granted under this Act such person shall be liable to a penalty not exceeding Twenty Pounds to be recovered in a summary way.

Penalty for selling by Auction without License.

10. If any person not being duly Licensed in accordance with this Act shall act as an auctioneer within the meaning of this Act as defined in the second section hereof such person shall forfeit and pay for every such offence a sum not exceeding One Hundred Pounds or less than Twenty Pounds to be recovered in a summary way.

Act not to extend to Government Sales.

11. Provided that nothing herein contained shall extend to any sale by order of the Governor or by order of any Collector or Sub-Collector of Customs or to any sale of land sold or leased by authority of the Provincial Government of the Province of Auckland.

Short Title.

12. The Short Title of this Act shall be the "Auctioneers' Licensing Act 1863."

SCHEDULE A. REFERRED TO.

FORM OF LICENCE.

Know all men by these presents that [name] of [place of abode] is hereby licensed to exercise the business or calling of an Auctioneer from this date until the day of April next having this day paid the sum of £40.

Signed

Treasurer.

SCHEDULE B.

FORM OF COUNTRY LICENCE.

Know all men by these presents that [name] of [place of abode and business] is hereby licensed to exercise the business or calling of an Auctioneer at any place not within

the limits prescribed by Section 7 of the "Auctioneers' Licensing Act 1863" from this date until the day of April next having this day paid the sum of £10.

Signed

Treasurer.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

TELEGRAPH PROTECTION ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 10, 1863.

[16th April, 1863.]

AN ACT *to provide Penalties for Persons wilfully injuring or destroying Telegraphs in the Province of Auckland.* Title.

WHEREAS it is intended to erect and construct Electrical Telegraphs in certain parts of the Province of Auckland: And Whereas other such Telegraphs may from time to time be constructed and erected in the said Province: And whereas it is expedient to protect such Telegraphs from wilful injury or destruction:

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

1. Every person who shall wilfully injure damage or destroy any Electrical Telegraph or any works connected therewith in the Province of Auckland shall be liable to a penalty not exceeding twenty pounds or to be imprisoned for a period not exceeding six calendar months with or without hard labour.

Penalty for injuring materials.

2. Every person who shall wilfully injure or destroy any post wire material or other works used in the construction of any such Telegraph shall be liable to a penalty not exceeding the sum of twenty pounds or to be imprisoned for a period not exceeding six calendar months with or without hard labour.

Penalty for obstructing persons employed in working Telegraphs.

3. Every person who shall wilfully obstruct any person employed in erecting any such Telegraph in the due execution of his duty or who shall so obstruct any such person employed in working any such Telegraph shall be liable to a penalty not exceeding the sum of twenty pounds or to be imprisoned for a period not exceeding six calendar months with or without hard labour.

Penalty for impeding the use of Telegraph.

4. Every person who shall without lawful authority do any act by reason whereof the use of any Electrical Telegraph may be impeded or the transmission of any message along the same may be interrupted shall be liable to a penalty not exceeding twenty pounds or to be imprisoned for a period not exceeding six calendar months with or without hard labour.

Damage to be added to Penalty by way of further penalty.

5. Provided always that in addition to any penalty inflicted under the foregoing provisions of this Act it shall be lawful for any Justice or Justices by whom any such penalty may be inflicted to add to such penalty the amount of any damage that may be done to any such Telegraph or works. Provided that no such penalty shall in the whole exceed £100.

Penalty for divulging messages.

6. Every person employed in working any such Telegraph who shall divulge the contents or substance of any despatch message or other communication transmitted thereby except to the person or persons to whom the same shall be addressed shall be liable to a penalty for each such offence not exceeding £100 or to be imprisoned not exceeding six calendar months with or without hard labour.

Interpretation.

7. In the interpretation of this Act the word "works" shall include any station post insulator wire cord galvanic apparatus excavations and other things in any way connected with the Electrical Telegraph or line of communication thereto.

Penalties to be recovered in a summary way.

8. All penalties inflicted under this Act shall be recoverable in a summary way.

9. The Short Title of this Act shall be "The Telegraph Short Title. Protection Act, 1863."

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

REPEALING ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 11, 1863.

[16th April, 1863.]

AN ACT to *Repeal certain Acts of the Local Legislature of the Title,
Province of Auckland.*

WHEREAS certain Acts passed by the Superintendent and Preamble. Provincial Council of the Province of Auckland have become obsolete and it is expedient to Repeal the same And whereas it is expedient to Repeal other Acts passed in like manner :

Be it enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof :

1. All the Acts mentioned and set forth in the Schedule Acts mentioned to this Act annexed shall be and the same are hereby in Schedule re- repealed.

2. The Short Title of this Act shall be "The Repealing Short Title, Act 1863."

SCHEDULE.

<i>Year.</i>	<i>Session.</i>	<i>No.</i>	<i>Title, or Short Title.</i>
1854	I.	3	An Act to appropriate the Revenue for part of the Year 1853 and part of the Year 1854.
1854	II.	4	An Act to Amend an Ordinance for the Regulation of Building and Loan Societies.
1854	II.	3	An Act to make provision for taking a Census in the Province of Auckland in the Year 1855.
Private. 1854	II.	1	An Act to Incorporate the Auckland Steam Navigation Company and for other purposes therein named.
Private. 1854	II.	2	An Act to Incorporate the Auckland Local Steam Navigation Company and for other purposes therein named.
1855	II.	8	An Act for the further appropriation of the Revenue for the year 1854 and for the General Appropriation of the Revenue for the first Three Months of the Year 1855.
1855	II.	10	Bribery and Treating Act 1855.
1855	III.	1	An Act for the further Appropriation of Revenue for a portion of the Year 1855.
1855	IV.	2	An Act for the further Appropriation of the Revenue for a portion of the year 1855.
1856	V.	10	The Naval and Military Scrip Act 1856.
1856	V.	11	An Act for the Appropriation of the Revenue and other Moneys for the Year 1856.
1858	VIII.	8	Appropriation Act 1858.
1859	IX.	6	Appropriation Act 1859.
1860	XII.	4	Appropriation Act 1860.
1861	XIII.	1	Appropriation Act 1861.

1862	XIV. 1	Licensing Act Amendment Act 1862 (No. 1).
1862	XIV.13	Public Buildings Commissioners Act 1862.
1862	XIV.14	Debenture Act 1862.

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

HIGHWAYS ACT 1862 AMENDMENT ACT.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 12, 1863.

[26th March, 1863.]

An Act to Amend the "Highways Act 1862."

Title.

WHEREAS an Act was passed by the Colonial Legislature of the Province of Auckland Session XV. No. 5 intituled "An Act to facilitate the making and repairing of Highways within the Province of Auckland" and whereas it is expedient to amend the same: Preamble.

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof:—

1. The sixth and seventh clauses of the said recited Act are hereby repealed, and in lieu of the said sixth clause be it enacted—

6th and 7th
Clauses of recited
Act repealed.

2. Subject to the provisions limitations and restrictions contained in the said Act all land in any district formed under the provisions of the said Act save and except as hereinafter mentioned, is hereby made subject to a rate not exceeding one shilling per acre in every year or to a rate not exceeding three-pence in the pound in every year to be made upon the estimated value to sell of the lands and tenements rated thereto, the choice and adoption of some Lands made sub-
ject to assessment

or other of the fore-mentioned rates to rest with the majority of the ratepayers as in the said Act mentioned.

And in lieu of the said 7th clause be it enacted—

Lands to be ex-
cepted.

3. That no land other than land held under Grant or Lease from the Crown shall be liable to be rated under the authority of this or the said recited Act Provided always that no land used as sites for Schools or places of Public Worship or for Burying Grounds shall be liable to be rated as aforesaid.

This Act not to
affect rates al-
ready made or
levied.

4. Nothing in this Act shall extend to affect or invalidate any rate already made or levied by the authority of the said Act but the same may be levied or collected as if this Act had not been passed anything herein contained to the contrary thereof notwithstanding.

Penalty for da-
maging mile-
stones.

5. Any person who shall wilfully injure damage or destroy any milestone post or other work erected for the purpose of marking or indicating the mileage on any highway or public road in the Province of Auckland or who shall wilfully deface alter or obliterate any sign or mark engraved or painted on any such milestone post or work for the purpose of indicating such mileage shall be liable to a penalty not exceeding Five Pounds.

Rates made under
repealed Ordi-
nance may be en-
forced.

6. And whereas by the first section of the said recited Act Ordinance No. 6 of Session 5 enacted by the Governor of New Zealand with the advice and consent of the Legislative Council thereof was thereby repealed And whereas before the repealing of the said Act divers rates were made and levied in several districts formed under the said Act but were not collected And whereas doubts have arisen whether such rates can be legally enforced and it is expedient to remove such doubts Be it enacted in manner aforesaid that notwithstanding the repeal of the said Act at the time aforesaid all rates made and levied in pursuance of the said repealed Ordinance shall and may be collected in the same manner and enforced by the same means as is provided by the said repealed Ordinance anything in the said recited Act to the contrary notwithstanding.

HARBOUR DEBT ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 13, 1863.

[1st April, 1863.]

AN ACT to declare the Debt due from the Harbour of Auckland Title.
Trust to the Province of Auckland.

WHEREAS certain sums of money out of the Public Revenue Preamble.
of the Province of Auckland have at different times been
advanced and expended for the purpose of improving the
said Harbour and whereas certain portions of the said
money were intended to be a charge on the said Harbour
Endowments and to be repaid to the said Province and
whereas doubts exist as to the amount now due to the
said Province from the said Harbour Trust and it is expe-
dient to remove such doubts by declaring the amount due
from the said Harbour Trust to the Province of Auckland:

Be it therefore enacted by the Superintendent of the
Province of Auckland and with the advice and consent of
the Provincial Council thereof:—

1. That from and after the first day of April 1863 the Debt declared.
Harbour of Auckland Trust shall be and it is hereby
charged with the sum of Twelve Thousand Pounds as a
debt due to the Province of Auckland being certain portion
of the money so advanced and expended for the purpose of
improving the said Harbour and the said debt shall bear
interest from and after the said first day of April 1863 at
and after the rate of Six Pounds per centum per annum.

2. Provided always that nothing herein contained shall Not to affect
in any manner affect a charge on the lands of the said Mortgage under
Harbour created or authorised to be created by an Act of "Harbour De-
the General Assembly of New Zealand intituled "The bature Act,
Auckland Harbour Debenture Act 1860."

SHEEP ACT.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 14, 1863.

[16th April, 1863.]

Title. *AN ACT to repeal the "Sheep Act 1858" of the Provincial Council of the Province of Auckland and to make other provisions in lieu thereof.*

Preamble. WHEREAS an Act was passed by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof intituled "An Act to repeal an Act of the Provincial Council of the Province of Auckland intituled 'An Act to prevent the Scab from spreading amongst the Sheep within the Province of Auckland and to make other provisions in lieu thereof'" and whereas it is expedient that the provisions thereof should be amended and for that purpose that the same should be repealed :

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Repeal of recited Act. 1. That the said recited Act shall be repealed from and after the commencement of this Act.

Superintendent may appoint, extend, contract, or abolish districts for the purposes of Act. 2. The said Superintendent may from time to time for the purposes of this Act by public notification appoint and define districts and may extend or contract the limits thereof and may extinguish such districts and appoint and define other districts in lieu thereof.

Superintendent may appoint Inspectors and other persons for the purposes of Act. 3. The said Superintendent may from time to time for the purposes of this Act appoint a person for every such district to act as the Inspector of Sheep therein and may from time to time appoint all such other persons as he shall deem necessary for efficiently carrying into effect the provisions hereof and every person so to be appointed shall

hold his office or employment during the pleasure of the said Superintendent.

4. The said Superintendent may from time to time by public notification appoint for the purposes of this Act certain places within the said Province to be called Sheep Quarantine Grounds and may from time to time revoke any appointment so made.

Superintendent may appoint sheep quarantine grounds.

5. No sheep infected with the disease called scab shall be landed in any place in the said Province without the written permission for that purpose first had and obtained of the Inspector of Sheep for the District wherein such place is situate or (in the event of such Inspector being from any cause unable to attend to such duty) of some person duly appointed in writing in that behalf by the Superintendent and every person who shall without such permission land or aid or assist in any way in such landing of any such sheep in the said Province shall for every such offence forfeit and pay any sum not exceeding one hundred pounds.

No sheep to be landed without written permission.

6. If any such Inspector or appointee shall on examining the said sheep discover that they are or any portion thereof are infected with such disease he shall deliver an order in writing unto the owner thereof to take or convey the whole of them by a prescribed route to some one of the said sheep quarantine grounds which order such owner is hereby required to execute and if such owner shall refuse or neglect to execute such order he shall for every such offence forfeit and pay any sum not exceeding fifty pounds and not less than five pounds.

Inspector or appointee to order diseased sheep to be taken to some quarantine ground; owner to obey such order, under a penalty.

7. If the owner of such sheep should be of opinion that they are not so diseased nor any part of them notwithstanding the decision of such Inspector or appointee to the contrary he may appeal from such decision to the nearest Resident Magistrate who is hereby authorised and required to hear and determine the same in a summary way and the decision of such Resident Magistrate shall be final in every such case.

Owner may appeal.

8. All sheep so taken or conveyed to any such quarantine ground shall be there kept and washed and if necessary dressed for the cure or prevention of such disease at the expense of such owner and shall not be removed or taken away from such quarantine ground without the written order in that behalf of the Inspector of Sheep or appointee for the district wherein such quarantine ground is situate

Sheep to be washed, dressed, and kept in quarantine ground at the owner's expense, and not to be removed therefrom under a pe-

nalty, without order.

and if any person shall without such order take away any of the said sheep from such ground or aid or assist in so doing he shall for every such offence forfeit and pay any sum not exceeding fifty pounds and not less than five pounds.

Wash and preparation for washing and dressing sheep in quarantine grounds to be prescribed by Inspector; quarantine grounds to be under the control of Inspector.

9. The Inspector of Sheep for any district wherein any such quarantine ground as aforesaid shall be situate may from time to time and whensoever and as often as to him it shall seem meet prescribe to the keeper of the said quarantine ground and such other persons as may be employed therein the wash and preparation to be used in the washing and dressing of such sheep and the mode and manner in which the same shall be so used and all such other matters and things as he shall deem requisite for the effectual cure or prevention of the said disease in such sheep and it shall be the duty of the said keeper and other persons to carry into effect all matters and things so prescribed by the said Inspector.

Superintendent to fix the charges to be paid for the dressing of sheep in quarantine grounds; owners of sheep to pay such charges.

10. The Superintendent may from time to time and whensoever and as often as to him it shall seem meet, fix the charges to be paid by the owner of such sheep in respect of such washing dressing and keeping unto the keeper of the said ground which charges the said owner shall pay unto the said keeper before the removal of the said sheep from such quarantine ground. Provided always that such fees and charges shall be duly notified in the Auckland Provincial Government Gazette.

Power to Inspectors and appointees to enter upon all lands to ascertain if the sheep thereon are infected with the scab; penalty for obstructing such entry.

11. It shall be lawful for the Inspector of Sheep for any sheep district and for any person whom the Superintendent may in that behalf from time to time by writing appoint to enter at all reasonable times into and upon all lands and places in such district for the purpose of ascertaining whether the sheep therein are infected with such disease as aforesaid or not and any person who shall obstruct any such Inspector or appointee in the discharge of such duty shall forfeit and pay for every such offence any sum not exceeding fifty pounds and not less than five pounds.

Owner of sheep to give notice, under a penalty, of the appearance of disease amongst sheep.

12. Every sheep owner shall within seven days after the said disease shall have manifested itself amongst his sheep give notice thereof in writing unto the Inspector of Sheep or appointee as aforesaid for the district wherein such sheep may then happen to be or leave such notice at the office or place of abode of such Inspector and if he shall not do so within such time he shall forfeit and pay for such

offence any sum not exceeding fifty pounds and not less than five pounds.

13. Such owner shall within seven days after he shall have discovered that his sheep are so infected or after he shall have received notice thereof from such Inspector or from such appointee as last aforesaid cause such sheep to be washed or dressed for the purpose of curing such disease and if he shall neglect to do so he shall forfeit and pay any sum not exceeding five pounds for every day during which such neglect shall continue.

Owners to dress sheep for disease, within a certain time, under a penalty.

14. No sheep owner shall remove any sheep infected with the scab or allow them to stray from the lands of such sheep owner and if such sheep owner shall without the permission in writing of the Inspector of Sheep for the district remove or allow any such sheep to stray from the said lands he shall forfeit and pay for every such offence any sum not exceeding one hundred pounds and any further sum not exceeding ten pounds for every day or part thereof during which such sheep shall not be on the said lands of such sheep owner and if any person shall without having obtained such permission in writing as aforesaid drive or conduct or permit or suffer to be driven or conducted any sheep infected with the said disease upon any highway or upon any lands not in the possession of the owner of such sheep every such person shall forfeit and pay for every such offence any sum not less than five pounds or more than fifty pounds. Provided always that nothing herein contained shall prevent any sheep from being conveyed in covered vehicles on any highway or upon or over any lands not being as aforesaid in the possession of the owner of such sheep provided also that it shall be lawful for any person upon whose land any such sheep are trespassing to remove the same therefrom and to drive or conduct them to the place of abode of the owner thereof or to such place as the owner shall direct or to the place from whence such sheep may have strayed or to some public pound.

Penalty for removing sheep or allowing them to be off owner's land, after the appearance of disease, without Inspector's permission in writing; penalty for driving diseased sheep without Inspector's permission; sheep may be removed in covered vehicles; sheep trespassing may be removed.

15. Every such Inspector upon being required by notice in writing from any sheep owner served personally or left at such Inspector's usual place of abode shall attend at any place appointed in his district within a reasonable time after the service of such notice for the purpose of examining any sheep after such sheep shall have been dipped or otherwise dressed for the cure of the scab with a view to grant such permission in writing as aforesaid and in default of so

Inspector on receipt of notice, to repair to the farm of sheep owner to examine sheep; penalty for neglect.

attending he shall forfeit and pay any sum not exceeding fifty pounds.

If sheep examined are free from disease, Inspector to grant a certificate to that effect.

16. After examining any sheep in compliance with the request of the owner thereof every such Inspector shall if such sheep be free from the disease aforesaid grant a certificate to that effect to the said owner.

But if such sheep are diseased, the owner is to wash or dress them with wash or preparation to be prescribed by the Inspector of sheep. When sheep have been washed or dressed, Inspector to give, on request, an order for their removal.

17. If on examination the said Inspector shall find such sheep to be infected with the said disease he shall require the owner thereof to wash or dress them with a wash or preparation to be in that behalf prescribed from time to time by the Inspector of Sheep for the district and he shall give unto the said owner upon such sheep being so washed or dressed and on being thereunto requested by such owner his permission in writing to drive or conduct such sheep to the place and in the mode and manner to be specified and prescribed in such writing.

Penalty for driving diseased sheep without Inspector's order, or by route not prescribed in order.

18. Every person driving or conducting any sheep infected with the said disease over any highway or by any route or in manner not authorised by such writing as aforesaid shall forfeit and pay for every such offence any sum not exceeding fifty pounds.

Penalty on Inspector for giving order for the removal of diseased sheep, unless they have been previously dressed.

19. If any such Inspector shall knowingly give to any person such permission in writing as aforesaid for the driving or conducting of sheep so infected unless and until such sheep shall have been washed or dressed as and in manner aforesaid he shall forfeit and pay for every such offence the sum of fifty pounds.

What sheep shall be deemed to be infected with the scab.

20. All sheep shall be deemed to be infected with the said disease for the purpose of this Act which shall be known by the owner thereof to have mixed with other sheep infected with such disease and every such owner shall be deemed to know that his sheep have so mixed whenever a written notice to that effect signed by the Inspector of Sheep or appointee as aforesaid for the district shall have been served on such owner personally or left at his last usual place of abode for twenty-four hours.

Penalty for setting diseased sheep at large.

21. If the owner of any sheep so infected or any other person shall wilfully set at large or abandon such sheep he shall forfeit and pay for every sheep so set at large or abandoned any sum not less than one pound or more than five pounds.

22. It shall be lawful for any such Inspector or appointee as aforesaid to destroy any sheep so infected as aforesaid which shall be wandering at large and the owner whereof is unknown and cannot be ascertained after reasonable enquiry.

Diseased sheep wandering at large may, when owner is unknown, be destroyed.

23. The Inspector of Sheep for every district shall at all reasonable times on being thereunto requested by any owner of sheep being or depasturing therein register the imprint of the sheep brand of such owner provided that the said imprint does not in the opinion of the said Inspector too closely resemble any other one previously registered in such district and in use therein for the branding of sheep.

Inspector, on request, to register brands, but not any closely resembling brands previously registered in the district.

24. If the owner of sheep within any such district who has not registered in manner aforesaid the imprint of his sheep brand shall neglect to do so he shall forfeit and pay for every such offence any sum not exceeding five pounds.

Penalty for neglecting to have brand registered, after receipt of notice from Inspector.

25. All sheep above the age of four months within the said Province shall be branded on the wool thereof with the registered sheep brands (and none other) of the owners thereof respectively such brands not being respectively less than four inches in length and of a proportionate breadth and to be at all times legible and if such sheep shall not be so branded the owner thereof shall forfeit and pay for and in respect of every sheep not being so branded any sum not exceeding one shilling.

Sheep above the age of four months to be branded with the registered brand of the owner; penalty for neglect.

26. If any person shall brand any sheep or shall deface or efface any brand upon any sheep without the authority of the owner thereof he shall be liable to a penalty not exceeding one hundred pounds.

Penalty for branding sheep, or effacing brand without permission of owner.

27. That the Inspector or appointee shall keep an official Journal in the form of the Schedule A hereunder.

Inspector to keep journal.

28. That such Journal shall be kept by the Inspector or appointee at his office or in case he shall have no office at his dwelling-house and shall be open to the inspection of every person who shall be desirous of searching the same between the hours of ten o'clock in the forenoon and four o'clock in the afternoon except on Sundays Christmas Day Good Friday, and days declared public holidays upon payment of the fee of one shilling for each such search.

Journal to be open to inspection on payment of fee.

Appointee to forward his journal to Inspector's office half-yearly ; journal to be open to inspection on payment of fee. 29. Every appointee shall on the first day of January and July of every year forward his Journal for the previous six months to the office of the Inspector there to remain open to the inspection of every person who shall be desirous of searching the same between the hours of ten o'clock in the forenoon and four o'clock in the afternoon except on Sundays Christmas Day Good Friday and days declared public holidays upon payment of the fee of one shilling for each such search.

Penalty in cases not specifically provided for by Act. 30. In every case in which any person shall offend against any of the provisions of this Act (where no other penalty in that behalf is by this Act specifically imposed) such person shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

Penalty not to exceed £100. 31. No cumulative penalty to be imposed under this Act shall exceed the sum of one hundred pounds for any one offence.

Inspectors and appointees to sue for offences committed in their respective districts against the provisions of Act. 32. The Inspector of Sheep or appointee for any such district as aforesaid is hereby authorised and required to sue in some competent Court every person who shall within such district offend against any of the proceedings herein contained.

Definition of "Owner." 33. The word "Owner" throughout this Act shall include every person having the charge control or management of sheep.

Definition of "Sheep." 34. The word "Sheep" shall include rams ewes wethers and lambs.

Commencement of Act. 35. This Act shall come into operation on the first day of June 1863.

Short Title. 36. The Short Title of this Act shall be "The Sheep Act 1863."

SCHEDULE A.

Date of Visit.	Name of Owners and Brand.	Free from Scab.	Diseased with Scab.			Cautions under Clause as to Branding	Remarks
			No. of Days.	External Appearance.	Remedy adopted.		

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

INTERPRETATION ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 16, 1863.

[16th April, 1863.]

AN ACT to enable the Provincial Legislature of the Province of Auckland to amend or repeal Acts during the Session in which the same may be passed.

BE IT ENACTED and declared by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:

- Acts may be amended in same Session. 1. Every Act may be altered amended or repealed in the same Session of Council in which it may be passed any law or usage to the contrary notwithstanding.
- Short Title. 2. The Short Title of this Act shall be "The Interpretation Act 1863."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

CITY BOARD ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 17, 1863.

[17th April, 1862.]

- Title. *AN ACT for the establishment of a Board of Commissioners for the better government of the City of Auckland.*
- Preamble. WHEREAS it is expedient to make provision for the better government of the City of Auckland :—
- Be it enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :
- Boundaries of City. 1. The City of Auckland for the purposes of this Act shall be that portion of the Province as is comprised and described in Schedule A to this Act annexed.
- Board constituted. 2. For the government of the said City there shall be a City Board of Commissioners (through this Act called "The Board") which shall consist of nine elected members and a Chairman to be respectively elected as hereinafter mentioned.

3. The said City shall be divided into six Wards for the election of Members for the said Board and such Wards shall be respectively bounded as set forth in Schedule B to this Act annexed and the names of such Electoral Wards and the number of members to be returned by each Ward respectively shall be as follows :

Division of City into 6 wards.

Each ward to elect members.

- East Ward No. 1.....Two Members.
- Do. No. 2.....One Member.
- Do. No. 3.....One Member.
- West Ward No. 1.....Two Members.
- Do. No. 2.....One Member.
- Do. No. 3.....Two Members.

4. Every person whose name shall be on the Electoral Roll for the time being of persons entitled to vote for members for the City of Auckland East and West in the Provincial Council of the Province of Auckland shall be qualified to vote at the first election of members for the Board as hereinafter mentioned.

Qualification of voters.

5. Every person whose name shall be on such Electoral Roll shall be qualified to be elected a member of such Board at the first election.

Qualification of members.

6. It shall be lawful for the Superintendent and he is hereby required as soon as conveniently after the passing of this Act and from time to time thereafter as occasion shall require to nominate some fit and proper person to be Returning Officer for the purposes of this Act who shall be paid annually out of the rates to be collected under this Act the sum of twenty-five pounds.

Superintendent to appoint Returning Officer.

Remuneration.

7. It shall be the duty of such Returning Officer as soon as conveniently may be after his appointment to compile Electoral Rolls for the said several Wards mentioned in the Schedule to this Act annexed And every person whose name shall appear on the Electoral Roll mentioned in the fifth section of this Act shall be entitled to vote for a member or members as the case may be for such Ward or Wards in which the property is situate in respect of which he is entitled to vote for the election of members for the Provincial Council of the Province of Auckland.

Returning Officer to compile Rolls.

8. The said Returning Officer shall after having compiled such Rolls as aforesaid transmit the same to the Superintendent who shall cause the same to be published in the Provincial Government Gazette for general information.

Rolls transmitted to the Superintendent.

Superintendent to issue his precept to Returning Officer.

9. It shall be lawful for the Superintendent and he is hereby required within fourteen days after the publication of such Rolls as aforesaid to issue his precept to the said Returning Officer directing him to convene a meeting of the Electors of the said several Wards at such convenient times and places being within the City as to the said Returning Officer shall seem fit for the purpose of electing members to serve on the said Board for the said several Wards Provided that three days' notice at least shall be given of every such meeting.

Conduct of Election.

10. The said Returning Officer shall preside at such meeting or meetings and shall call upon the electors of the said several Wards successively (in such order as shall to him seem fit) to elect a fit and proper person to represent each Ward in the Board. Each candidate shall be proposed and seconded by an Elector of the Ward in respect of which such candidate is proposed. And in the event of a greater number of candidates being proposed for any one Ward than the number to be elected the Returning Officer shall call for a show of hands separately in favour of each candidate and shall declare that candidate in favour of whom the greatest show of hands shall appear to be duly elected to serve as a member of the said Board for such Ward as he shall have been proposed. Provided always that it shall be competent for any candidate or his proposer or seconder or any three electors to demand a poll to be taken of the electors of such Ward in respect of which such demand shall be so made Whereupon it shall be the duty of such Returning Officer to take or cause to be taken a poll of the electors of such Ward on the day following And the said Returning Officer or some person appointed by him as his deputy shall preside at such polling The poll shall be opened at 9 A.M. and closed at 4 P.M.

Poll may be demanded.

The Polling shall be conducted in manner following that is to say

Mode of taking Poll.

11. Every elector may vote for any Candidate by presenting himself to the Returning Officer or his deputy at the place appointed for taking such Poll who shall thereupon enquire of such elector his name and place of abode and shall further if so requested by the elector read over aloud the names of the several candidates He shall then enquire of such elector for whom he votes and the elector having stated the name of the candidate for whom he intends to vote the same shall be entered in a Poll Book to be kept for that purpose and the elector shall be required to sign

his name or affix his mark opposite to such entry and no such vote shall be counted unless the entry shall be so signed or marked.

12. No enquiry shall be permitted at any such election as to the right of any person to vote except as follows. The Returning Officer shall at the request of any two electors or if he shall think fit without such request put the following questions to any voter before such voter shall have recorded his vote

Questions that may be put at Election.

1. Are you the person whose name appears as (A B) on the Electoral Roll for Ward (as the case may be) ?

2. Have you already voted at the present election ?

3. Have you paid all rates under the City Board Act due before this date ?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same the first affirmatively the second negatively and the third affirmatively. Provided always that any person who shall wilfully make a false answer to any such question shall forfeit and pay any sum not exceeding £20 to be recovered in a summary way upon the information of such Returning Officer or his Deputy. Provided always that the third question shall not be put at the first election that takes place under this Act.

13. At the close of the poll the Returning Officer or his deputy shall ascertain the number of votes given for every candidate and shall forthwith publicly declare the persons who shall have the greatest number of votes to be duly elected.

Declaration of Poll.

14. In case of an equality of votes at any such election the Returning Officer or his deputy shall then and there decide by his casting vote which of the candidates shall be elected.

In case of equality of Votes Returning Officer to give casting vote.

15. The Returning Officer or his deputy shall forthwith after every election to be held under this Act notify to the Superintendent the names of the persons elected to the Board and the same shall be published in the Government Gazette of the Province.

Returning Officer to notify to Superintendent names of persons elected.

Power to petition. 16. In case any complaint shall be made touching the validity of any election that shall take place under the provisions of this Act such complaint shall be made by petition to the said Board and every such petition shall set forth concisely the grounds of such complaint and shall be signed by an elector who had a right to vote at the election to which the same shall relate or by some person who had been a candidate at such election and such petition shall be presented within fourteen days after the first meeting of the Board that shall happen next after any such election.

Petition to be referred to a Select Committee. 17. Every such petition shall be referred to a Select Committee of the Board consisting of three members one of whom shall be the chairman of the Board.

Chairman to transmit copy of petition to sitting Member affected thereby. 18. Provided always that it shall be the duty of the chairman to transmit forthwith a copy of such petition to the sitting member touching whose election the complaint has been made and such member may by writing under his hand addressed to the chairman of the Board declare that he will not defend his election whereupon such member shall not be entitled to sit or vote at the said Board until such petition shall have been decided upon.

Committee to try petition on its merits. 19. Every such committee shall try the merits of the return or election complained of in such petition and shall determine by a majority of votes whether the sitting member or any other person was duly returned or elected or whether the election was void and whether a new election ought to take place which determination shall be final between the parties to all intents and purposes and the Board on the same being reported to them shall order such report to be entered on their minute book and shall give the necessary directions for confirming or altering the return or election or for carrying the said determination into effect as the case may require Provided always that the Electoral Roll shall be deemed and taken to be conclusive evidence that the persons therein named were duly qualified to vote but the said Roll shall not be conclusive as to the correctness of the insertion of the name of any elector on the Roll of any particular ward.

Electoral Roll to be final as to right to vote.

Meetings of Committee to be open to the public. 20. All meetings of any such committee shall be open to the public.

Board may make by-laws to insure the prosecution of petition. 21. The Board may from time to time make any Rules or By-Laws as hereinafter provided for the purpose of demanding security from any petitioner duly to prosecute petition.

such petition and for defraying the costs occasioned by the same and generally for more fully and effectually carrying out the provisions of this Act touching such petitions.

22. It shall be lawful for any member of the Board by writing under his hand addressed to the chairman thereof to resign his seat in the Board and upon receipt by the said chairman of such resignation the seat of such member shall become vacant and also upon the death of any member the seat of such member shall be deemed vacant. Members may resign. Vacancy of seat by death.

23. If any member of the Board shall for the space of three months fail to give his attendance at the meetings of the said Board or shall become bankrupt or shall become an insolvent debtor within the meaning of the laws relating to insolvent debtors or shall become a public defaulter or be convicted of felony or any infamous offence his seat shall thereupon become vacated. Member failing to give his attendance for three months, &c., seat vacant.

24. Upon the occurrence of any such vacancy the same shall be filled up by an election to take place on some day to be fixed by the said Returning Officer and to be conducted in manner hereinbefore provided so that such election shall take place at a period not earlier than seven days and not later than twenty-eight days after such vacancy shall have been made known to him by a certificate under the hand of the clerk of the Board (who is hereby required forthwith to make known the same) and every person so elected shall hold office until the time when the person in the room of whom he was chosen would regularly have gone out. Such returning officer may and he is hereby required to convene a public meeting of the electors of the ward in which such vacancy may have occurred without such precept of the Superintendent as hereinbefore provided for the first election. Provided always that if before any such vacancy shall occur the Board shall have made a rate and the same shall have been transcribed in a book as hereinafter provided the said Returning Officer shall make fresh Electoral Rolls of persons entitled to vote for the election of members for the Board and no person shall be entitled to have his name inserted on such roll unless his name shall appear as a ratepayer in such rate book and no person shall be entitled to vote at any such election or be elected a member of such Board unless his name shall appear on such last-mentioned roll and he shall have paid all rates then payable by him under this said Act and it shall be the duty of any collector of rates appointed under this Act to attend the Returning Officer at such elections to assist in ascertaining that the Vacancy to be filled up.

persons presenting themselves to vote have duly paid their rates.

One-third of the Members to retire annually. 25. One third of the elected members to be first elected shall go out of office on the first Monday in the month of June one thousand eight hundred and sixty-five and in every succeeding year one third of the members shall go out of office and in the said year one thousand eight hundred and sixty-five those who shall go out of office shall be the members who were elected under the provisions of this Act by the smallest number of votes at the first election and in the year one thousand eight hundred and sixty-six those who shall go out of office shall be the members who are elected under the provisions of this Act by the next smallest number of votes at the first election the majority of the whole Board always determining when the votes for any persons shall have been equal who shall be the person so to go out of office and thereafter those who shall go out of office shall always be the members who have been for the longest time in office without re-election Provided always that every member so going out of office shall be capable of being re-elected if he is qualified as herein provided.

Members elected without a contest to be deemed elected with the largest number of votes. 26. Provided always that members who were elected without a contest shall be deemed to have been elected by the greatest number of votes.

First meeting. 27. The Board shall hold their first meeting on a day and in some fit and proper place to be fixed by the Superintendent and published in the Provincial Government Gazette.

Questions to be decided by the majority. 28. All Acts whatsoever authorised or required to be done by the Board and all questions that may come before the Board shall be done and decided by the majority of the members who shall be present at any meeting thereof Provided always that it shall not be competent for the Board to transact any business unless one third of the whole number of elected members be present.

Chairman to be elected. 29. The members of the Board shall at their first meeting or some meeting to be holden by adjournment thereof (which it shall be competent for the members present to appoint) elect a chairman of the Board and shall before such election decide upon the amount of salary to be paid to such chairman such salary not to be less than one hundred and fifty pounds nor more than two hundred

pounds per annum and such members before proceeding to such election or to determine the amount of such salary shall choose from among the members present a chairman of such meeting and such election of the future chairman of the Board shall be determined by the votes of the majority of the members present and in case of an equality of votes the chairman of the meeting shall have a second or casting vote. And any person may be elected as aforesaid whether he be or be not a member of the said Board and such chairman shall be subject to be removed by a resolution agreed to by two thirds of the elected members present at any meeting especially convened for considering the question of such removal and in case any elected member of the said Board be appointed chairman thereof he shall thenceforth be a member thereof by virtue only of his office of chairman and his place as an elected member shall become vacant and another shall be elected in his stead according to the provisions of this Act hereinbefore contained for filling up vacancies. Provided always that such chairman shall hold office for one year only but any such chairman shall be eligible for re-election in the same manner as hereinbefore provided.

30. Every such chairman may resign his seat by writing addressed to the Board and upon any vacancy in the office of chairman of the Board a new chairman shall be appointed and his salary fixed in manner hereinbefore mentioned save that the appointment of such chairman may be made at any such meeting as may be provided in this behalf by the By-Laws for the time being of the said Board.

Chairman may resign and fresh appointment to be made.

31. The Board shall have ordinary meetings periodically on such days and at such times and places as shall be fixed by a By-Law to be made for that purpose. Provided always that the Board shall meet at least once a month for the despatch of business.

Meetings of the Board.

32. The chairman of the Board shall have power to call an extraordinary meeting of the Board at any other time as often as he shall think proper. Provided that the chairman shall cause notices of the time and place of every such extraordinary meeting specifying the business proposed to be transacted thereat and signed by him to be left at the usual place of abode of every member of the Board twenty-four hours at least before such meeting. Provided further that any three of the members shall have power to call a special meeting of the Board by causing the clerk to write

Chairman shall call extraordinary meeting.

a notice to the whole of the members which notice shall be signed by the said clerk and the three members so calling the meeting and shall specify the business to be transacted at such special meeting and shall be left at the usual place of abode or place of business of the said members at least twenty-four hours before such meeting takes place.

Chairman to preside.

33. At every meeting of the Board the chairman or in his absence some other member selected for that purpose by the meeting shall preside and such chairman shall not have an original but only a casting vote.

Board may adjourn.

34. Every meeting of the Board may be adjourned by the majority and if the prescribed number of members do not attend any such meeting those present may adjourn to another time of the same day or to some future day.

Minutes to be kept.

35. Minutes of the proceedings of every meeting shall be entered in a book to be kept for that purpose and shall be signed by the chairman at the next meeting of the Board.

Minutes open to inspection

36. Every ratepayer shall be at liberty to inspect and make extracts from the book so to be kept at all reasonable times upon payment of the fee of one shilling for each inspection.

Meetings of Board open to the public.

37. All meetings of the Board shall be open to the public.

And with respect to the manner of making rates authorised by this Act Be it enacted—

Power to make rate.

38. For the purpose of raising the means for carrying into effect all or any of the powers given by this Act and for defraying of all expenses to be incurred under the authority of this Act the Board shall have power so often as they shall deem necessary to make and levy in manner hereinafter provided an equitable rate and assessment upon all real property within the limits of the said City.

Rate to be levied periodically and assessed on annual value of premises.

39. Every rate which the Board are by this Act authorized to make or levy shall be made and levied by them at yearly half-yearly or such other periods as they shall think fit upon every person who occupies any House Shop Warehouse Counting-house Office Coach-house Stable Cellar Vault Building Workshop Manufactory Garden Land or Tenement whatsoever (except as hereinafter is excepted) within the limits of the said City according to the full net annual value thereof respectively And the said rates shall

be vested in the said Board and shall be payable at such times as they shall appoint Provided always that no rate shall exceed the sum of one shilling and sixpence in the one pound sterling on the said net annual value.

40. Provided also that the entire sum to be levied by any rate or rates to be made and levied under this Act shall not exceed the sum of six thousand pounds in any one year. Rates in any one year not to exceed £6,000.

41. No person shall be rated to any rate made in pursuance of this Act in respect of Government House and land or of any building or land used for Imperial or Military purposes or of any Building or Lands used and occupied by the General or Provincial Governments or of any Church Chapel Meeting-house or other Building exclusively used for public worship or any Building used for the purpose of schools (supported or partly supported by grants made under the Education Act 1857) or of Public Charity. Property excepted from rate.

42. The Board may make any such rate as aforesaid prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred. Rate may be prospective or retrospective.

43. The Board from time to time before proceeding to make any rate which by this Act they are authorized to make and levy shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorized to levy such rate showing the several sums required the rateable value of the property assessable and the rate on each one pound sterling of such value necessary to raise the money required which estimate after the same has been approved by the Board shall be forthwith entered on the Rate Book to be kept by the Board as hereinafter provided. Estimate to be made before making rate.

44. Notice of the intention of making every rate authorized to be made under the provisions of this Act and of the time at which the same is intended to be made and of a place where a statement of the proposed rate is deposited for inspection by the ratepayers shall be published by the Board in some one or more newspapers published and circulated in the said City at least one week previously to the making of such rate. Notice of intention to make rate to be published.

45. Every such rate shall be fairly transcribed in a book to be kept for that purpose and may be in the form given Rate to be transcribed.

in the Schedule "C" annexed to this Act or as near thereto as the circumstances of the case will admit of and every rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained And every such rate shall be signed by not less than three members of the Board.

Rate to be open to inspection.

46. The statement of the proposed rate and the rate immediately after the same is made shall be open to the inspection of any person interested or rated in such rate at all reasonable times and any such person may take copies or extracts from such statement or rate without payment And any person having the custody of such statement or rate who refuses or does not permit any person so interested or rated as aforesaid to take such copies or extracts shall for every such offence be liable to a penalty not exceeding Five Pounds.

Penalty.

Rate may be amended.

47. The Board may from time to time amend any rate made by virtue of this Act by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting therein the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been rated or by raising or reducing the sum at which any person has been rated if it appear to the Board that such person has been under or over-rated or by making such other amendment as will make such rate conformable to this Act and no such Amendment shall be held to avoid such rate.

Persons aggrieved to give notice to Board.

48. Provided always that if any person think himself aggrieved by any rate either before or after the same may have been amended as aforesaid on the ground of irregularity unfairness or incorrectness in the valuation of any rateable property included therein or in the amount assessed thereon he may at any time within fourteen days after such rate is made give notice to the Clerk of the Board that he objects to the said rate and in such notice he shall state explicitly the grounds of such objection and the Clerk shall at the next ordinary meeting of the Board lay such notice before the Board who shall thereupon appoint a select Committee of the Board to enquire into and report to the said Board upon such objection and the Board shall thereupon make such amendment in such rate or shall confirm the rate as it originally stood as to them shall seem fit.

49. Every person whose rate is altered either at the instance of the Board or in consequence of any such notice given as aforesaid by any ratepayer shall be entitled to seven days' notice of such alteration before the rate shall be payable by him. Persons whose rate is altered entitled to notice.

50. For the purpose of ascertaining the net annual value of the property to be rated in pursuance of this Act the Board shall from time to time appoint competent persons for that purpose whose duty it shall be to make a valuation of such property that is to say of the rent at which the same might reasonably be expected to let from year to year free of all usual tenant's rates and taxes and deducting therefrom the probable average annual cost of the repairs insurance and other expenses if any necessary to maintain them in a state to command such rent. Valuation to be made.

51. Before any such valuation shall be made the persons appointed to make it shall make and subscribe a solemn declaration to make such valuation fairly and impartially according to the best of their judgment and an entry shall be made in the Minute Book of the Board of the making and subscribing of such declaration and of the date thereof and it shall be competent for any Justice of the Peace to take such declaration. And every tenant of any premises liable to be rated under this Act shall and he is hereby required truly to disclose to any such valuer the net amount of rent paid by him in respect of any premises occupied by him within the limits of this Act and any person refusing or declining to give such information or who shall give false information shall be liable to a penalty of not less than Five Pounds to be recovered in a summary way. Valuer to make declaration.

52. When any property in respect of which any person is liable to be assessed as occupier to any rate under the provisions of this Act is unoccupied at the time of making any such rate the Board shall in any such case include such property in the said rate describing it in the column appointed to the name of the occupier as being "empty" and if any person afterwards occupy such property during any part of the period for which such rate was made the Board shall insert in such rate the name of such occupier and collect from such occupier or from the owner if he be liable to pay the same a portion of the said rate proportioned to the time during which such person occupies such property and every such person shall thereupon be deemed to all intents and purposes to be properly rated and all such rates Unoccupied premises to be included in the Rates, and if the Premises are afterwards occupied a portion of Rates to be paid.

may be collected and recovered from the person liable to pay the same under the provisions of this Act in the same manner as other rates made payable thereunder. Provided that any such person so rated may give the notice of objection to such rate in the same manner as if he had been rated in the first instance and the insertion of the name of such person in the rate book shall be deemed as regards such person the making of the rate.

Owners to pay the rates in certain cases. 53. The owners of all rateable property of which the full net annual value does not exceed fifteen pounds or which is let to weekly or monthly tenants shall be rated to pay the rates by this Act directed to be paid instead of the occupiers thereof.

Not necessary to name the owner when not known. 54. Whenever the name of any owner liable to be rated under the provisions of this Act is not known to the Board or to the person making the rate it shall be sufficient to rate such owner in the rate book of the Board as the owner of the property to be rated by the designation of the "Owner" without stating his name.

Tenant to pay in certain cases where lease exists. 55. Provided always that when any owner is rated in respect of any rateable property in the occupation of any tenant under any Lease or Agreement made prior to the passing of this Act such tenant shall repay to the owner all sums paid by him during the continuance of such lease on account of any rate under this Act payable by the owner unless it shall have been agreed that the owner shall pay all rates in respect of such property. Provided always that no such tenant shall be compelled to pay any sum exceeding twenty pounds. And every sum so payable by the tenant to the owner may be recovered in a summary way.

And with respect to the recovery of rates be it enacted as follows:

Recovery of rate. 56. If any person rated under the authority of this Act fail to pay any rate or rates due from him for the space of fourteen days after demand thereof in writing by the Collector delivered personally or left at the last usual place of abode of such person the same may be recovered in a summary way before any Justice of the Peace at the suit of such Collector or such other person as the Board shall appoint.

Rate Book to be evidence. 57. In any proceeding to levy and recover or consequent on the levying or recovery of any rate under the provisions

of this Act the said Rate Book and all entries made therein in manner by this Act directed by the production thereof alone and without any evidence that the notices and other requirements of this Act have been given or complied with on proof of the signatures of the members of the Board whose names appear thereon or subscribed therein shall be received as evidence of such rate and of the contents thereof And in any such proceeding the production of the said rate book showing the name of the person proceeded against as liable to pay any rate shall be sufficient *prima facie* evidence of his liability to pay the same.

58. If any person quit or be about to quit any rateable property before he has paid the rates then payable by him in respect thereof and do not pay the same to the Collector on demand it shall be lawful for any Justice to summon such person to appear before him at a time mentioned in the summons to show cause why the rate or rates should not be paid and if no sufficient cause be shown accordingly the same shall be levied by distress, and such Justice shall issue his warrant accordingly.

Remedy against persons quitting before payment of rates.

59. When the owner of any rateable property is rated in respect thereof under the authority of this Act and the rate remains unpaid for three months the Collector may demand such rate from the occupier for the time being of such rateable property and on non-payment thereof may recover the same in like manner as rates may be recovered from the occupier of any property liable to be rated and every such occupier shall be entitled to deduct from the rent payable by him to such owner so much as was so paid by or recovered from him.

Rates due from owner may be recovered from occupier.

60. Provided always that no such occupier shall be required to pay any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate or which after such demand and after notice not to pay the same to his landlord at any time accrues or becomes payable by him unless he upon an application being made to him for that purpose by or on behalf of the Board truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice or which has since accrued shall lie upon such occupier.

Occupier not to pay more than the amount of rent due.

Penalty on occupier refusing to give name of owner. 61. If on request of the Collector of the said rates the occupier of any property refuses or wilfully omits to disclose or wilfully misstates to the Collector making such request the name of the owner of such property or of the person receiving or authorized to receive the rents of the same such person shall be liable for every such offence to a penalty not exceeding Five Pounds.

And with respect to the drainage and sewerage of the said City be it enacted as follows:

Board may make Drains and Sewers. 62. The Board are hereby empowered to make and maintain within the limits of the said City such sewers and drains as to the Board shall seem fit and to allow the owners or occupiers of adjoining property on such terms as the Board shall deem expedient to connect private sewers or drains with public sewers or drains.

Sewers and Drains to be managed by Board. 63. All public sewers and drains within the limits of this Act with all the works and materials thereto belonging whether made at the time of the passing of this Act or at any time thereafter and whether made at the cost of the Board or otherwise and the entire management of the same shall vest in and belong to the Board.

Penalty for making unauthorised Drains. 64. Every person not being employed for that purpose by the Board or who without the sanction of the Board shall make any drain into any of the sewers or drains so under the management or vested in the Board shall forfeit a sum not exceeding Five Pounds to be recovered in a summary way upon the information of the Chairman of the Board or such person as he shall appoint.

Persons to cause private Drains to be cleansed. 65. And if any person who shall have constructed any private sewer or drain connected with any main or public sewer maintained by the Board shall fail to have the same at all times maintained repaired and well cleaned and properly flushed with water to the satisfaction of the Board it shall be lawful for the Board to repair cleanse and maintain the said private sewer or drain in such manner as the Board shall think fit Provided that they shall give to the person in the occupation of the premises connecting such sewer or drain with any public sewer or drain forty-eight hours' notice in writing of the intention of the Board so to repair maintain or cleanse such drain or sewer and if such occupier or owner shall in the meantime fail to place such drain or sewer in such a state as shall satisfy the Board the Board shall recover the costs expended in and about

repairing cleansing maintaining or flushing with water such drain or sewer from the occupier of such premises in a summary way at the suit of the Chairman of the said Board providing that the sum so to be recovered shall not exceed Twenty Pounds.

66. The Board may stop any street and prevent all persons from passing along and using the same for a reasonable time during the construction alteration repair and demolition of any sewer or drain in and under such street. And any person wilfully infringing any By-law to be made by the Board in this respect in pursuance of the power hereinafter contained for that purpose shall forfeit and pay any sum not exceeding Five Pounds.

Board may stop up streets for the purpose of repairs.

And with respect to maintaining the streets be it enacted as follows :

67. The management of all Streets and Highways with respect to the maintaining repairing cleaning lighting and paving the same within the limits of this Act shall be and the same are hereby placed under the control of the said Board and the said Board are hereby authorized to make any By-laws for the management of the same subject to such confirmation as hereinafter mentioned.

Management of Streets and Highways under the control of Board.

68. The Board may from time to time cause the houses and buildings in all or any of the streets within the limits of this Act to be marked with numbers as they think fit and shall cause to be put up or painted on a conspicuous part of some house building or place at or near each end or corner or entrance of every such street the name by which such street is to be known and every person who destroys pulls down or defaces any such number or name or puts up any number or name different from the number or name put up by the Board shall be liable to a penalty not exceeding Forty Shillings for every such offence.

Board to put up name of Streets.

69. The occupiers of houses and other buildings in the streets shall mark their houses or buildings with such numbers as the Board approve of and shall renew such numbers as often as they become obliterated or defaced and every such occupier who fails within one week after notice for that purpose from the Board to mark his house with a number approved of by the Board or to renew such number when obliterated shall be liable to a penalty not exceeding Five Pounds.

Occupiers to number houses.

Board may erect
Urinals.

70. The Board may erect such public urinals within the limits of this Act and in such situations as they may think fit and may defray the expenses thereof and of keeping the same in good order and make compensation for any injury occasioned to any person by the erection thereof out of the moneys to be levied under this Act.

Streets to be
watered.

71. The Board shall as often as occasion requires cause the streets to be watered and they may contract with any Water Company or party for a supply of water for that purpose and for cleaning the sewers and drains or provide any other works and engines proper for that purpose and remove and alter the same when and as they think proper.

And with respect to the prevention of nuisances be it enacted as follows :

Stagnant water
not to be allowed.

72. No person shall suffer any waste or stagnant water to remain in any cellar or other place within any house belonging to or occupied by him within the limits of this Act so as to be a nuisance. And every person who so suffers any such water to remain forty-eight hours after receiving notice from the Board to remove the same and every person who allows the contents of any privy or cess-pool to overflow or soak therefrom to the annoyance of the occupiers of any adjoining property shall for every such offence be liable to a penalty not exceeding Five Pounds for every such offence and the further sum of Ten Shillings for every day during which such nuisance continues.

And with respect to the promotion of health in the said City be it enacted :

Board may ap-
point Officer of
Health.

73. The said Board may from time to time appoint some legally qualified Medical Practitioner to be the Officer of Health under the said Board.

On certificate of
Officer of Health
or two Surgeons,
filth, &c., to be re-
moved.

74. If at any time the Officer of Health or if for the time being there be no Officer of Health any two Surgeons residing within the limits of this Act certify under his or their hand to the Board that any accumulation of dung soil or filth or other noxious or offensive matter within the limits of this Act ought to be removed as being injurious to the health of the inhabitants the Clerk to the Board shall forthwith give notice to the owner or reputed owner of such dung soil or filth or to the occupier of the land where the same are to remove the same within twenty-four hours after such notice and in case of failure or neglect

to comply with such notice such owner or occupier shall be liable to a penalty not exceeding Five Pounds and a further penalty not exceeding Ten Shillings for every day that such failure or neglect shall continue.

75. If at any time the Officer of Health or if there be no such officer any two Surgeons as aforesaid certify under his or their hand to the said Board that any house or part of any house or building within the limits of this Act is in such filthy and unwholesome condition that the health of the inmates or of the neighbours is thereby affected or endangered or that the white-washing cleaning or purifying of any house or building or any part thereof would tend to prevent or check infectious or contagious diseases therein or that any drain privy or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered the Board shall order the occupier of such house or part thereof to whitewash cleanse and purify the same and the owner of such drain privy or cesspool to amend their condition in such manner and within such time as the Board shall deem reasonable and upon failure or neglect to comply with such order every person so refusing or neglecting shall be liable to a penalty not exceeding Five Pounds and a further penalty of Ten Shillings for every day such refusal or neglect shall continue.

Houses to be white-washed or purified on similar certificate.

76. If any candle-house melting-house melting-place or soap-house or any building or place for boiling offal or blood or for boiling or crushing bones or any pig-stye necessary house dunghill manure heap or any manufactory building or place of business within the limits of this Act be at any time certified to the Board by the Inspector of Nuisances or Officer of Health or if there be no such officer any two Surgeons as aforesaid to be a nuisance or injurious to health the Board shall cause a notice to be served on the person by or on whose behalf the work complained of is carried on requiring such person to discontinue or remedy the nuisance within such time as to them shall appear expedient and if any such nuisance or the cause of any such injurious effects as aforesaid be not discontinued or remedied within such time as shall be specified in such notice the person by or on whose behalf the business causing such nuisance is carried on shall be liable on proof thereof to a penalty not exceeding Forty Shillings for every day during which such nuisance shall be continued or unremedied after the expiration of such time as aforesaid.

Nuisances occasioned by offensive trades, &c., to be abated on notice.

Board may direct prosecutions.

77. The Board may direct any prosecution for any nuisance whatever created permitted or suffered within the limits of this Act and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act and may order the expenses of such prosecution or other proceeding to be paid out of the rates collected under the provisions of this Act.

And with respect to Lodging Houses be it enacted as follows :

Regulation and Inspection of Lodging Houses.

78. It shall not be lawful to keep or use as a Public Lodging House within the limits of this Act any house unless the same shall have been registered as a Lodging House in a book to be kept by the Board for that purpose and every house shall be deemed a Public Lodging House within the meaning of this Act in which persons are harboured or lodged for hire for a single night or for less than a week at one time or any part of which is let for any term less than a week Provided always that the provisions of this Act for the regulation of lodging houses shall not affect any house or premises duly licensed as a public house tavern or hotel.

Board to keep register and make rules for regulating Lodging Houses.

79. The Board shall cause a Register to be kept in which shall be entered the names of all such persons as apply to have the houses occupied by them registered as lodging-houses and the situation of such houses and the Board shall from time to time fix the number of lodgers who may be received into each such lodging house and make rules for promoting cleanliness and ventilation in such lodging houses And they shall order that a ticket containing the number of lodgers allowed to be received into the house shall be hung up or placed in a conspicuous part of each room into which lodgers are received And the keepers of all such lodging houses shall at all times observe the said rules and give access to such lodging houses when required by any person appointed by the Board for the purpose of inspection thereof and every person applying for such licence shall pay therefor a fee not exceeding one pound and such licence shall be in force for one year from the date of its issue.

Penalty on Lodging house keeper not complying with provisions of this Act.

80. Every person who shall keep any lodging house and receive lodgers therein without such lodging house having been duly registered or who shall receive into the same more lodgers than shall be allowed by the Board or who

shall fail to keep such ticket as aforesaid hung up or displayed as required by the Board or who shall neglect to cause such rules to be observed in such lodging houses or who shall refuse to admit to such lodging house at all reasonable times any person appointed by the Board for any of the purposes aforesaid or shall wilfully obstruct any such person in the performance of his duty shall be liable to a penalty not exceeding Forty Shillings for each such offence.

And with respect to the regulation of drays and carts plying for hire within the City be it enacted as follows :

81. The owner of every cart dray or waggon plying for hire within the City of Auckland shall cause the same to be registered every year at the office of the Board and shall obtain a separate licence for every such cart dray or waggon in the form of the Schedule F hereto annexed signed by the Chairman of the Board and countersigned by the Treasurer. The sum of Twenty Shillings shall be paid for every such licence and the same shall expire on the first day of July next ensuing the date thereof.

Drays plying for hire to be registered and pay licence.

82. The owner of any cart dray or waggon plying for hire within the City of Auckland without a licence for the same having been first obtained shall pay for every offence a sum not exceeding Forty Shillings.

Penalty for plying for hire without licence.

83. All persons having licensed carts drays or waggons shall stand and ply for hire in such street or place as the Board shall from time to time direct or appoint and any person contravening this regulation shall forfeit for every such offence any sum not exceeding Forty Shillings.

Drays shall stand for hire in places appointed by the Board.

84. The name of the owner and number of licence granted for any cart dray or waggon shall be legibly painted on the same in letters at least one inch long and of a proportionate breadth upon the right or off side. Any person attempting to evade the provisions of this regulation by any means whatsoever shall forfeit for every such offence a sum not exceeding Sixty Shillings.

Name of owner to be painted legibly on off side of dray.

85. Provided that no such licence shall be issued and no person shall be liable to any penalties for not taking out such licence until proper provision shall be made by the said Board for the convenience of such carts standing to ply for hire.

No license to be issued or penalty inflicted, until proper provision be made for convenience of carts.

And with respect to lighting the City be it enacted as follows :

Board may contract for lighting the city. 86. The Board may from time to time contract with any person or public company for the supply of such gas or oil or other means of lighting and may provide such lamps lamp-posts and other works as the Board think necessary for lighting such streets And any person who shall wilfully damage or destroy any such lamps posts or other works used for the lighting of the streets shall be liable to a penalty not exceeding Five Pounds for each such offence.

Penalty for damaging lamps, &c.

And with respect to the supply of water be it enacted as follows :—

Board to maintain all existing cisterns, pumps, &c. 87. The Board may cause all existing cisterns pumps and wells used for the gratuitous supply of water to the inhabitants within the limits of this Act to be continued maintained and supplied with water or they shall substitute other such works equally convenient and shall cause them to be maintained and supplied with water and such public cisterns and other works shall be vested in the Board and be under their management and control And the Board may construct any number of new cisterns pumps conduits and other works for the gratuitous use of any persons who choose to carry the same away not for sale but for their own private use Any person who shall wilfully damage destroy or commit any act whereby such cistern pumps or other works may become damaged destroyed or defective such person shall be liable to a penalty of not more than Ten Pounds nor less than Five Pounds.

Penalty for damaging same.

Board to make fire plugs. 88. The Board may cause fire plugs and all necessary works machinery and assistance for securing an efficient supply of water in cases of fire to be provided and maintained and for this purpose they may enter into any agreement with any water company or other party and they shall paint or mark on the buildings and walls within the streets words for marks near to such fire plugs to denote the situation thereof And to do such other things for the purposes aforesaid as they may from time to time deem expedient.

Fire Engines. 89. It shall be lawful for the Superintendent and he is hereby required to hand over and transfer all Fire Engines that he lawfully can to the said Board and the said Board may out of any rates to be collected by virtue of this Act purchase any new Engines and defray the cost of preserv-

ing and keeping in repair any such Engines and any costs that may be incurred in working any such Engines or incidental thereto.

90. Every person who shall wilfully injure or destroy any such Engine which may be so transferred to the Board or any Engine which the Board may hereafter acquire or any houses sheds or other works connected therewith shall forfeit and pay any sum not exceeding Ten Pounds exclusive of the amount of any such damage which damage shall be added to and form part of such penalty Provided that no such penalty shall in whole exceed the sum of One Hundred Pounds. Penalty for damaging Fire Engines.

91. And the said Board may from time to time in accordance with the provisions of this Act make By-Laws for organizing and regulating a Fire Brigade for the purpose of working the said Engines. Board may make By-laws to regulate Fire Brigade.

92. The Board may from time to time provide such clocks as they consider necessary and cause them to be fixed upon or against any public building or with the consent of the owner and occupier upon or against any private building the situation of which may be convenient for the purpose and may cause the dials thereof to be lighted at night and from time to time alter and remove any such clocks to such other like situations as they shall consider expedient and any person who shall wilfully damage or injure any such clock or who shall without the authority of the Board interfere or meddle with such clock by stopping putting back or putting forward the same shall forfeit and pay any sum not exceeding Ten Pounds nor less than Five Pounds. Public Clocks.

93. All moneys hereafter appropriated by the Provincial Council of the Province of Auckland for any purpose within the limits of this Act shall be paid over to the Board and the receipt of the Treasurer of the Board shall be a sufficient discharge to the Superintendent for the payment of such money. Monies appropriated by Provincial Council to be paid to City Board.

And with regard to the power of the said Board to borrow money on security of the rates to be collected under the provisions of this Act be it enacted as follows:

94. It shall be lawful for the said Board for the purpose of defraying any expenses incurred or to be incurred by them in the execution of this Act to borrow and take up at interest on the credit of all or any of the rates authorised to Power of Board to borrow money with approval of Superintendent and Executive Council.

be raised by them under this Act any sums of money necessary for defraying any such expenses And for the purpose of securing the repayment of any sums so borrowed together with such interest as aforesaid the Board may mortgage and assign over to the persons by or on behalf of whom such sums are advanced the respective moneys or rates upon the credit of which such sums are borrowed And the respective mortgagees shall be entitled to a proportion of the moneys or rates comprised in the respective mortgages mentioned according to the sums in such mortgages mentioned to have been advanced Provided always that no moneys shall be so borrowed by the Board without the previous sanction in writing of the Superintendent of the Province of Auckland and his Executive Council and such sanction shall be sealed with the seal of the Province of Auckland and the same shall be registered in the Register of Mortgages (hereinafter provided for) before any such mortgage shall be made or registered.

Mortgage to be by Deed and according to form in schedule and to be registered.

95. Every Mortgage authorised to be made under this Act shall be by Deed truly stating the date consideration and the time of payment and shall be signed by the Chairman of the Board and not less than three members thereof and may be made according to the form in Schedule D to this Act annexed or to the like effect or with such variations or additions in each case as the Board and the party advancing the money intended to be thereby secured may agree to and there shall be kept at the office of the Board a Register of the mortgages made by them and within seven days after the date of any mortgage an entry shall be made in the Register of the number and date thereof and of the name and description of the parties thereto as stated in the deed. And every such Register shall be open to public inspection during office hours at the said office without fee or reward and any Clerk or other person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding Five Pounds.

Inspection allowed and penalty for refusal.

Board to fix time for payment of money.

96. The Board shall fix a time or times for the repayment of all or any principal moneys borrowed under this Act and the payment of the interest thereof respectively and may provide for the repayment thereof with interest by instalments or otherwise as they may think fit.

Power to borrow and pay off existing securities.

97. It shall be lawful for the Board with respect to any security granted under this Act to raise and borrow the moneys necessary for paying off such securities and to pay off the same and the moneys borrowed for the purpose of

such payments shall be secured and repaid in like manner as if borrowed for defraying the expenses of the execution of this Act. Provided always that nothing herein contained shall extend to authorize the paying off of any security otherwise than in accordance with the provisions thereof Provided also that no such loan shall be contracted save with the approval of the Superintendent and his Executive Council as hereinbefore provided.

98. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by Deed truly stating its date the names and descriptions of the parties thereto and the consideration for the Transfer and such Transfer may be according to the form contained in Schedule D to this Act annexed or to the like effect and such Transfer shall be registered on the Register for mortgages hereinbefore provided within three days after the execution thereof and upon registration thereof a fee of Five Shillings for such registration shall be paid to the Clerk or Treasurer of the Board And upon any Transfer being so registered the Transferee his executors administrators or assigns shall be entitled to the full benefit of the original mortgage and every such Transferee may in like manner transfer his estate and interest in such mortgage.

Mortgagee may assign.
Transfer to be registered.

And with respect to the auditing of the accounts of the said Board be it enacted as follows:

99. The said Board shall in the month of July in every year cause their accounts to be balanced up to the thirtieth day of June next preceding and shall cause a full statement and account to be drawn out of the amount of all contracts entered into and of all moneys received and expended by them during the preceding year under the several distinct heads of receipt and expenditure and also of all arrears of rates and other moneys due to the said Board and of all mortgages and other debts and liabilities then owing by the said Board.

Accounts to be balanced to the end of the year.

100. The Superintendent of the Province of Auckland shall from time to time by order under his hand appoint some fit person to be Auditor of the accounts of the Board and every such Auditor shall be paid by the Board any sum not exceeding Two Pounds for every day he is fully employed on such audit and all expenses he is put to in the auditing of such accounts provided that such payment shall not exceed Twenty-five pounds.

Superintendent to appoint Auditor.
Remuneration.

As to audit of accounts.

101. The Auditor of the accounts of the said Board shall in the month of August in every year on such day or days as shall be fixed by him for the audit of the said accounts attend at the office or place of meeting of such Board for the purpose of auditing the accounts of the said Board and the Board shall by their Clerk Treasurer and other officers produce and lay before such Auditor at every such audit their accounts for the year preceding together with the statement and account hereinbefore mentioned accompanied by proper vouchers for the support of the same and submit to his inspection all books papers instruments and writings in their custody or control relating thereto and such auditor in the presence of such of the members of such Board and of the ratepayers and creditors of the rates as desire to attend shall audit the accounts hereinbefore mentioned and may examine any of the members of the Board when he may think fit touching the said accounts and such Auditor shall have full power to examine audit allow and disallow the said accounts and items therein and shall charge in the said accounts all sums (if any) which ought to be accounted for and are not brought into the accounts and if such accounts be found correct such Auditor shall sign the same in token of his allowance thereof.

Auditor to make abstract of account.

102. The Auditor shall after such audit of accounts as aforesaid cause an account in abstract to be prepared showing the receipt and expenditure under this Act for the preceding year under the several distinct heads of receipts and expenditure with the statement of the allowance of the said Auditor if he has allowed such accounts or of the parts (if any) which he has disallowed of such accounts and also a summary statement of all contracts entered into by the Board in such preceding year and of the moneys owing to and debts and liabilities owing by the Board. The Auditor shall transmit such account and statement to the Superintendent of the Province of Auckland who shall cause the same to be published in the Provincial Government Gazette for general information.

Board to make annual report.

103. The said Board shall in the month of July in each year make and cause to be printed a Report of their proceedings in the execution of this Act and of the works commenced and completed respectively in the preceding year by the Board and the works remaining in progress at the termination of such year. And also of any proceedings taken by them in pursuance of this Act for the removal of nuisances or the improvement of the sanitary condition of the City. And the Board shall permit any ratepayer to

inspect the said report without any fee Provided also that such report shall contain or have annexed thereto a printed list of the names and addresses of all officers and paid servants of the Board showing the amount of salary or wages such officers or servants are entitled to receive.

104. The said Board shall appoint or employ or may remove at pleasure all such officers clerks treasurers collectors surveyors engineers and servants as may be necessary for carrying out the provisions of this Act, and may allow to such persons so appointed or employed respectively such salaries fees and wages as the Board may think fit. Power to Board to appoint officers.

105. Before any officer or servant as aforesaid enters upon any office or employment under this Act by reason whereof he will or may be entrusted with the custody or control of money the Board shall require and take from him such security for the faithful execution of such office or employment and duly accounting for all moneys which may be entrusted to him by reason thereof as they may think sufficient. And every such officer and servant as well during his continuance in office or employment as upon the resignation dismissal or ceasing to hold his office or employment shall respectively when and in such manner as shall be required by the Board make out and deliver a true and perfect account in writing signed by him of all moneys received by him for the purpose of this Act and stating how and to whom and for what purposes such moneys have been disposed of and shall together with such account deliver the vouchers or receipts for all payments made by him and pay over to the treasurer or such person as the Board may appoint all moneys owing by him and if any such officer or servant fail to render such account or to produce and deliver up such of the said vouchers and receipts as may be in his possession or power or if for the space of seven days after being thereto required he fail to deliver up to the Board or to such person as they may appoint all Books Papers Writings Property Effects Matters and Things in his possession or power belonging to the Board then and in every such case such person shall be liable to forfeit and pay any sum not exceeding Fifty Pounds or to be imprisoned for a term not exceeding six months such penalty or imprisonment to be recovered or inflicted in a summary manner. Officers intrusted with money to find securities.

106. The said Board shall provide and maintain such offices as may be necessary for the purposes of this Act and shall take care that their Clerk or some person so duly authorized by them attends at their offices daily for the Board to provide offices.

purpose of receiving notices and transacting the ordinary business of the Board.

Chairman to make contracts and enter into Bonds in his own name.

107. The Chairman is hereby empowered and authorised on behalf of the Board but in his own name to make and enter into all contracts bonds and other engagements for the execution of all contracts works and engagements (except as hereinbefore provided) necessary for the carrying out of the provisions of this Act and the said Board shall save harmless and indemnify the said Chairman for any loss or damages that he may sustain by reason of his entering into any such contracts or engagement.

MISCELLANEOUS.

No member of Board or Officer to be concerned in contracts.

108. No member officer or servant shall be in any wise concerned or interested in any contract or work made with or executed for the Board And if any such member officer or servant be so concerned or interested or under colour of his office or employment exact take or accept any fee or reward whatsoever other than his proper salary wages and allowances he shall be incapable of afterwards holding or continuing in any office or employment under such Board and shall be liable to a penalty not exceeding Fifty Pounds to be recovered in a summary manner.

Penalty.

And whereas it is expedient that the powers conferred upon the Superintendent by the "Auckland Building Act 1858" should be exercised by the said Board be it enacted:

Powers under Building Act delegated.

109. It shall be lawful for the Superintendent after the passing of this Act at such time as he shall think fit to delegate to the said Board all or any of the powers conferred upon him by the said Act and after the publication of any such delegation in the Provincial Government Gazette the said powers so delegated shall be exercised by the said Board in the same manner as if the same had been conferred on the said Board by the said Act.

And with respect to By-laws to be made by virtue of this Act be in enacted:

Board to make By-Laws.

110. The Board may from time to time make such By-laws as they think fit for more fully and effectually carrying out the provisions of this Act and from time to time repeal alter or amend any such By-laws Provided such By-laws be not repugnant to the laws of New Zealand or to the provisions of this Act Provided also that such By-laws shall

be reduced to writing and signed by the Chairman and not less than three members of the said Board.

111. Such By-laws after having been confirmed as herein-mentioned shall be deemed a part of this Act and any person who shall be guilty of a breach of any such By-laws shall be liable to a penalty not exceeding Five Pounds to be recovered in a summary way. By-Laws when confirmed to be part of Act.

112. No By-law made by the said Board under the authority of this Act except such as relate solely to the Members of the Board or their Officers shall come into operation until the same shall be confirmed by the Superintendent of the Province of Auckland with the advice of the Executive Council. To have no effect until confirmed.

113. Such By-laws when confirmed shall be published in the Provincial Government Gazette and a copy thereof shall be painted or printed on a board or card in large type and shall be hung up in some conspicuous place of the principal office of the said Board. By-Laws to be published in Gazette.

114. The production of the Provincial Government Gazette containing such By-laws and purporting to be confirmed as by this Act required shall be evidence of the existence and of the due making of such By-laws in all prosecutions under the same without adding any further proof thereof. And with respect to the proof of the publication thereof it shall be sufficient to prove that a board or card containing a copy thereof was affixed and continued in the manner by this Act directed unless proof be adduced by the party complained against that such board or card did not contain a copy of the By-Law under which he is prosecuted or that it was not duly affixed or continued as required by this Act. Production of Gazette containing By-Laws to be sufficient proof of the existence and due making of same.

115. All moneys levied or received under this Act shall be paid into some legally constituted Bank to be fixed by the Board on account of the Board by the person appointed to collect or receive such moneys and shall be appropriated by the said Board in defraying the expenses of carrying out the provisions of this Act and all moneys so required for the purposes of this Act shall be drawn by cheques signed by the Chairman and not less than two members of the said Board and countersigned by the Clerk or Secretary thereof and every cheque shall be drawn at a meeting of the Board and a record of the same shall be entered in the Minute Book thereof. Moneys to be paid into legally constituted Bank.

- Interpretation. 116. The word "owner" for the purposes of this Act shall mean the owner in fee of any property or the person entitled to the equity of redemption in any real property. The word "collector" shall mean any person appointed by the Board to collect any money under the provisions of this Act.
- Commencement of Act. 117. This Act shall come into operation on a day to be named by the Superintendent of the Province of Auckland notice whereof shall be given in the Provincial Government Gazette at least fourteen days before such day. Provided always that this Act shall come into force on the first day of July next notwithstanding that the said Superintendent may not have named such day as aforesaid.
- Act not to apply to Crown Lands. 118. Nothing in this Act contained shall affect or be deemed or construed to apply to lands of the Crown.
- Short Title. 119. The Short Title of this Act shall be the "City Board Act 1863."

SCHEDULE A.

LIMITS OF CITY.

The City of Auckland

Is bounded on the North by the Waitemata Harbour on the East by Suburban section No. 96 by the middle of Stanley Street from the South-Western angle of section No. 11 of the City of Auckland to the junction of Stanley Street and Grafton Road by the middle of Grafton Road from the junction of Stanley Street to the Northern boundary of lot No. 41 of Suburban section No. 3 and the Northern boundary of lot No. 8 of Suburban section No. 15 by the middle of Symonds Street from the North-Western angle of lot No. 8 of Suburban section No. 15 to the junction of Karangahape Road on the South by the middle of Karangahape Road from Symonds Street to the junction of Ponsonby Road and by the middle of Ponsonby Road and on the West by the middle of Franklin Street.

SCHEDULE B.

NAMES AND BOUNDARIES OF WARDS.

East Ward No. 1

Is bounded on the North by the Waitemata Harbour on the West by Queen Street on the South by Victoria Street,

by the Southern boundary of Section No. 6 to the Military Road and on the East by the Military Road by Princes Street by Emily Place and by the North-West boundary of lot No. 20 of Section No. 8 of

East Ward No. 2

Is bounded on the North by the Waitemata on the West by the North-West boundary of lot No. 20 of section No. 8 by Emily Place by the Military Road by the South-West boundary of Section No. 6 and by Symonds Street on the South by the Southern boundary of Section No. 34 and on the East by the City boundary from Section 34 to the sea in Mechanics' Bay.

East Ward No. 3

Is bounded on the North by Victoria Street and by the Southern boundary of Section No. 6 to Symonds Street on the East by Symonds Street and on the South by Karangahape Road to Queen Street and on the West by Queen Street.

West Ward No. 1

Is bounded on the North by the Waitemata on the East by Queen Street on the South by Victoria Street and Drake Street and on the West by the Waitemata.

West Ward No. 2

Is bounded on the North by Victoria Street Drake Street and Freeman's Bay on the East by Union Street and Grey Street to Cook Street on the South by Cook Street to Union Street and on the West by Union Street from Cook Street to Freeman's Bay.

West Ward No. 3

Is bounded on the North by Cook Street, Union Street, and Freeman's Bay on the East by Queen Street on the South by Karangahape Road and Ponsonby Road and on the West by Franklin Street to Freeman's Bay.

SCHEDULE C.

FORM OF RATE.

An Assessment to a rate for the City of Auckland made this _____ day of _____ in the year 18__ after the rate of _____ in the pound by virtue of the "City Board Act, 1863."

No. on the Rate.	Name of Persons rated.	Name of the Owner of Property rated.	Description and situation of Property.	Gross annual value.	Full net annual value.	Rate at _____ in the Pound.

Signed by us this _____ day of _____ 186 .

A. B.,
 C. D.,
 E. F.,
 G. H.,

} Members of the City Board.

CITY BOARD ACT.

SCHEDULE D.

FORM OF MORTGAGE OF RATES.

Mortgage No. ()

By virtue of an Act passed by the Superintendent and Provincial Council of the Province of Auckland Session XV. No. intituled "An Act for the establishment of a Board of Commissioners for the better government of the city of Auckland" we the undersigned being the Chairman and

Members of the said Board by virtue and in pursuance of the power vested in us by virtue of the said Act in consideration of the sum of £ paid to the Treasurer of the said Board by A B of for the purposes of the said Act and by and with the consent of the said Superintendent and the Executive Council testified as required by the said Act do grant and assign unto the said A B his executors administrators, and assigns* all that rate and assessment made by the said Board on the day of 18 in pursuance of the said Act to hold to the said A.B. his executors administrators and assigns from the day of the date hereof until the said sum of with interest at the rate of £ per centum per annum for the same shall be fully paid and satisfied And it is hereby declared that the said principal sum shall be repaid on the day of and that in the mean time the interest thereon shall be paid on the day of and the day of in every year.

In witness whereof the said parties have hereunto subscribed their names.

SCHEDULE E.

FORM OF TRANSFER OF MORTGAGE BY ENDORSEMENT.

I A B of in consideration of the sum of £ paid to me by C D of do hereby transfer to the said C D his executors administrators and assigns the within security and all my property right and interest in and to the money thereby secured and in and to the moneys thereby assigned. In witness whereof I have hereunto set my hand this day of one thousand eight hundred and

Signed by the said A B in the presence of

A B

* This will depend upon the amount to be raised and the rate or rates will be assigned for such length of time as will meet the case. The above form contemplates a Loan to be paid out of the next rate but it will be easy to alter it according to circumstances.

SCHEDULE F.

City of Auckland }
New Zealand. }

No.

This is to certify that _____ of
is authorised by this Licence to ply one [Cart, Dray, or
Waggon, as the case may be] for hire within the City of
Auckland until the _____ subject to such Rules and
Regulations as may be from time to time made by the Board
for the regulating of carters plying for hire.

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

TOWN BOARDS ACT 1862 REPEALING
ACT.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 18, 1863.

[17th April, 1863.]

Title. AN ACT *to Repeal the Town Boards Act 1862 and for other
purposes.*

Preamble. WHEREAS it is expedient to repeal an Act passed in the
twenty-fifth year of the reign of Her Majesty Queen
Victoria, Session XIV. No. 6 enacted by the Superintendent
of the Province of Auckland with the advice and consent
of the Provincial Council thereof and to make provision for
existing contracts or engagements entered into or made by
any Board in virtue of the said Act:

Be it enacted by the Superintendent of the Province of
Auckland with the advice and consent of the Provincial
Council thereof:—

1. The said recited Act is hereby repealed.

Recited Act repealed.

2. Every person who shall have in his custody or possession any of the goods moneys or personal chattels belonging on or immediately before the passing of the Act to the Board of Works of the City of Auckland constituted under the said recited Act is hereby required to deliver such moneys goods or personal chattels unto the said Superintendent or his appointee on being thereunto requested And if such person shall refuse or neglect to so deliver or pay over the same on being thereto requested he shall forfeit and pay for every such offence any sum not exceeding £100.

Money, goods, and chattels of City Board to be paid and handed over to Superintendent or appointee.

3. All the moneys goods and personal chattels so to be received by the said Superintendent or his appointee shall be used and applied under the direction of the said Superintendent for the public use of the City of Auckland.

Such money and goods to be used for benefit of city.

4. The said Superintendent is hereby authorised if he should deem it proper and for the public interests of the said City of Auckland to carry out all or any of the contracts or any part of any contract entered into by the said Board of Works for the City of Auckland.

Superintendent may carry out contract.

5. Provided always that no rate contract or engagement made or entered into in pursuance of the said recited Act shall be avoided or annulled by the operation of this Act but the same shall remain in full force and effect and shall be paid and performed in the same manner as if this Act was not passed anything herein contained to the contrary notwithstanding.

Rates or contracts made or entered into not to be annulled by this Act.

6. If at any time after the passing of this Act any Board or other body shall be constituted for the better government of the City of Auckland in pursuance of any Act of the Superintendent and Provincial Council of the Province of Auckland passed in that behalf it shall be lawful for the said Superintendent to transfer pay and hand over to any such Board or other body any money goods or chattels that may come into his possession by virtue of the second section of this Act.

Superintendent may transfer money or property to any new Board that may be formed.

7. This Act shall come into force on a day to be named by the Superintendent by writing under his hand which shall be published in the Government Gazette Provided that the same shall be brought into force before the 1st day of July, 1863.

Commencement of Act.

Short Title.

8. The Short Title of this Act shall be "The Town Boards Act 1862 Repealing Act."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

LICENSING ACT 1863 AMENDMENT ACT.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 19, 1863

[20th April, 1863.]

Title.

AN ACT to amend the "*Licensing Act, 1863.*"

Preamble.

BE it enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :

First clause of re-
cited Act repealed.

1. The first section of the said recited Act is hereby repealed and in lieu thereof be it enacted

Repealing clause:

2. All laws in the said Province passed by the Provincial Legislature thereof that are repugnant to the provisions of the Licensing Act 1863 or that would in any way interfere in the operation thereof are hereby repealed Provided that nothing in the said Act shall be deemed or construed to affect any Licence for the sale of any spirituous or fermented liquors granted or to be granted under any Act of the General Assembly of New Zealand.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

EMPOWERING ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 20, 1863.

[21st April, 1863.]

AN ACT to authorise the Superintendent of the Province of Auckland to expend certain Moneys to be raised by virtue of the Auckland Loan Act, 1863.

WHEREAS by the Auckland Loan Act 1863 it is enacted that it shall be lawful for the Superintendent of the Province of Auckland to raise by way of loan a sum not exceeding Five Hundred Thousand Pounds And it is by the same Act further enacted that no money raised under the provisions of the said Act shall be paid or expended without the authority of an Act of the Superintendent of the Province of Auckland and the Provincial Council thereof And whereas it is expedient to authorise the said Superintendent to expend certain portions of the moneys to be raised as aforesaid :

Preamble.

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof :

1. It shall be lawful for the Superintendent of the Province of Auckland out of any moneys to be raised under the provisions of the said Act to pay and expend a sum not exceeding the sum of One Hundred and Nine Thousand Five Hundred Pounds for the several purposes set forth in the schedule hereunto annexed.

Power to extend money for purposes set forth in Schedule.

2. The Short Title of this Act shall be "Empowering Act, 1863."

Short Title.

SCHEDULE.

	£	£
<i>Public Buildings—</i>		
Erection of Lunatic Asylum	10,000	
Improvement of Stockade	2,000	
Forming Foundation for Custom House . .	2,000	
Erection of Post Office, Supreme Court House, General and Provincial Govern- ment Offices	30,000	
	<u> </u>	44,000
<i>Immigration and Purchase of Native Lands—</i>		
Immigration from Germany and other places	10,000	
Assisted Immigration	10,000	
Purchase of Native Lands	10,000	
Surveying Land for location of Immigrants	4,500	
	<u> </u>	34,500
<i>Auckland Harbour Trust—</i>		
Advance to be secured on Auckland Harbour Endowments and repaid by a Sinking Fund of 3 per cent. per annum and interest at 6 per cent. per annum on the principal		30,000
<i>Manukau Harbour—</i>		
Advance to be secured on the Manukau Harbour Endowments and repaid by a Sinking Fund of 3 per cent. per annum and Interest at 6 per cent. per annum on the principal		1,000
		<u> </u>
Total		<u>£109,500</u>

APPROPRIATION ACT 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
 QUEEN VICTORIA.

SESSION XV., No. 21, 1863.

[21st April, 1863.]

AN ACT to appropriate the Revenue for 1863.

Title.

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :

1. Out of the Revenue of the Province of Auckland subject to the appropriation of the Provincial Council thereof and to any conditions expressed in this Act there may be issued and applied any sums of money for or towards the several services mentioned in the Schedules hereto annexed and such sums shall be issued for and applied to the several services specified and set forth in the several divisions and items of subdivisions opposite to the same in the said Schedules and not otherwise.

Certain sums to be applied to defray the charge of the Provincial Government from 1st January to 31st December, 1863.

2. The Provincial Treasurer or other person having charge of the Public Funds of the Province shall issue and pay from time to time any sum of money not exceeding in the whole the sums respectively specified to such person and in such portions as the Superintendent for the time being shall by warrants to be granted by him from time to time direct and such Treasurer or other person having charge of the Public Funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sums for which such receipts shall have been given and the amounts thereof shall be passed to his account accordingly.

Treasurer or other person in charge of public funds to pay money on warrant of Superintendent.

Moneys borrowed to be deemed revenue.

3. All moneys borrowed under the authority of any Act of the Provincial Legislature shall be deemed to be revenue of the Province of Auckland for the purposes of the Provincial Audit Act 1861 of the General Assembly.

Persons in possession of public funds to pay same to Treasurer or such person as Superintendent shall direct.

4. Every person who shall have possession of any Public Funds of this Province is hereby authorised and required to pay the same to the Treasurer thereof or to such other person and in such manner as the Superintendent by warrant granted under his hand shall direct.

Superintendent may raise temporary loan.

5. For the purpose of making provision for the several items of expenditure set forth in Schedules to this Act annexed it shall be lawful for the Superintendent of the Province of Auckland to raise by temporary loan at an interest not exceeding eight per cent. per annum a sum not exceeding the sum of One Thousand and Five Pounds and that such sum when borrowed shall be a charge upon the General Revenue of the Province of Auckland for the year 1864 subject to be appropriated by the said Superintendent and the Provincial Council in case the Revenue for the year 1863 shall be insufficient to repay the same.

Short Title.

6. The Short Title of this Act shall be "The Appropriation Act 1863."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

TURNPIKE ACT 1863 AMENDMENT ACT.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION XV., No. 22, 1863.

[21st April, 1863.]

Title.

AN ACT to amend the Turnpike Act, 1863.

Preamble.

WHEREAS it is expedient to amend the Turnpike Act, 1863:

Be it enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof:—

1. The 1st Clause of the said Act is hereby repealed and in lieu thereof the following shall be read as the 1st Clause of the said Act: First clause of recited Act repealed.

2. It shall be lawful for the Superintendent when and as he shall think fit from time to time to cause to be erected Toll Bars Toll Gates and Toll Houses for the purpose of collecting Tolls on the Great South Road or at any junction thereof with any other roads and such Toll Bars Toll Gates and Toll Houses to remove and to direct Tolls to be paid for all Animals and Vehicles passing or repassing through such Toll Bars Toll Gates or Toll Houses at a rate not exceeding the rates set forth in the Schedule to the said Act annexed and such rates from time to time reduce or raise again to any amount not exceeding the amount in the said Schedule Provided that no such Toll shall be taken at any such Toll Bar Toll Gate or Toll House as aforesaid until a list of the Tolls payable thereat shall have been publicly notified in the Provincial Government Gazette at least one month previously Provided also that no person shall be required to pay Toll on his return on the same day through the Toll Bar or Toll Gate in respect of the same Horse Cattle or Carriage. Superintendent may erect toll bars.

3. Nothing in this or the said recited Act contained shall affect or be deemed or construed to apply to lands of the Crown. Not to affect lands of the Crown.

4. The Short Title of this Act shall be the "Turnpike Act 1863 Amendment Act." Short Title.

CITY BOARD LOAN ACT 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 23, 1863.

[21st April, 1863.]

Title. *AN ACT to enable the Superintendent of the Province of Auckland to advance by way of Loan the sum of Ten Thousand Pounds to the City Board, out of the money to be raised under the provisions of the Auckland Loan Act 1863.*

Preamble. WHEREAS it is expedient to authorise the Superintendent to lend and advance the City Board the sum of Ten Thousand Pounds to be expended as hereafter mentioned:

Be it enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

Superintendent authorized to lend £10,000 to City Board. 1. It shall be lawful for the Superintendent of the Province of Auckland out of the sum of Five Hundred Thousand Pounds to be raised under the provisions of the said Act to lend and advance to the said City Board the sum of Ten Thousand Pounds Seven Thousand Pounds part thereof for the purpose of erecting in the City of Auckland a Public Market House and Three Thousand Pounds the remaining part thereof for general improvements within the said City.

Money to be secured on rates, &c. 2. Before making such advance the said Superintendent shall take security for the repayment of the said sum of Ten Thousand Pounds at the rate of three pounds per centum per annum together also with interest at the rate of not less than six pounds per centum per annum on the principal remaining due Such security to consist of an assignment of all rates to be collected under the provisions of the "City Board Act 1863" and also of an assignment

of all rates tolls and dues which may become chargeable or collected from any person using such Market House when erected.

3. The Short Title of this Act shall be the "City Board Short Title Loan Act 1863."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

SOUTH AND ONEHUNGA ROADS LOAN ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XV., No. 24, 1863.

[21st April, 1863.]

AN ACT *to enable the Superintendent of the Province of Auckland to expend the sum of Six Thousand Pounds for the purpose of repairing the Great South Road and the Onehunga Road out of money authorized to be raised under the provisions of the "Auckland Loan Act, 1863."* Title.

WHEREAS it is expedient to authorize the Superintendent Preamble.
to expend the sum of Six Thousand Pounds in works for repairing the Great South Road and the Onehunga Road :

Be it enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof :—

1. It shall be lawful for the said Superintendent to expend out of the sum of Five Hundred Thousand Pounds to be raised under the provisions of the said Act the sum of Six Thousands Pounds in the repairs of the said Great South Road and Onehunga Road. Superintendent authorized to expend £6000 on Great South Road.

Money to be
repaid out of
Tolls.

2. Whereas by the "Turnpike Act 1863" and the "Turnpike Act 1863 Amendment Act" the said Superintendent is authorized to erect Turnpikes for the purpose of collecting Tolls on the said Great South Road the said Superintendent shall from time to time out of the said Tolls so to be collected deduct thereout a sum sufficient to repay the said sum of Six Thousand Pounds at the rate of Four Pounds per centum per annum until the whole shall be repaid and interest at and after a rate of not less than Six Pounds per centum per annum on the principal remaining due.

Short Title.

3. The Short Title of this Act shall be "The South and Onchunga Roads Loan Act 1863."

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

GAS COMPANY LEASE ACT, 1863.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XV., No. 25, 1863.

[11th June, 1863.]

Title.

AN ACT to authorise the Superintendent of the Province of Auckland to grant a Lease to the Auckland Gas Company Limited of a parcel of Land below high-water mark in the Harbour of Auckland.

Preamble.

WHEREAS a Company called the Auckland Gas Company Limited has been established for the purpose of supplying the City of Auckland with Gas: and whereas the said Company has purchased allotment No. 8 of section No. 20 of the City of Auckland as a site for the necessary Works and Plant And whereas the said site is not available for such purpose without the use of a portion of the Sea Beach

adjoining thereto and which is now vested in the Superintendent of Auckland under the "Public Reserves Act 1854." And whereas it is expedient to authorise the Superintendent to grant a lease to the said Company of the piece of land hereinafter described :

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

1. It shall be lawful for the Superintendent of the Province of Auckland and he is hereby authorised by deed to demise and lease to the Auckland Gas Company limited their successors and assigns all that parcel of land described in the Schedule to this Act annexed for the term of fifty years to commence from the date of the said deed at a yearly rent of not less than Eight Pounds sterling.

2. Provided always that the lease to be granted under the authority of this Act shall be made subject to the charge on the said land created or authorised to be created by an Act of the General Assembly of New Zealand intitled "The Auckland Harbour Debenture Act 1860."

3. The Short Title of this Act shall be "The Gas Company Lease Act 1863."

SCHEDULE.

All that piece or parcel of land being part of the Harbour Endowments of Auckland and which said piece or parcel of land is bounded on the East by other part of the said Harbour Endowment land on a line in production of the West side of Nelson Street 48 links on the North by other part of said Harbour Endowment land on a line 168 links and on a line 444 links on the West by other part of said Harbour Endowment land on a line 100 links and on the South by high-water mark.

SALE OF BREAD ACT.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 2, 1863.

[17th November, 1863.]

AN ACT for *Regulating the Sale of Bread in the Province of* Title.
Auckland.

WHEREAS it is desirable to make provision for regulating Preamble.
in the Province of Auckland the Sale of Bread :

Be it enacted by the Superintendent of the Province of
Auckland by and with the advice and consent of the Pro-
vincial Council thereof:—

1. That from and after the commencement of this Act all Bread to be sold
Bread sold in the Province of Auckland shall be sold by by weight and in
the several bakers or sellers of bread respectively by no other way.
Weight and in case any baker or seller of bread shall sell
or cause to be sold bread in any other manner than by
weight then and in such case every such baker or seller of
bread shall for every such offence forfeit or pay any sum
not exceeding Forty Shillings: Provided always that
nothing in this Act contained shall extend or be construed
to extend to prevent or hinder any such baker or seller of
bread from selling fancy bread without previously weighing
the same.

2. Every baker or seller of bread shall cause to be fixed Bakers to provide
in some conspicuous part of his her or their shop on or near in their shops,
the counter a beam and scales with proper weights or other Beams, Scales,
sufficient balance in order that all bread (except as afore- and Weights, &c.
said) there sold may from time to time be weighed in the and to weigh
presence of the purchaser or purchasers thereof and in case bread, &c.
any such baker or seller of bread shall neglect to fix such
beam and scales or other sufficient balance as aforesaid or to
provide and keep for use proper beams scales and weights
or balance or refuse to weigh such bread when required by

a purchaser or intending purchaser or by the Inspector of Weights and Measures or other Inspectors appointed by the Act as hereinafter mentioned then and in every such case he she or they shall forfeit and pay a sum not exceeding Five Pounds for every such offence.

No Bread to be sold unless made up of certain weights.

3. No Baker or Seller of Bread shall make sell or offer for sale any bread (except fancy bread) not made up into Loaves of Two Four Six or Eight Pounds in weight respectively and in case any Baker or Seller of Bread shall sell or offer for sale any bread (except fancy bread) in any other manner than in Loaves of Two Four Six or Eight Pounds in weight he shall forfeit and pay any sum not exceeding Five Pounds.

Inspectors of Bread appointed for the City and Electoral Districts of Parnell and Newton.

4. It shall be lawful for the Inspector of Weights and Measures or such other person as the Superintendent may appoint and he is hereby required from time to time in the City of Auckland and in the Electoral Districts of Newton and Parnell to inspect all Bread offered for sale or in the course of delivery to customers in the City of Auckland or in the Electoral Districts aforesaid and if he shall think fit to weigh the same with fit and proper Scales and Weights or require the same to be weighed by any Baker or Seller of Bread who offers such Bread for sale or who is in the course of delivering the same to customers and in case any Bread so sold or offered for sale shall be found deficient in weight any such Baker or Seller of Bread who shall so offend shall forfeit and pay any sum not exceeding Five Pounds Provided that no Baker or Seller of Bread shall be liable to the aforesaid Penalty in respect of any Stale Bread Provided nevertheless that if any Baker or Seller of Bread shall sell any Loaf or Loaves of Stale Bread which may be found deficient in weight he shall make up such deficiency by adding thereto other Bread and in case of any Baker or Seller of Bread selling any Stale Bread deficient in weight without making up such deficiency as aforesaid he shall forfeit and pay any sum not exceeding Five Pounds.

Country District Inspectors to be appointed.

5. It shall be lawful for the Superintendent and he is hereby required in such Districts as he may think fit but such Districts not to include any part of the City of Auckland or the Electoral Districts aforesaid to appoint some Police Constable or other fit and proper person to be Inspector of Bread and such person so appointed shall perform the same duties within such District as he shall be

appointed for as the Inspector of Weights and Measures or such other person as the Superintendent may appoint is required to perform within the City of Auckland or the Electoral Districts aforesaid.

6. Every Person or Persons who shall wilfully resist or impede or obstruct the Inspector of Weights and Measures or any other Inspector appointed under the Provisions of this Act in the lawful execution of his duty shall forfeit and pay any sum not exceeding Ten Pounds nor less than Two. Penalty for resisting Inspector in discharge of his duty.

7. And be it enacted that if any person shall put into any corn meal or flour which shall be ground dressed bolted or manufactured for sale either at the time of grinding dressing bolting or manufacturing the same or at any other time any ingredient or mixture whatsoever not being the real genuine produce of the corn or grain which shall be so ground or if any person shall knowingly sell or offer or expose for sale either separately or mixed any meal or flour of one sort of corn or grain as the meal and flour of any other sort of corn and grain or any ingredient whatsoever mixed with the meal or flour so sold or offered or exposed for sale then and in every such case every person so offending shall upon conviction forfeit and pay for every such offence any sum not exceeding Ten Pounds nor less than Two Pounds. Adulterating Corn, Meal, or Flour. Selling flour of one sort of corn, as the flour of another sort of corn. Penalty.

8. All penalties under this Act shall be recovered in a summary manner provided always that no information shall be laid under this Act after the expiration of three months after any alleged offence against the provisions of this Act. Penalties to be recovered in a summary way. Informations to be laid within a certain time.

9. In the interpretation of this Act the term "Fancy Bread" shall mean all Bread usually sold as "Cottage Loaves" "Twists" "French Loaves" and all small Bread not exceeding one pound in weight The term "Stale Bread" shall mean all Bread that may have been manufactured for a period of twenty-four hours and upwards. Interpretation of Act.

10. This Act shall commence and take effect from and after the first day of January, 1864. Commencement of Act.

11. The Short Title of this Act shall be the "Sale of Bread Act, 1863." Short Title.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government,

EMPOWERING ACT 1863 AMENDMENT ACT.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 3, 1863.

[15th December, 1863.]

Title. AN ACT to amend an Act intituled "*An Act to authorise the Superintendent of the Province of Auckland to expend certain Moneys to be raised by virtue of the 'Auckland Loan Act, 1863.'*"

Preamble. WHEREAS by the "Auckland Loan Act 1863" it is enacted that it shall be lawful for the Superintendent of the Province of Auckland to raise by way of a loan a sum not exceeding Five Hundred Thousand Pounds and it is by the same Act further enacted that no money raised under the provisions of the said Act shall be paid or expended without the authority of an Act of the Superintendent of the Province of Auckland and the Provincial Council thereof And whereas by the "Empowering Act 1863" it was enacted that it should be lawful for the Superintendent of the Province of Auckland out of any moneys to be raised under the provisions of the said Act to pay and expend a sum not exceeding the sum of One Hundred and Nine Thousand Five Hundred Pounds for the several purposes set forth in the Schedule thereunto annexed And whereas it is expedient to amend the said Schedule :

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof :—

Schedule of "Em- 1. That the Schedule to the said Act shall be and the
powering Act,
1863," amended. same is hereby amended by striking out the fourth item
thereof and inserting in lieu thereof the following :

Erection of a Government House	£25,000
Erection of a Post Office	£5000

Printed under the authority of the Government of the Province of Auckland, by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

RAILWAY COMMISSIONERS ACT, 1864.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 4, 1863.

[21st January, 1864.]

AN ACT to appoint *Railway Commissioners and appropriate* Title.
the sum of £100,000 for the purpose of constructing a
Railway between Auckland and Drury.

WHEREAS by the "Auckland Loan Act 1863" it is Preamble.
enacted that it shall be lawful for the Superintendent
of the Province of Auckland to raise by way of Loan a
sum not exceeding Five Hundred Thousand Pounds And
it is by the same Act further enacted that no money raised
under the provisions of the said Act shall be paid or
expended without the authority of an Act of the Superin-
tendent of the Province of Auckland and the Provincial
Council thereof And whereas in the first division of the
said Loan as shown in Schedule B to the said Act the sum
of £200,000 was set apart for the purpose of Immigration
and purchase of land And whereas by the "Auckland and
Drury Railway Act 1863" of the General Assembly of
New Zealand the Superintendent of the Province of
Auckland is authorized to make and construct a Railway
from Auckland to Drury with a branch to Onehunga and
it is expedient to appropriate the sum of £100,000 part of
the said sum of £200,000 for the purpose of enabling the

said Superintendent to construct the said Railway to be expended in accordance with the provisions of this Act :

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Board Consti-
tuted.

1. For the purposes of this Act a Board shall be and is hereby constituted to consist of the five members to be nominated and appointed as hereinafter mentioned.

Superintendent
to appoint two
Members. Pro-
vincial Council to
appoint three
Members.

2. It shall be lawful for the Superintendent to appoint two fit and proper persons to be members of the said Board and it shall be lawful for the Provincial Council of the Province of Auckland to nominate three other fit and proper persons to be members of the said Board and upon such nomination the Speaker of the Council shall by warrant under his hand appoint such persons to be members of the said Board and such persons appointed by the Superintendent shall continue members of the said Board during such time as the said Superintendent shall think fit and such persons nominated by the Provincial Council and appointed as aforesaid shall continue members of the said Board during such time as the Provincial Council shall think fit And it shall be lawful for the Superintendent or Provincial Council respectively as the case may be to remove any such members so respectively appointed and to declare the seat of any such member to be vacant.

First meeting of
Board.

3. The said Board shall hold its first meeting at a time and place to be appointed by the said Superintendent and shall thereafter from time to time meet in such place and at such time as the said Board shall appoint.

Chairman to be
appointed.

4. The Board at its first meeting to be held as aforesaid shall forthwith proceed to elect a Chairman who shall preside at all meetings of the Board Provided that the said Board may from time to time remove any Chairman so elected and shall upon such removal appoint another member of the Board to be Chairman.

Chairman may
call extraordinary
meeting.

5. The Chairman of the Board shall have power to call an extraordinary meeting of the Board at any other time as often as he shall think proper Provided that the Chairman shall cause notices of the time and place of every such extraordinary meeting specifying the business proposed to be transacted thereat and signed by him to be left at the

usual place of abode of every Member of the Board twenty-four hours at least before such meeting.

6. It shall be lawful for any member of the said Board Members may by writing under his hand addressed to the Chairman ^{resign.} thereof to resign his seat in the Board and upon receipt by the said Chairman of such resignation the seat of such Member shall become vacant and also upon the death of any Member the seat of such Member shall be deemed vacant.

7. Upon the occurrence of any such vacancy the same ^{Vacancies—How} shall be filled up by the said Superintendent if such vacancy ^{to be filled up.} shall have occurred by the resignation death or removal of any member appointed by him and if such vacancy shall occur by the resignation death or removal by the Provincial Council of any Member appointed by the Speaker of the Council such vacancy shall be filled up by the said Provincial Council in manner aforesaid Provided that every such vacancy shall be filled up within twenty-one days after the occurrence of such vacancy Provided nevertheless that if such vacancy shall occur by reason of the resignation or death of a Member nominated by the Provincial Council during a time when the Provincial Council shall not be sitting the Speaker of the Council shall nominate and appoint some fit and proper person to fill up such vacancy such appointment to be subject to confirmation or substitution by the Provincial Council at their next sitting or next ensuing session Provided that all acts which may be done by any person so appointed by the Speaker until such confirmation or substitution shall be as valid as if such person had been nominated by the said Council.

8. All acts whatsoever authorised or required to be ^{Majority to decide} done by the Board and all questions that may come before ^{all questions—} the Board shall be done and decided by the majority of ^{Three Members} the Members present at any meeting thereof ^{to be a quorum.} Provided that it shall not be competent for the Board to transact any business unless three members at least be present Provided also that the Chairman shall not have an original but only a casting vote.

9. Every meeting of the Board may be adjourned by ^{Meeting may be} the majority and if the prescribed number of members do ^{adjourned.} not attend any such meeting those present may adjourn to another time of the same day or to some future day.

- Minutes to be kept. 10. Minutes of the proceedings of every meeting shall be entered in a book to be kept for that purpose and shall be signed by the Chairman at the succeeding meeting.
- Board to employ officers, clerks, surveyors, &c. 11. The Board shall appoint or employ or may remove at pleasure all such officers clerks collectors surveyors engineers and servants as may be necessary for carrying out the provisions of this Act and may allow to such persons so appointed or employed respectively such salaries fees and wages as the Board may think fit Provided that the Provincial Law Adviser shall be the Law Adviser of the Board without any further emolument than the salary provided for the Provincial Law Adviser.
- Chairman and Members to be paid. 12. The Chairman of the said Board shall be paid an annual salary of two hundred pounds and the other Members of the Board shall be paid one pound for every time they shall attend a meeting of the said Board whether a quorum be present or not Provided that no Member shall be paid a sum exceeding one hundred pounds in any one year Provided also that no Member shall be paid unless he shall give his attendance within thirty minutes after the time appointed for such meeting.
- £100,000 to be expended for the purpose of constructing Railway. 13. For the purposes of constructing the said Railway but subject to the conditions expressed in this Act there may be issued and applied a sum not exceeding the sum of one hundred thousand pounds out of the money to be raised by virtue of the Loan Act 1863.
- Board to enquire and determine amounts to be expended. 15. The Board shall from time to time enquire into and determine the amount of money required for the purpose of proceeding with the construction of the said Railway and the Chairman shall by writing under his hand certify the amount so from time to time determined upon and it shall be lawful for the Superintendent upon such certificate to issue and pay such money accordingly Provided always that no money shall be expended nor any contract entered into by virtue of this Act until the sanction of the Superintendent and his Executive Council shall be first had and obtained Provided also that nothing in this Act contained shall extend to restrict the employment by the said Board of persons engaged under the 11th section of this Act or to the amount to be paid to any such persons and the Superintendent is hereby required to pay out of the said sum of one hundred thousand pounds all salaries and wages to persons employed by the said Board under the provisions of the 11th section of this Act.

15. Out of the moneys to arise from the charges for the carriage and conveyance of passengers produce animals and merchandise which the said Superintendent is authorised to make by virtue of the "Auckland and Drury Railway Act 1863" of the General Assembly the said Superintendent shall from time to time in the first place pay all the costs charges and expenses incident to the working of and keeping in repair the said Railway and the balance shall be disposed of in paying the interest and sinking fund and liquidating all or any part of the said sum of £100,000 which may have been expended in the construction of the said Railway by virtue of this Act.

Moneys collected for carriage of passengers—How to be expended.

16. No member officer or servant of the Board shall be in any wise concerned or interested in any contract or work made with or executed for the Board and if any such member officer or servant be so concerned or interested or under colour of his office or employment exact take or accept any fee or reward whatsoever other than his proper salary wages and allowances he shall be incapable of afterwards holding or continuing in any office or employment under such Board and shall be liable to a penalty not exceeding one hundred pounds to be recovered in a summary way.

No member of Board or officer to be concerned in contracts.

17. The Short Title of this Act shall be "The Railway Short Title. Commissioners Act 1864."

SOUTH AND ONEHUNGA ROADS
LOAN ACT, 1863, AMENDMENT
ACT.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 5, 1864.

[28th January, 1864.]

Title. *AN ACT to amend the South and Onehunga Roads Loan Act 1863.*

Preamble. WHEREAS it is expedient to amend the South and Onehunga Roads Loan Act 1863:

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

Loan increased to £15,000. 1. Whereas under the provisions of the South and Onehunga Roads Loan Act 1863 it is enacted that it shall be lawful for the Superintendent to expend out of the sum of £500,000 to be raised under the provisions of the Auckland Loan Act 1863 the sum of £6,000 in the repairs of the said Great South Road and Onehunga Road and it is expedient to increase the said sum Be it therefore enacted that the 1st section of the South and Onehunga Roads Loan Act 1863 is hereby amended by substituting the word "fifteen" in lieu of the word "six" and the second section of the said Act is hereby amended by substituting in line 6 the word "fifteen" in lieu of the word "six" and the said sections shall be read and construed as if the word "fifteen" had been inserted therein as hereby provided instead of the word "six."

Short Title. 2. The Short Title of this Act shall be "The South and Onehunga Roads Loan Act 1863 Amendment Act."

CITY BOARD ACT 1863 AMENDMENT ACT.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 6, 1864.

[3rd February, 1864.]

AN ACT to amend the City Board Act, 1863. Title.

WHEREAS it is expedient to amend "The City Board Preamble. Act, 1863:"

Be it enacted by the Superintendent of the Province of Auckland by and with the advice and consent of the Provincial Council thereof:—

1. It shall be Lawful for any Candidate who may have been duly proposed and seconded at any Election to be held under the said Act to withdraw his name as such Candidate by a writing under his hand addressed to the Returning Officer. Candidate may withdraw his name.

2. And whereas doubts have arisen respecting the liability of persons to be rated in respect of vacant allotments of land and lands not beneficially occupied And it is expedient to remove such doubts and amend the manner of rating such lands It is hereby declared and enacted that all lands of what natures soever were and are liable to be rated under the provisions of the said Act and that the owner of such land shall be rated in respect thereof Provided that the valuers appointed under the said Act in valuing such lands for the purposes of the said Act shall ascertain the value to sell of all such vacant allotments and land not beneficially occupied and every rate which the Board are by this Act authorised to make or levy shall be made and levied by them upon one-tenth of the value to sell of such lands after the same rate in the Pound as other persons are rated by the authority of the said Act Provided that if any person shall think himself Vacant allotments liable to be rated.
To be rated at one tenth their annual value.

aggrieved by any rate being assessed under the provisions of this section instead of under the provisions of the 39th section of the said Act he may appeal to the said Board in the same manner as persons may appeal under the provisions of the 48th section of the said Act.

40th Section re-
pealed.

3. The 40th Section of the said Act is hereby repealed.

53rd Section
amended.

4. The 53rd section of the said Act is amended by adding the following proviso Provided that all Mortgagees in possession of such rateable property shall for the purposes of this Act be deemed to be the owners thereof and they shall be liable to pay any rates or arrears of rates which may have been or which may be levied by virtue of this Act.

72nd Section
amended.

5. The 72nd section of the said Act is hereby amended by inserting the words "or under" after the word "within" in the 2nd line of the said section.

74th and 75th
Sections
amended.

6. The 74th and 75th sections of the said Act are hereby amended by inserting the words "or Inspector of Nuisances" after the word "Health" in the first line of the said sections respectively.

New Proviso to
76th Section.

7. The 76th section of the said Act is hereby amended by inserting the following proviso at the end thereof "Provided that if any person who may have been served with any such notice and who in pursuance thereof has discontinued or remedied the nuisance complained of shall within six months of such discontinuance or remedying revive or renew such nuisance or any nuisance prohibited by the said Act on the same premises he shall be liable to a penalty of not less than Ten Pounds or more than Thirty Pounds.

79th Section
amended.

8. The 79th section of the said Act is amended by leaving out all the words after the word "shall" in the last line but one and adding instead thereof the words "expire" on the first day of July next ensuing the date thereof Provided that any licences issued under this Act after the first day of January shall be issued upon payment of one-half of the amount payable for an annual licence."

81st Section
amended.

9. The 81st section of the said Act is hereby amended by striking out the word "or" in the first line and inserting the words "omnibus or other vehicle" after the word "waggon" in the said first line thereof.

10. The 82nd section of the said Act is amended by leaving out the word "or" in the first line and inserting instead thereof the words "omnibus or other vehicle." 82nd Section amended.

11. The 98th section of the said Act is hereby amended by substituting the letter E in place of letter D after word "Schedule" in the sixth line of the said section. 98th Section amended.

12. And whereas a mistake was made in Schedule B to the said Act in the description of the boundaries of West Ward No. 2 And it is expedient to amend such description Be it enacted therefore that that portion of Schedule B to the said Act describing the boundaries of West Ward No. 2 is hereby repealed and in lieu thereof the description of the boundaries of West Ward No. 2 in Schedule A to this Act annexed shall be the name and description of the said Ward Provided always that the misdescription of the boundaries of the said Ward shall in no wise affect the legality of the election of members for the said Ward nor the acts which may have been done or which may be done by the said Board nor shall such repeal of that portion of the said Schedule nor the amended Schedule hereby made be deemed to affect or in any manner invalidate such election or any acts done or to be done by the said Board. Schedule "B" repealed and new Schedule enacted in lieu thereof.

13. And whereas doubts have arisen as to the legality of assessing levying or collecting a fresh rate under the powers of the said Act before a prior rate has been wholly collected And it is expedient to remove such doubts Be it enacted that it shall be lawful for the Board to assess levy and collect a fresh rate under the powers of the said Act notwithstanding that a prior rate may not have been wholly collected Provided that no fresh rate shall be assessed levied or collected unless two-thirds at least of the last preceding rate has been collected. A new rate may be levied notwithstanding old rate not being wholly collected.

14. The Short Title of this Act shall be "The City Board Act 1863 Amendment Act." Short Title.

SCHEDULE A.

WEST WARD No. 2.

Is bounded on the North by Victoria-street Drake-street and Freeman's Bay On the East by Queen-street and Grey-

MANGAWAI HARBOUR IMPROVEMENT ACT, 1864.

street to Cook-street On the South by Cook-street to Union-street And on the West by Union-street from Cook-street to Freman's Bay.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

MANGAWAI HARBOUR IMPROVEMENT ACT, 1864.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 7, 1864.

[3rd February, 1864.]

Title. AN ACT to make provision for the Improvement of the Harbour of Mangawai.

Preamble. WHEREAS it is expedient to authorise the Superintendent to expend a sum not exceeding the sum of £500 for the purpose of improving the Harbour of Mangawai out of the sum of £500,000 to be raised under the provisions of the "Auckland Loan Act 1863:"

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

£500 may be expended for the purposes of the Act. 1. It shall be lawful for the Superintendent to expend out of the money to be raised by virtue of the "Loan Act 1863" a sum not exceeding the sum of £500 for the purpose of improving the Harbour of Mangawai according to such plans and specifications as may be approved of by the Superintendent with the advice and consent of the Executive Council of the Province.

No Money to be expended until security be taken 2. Provided that it shall not be lawful for the Superintendent to expend any money for the purpose aforesaid

until he shall have taken a Bond from such and so many responsible freeholders and others interested in such improvements as to the said Superintendent shall seem fit to secure the payment to the Provincial Treasurer of the interest on any money expended by virtue of this Act after the rate of six pounds per centum per annum and a sinking fund of four pounds per centum until all money expended by virtue of this Act shall be fully paid and discharged.

3. All moneys which may be paid into the Provincial Treasury as part of the Revenue of the Province of Auckland in respect of any Harbour Dues or any other charges whatsoever which the Superintendent may lawfully make in respect of any Vessel entering or going out of the Harbour of Mangawai shall in the first place be appropriated towards the payment of the said interest and sinking fund and the said Superintendent shall not call upon any such persons who may have entered into any such Bond as aforesaid to pay any interest thereof unless there shall be a deficiency in such charges to be collected as aforesaid.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

CITY BOARD LOAN ACT, 1863, AMENDMENT ACT.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 8, 1864.

[28th January, 1864.]

AN ACT to amend the City Board Loan Act, 1863. Title.

WHEREAS it is expedient to amend the provisions of "The Preamble. City Board Loan Act 1863:"

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

Loan increased to £20,000.

1. Whereas under the provisions of "The City Board Loan Act, 1863" it is enacted that it shall be lawful for the Superintendent of the Province of Auckland out of the sum of Five Hundred Thousand Pounds to be raised under the provisions of the "Auckland Loan Act 1863" to lend and advance to the said City Board the sum of £10,000 to be expended in manner therein mentioned and it is expedient to increase the amount so authorised to be advanced to the said City Board Be it therefore enacted that Section 1 of the said Act is hereby amended by substituting the word "Twenty" for the word "Ten" in the fourth line of the said Section and striking out the words "Three Thousand Pounds" in the seventh line thereof and the Second Section of the said Act is hereby amended by striking out the word "Ten" in the second line thereof and inserting the word "Twenty" in lieu thereof.

Power to Superintendent to collect rates in case of default.

2. Provided always that in case it shall at any time occur that the said City Board shall fail to pay the Interest and Sinking Fund of the said sum or in respect of such part thereof as may from time to time be advanced by virtue of this Act it shall be lawful for the Superintendent by Proclamation in the *Provincial Government Gazette* to suspend the Collector of the Rates authorized to be levied by "The City Board Act 1863" and to appoint a Collector in his place who shall collect all Rates and Arrears of Rates due to the said City Board and pay the same to the Treasurer of the Province of Auckland until all money due to the Provincial Government for such Interest and Sinking Fund is fully paid and satisfied And in case it shall happen when any such default may be so made that the rate levied or assessed by virtue of the said Act and uncollected shall not be sufficient to pay such Interest and Sinking Fund it shall be lawful for the Superintendent from time to time to assess levy and collect other rates in the same manner as the City Board is empowered to assess and levy and collect rates by virtue of the said Act relating to the making levying collecting and enforcing payment of rates and all such rates shall be vested in the Superintendent until all arrears of Interest and Sinking Fund shall be fully paid and discharged And it shall not be lawful for the said City Board during any time that the Superintendent may exercise the powers conferred upon him by

this Act to assess levy or collect any rates by virtue of the said Act.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

TAMAKI BRIDGE ACT.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 9, 1864.

[3rd February, 1864.]

AN ACT to enable the Superintendent of the Province of Auckland to expend a Sum not exceeding Fifteen Thousand Pounds out of the Money to be raised under the provisions of "The Auckland Loan Act 1863" for the purpose of constructing a Bridge over the Tamaki at Panmure. Title.

WHEREAS it is expedient to authorize the Superintendent to expend a sum not exceeding the sum of £15,000 for the construction of a Bridge over the Tamaki at Panmure out of the sum of £500,000 to be raised in pursuance of the "Auckland Loan Act, 1863 :"

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

1. It shall be lawful for the Superintendent to expend out of the money to be raised by virtue of the Loan Act 1863 a sum not exceeding the sum of £15,000 for the construction of a Bridge over the Tamaki at Panmure according to such plans and specifications as may be approved of by the Superintendent with the advice and consent of the Executive Council of the Province. Authority to expend a sum not exceeding £15,000 for the erection of a Bridge at Panmure.

No money to be spent until the Superintendent shall have taken security for payment of the Interest and Sinking Fund.

2. It shall not be lawful for the Superintendent to expend any money for the construction of the said Bridge until he shall have taken a bond from such and so many responsible freeholders and others interested in the construction of the Bridge as to the said Superintendent and Executive Council shall seem fit to secure the payment to the Provincial Treasurer of all Interest and Sinking Fund which may become payable by the Provincial Government in respect of any money raised and expended by virtue of this Act during the construction of the said Bridge.

Superintendent may erect Toll Bars &c.

3. Upon the completion of the said Bridge it shall be lawful for the Superintendent to cause Toll Gates Toll Houses or Toll Bars to be erected and built upon the said Bridge and to direct Tolls to be paid for all animals and vehicles passing or re-passing through such Toll Bars Toll Gates or Toll Houses at a rate not exceeding the rates set forth in the Schedule to this Act annexed and such rates from time to time reduce or raise again to any amount not exceeding the amount in the said Schedule. Provided that no such Toll shall be taken at any such Toll Bar Toll Gate or Toll House as aforesaid until a List of the Tolls payable thereat shall have been publicly notified in the Provincial Government Gazette at least one month previously. Provided also that no person shall be required to pay toll on his return on the same day through the Toll Bar or Toll Gate in respect of the same horse cattle or carriage.

People using road liable to Toll so published.

4. After publication in such Gazette as aforesaid the Tolls according to the rates therein specified shall be of the same force and effect as if the same were specifically directed to be paid by this Act and the same shall be paid to the respective Collectors thereof at the respective rates for the respective animals or vehicles as the same shall be specified in and by such publication and if any person other than those exempted from Toll as herein provided shall refuse to pay any such Toll the Collector thereof may seize and distrain any horse beast cattle carriage or other vehicle in respect of which any toll is payable or the goods and chattels of the person refusing to pay and if such Toll with reasonable charges for such seizure and distress shall not be paid within four days the animals goods or chattels seized may be sold and the proceeds applied in payment of such Tolls and charges.

Exemption from Tolls.

5. No Toll shall be demanded or taken by virtue of this Act at any Toll Bar Toll Gate or Toll House of or from any

person for any horses or vehicles employed in carrying or going empty to carry on the same day any stones or other materials for the purpose of repairing the said Bridge or when engaged in surveying inspecting executing or proceeding to execute any works for repairing or maintaining the said Bridge or for any horses or carriages employed only in conveying or returning from conveying the Mails of Letters under the authority of the Postmaster-General or for the horses of any officers or soldiers in Her Majesty's service in uniform and on duty or for any horses cattle or carriages employed only in carrying or conveying the arms or baggage of any such officers or soldiers or for any horses cattle or carriages employed only in conveying any Ordnance Barrack or Commissariat or other public Stores of or belonging to Her Majesty or returning empty from having been so employed or of or from any person in respect of any horse or vehicle used for conveying any person or persons to attend any funeral or of or from any person in respect of any horse ridden by such person for the purpose of attending any jury to which he shall have been lawfully summoned to attend provided that no person shall be entitled to claim such last-mentioned exemption unless he shall on passing through any such gate produce to the Collector the summons requiring his attendance upon any such jury.

6. If any person or persons shall by any fraudulent or Penalty for fraudulent means whatsoever claim or take the benefit of any exemption from Toll in this Act contained every such person shall for every such offence forfeit and pay any sum not exceeding five pounds and in all cases the proof of exemption shall be upon the person claiming the same. Penalty for fraudulently taking benefit of exemption.

7. Any person who shall in any manner evade or attempt to evade or aid or assist or abet any person in evading or attempting to evade the payment of any Toll authorized by this Act or who shall fraudently or forcibly pass through or by any Toll Bar Toll Gate or Toll House erected or established under this Act or shall do any other act whatsoever in order or with intent to evade the payment of any such Toll or whereby the same shall or may be evaded shall for every such offence forfeit and pay a sum not exceeding five pounds. Penalty for evading Tolls or forcing Toll Bars.

8. The Superintendent may from time to time employ and appoint such proper persons as he may think fit to be Collectors and who shall take charge of any such Toll Bars Toll Gates and Toll Houses and collect thereat all Tolls Superintendent may appoint Collector.

authorised to be collected or taken under this Act Provided
 And to require always that the said Superintendent shall require the said
 Securities. Collector to find two good and sufficient sureties for the
 due performance of his duties and for the due accounting
 of all monies that may come into his hands as such
 Collector.

And with respect to letting or leasing the said Tolls be
 it enacted :

Tolls may be let. 9. It shall be lawful for the said Superintendent from
 time to time to let and farm out for any term not exceeding
 one year all or any of the Tolls authorised to be collected
 under the provisions of this Act together with any Toll
 Bar Toll Gate or Toll House such letting or farming out
 to be by Public Auction whereof due notice shall be given
 by publishing the same in not less than two newspapers
 circulated in the Province fourteen days at the least before
 such letting and such security shall be taken by the said
 Superintendent as he may deem necessary and advisable
 for the due payment of the rent or sum stipulated to be
 paid for such Tolls and any lessee or farmer of Tolls during
 the continuance of any such letting or farming out or any
 Collector or person by him appointed is hereby authorised
 and empowered to demand take have and receive such tolls
 so let or farmed out and to enforce the recovery thereof in
 the same mode and by the same ways and means to all
 intents and purposes as the said Collector appointed by
 the Superintendent could by virtue of this Act have
 demanded taken and received such Tolls if the same had
 not been so let or farmed out Provided that no Tolls shall
 be so let until the maximum rate of Tolls which may be
 demanded and taken under this Act during the continuance
 of such letting or farming out shall be fixed in manner
 aforesaid.

If not sold by 10. If at any such auction as aforesaid no bidder shall
 auction may be offer or in case the said Tolls shall not be let at such
 let by private auction it shall be lawful for the said Superintendent to
 tender. advertise for tenders for the said Tolls in the same manner
 as tenders for other public works are advertised for and to
 accept a private tender for the same and any such person
 who shall take the said Tolls by private contract shall be
 entitled to the same privileges and shall in all respects be
 deemed and taken to be for the purposes of this Act a
 person who shall have taken the said Tolls by reason of
 his being the highest bidder at any such auction.

11. If the person who shall be the farmer or renter or collector of such Tolls shall demand or take a greater or less Toll from any person than what is authorised or directed by this Act he shall for every such offence forfeit the sum of five pounds and after any such conviction the Superintendent may if he shall think fit in case the said Tolls shall have been let as aforesaid vacate any agreement or contract for that purpose and the same shall thereupon become null and void.

Penalty for demanding or taking more than legal Toll.

12. Every Toll Collector shall cause to be placed and kept on some conspicuous part of the Toll Bar Toll Gate or Toll House at which he shall be stationed and so that the same shall appear to public view his Christian or first and Surname and a list of the Tolls payable thereat painted in black letters at least one inch in length on a board with a white ground. And if any such Collector shall not place and keep such board as aforesaid during the time he shall be such Collector or shall in any wise hinder any person from reading the inscription on such board or shall refuse to tell his Christian or first and Surname to any person who shall demand the same or shall give a false name or shall demand more than the legal Toll or upon the legal Toll being tendered shall detain any passenger horses cattle or carriage or shall use any abusive language every such Collector shall upon conviction for every such offence forfeit and pay any sum not exceeding £10.

Collectors to have their names in front of Toll House and List of Tolls.

13. Any person who shall wilfully injure damage or destroy any Toll Bar Toll Gate or Toll House or any board or list of Tolls erected or put up in pursuance of this Act or who shall wilfully obstruct or prevent any such collector in the due execution of his duty under the provisions of this Act shall for every such offence forfeit and pay any sum not exceeding £5.

Penalty for injuring Toll Bars &c.

Penalty for obstructing Collector.

And as to the disposal of the Tolls to be collected in pursuance of this Act be it enacted :

14. All moneys and rents collected and received by virtue of this Act shall be paid to the Provincial Treasurer of the Province of Auckland who shall keep a separate account of the same to be called the Tamaki Bridge Fund and the said Treasurer shall thereout in the first place pay into the Provincial Treasury all interest and sinking fund which may from time to time be due to the Provincial Government in respect of any money raised or expended for the purpose of

Monies collected to be paid to Provincial Treasurer.

constructing the said bridge and in the next place the said Treasurer shall pay all the costs charges and expenses incurred occasioned and incident to the collection of the said Tolls and the letting thereof and all costs incurred in prosecuting any persons for penalties incurred under this Act and in the next place the said Treasurer shall pay thereout all costs charges and expenses in and about the repairs of the said Bridge the erection construction and repairs of all Toll Bars Toll Gates and Toll Houses erected in pursuance of this Act and lastly the balance shall from time to time be expended in repaying to the persons who may have entered into the aforesaid Bond any moneys that they may have paid to the Treasurer as interest and sinking fund in respect of moneys expended in constructing the said Bridge.

Short Title.

15. The Short Title of this Act shall be "The Tamaki Bridge Act 1864."

SCHEDULE REFERRED TO.

	£	s.	d.
For every Single or Saddle Horse ...	0	0	6
For every Carriage or Vehicle drawn by one Horse ...	0	1	0
For every Carriage or Vehicle drawn by two Horses ...	0	1	6
For every Carriage or Vehicle drawn by more than two Horses ...	0	2	0
For every Public Van or Conveyance carrying Passengers for hire ...	0	2	0
For every Dray drawn by Bullock every two Bullocks to be charged as one Horse			
For all great and small Cattle per head	0	0	3
For Pigs Sheep and Goats per head ...	0	0	2
For every Foot Passenger ...	0	0	2

APPROPRIATION ACT, 1864.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 10, 1864.

[9th February, 1864.]

AN ACT to *Appropriate the Revenue for 1864.* Title.

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

1. Out of the Revenue of the Province of Auckland subject to the appropriation of the Provincial Council thereof and to any conditions expressed in this Act there may be issued and applied any sums of money for or towards the several services mentioned in the Schedules hereto annexed and such sums shall be issued for and applied to the several services specified and set forth in the several divisions and items of subdivisions opposite to the same in the said Schedules and not otherwise. Certain sums to be applied to defray the charge of the Provincial Government from the 1st day of January to the 31st of December, 1864.

2. The Provincial Treasurer or other person having charge of the Public Funds of the Province shall issue and pay from time to time any sum of money not exceeding in the whole the sums respectively specified to such person and in such portions as the Superintendent for the time being shall by warrants to be granted by him from time to time direct and such Treasurer or other person having charge of the Public Funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sums for which such receipts shall have been given and the amounts thereof shall be passed to his account accordingly. Treasurer or other person in charge of public funds to pay money on warrant of Superintendent.

3. All money borrowed under the authority of any Act of the Provincial Legislature shall be deemed to be revenue Money borrowed to be deemed revenue.

of the Province of Auckland for the purposes of the "Provincial Audit Act 1861" of the General Assembly.

Persons in possession of public funds to pay same to Treasurer or such other person as Superintendent shall direct.

4. Every person who shall have possession of any Public Funds of this Province is hereby authorised and required to pay the same to the Treasurer thereof or to such other person and in such manner as the Superintendent by warrant granted under his hand shall direct.

Superintendent may raise temporary loan.

5. For the purpose of making provision for the several items of expenditure set forth in the Schedules to this Act annexed it shall be lawful for the Superintendent of the Province of Auckland to raise by temporary loan at an interest not exceeding eight per cent. per annum a sum not exceeding the sum of £3,255 5s. 6d. and such sum when borrowed shall be a charge upon the General Revenue of the Province of Auckland for the year 1865, subject to be appropriated by the said Superintendent and the Provincial Council in case the revenue for the year 1864 shall be insufficient to repay the same.

Short Title.

6. The Short Title of this Act shall be "The Appropriation Act 1864."

ESTIMATE
OF THE
REVENUE OF THE PROVINCE OF AUCKLAND
FOR THE YEAR 1864.

1864.	£.	s.	d.	£	s.	d.
Surplus General Revenue ...	9,600	0	0			
Customs ...	40,000	0	0			
Land Revenue—less Interest and Sinking Fund ...	1,910	0	0			
Pilot and Harbour Dues ...	1,500	0	0			
Provincial Revenue ...	6,000	0	0			
Repayment of Assisted Passages ...	1,500	0	0			
Interest on Wharf Debt ...	720	0	0			
				61,230	0	0
Interest and Sinking Fund due January 1st, 1864 ...	445	0	0			
Payment from Harbour Debt ...	4,427	10	0			
Interest and Sinking Fund on Loans ...	4,427	10	0			
				9,300	0	0
				70,530	0	0
Temporary Loan ...				3,255	5	6
				<u>£73,785</u>	<u>5</u>	<u>6</u>

SCHEDULE I.

ESTIMATE

OF THE

EXPENDITURE OF THE PROVINCE OF AUCKLAND
FOR THE YEAR 1864.

	£	s.	d.	£	s.	d.
1. SUPPLEMENTARY AMOUNTS FOR 1863.						
Prisons Contingencies	250	0	0			
Relief to Sick and Destitute	400	0	0			
Quarantine Expenditure	200	0	0			
Railway Act Expenses, to be charged against Railway Funds	500	0	0			
Waste Lands Office Contingencies	50	0	0			
Crown Prosecutions	150	0	0			
Board of Education	200	0	0			
				1,750	0	0
2. PERMANENT CHARGES.						
Interest on Provincial Debentures	4,500	0	0			
Interest and Sinking Fund under the Loan Act, 1863	9,300	0	0			
Superintendent, per Act	800	0	0			
Auditor's Salary & Contingencies	260	0	0			
				14,860	0	0
3. PROVINCIAL COUNCIL.						
Speaker	250	0	0			
Clerk and Librarian	250	0	0			
Messenger	80	0	0			
Expenses of Members for Mon- gonui, Bay of Islands, and Marsden	300	0	0			
Contingencies, Printing & Clerical assistance	600	0	0			
Provincial Council Library	100	0	0			
				1,580	0	0
4. THE SUPERINTENDENT'S OFFICE.						
Provincial Secretary & Treasurer	400	0	0			
Accountant	350	0	0			
Chief Clerk and Clerk of Execu- tive Council	225	0	0			
Clerk	175	0	3			
Clerk in Treasury and Immigration Office	144	0	0			
Messenger	110	0	0			
Contingencies,—Stationer, and Extra Clerical assistance	170	0	0			
				1,574	0	0
5. THE PROVINCIAL SOLICITOR				400	0	0

6. THE WASTE LANDS OFFICE.

Waste Land Commissioner	...	Nil.	
Deputy Waste Land Commissioner	...	400	0 0
Provincial Surveyor	...	350	0 0
1st Draughtsman	...	350	0 0
2nd Draughtsman	...	300	0 0
3rd Draughtsman	...	168	0 0
Engrossing Clerk	...	168	0 0
Custodier and Exhibitor of Plans	...	150	0 0
Clerical Assistance	...	100	0 0
Contingencies,—Stationery, Drawing Materials, Firewood, Travelling Expenses and Labour.	...	200	0 0
			2,186 0 0

7. ROADS AND WORKS OFFICE.

Engineer	...	336	0 0
Assistant Engineer	...	228	0 0
Clerk	...	125	0 0
Storekeeper	...	75	0 0
Contingencies,—Travelling Expenses, &c.	...	150	0 0
			914 0 0

8. POLICE DEPARTMENT.

Commissioner of Police	...	400	0 0
One Sergeant-Major, at 9s. 6d. per day,	...	173	17 0
Two Sergeants, at 8s. 6d. per day	...	311	2 0
Two Corporals, at 7s. 6d.	...	276	10 0
Thirty-eight Privates, at 7s.	...	4,867	16 0
District Constables	...	60	0 0
One Clerk and Inspector of Weights and Measures	...	156	0 0
Contingencies for Ditto	...	20	0 0
Occasional Assistance in Country Districts	...	40	0 0
Rents at Parnell, Newton, Panmure, Papakura, & Mongonui	...	128	8 0
Rations for Prisoners	...	100	0 0
Stationery, Firewood, Oil, Boat Hire, Travelling and Incidental Expenses	...	175	0 0
Expenses under Dog Nuisance Act	...	30	0 0
Forage for Commissioner's Horse	...	60	0 0
Great Coats and Clothing	...	250	0 0
			7,046 13 0

9. PRISONS:—

STOCKADE—

Gaoler	...	200	0 0
Five Overseers, 1st Class, at £10 10s. per month	...	630	0 0

Nine Overseers, 2nd Class, at £9 10s. per month ...	1,026	0	0	
Bedding and Clothing ...	250	0	0	
Rations and Medical Comforts	1,800	0	0	
Firewood and Stove ...	190	0	0	
Contingencies ...	60	0	0	
AUCKLAND GAOL:—				
Gaoler ...	150	0	0	
Turnkey ...	120	0	0	
One Overseer, at £9 per month	108	0	0	
Three Overseers, at £8 10s. per month ...	306	0	0	
Matron ...	72	0	0	
	<hr/>			4,912 0 0
10. HOSPITAL:—				
Provincial Surgeon ...	350	0	0	
House Surgeon ...	150	0	0	
Nurse ...	100	0	0	
Assistant Nurse ...	54	0	0	
Matron ...	60	0	0	
Cook ...	54	0	0	
Rations and Medical Comforts	1,200	0	0	
Medicines for Hospital, Lunatic Asylum, and Prisons ...	160	0	0	
Fuel ...	100	0	0	
Washing ...	80	0	0	
Bedding, Clothing, and Contingencies ...	200	0	0	
	<hr/>			2,508 0 0
11. LUNATIC ASYLUM:—				
Head Keeper ...	120	0	0	
Three Assistant Keepers, at £48, £54, and £60 ...	162	0	0	
Matron ...	60	0	0	
Assistant to Matron ...	42	0	0	
Cook ...	54	0	0	
Rations and Medical Comforts	1,050	0	0	
Firewood ...	60	0	0	
Bedding, Clothing, Washing, and Contingencies ...	170	0	0	
	<hr/>			1,718 0 0
12. SHEEP AND THISTLE DEPARTMENT:—				
Inspector ...	300	0	0	
Eight Sub-Inspectors, at £25 each	200	0	0	
	<hr/>			500 0 0
13. HARBOURS:—				
AUCKLAND:—				
Portmaster and Pilot ...	325	0	0	
Harbour Master	100	0	0	

Assistant Pilot..	150	0	0	
Signalman ...	120	0	0	
One Boatman, at £9 per month	108	0	0	
One Boatman, at £8 per month	96	0	0	
Extra Assistance	240	0	0	
Contingencies...	150	0	0	
				1,289 0 0
MANUKAU—				
Harbour Master and Pilot ...	250	0	0	
Assistant Pilot..	120	0	0	
Signalman ...	100	0	0	
Chief Boatman..	96	0	0	
Three Men at £6 per month each	216	0	0	
Repairs & Con- tingencies ...	400	0	0	
				1,182 0 0
RUSSELL—				
Harbour Master and Pilot ...	175	0	0	
Contingencies...	25	0	0	
				200 0 0
MONGONUI—				
Harbour Master and Pilot ...				100 0 0
HOKIANGA—				
Harbour Master and Pilot ...	100	0	0	
Contingencies...	35	0	0	
				135 0 0
KAIAPARA—				
Pilot Establish- ment ...	100	0	0	
Contingencies...	300	0	0	
				400 0 0
				3,306 0 0
14. FERRIES:—				
Panmure Ferry and Repairs ...	400	0	0	
North Shore ...	144	0	0	
Wangarei and Kawau ...	48	0	0	
Waipu—Main, East, and West Branches ...	35	0	0	
Mangawai ...	20	0	0	
Arai ...	10	0	0	
Orewa ...	25	0	0	
Waiwera ...	18	0	0	
Puhoi ...	18	0	0	
Mahurangi ...	30	0	0	
Taipa ...	10	0	0	

APPROPRIATION ACT, 1864.

349

Mungamungaroa	18	0	0
Mangarei	50	0	0
Karaka	25	0	0

851 0 0

SPECIAL :—

Surveys and Opening Blocks of Land	4,000	0	0
Preparing Crown Grants	300	0	0
Great North Road	2,000	0	0
City of Auckland Contribution to Local Rates	2,000	0	0
Streets, Branch Roads, &c., to meet Contributions and Rates	6,000	0	0
Mongonui	250	0	0
Bay of Islands	250	0	0
Kaipara Roads	500	0	0
Wangarei	100	0	0
Waipu	100	0	0
Mangawai	100	0	0
Matakana	50	0	0
Mangapai Road	80	0	0
Okura Road and Bridges	100	0	0
Wharf Road at Stoke's Point	100	0	0
Mahurangi	50	0	0
General Contingencies	500	0	0
Road Repairs	1,000	0	0
Road and Bridges at Kaukapakapa, additional	100	0	0
Repairs to Wharf at Onchunga	100	0	0
General Assembly Accommodation	500	0	0
Improvement of Slippery Creek	700	0	0
Police Station at Otahuhu	500	0	0
Surveying Line of Tramway between the Waitemata and Kaipara	70	0	0

19,450 0 0

MISCELLANEOUS —

Board of Education	3,000	0	0
Printing and Stationery	600	0	0
Crown Prosecutions	650	0	0
Relief of Sick and Destitute and Maintenance of Orphans	1,800	0	0
Expenses under Thistle Act	400	0	0
Rent and Insurance of Public Buildings	275	0	0
Repairs, Public Buildings	500	0	0
Rent of Water for Tank in Official Bay	10	0	0
Auckland Dispensary	100	0	0
Expense of Publishing Provincial Laws	250	0	0
Vaccination	250	0	0

Railway Survey, to be a charge against any future Loan for carrying out the projected Railway	1,000	0	0
Purchase of Police Station ...	300	0	0
Purchase of Works on Practical Mechanics	100	0	0
Purchase of Works on Agriculture for the Mahurangi Library ...	50	0	0
Onehunga Institute	50	0	0
Patriotic Fund	500	0	0
Assisting to provide House accom- modation for Soldiers' wives and families	200	0	0
Contribution to improvement of Mangawai Harbour	300	0	0
To meet recommendations of Private Grievance Committee	410	0	0
			<u>10,745 0 0</u>
			<u>£74,300, 13 0</u>

TRUSTS REVENUE.

TRUSTS EXPENDITURE.

HARBOUR TRUST.		£ s. d.			£ s. d.
Tonnage, Shipping Dues, and Rents	...	4,200 0 0	Wharfinger, (also Harbour Master, at £100 per annum)	...	175 0 0
Wharf Dues	...	2,100 0 0	Assistant and Clerk	...	132 0 0
			Labourer	...	96 0 0
			Expense of Light	...	80 0 0
			Contingencies	...	25 0 0
			Interest of Debt to the Province	...	720 0 0
			Interest and Sinking Fund on £25,000, at 9 per cent.	...	2,250 0 0
			Two new T's to Wharf	...	2,112 0 0
			Repairs of Wharf and Wynyard Pier	...	710 0 0
		£6,300 0 0			£6,300 0 0
CITY TRUST.			Interest and Sinking Fund on £15,000, at 10 per cent.	...	1,500 0 0
			Balance (less cost of collection) payable to City Board	...	299 15 0
Rents	...	1,799 15 0			£1,799 15 0
COLLEGE AND GRAMMAR SCHOOL TRUST.			Payable to Trust Fund (less cost of collection)		637 7 6
Rents	...	637 7 6			
HOSPITAL TRUST.			Payable to Hospital Expenses (less cost of collection)		389 19 0
Rents	...	389 19 0			

APPROPRIATION ACT, 1864.

EMPOWERING ACT, 1864.

SCHEDULE III.

SUPPLEMENTARY EXPENDITURE

ON ACCOUNT OF

THE YEAR 1863.

	£	s.	d.
Repairs of Supports of Iron Store	4	12	6
Road Repairs (Snelgar's & Absolom's contracts)	16	11	7
Salaries of the year 1862	16	4	2
Waste Lands Office Contingencies	43	6	0
Great North Road	114	16	10
Road Repairs	24	19	1
Refunds	12	0	0
Great South and Onehunga Roads, to be charged on Loan for 1864	630	18	2
	<u>£863</u>	<u>8</u>	<u>4</u>

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

EMPOWERING ACT, 1864.

IN THE TWENTY-SEVENTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVI., No. 11, 1864.

[11th February, 1864.]

Title. *AN ACT to repeal the Empowering Act 1863 and the
Empowering Act 1863 Amendment Act and to make other
provisions in lieu thereof.*

Preamble. WHEREAS it is expedient to repeal the Empowering
Act 1863 and the Empowering Act 1863 Amendment
Act and to make other provisions in lieu thereof:

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

1. The said recited Acts are hereby repealed. Recited Acts repealed.
2. It shall be lawful for the Superintendent of the Province of Auckland out of moneys to be raised under the provisions of the Auckland Loan Act 1863 to pay and expend any sum or sums of money not exceeding the sum of One Hundred and Forty Three Thousand Four Hundred and Seventy-Nine Pounds Six Shillings for the several purposes set forth in the Schedule hereunto annexed. Power to expend money for purposes set forth in Schedule.
3. The Short Title of this Act shall be the Empowering Act 1864. Short Title.

SCHEDULE.

PUBLIC BUILDINGS:—

	£	s.	d.		£	s.	d.
Erection of Lunatic Asylum	14,000	0	0				
Improvement of Stockade...	2,494	7	10				
Erection of Government House	25,000	0	0				
Erection of Post Office	10,000	0	0				
Erection of Custom House	10,000	0	0				
Erection of Lock-up	3,000	0	0				
					64,494	7	10

IMMIGRATION AND PURCHASE OF NATIVE LANDS:—

Immigration	44,232	14	3				
Surveying Land for location of Immigrants	2,752	3	11				
					46,984	18	2

AUCKLAND HARBOUR TRUST:—

Advance to be secured on Auckland Harbour Endowments, and repaid by a Sinking Fund of 3 per cent. per annum, and interest at 6 per cent. per annum on the principal	30,000	0	0				
---	--------	---	---	--	--	--	--

MANUKAU HARBOUR:—

Advance to be secured on the Manukau Harbour Endowments, and repaid by a

EMPOWERING ACT, 1864.

Sinking Fund of 3 per cent. per annum, and interest at 6 per cent. per annum on the principal	...	...	...	2,000 0 0
				<hr/>
				<u>£143,479 6 0</u>

Printed under the authority of the Government of the Province of Auckland by
Robert James Creighton and Alfred Scales, Printers to the Provincial
Government.

HIGHWAYS ACT AMENDMENT ACT, 1864.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVII., No. 1, 1864.

[24th November, 1864.]

AN ACT to amend "*The Highways Act 1862.*"

WHEREAS an Act was passed by the Local Legislature of Preamble.
the Province of Auckland in the Fourteenth Session
thereof intituled "An Act to facilitate the making and
repairing of Highways within the Province of Auckland"
And whereas it is desirable to enable the majority of persons
actually settled within a district to take advantage of the
provisions of such Act without requiring the concurrence
of non-resident Tenants or Mortgagees :

BE IT ENACTED by the Superintendent of the Province
of Auckland by and with the advice and consent of the
Provincial Council thereof as follows :—

1. It shall be lawful for the majority being at least Fifteen resident
fifteen in number of the resident tenants in fee simple tenants may peti-
resident mortgagees in possession and resident lessees of tion for formation
land for the terms set forth in section 3 of the said recited of District.
Act to present to the Superintendent the Memorial referred
to in said section and that notwithstanding the persons
presenting such memorial may not form the majority of the
whole tenants mortgagees and lessees of land or tenements
within the district including absentees.

2. Every person being a tenant in fee-simple mortgagee Who shall be
in possession or lessee for a term of seven years or up- deemed resident
wards who shall at the time be residing on his land or have tenants.
servants residing thereon shall for the purposes of this Act
be deemed a resident.

Act to be construed as part of Highways Act 1862. Short Title.

3. This Act shall be read and construed as part of the said recited Act.

4. The Short Title of this Act shall be "The Highways Act Amendment Act 1864."

Printed under the authority of the Government of the Province of Auckland, by ROBERT J. CREIGHTON and ALFRED SCALES, O'Connell Street, Auckland, Printers for the time being to the Provincial Government.

THE HARBOUR APPROPRIATION ACT, 1864.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVII., No. 2, 1864.

[24th November, 1864.]

Title. AN ACT to authorise the Superintendent of the Province of Auckland to expend on Harbour Improvements certain money to be raised in virtue of the "Auckland Loan Act 1863."

Preamble. WHEREAS by an Act passed by the Local Legislature of the Province of Auckland in the Fifteenth Session thereof intituled "The Auckland Loan Act 1863" it is enacted that it shall be lawful for the Superintendent of the Province of Auckland to raise by way of Loan a sum not exceeding five hundred thousand pounds of which sum sixty thousand pounds is set down in Schedule B to the said Act annexed as applicable to the erection maintenance and repair of works in the Harbour of Auckland. And it is by the said Act further enacted that no money raised under the provisions of the said Act shall be paid or expended without the authority of an Act of the Superintendent of the Province of Auckland and the Provincial Council thereof. And whereas by an Act of the said Superintendent and Provincial Council intituled the "Empowering Act 1863"

the said Superintendent was *inter alia* authorised to expend a sum not exceeding thirty thousand pounds as an advance to be secured on the Auckland Harbour Endowments and to be repaid as in the said last recited Act set forth. And whereas the said sum of thirty thousand pounds has been entirely applied under the direction of the Supreme Court of New Zealand in manner provided by an Act of the General Assembly of New Zealand intituled "The Auckland Harbour Debentures Act 1860" for the purpose of discharging the allotments or parcels of land described in the said last recited Act from liability on account of the Debentures issued as in that Act authorised. And whereas it is necessary to appropriate a further sum to be raised as aforesaid to the purposes of extending and improving the Wharf and other works in or connected with the Harbour of Auckland.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

1. It shall be lawful for the Superintendent of the Province of Auckland out of any money to be raised under the provisions of the "Auckland Loan Act 1863" to pay and expend a sum not exceeding £30,000 for the purpose of extending and improving the Wharf or other works in or connected with the Harbour of Auckland. Superintendent may expend £30,000 on harbour works.

2. Provided always that the sum to be so paid and expended shall be secured on the Auckland Harbour Endowments and shall be repaid by a sinking fund of Three per Cent. per annum and interest at Six per Cent. per annum on the principal. Provision for sinking fund and interest.

3. The Short Title of this Act shall be "The Harbour Short Title. Appropriation Act 1864."

DEBENTURES EXTINCTION ACT, 1864.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVII., No. 3, 1864.

[24th day of November, 1864.]

Title. *AN ACT to authorise the Superintendent of the Province of
Auckland to pay off certain Debentures.*

Preamble. WHEREAS by an Act passed by the local Legislature of the Province of Auckland intituled "The Debenture Act 1856" it was provided that no Debenture sold and purchased as in the said Act mentioned should be payable or redeemable until the first day of May One thousand eight hundred and sixty-five nor until such further time as the local Legislature should by any Act in that behalf appoint: And whereas by an Act of the local Legislature of the said Province intituled "The Auckland Loan Act 1863" provision is made for the application of part of the sum to be raised in virtue of the last recited Act towards payment of the aforesaid sums which are therein described as Provincial Debentures due 1st May 1865: And it is also therein provided that no money raised under the provisions of the last recited Act shall be paid or expended without the authority of an Act of the Superintendent of the Province of Auckland and the Provincial Council thereof: And whereas it is proper that such authority should be given for the purpose aforesaid:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

£45,000 to be expended in paying off Debentures. 1. It shall be lawful for the Superintendent of the Province of Auckland out of the sums to be raised in virtue of the "Auckland Loan Act 1863" to pay and expend any

sum not exceeding Forty-five thousand pounds sterling in paying off the Debentures issued in virtue of or authorised by "The Debentures Act 1856."

2. Such Debentures shall be payable and redeemable on the first day of May 1865. Debentures re-
deemable May 1st,
1865.

3. The Short Title of this Act shall be "The Auckland Debentures Extinction Act 1864." Short Title.

Printed under the authority of the Government of the Province of Auckland, by ROBERT J. CREIGHTON and ALFRED SCALES, O'Connell Street, Auckland, Printers for the time being to the Provincial Government.

WATERWORKS APPROPRIATION ACT, 1864.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVII., No. 4, 1864.

[24th November, 1864.]

AN ACT to authorise the Superintendent of the Province of Auckland to expend certain Money to be raised by virtue of the Auckland Loan Act, 1863.

WHEREAS by the "Auckland Loan Act 1863" it is enacted Preamble. that it shall be lawful for the Superintendent of the Province of Auckland out of money to be raised under the provisions of the said Act to pay and expend certain sums of money mentioned and specified in the schedule thereto annexed: And whereas it is expedient that the sum of forty-four thousand five hundred pounds part of the sum of seventy-five thousand pounds mentioned in the said Schedule for the purposes of Public Works should be expended in constructing Waterworks for the supply of the City and Suburbs of Auckland with water: And whereas in the Act passed or to be passed in the present Session of the Provincial Council of Auckland intituled "The Auck-

land Waterworks Act 1864" due provision is made for the payment of the interest and sinking fund to become due on the sum to be expended in virtue hereof:

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland, with the advice and consent of the Provincial Council thereof as follows:—

Expenditure of
£44,500 author-
ised.

1. It shall be lawful for the Superintendent of the Province of Auckland, out of money to be raised under the "Auckland Loan Act 1863" to pay and expend any sum not exceeding the sum of forty-four thousand five hundred pounds for the purpose of constructing Waterworks for supplying the City and Suburbs of Auckland with water and in defraying and discharging all expenses preparatory or relating to the preparing the said plans and books of reference and other expenses relating to the procuring the "Auckland Waterworks Act 1864" and the "Auckland Waterworks Act 1860" and in otherwise carrying these Acts into execution.

Purposes of ex-
penditure de-
fined.

2. Provided that no money shall be expended under the provisions of this Act except in accordance with the provisions of the Auckland Waterworks Act 1864.

Short Title.

3. The Short Title of this Act shall be "The Waterworks Appropriation Act 1864."

Printed under the authority of the Government of the Province of Auckland, by
ROBERT J. CRIGHTON and ALFRED SCALES, O'Connell Street, Auckland,
Printers for the time being to the Provincial Government.

EMPOWERING ACT, 1864.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XVII., No. 5, 1864.

[24th November, 1864.]

Title.

AN ACT to enable the Superintendent of the Province of Auckland to expend a sum not exceeding Fifteen Thousand Pounds on the purchase of Native Lands.

Preamble.

WHEREAS it is expedient to authorize the Superintendent to expend out of the amount appropriated to the purposes of

Immigration and Purchase of Land by the "Auckland Loan Act 1863" a sum not exceeding £15,000 on the purchase of Native Lands.

Be it therefore enacted by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

I. Out of the Amount appropriated to the objects of Immigration and the Purchase of Native Land and to be raised in virtue of the "Auckland Loan Act 1863" it shall be lawful for the Superintendent and he is hereby authorised from time to time to pay and expend any sum or sums of money not exceeding in whole the sum of Fifteen Thousand Pounds in the purchase of Native Lands including therein the whole cost of extinguishing the Native Title.

Expenditure of £15,000 in purchase of Native Land authorised.

II. The Short Title of this Act shall be "The Empower- Short Title. ing Act 1864."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

THE SUPREME COURT SITE ACT, 1864.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVII., No. 6, 1864.

[24th November, 1864.]

AN ACT to enable the Superintendent of the Province of Auckland to acquire certain lands in the City of Auckland.

WHEREAS it is desirable to enable the Superintendent to secure for Provincial purposes a certain block of land in Queen-street in the City of Auckland formerly occupied by the Supreme Court the Resident Magistrate's Court and the Gaol containing one acre and twenty perches more or

less being Nos. 1, 2, 3, and 4 of Section No. 15 of the City of Auckland. And whereas by the "Auckland Loan Act 1863" the Superintendent was authorised to raise by way of Loan a sum not exceeding £500,000 subject to the conditions therein set forth. And whereas it is desirable to sanction the appropriation of part of the sum to be raised in virtue of the last recited Act towards the purchase or acquisition of the block of land above described by way of advance to be secured on the said block of land and to make other provision for effectuating the above object.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland by and with the advice and consent of the Provincial Council thereof as follows:—

£25,000 appropriated to the purchase of site of Supreme Court House.

1. It shall be lawful for the Superintendent to enter into all necessary arrangements with the General Government of the Colony of New Zealand for the purchase on behalf of the Province of the block of land described under Section 5 of Schedule A. of an Act of the General Assembly of New Zealand intituled "The Auckland Reserves Act 1858" or for obtaining a grant of the same under the "Public Reserves Act 1854" at a sum not exceeding £25,000.

Money to be taken from £500,000 Loan.

2. For the purpose of effectuating any such arrangement it shall be lawful for the Superintendent out of funds to be raised in virtue of the "Auckland Loan Act 1863" to issue and pay from time to time as he shall find expedient any sum or sums of money not exceeding the sum of £25,000 in the whole.

Allocation of the charge.

3. The sums so to be paid and expended shall be taken from the divisions of the said loan hereinafter set forth in proportions following, namely:—

From the sum set apart for Improvement of the City of Auckland	... ..	£12,500
From the sum set apart for Immigration and the Purchase of Native Lands	... ..	£12,500

Short Title.

4. The Short Title of this Act shall be "The Supreme Court Site Act 1864."

APPROPRIATION ACT, 1864.—No. 2.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVII., No. 7, 1864.

[31st December, 1864.]

AN ACT to make further Appropriation of the Revenue Title.
for 1864.

BE IT ENACTED by the Superintendent of the Province of
Auckland with the advice and consent of the Provincial
Council thereof as follows:

1. Out of the Revenue of the Province of Auckland Certain sums to be
subject to the appropriation of the Provincial Council applied to defray
thereof and to any conditions expressed in this Act there the charge of the
may be issued and applied any sums of money for or Provincial
towards the several services mentioned in the Schedule Government from
hereto annexed and such sums shall be issued for and 31st December,
applied to the several services specified and set forth in the 1864.
several divisions and items of subdivisions opposite to the
same in the said Schedule and not otherwise provided
always that all items set down for salaries in the Schedule
hereto annexed shall be deemed and taken to indicate the
rate per annum of such salaries and the same shall be
issued and paid at such rate for services rendered during
the months of November and December 1864 and no
longer.

2. The Provincial Treasurer or other person having Treasurer or other
charge of the Public Funds of the Province shall issue and person in charge
pay from time to time any sum of money not exceeding in of public funds to
the whole the sums respectively specified to such person pay money on
and in such portions as the Superintendent for the time warrant of Super-
being shall by warrants to be granted by him from time to intendent.
time direct and such Treasurer or other person having
charge of the Public Funds of the Province shall in his
accounts be allowed credit for all sums paid by him in
pursuance of such warrants and the receipts of the

persons to whom such sums shall have been so paid shall be to him a full discharge for the sums for which such receipts shall have been given and the amounts thereof shall be passed to his account accordingly.

Money borrowed to be deemed revenue.

3. All money borrowed under the authority of any Act of the Provincial Legislature shall be deemed to be revenue of the Province of Auckland for the purposes of the "Provincial Audit Act 1861" of the General Assembly.

Persons in possession of public funds to pay same to Treasurer or such other person as Superintendent shall direct.
Short Title.

4. Every person who shall have possession of any Public Funds of this Province is hereby authorised and required to pay the same to the Treasurer thereof or to such other person and in such manner as the Superintendent by warrant granted under his hand shall direct.

5. The Short Title of this Act shall be "The Appropriation Act (No. 2), 1864."

SCHEDULE.

ADDITIONAL ESTIMATES.—1864.

	£	s.	d.	£	s.	d.
Engineer-in-Chief (Resolution of Council)	800	0	0			
Clerk and Draftsman	200	0	0			
Contingencies in Engineer's Office	50	0	0			
				1,050	0	0
POLICE DEPARTMENT.						
Ten Privates, at 7s. per day ...	1,277	10	0			
One Sergeant of Water Police, at 7s. 6d. per day	136	17	6			
Two Constables, Water Police, at 7s. per day	255	10	0			
Three Constables, Kaipara and Waikato, at 7s. per day ...	383	5	0			
Additional Rent	74	0	0			
				2,127	2	6
Stockade.						
Mason at 15s. per day	273	15	0			
Materials for workmen—leather timber, &c.	107	0	0			
Lamp-oil, powder, tools, &c. ...	150	0	0			
Bedding, clothing, &c.	200	0	0			
				780	15	0

Auckland Gaol.

Rations, medical comforts, &c.	100	0	0	
Firewood, clothing, &c.	50	0	0	
	<u>150</u>	0	0	

New Lock-up.

Overseer	130	0	0	
Rations	34	0	0	
Furniture	150	0	0	
	<u>314</u>	0	0	

HOSPITAL.

Bedding, washing, books, &c.	100	0	0	
	<u>100</u>	0	0	

LUNATIC ASYLUM.

Bedding, clothing, washing, &c.	70	0	0	
	<u>70</u>	0	0	

AUCKLAND HARBOUR.

Additional pay to Boatmen, £5 10s. per month (one Coxswain £10 10s., two Boatmen £10)	66	0	0	
	<u>66</u>	0	0	

KAIPARA.

Pilot	250	0	0	
Three men, at £8 per month	288	0	0	
Boats, Buoys, and Beacons	260	0	0	
	<u>798</u>	0	0	

RUSSELL.

Two Boatmen, at £7 per month	168	0	0	
	<u>168</u>	0	0	

HOKIANGA.

Two Boatmen, at £7 per month each	168	0	0	
	<u>168</u>	0	0	

WAIKATO.

Harbour Master and Pilot	250	0	0	
Two Boatmen, at £8 per month each	192	0	0	
Boats, Beacons, &c.	100	0	0	
	<u>542</u>	0	0	

TAURANGA.

Harbour Master and Pilot	250	0	0	
Two boatmen, at £8 per month each	192	0	0	
Boats, Beacons, &c.	100	0	0	
	<u>542</u>	0	0	

FERRIES.

Waikato, £2 per week	104	0	0
Kaipara, at per annum	130	0	0
Awitu, at per annum	25	0	0
Karaka	30	0	0
			<u>289 0 0</u>

SPECIAL.

Great South and Onehunga Road	2,500	0	0
Bridge at Mauku	500	0	0
Mount Smart Road (Resolution of Council)	250	0	0
Post Office, Bay of Islands, (Resolution of Council) ...	300	0	0
Supreme Court accommodation, (Resolution of Council) ...	1,500	0	0
Pilot Station at Kaipara ...	300	0	0
Additions to Hospital buildings	750	0	0
Additions and repairs to existing buildings at Stockade ...	500	0	0
Cutting roads through new blocks of land	500	0	0
Provincial Council Library, (Resolution of Council) ...	300	0	0
Relief of sick and destitute ...	100	0	0
Whau Road in the direction of Manukau Heads	250	0	0
Bridge over the Maungamaun- garoa River, (in accordance with Resolution of Council) ...	250	0	0
Public Works at Onehunga, to be met by equal contribution, (as per Resolution of Council) ...	350	0	0
Public Works at Newton ...	200	0	0
To complete the erection of the City Lock-up	1,000	0	0
Unforeseen Contingencies ...	500	0	0
			<u>10,050 0 0</u>
			<u>£17,164 17 6</u>

FOR TRUST SERVICE.

Occasional Assistance	20	0	0
Collector and Clerk	175	0	0

Superintendent of Wharf at 12s.				
per day	...	...	...
Fenders	...	...	...	40 0 0

Printed under the authority of the Government of the Province of Auckland, by
 ROBERT J. CREIGHTON and ALFRED SCALES, O'COLNELL STREET, AUCKLAND,
 Printers for the time being to the Provincial Government.

APPROPRIATION ACT, 1865.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER
 MAJESTY QUEEN VICTORIA.

SESSION XVII., No. 8, 1864.

[31st December, 1864.]

AN ACT to *Appropriate the Revenue for 1865.* Title.

BE IT ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows:—

1. Out of the Revenue of the Province of Auckland subject to the appropriation of the Provincial Council thereof and to any conditions expressed in this Act there may be issued and applied any sums of money for or towards the several services mentioned in the Schedules hereto annexed and such sums shall be issued for and applied to the several services specified and set forth in the several divisions and items of subdivisions opposite to the same in the said Schedules and not otherwise: Provided always that all items set down for salaries in the Schedules hereto annexed shall be deemed and taken to indicate the rate per annum of such salaries and the same shall be issued and paid at such rate for services rendered during the months of January and February 1855, and no longer.

Certain sums to be applied to defray the charge of the Provincial Government from the 1st day of January, to the 28th day of February, 1865.

2. The Provincial Treasurer or other person having charge of the Public Funds of the Province shall issue and pay from time to time any sum of money not exceeding in the whole the sums respectively specified to such person

Treasurer or other person in charge of public funds to pay money on

warrant of Superintendent. and in such portions as the Superintendent for the time being shall by warrants to be granted by him from time to time direct and such Treasurer or other person having charge of the Public Funds of the Province shall in his accounts be allowed credit for all sums paid by him in pursuance of such warrants and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sums for which such receipts shall have been given and the amounts thereof shall be passed to his account accordingly.

Money borrowed to be deemed revenue. 3. All money borrowed under the authority of any Act of the Provincial Legislature shall be deemed to be revenue of the Province of Auckland for the purposes of the "Provincial Audit Act 1861" of the General Assembly.

Persons in possession of public funds to pay same to Treasurer or such other person as Superintendent shall direct. 4. Every person who shall have possession of any Public Funds of this Province is hereby authorised and required to pay the same to the Treasurer thereof or to such other person and in such manner as the Superintendent by warrant granted under his hand shall direct.

Short Title. 5. The Short Title of this Act shall be "The Appropriation Act 1865."

SCHEDULE I.

ESTIMATE OF THE EXPENDITURE OF THE PROVINCE OF AUCKLAND FOR THE YEAR 1865.

1. THE PROVINCIAL COUNCIL:—				£	s.	d.	£	s.	d.
Speaker ... ..	...	...	...	250	0	0			
Clerk and Librarian ... ..	...	...	...	250	0	0			
Messenger ... ..	...	...	...	80	0	0			
Contingencies — Printing and Clerical Assistance—	...	...	...	600	0	0			
Provincial Council Library ... ..	...	...	...	100	0	0			
				<hr/>			1,280	0	0
2. SUPERINTENDENT'S OFFICE:—									
Provincial Secretary ... ..	...	...	...	400	0	0			
Accountant ... ..	...	...	...	350	0	0			
Chief Clerk and Clerk of the Executive Council .. ..	...	...	...	225	0	0			
Clerk ... ..	...	...	...	175	0	0			
Clerk in Treasury and Immigration Office ... ..	...	...	...	144	0	0			
Messenger ... ..	...	...	...	110	0	0			
Contingencies — Stationery and Extra Clerical Assistance ... ..	...	...	...	170	0	0			
				<hr/>			1,574	0	0

3. PROVINCIAL SOLICITOR.. 400 0 0

4. WASTE LANDS OFFICE:—

Deputy Waste Land Commis- sioner	400	0	0
Provincial Surveyor	350	0	0
1st Draughtsman	350	0	0
2nd Do.	300	0	0
3rd Do.	168	0	0
Engrossing Clerk	168	0	0
Custodier and Exhibitor of Plans	150	0	0
Clerical Assistance	100	0	0
Contingencies—Stationery, Drawing Materials, Firewood, Travelling Expenses, and La- bour	200	0	0
	<hr/>	2,186	0 0

5. ROADS AND WORKS OFFICE:—

Engineer	336	0	0
Assistant Engineer	228	0	0
Clerk	125	0	0
Storekeeper	75	0	0
Contingencies, —Travelling Ex- penses, &c.,	150	0	0
	<hr/>	914	0 0

6. POLICE DEPARTMENT:—

Commissioner of Police	400	0	0
One Sergeant-major at 9s. 6d. per day	173	17	0
Two Sergeants at 8s. 6d. per day	311	2	0
Two Corporals at 7s. 6d. per day	276	10	0
Thirty-eight Privates at 7s. per day	4,867	16	0
District Constables	60	0	0
One Clerk and Inspector of Weights and Measures	156	0	0
Contingencies for Ditto	20	0	0
Occasional Assistance in Country Districts	40	0	0
Rents at Parnell, Newton, Pan- mure, Papakura, and Mongo- nui	128	8	0
Carried forward	<hr/>		

APPROPRIATION ACT.

Rations for Prisoners	100	0	0
Stationery, firewood, oil, boat-hire, travelling and incidental Expenses	175	0	0
Expenses under Dog Nuisance Act	30	0	0
Forage for Commissioner's horse	60	0	0
Great-coats and clothing ...	250	0	0
	<hr/>		
		7,048	13 0

7. PRISONS:—

Stockade—

Gaoler	200	0	0
Five Overseers, first-class, at £10 10s. per month ...	630	0	0
Nine Overseers, second-class, at £9 10s. per month ...	1,026	0	0
Bedding and clothing ...	250	0	0
Rations and medical comforts	1,800	0	0
Firewood and stove	190	0	0
Contingencies	60	0	0

Auckland Gaol—

Gaoler	150	0	0
Turnkey	120	0	0
One Overseer at £9 per month	108	0	0
Three Overseers at £8 10s. per month	306	0	0
Matron	72	0	0
	<hr/>		
		4,912	0 0

8. HOSPITAL:—

Provincial Surgeon	350	0	0
House Surgeon	150	0	0
Nurse	100	0	0
Assistant Nurse	54	0	0
Matron	60	0	0
Cook	54	0	0
Rations and Medical Comforts	1,200	0	0
Medicines for Hospital, Lunatic Asylum, and Prisons ...	160	0	0
Fuel	100	0	0

HOSPITAL—*continued.*

Washing	80	0	0	
Contingencies—Bedding, Clothing, Books, &c.	200	0	0	
	<u> </u>			2,508 0 0

9. LUNATIC ASYLUM:—

Head-Keeper	120	0	0	
Three Assistant Keepers, at £48, £54, £60	162	0	0	
Matron	60	0	0	
Assistant Matron	42	0	0	
Cook	54	0	0	
Rations and Medical Comforts	1,050	0	0	
Firewood	60	0	0	
Bedding, Clothing, Washing, and Contingencies	170	0	0	
	<u> </u>			1,718 0 0

10. SHEEP AND THISTLE DEPARTMENT:—

Inspector	300	0	0	
Eight Sub-Inspectors, at £25 ...	200	0	0	
	<u> </u>			500 0 0

11 HARBOURS:—

AUCKLAND.

Port Master and Pilot ..	325	0	0	
Harbour Master	100	0	0	
Assistant Pilot	150	0	0	
Signalman ...	120	0	0	
One Boatman at £9 per month	108	0	0	
One Boatman at £8 per month	96	0	0	
Extra assistance	240	0	0	
Contingencies ...	150	0	0	
	<u> </u>			1,289 0 0

MANUKAU.

Harbour Master and Pilot ...	250	0	0	
Assistant Pilot...	120	0	0	
Signalman ...	100	0	0	

Mannkau—continued.

Chief Boatman, at £8 ...	96	0	0		
Three men, at £6 per month each	216	0	0		
Repairs and con- tingencies ...	400	0	0		
				<u>1,182</u>	0 0

RUSSELL.

Harbour Master and Pilot ...	175	0	0		
Contingencies ...	25	0	0		
				<u>200</u>	0 0

MONGONUI.

Harbour Master and Pilot	100	0	0
---------------------------------	-----	----	-----	---	---

HOKIANGA.

Harbour Master and Pilot ...	100	0	0		
Contingencies ...	35	0	0		
				<u>135</u>	0 0

KAIPARA.

Pilot Establish- ment ...	100	0	0		
Contingencies ...	300	0	0		
				<u>400</u>	0 0

12. FERRIES:—

				<u>3,306</u>	0 0
Panmure Ferry and Repairs ...	200	0	0		
North Shore ...	144	0	0		
Wangarei and Kawau ...	48	0	0		
Waipu—Main, East, and West Branches ...	35	0	0		
Mangawai ...	20	0	0		
Arai ...	10	0	0		
Orewa ...	25	0	0		
Waiwera ...	18	0	0		
Puhoi ...	18	0	0		
Mahurangi ...	30	0	0		
Taipa ...	10	0	0		
Mungamungaroa ...	18	0	0		
Mangarei ...	50	9	0		
Karaka ...	25	0	0		
				<u>651</u>	0 0

SPECIAL.

Surveys and opening blocks of land	4,000	0	0
Preparing Crown Grants	300	0	0
Great North Road	2,000	0	0
City of Auckland, Contributions to Local Rates	1,000	0	0
Streets, Branch Roads, &c., to meet Contributions and Rates	6,000	0	0
Mongonui	250	0	0
Bay of Islands	250	0	0
Kaipara Roads	500	0	0
Wangarei	100	0	0
Waipu	100	0	0
Mangawai	100	0	0
Matakana	50	0	0
Mangapai Road	80	0	0
Okura Road and Bridges	100	0	0
Mahurangi	50	0	0
General Contingencies	500	0	0
Road Repairs	1,000	0	0
Repairs to Wharf at Onehunga	100	0	0
	<hr/>	16,480	0 0

MISCELLANEOUS.

Board of Education	3,000	0	0
Printing and Stationery	600	0	0
Relief of Sick and Destitute, and Maintenance of Orphans	1,800	0	0
Expenses under Thistle Act	400	0	0
Rent and Insurance of Public Buildings	275	0	0
Repairs, Public Buildings	500	0	0
Auckland Dispensary	100	0	0
Vaccination	250	0	0
	<hr/>	6,925	0 0
		<hr/>	<hr/>
		£50,402	13 0
		<hr/>	<hr/>

SCHEDULE II.

ADDITIONAL ESTIMATES.—1865.

Engineer-in-Chief (Resolution of Council)	800	0	0	
Clerk and Draftsman	200	0	0	
Contingencies in Engineer's Office	50	0	0	
				<hr/> 1,050 0 0
POLICE DEPARTMENT:—				
Ten Privates at 7s. per day ...	1,277	10	0	
One Sergeant of Water Police, at 7s. 6d. per day ...	136	17	6	
Two Constables, Water Police, at 7s. per day	255	10	0	
Three Constables, Kaipara and Waikato, at 7s. per day ...	383	5	0	
Additional Rent	74	0	0	
				<hr/> 2,127 2 6
<i>Stockade.</i>				
Mason at 15s. per day ...	273	15	0	
				<hr/> 273 15 0
<i>Auckland Gaol.</i>				
Rations, medical comforts, &c.	100	0	0	
Firewood, clothing, &c., ...	50	0	0	
				<hr/> 150 0 0
<i>New Lock-up.</i>				
Overseer	130	0	0	
Rations	34	0	0	
Furniture	150	0	0	
				<hr/> 314 0 0
HOSPITAL.				
Bedding, washing, books, &c. ...	100	0	0	
				<hr/> 100 0 0
LUNATIC ASYLUM.				
Bedding, clothing, washing, &c.	70	0	0	
				<hr/> 70 0 0
AUCKLAND HARBOUR.				
Additional pay to Boatmen, £5 10s. per month (one Coxswain £10 10s., two Boatmen £10	66	0	0	
				<hr/> 66 0 0

APPROPRIATION ACT.

375

KAIPARA.			
Pilot	250	0	0
Three men, at £8 per month ...	288	0	0
Boats, Buoys, and Beacons ...	260	0	0
	<hr/>		798 0 0
RUSSELL.			
Two Boatmen at £7 per month	168	0	0
	<hr/>		168 0 0
HOKIANGA.			
Two Boatmen at £7 per month	168	0	0
	<hr/>		168 0 0
WAIKATO.			
Harbour Master and Pilot ...	250	0	0
Two Boatmen at £8 per month	192	0	0
Boats Beacons, &c. ...	100	0	0
	<hr/>		542 0 0
TAURANGA.			
Harbour Master and Pilot ...	250	0	0
Two Boatmen at £8 per month	190	0	0
	<hr/>		442 0 0
FERRIES.			
Waikato, £5 per week ...	104	0	0
Kaipara, at per annum ...	130	0	0
Awitu, at per annum ...	25	0	0
Karaka ...	30	0	0
	<hr/>		289 0 0
			<hr/>
			£6,077 17 6

FOR TRUST SERVICE.

Wharfinger (also Harbour Master at £100 per annum) ...	200	0	0
Occasional Assistance ...	20	0	0
Collector and Clerk ...	175	0	0
Superintendent of Wharf at 12s. per day ...			
Labourer at 6s. per day ...			
Expense of Light ...	80	0	0

AUCKLAND WATERWORKS ACT, 1864.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER
MAJESTY QUEEN VICTORIA.

SESSION XVII., No. 9, 1864.

[17th January, 1865.]

Title.

*AN ACT to enable the Superintendent of the Province of
Auckland to make and maintain Waterworks for the Supply
of the Town and neighbourhood of Auckland with Water.*

Preamble.

WHEREAS the construction of Waterworks to furnish a constant supply of water to the town and neighbourhood of Auckland and to such localities as may be in the vicinity of the proposed line of Waterworks will be productive of great benefit to the inhabitants of such places and to the community at large and it is advisable to make provision for the making and maintenance of such Waterworks :

And whereas by an Act of the General Assembly intituled the "Auckland Waterworks Act 1860" it is enacted that it shall be lawful for the Superintendent either alone or in connexion with any other persons upon such terms and conditions as shall be sanctioned and specified in an Act to be passed by the Superintendent and Provincial Council of the Province of Auckland to make construct complete and maintain such Waterworks for the supply of the town and neighbourhood of Auckland with water as may be specified in such Provincial Act and for that purpose and for the other purposes of the now reciting Act and of such Provincial Act the undertakers of such Waterworks shall be one Body Corporate by the name and style of the "Undertakers of the Auckland Waterworks" and by that name shall have perpetual succession and a common seal and by that name shall and may sue and be sued plead and be impleaded defend and be defended in all Courts and places whatsoever: Provided that no such Act of the said Superintendent and Provincial Council shall be passed

except after compliance with such rules and orders of the said Provincial Council as may be applicable to Private Bills of that class :

And whereas there are no rules and orders of the said Provincial Council applicable to Private Bills of the class referred to by the before recited Act of the General Assembly :

And whereas the construction and maintenance of the said Waterworks is a matter of public concern and advantage and it is expedient that the same should be undertaken by the Superintendent for the public benefit :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof as follows :—

1. The word "Undertaker" when used in the recited Act, shall be construed to mean the Superintendent, and the word "Superintendent" in this Act (save where from the context the word appears to be applied to him in his legislative capacity) shall mean the "Undertaker of the Auckland Waterworks" the Body Corporate constituted by the recited Act. Interpretation.

GENERAL POWERS AND DUTIES OF THE SUPERINTENDENT. *General Provisions.*

2. It shall be lawful for the Superintendent to make construct complete and maintain Waterworks commencing at a point on the Nihitupu River on the northern side of a public road forming the southern boundary of allotment No. 94 in the Parish of Waikomiti County of Eden thence crossing the said road and passing in a southerly direction through allotment No. 95 of the said parish proceeding thence and continuing in an easterly direction through allotments Nos. 97 74 73 72 82 and two allotments reserved by the Government to a public road thence crossing the said road and passing through allotment No. 70 to a public road thence crossing the said road and passing through allotments Nos. 76 and 68 and crossing Canty's Creek near its source into a Government reserve thence through allotment No. 75 to a public road thence crossing the said road and passing through allotments Nos. 102 101 133 84 79 78 131 and 111 to a public road thence crossing the said road and passing through allotments Nos. 112 11 and two allotments reserved by the Government to a public road thence cross-

Superintendent to construct and maintain water-works.

ing that road and passing through allotments Nos. 117 118 119 and 50 to a public road thence crossing that road and passing again through allotment No. 50 and through allotments Nos. 125 and 126 to a public road thence crossing that road and passing through allotments Nos. 149 148 136 137 138 139 and 140 to a public road thence along the said road or on either side thereof through allotments Nos. 85 86 87 88 150 151 152 91 and allotments originally granted to — Russell to a public road known as the Great Northern Road thence into under and along the said road to the Whau Bridge continuing over the said bridge and along the Great Northern Road and into under and along such other roads or public thoroughfares as may be necessary for the construction of the said works to allotment No. 40 in the parish of Waitemata and county of Eden thence passing through that allotment and allotments Nos. 21 20 and 19 to the Great North Road thence into under and along the said road to allotment No. 15 of the said parish passing through that allotment and through allotments Nos. 14 13 12 and 5A to a public road thence along the said road and crossing a road known as Symonds Street and along the Kyber Pass Road to allotment No. 2 of section 6 of the parish of Waitemata aforesaid and thence into under and along such public roads streets and thoroughfares to and in the city of Auckland as may be necessary for the construction of the said Waterworks.

Property in water works to vest in Superintendent.

3. All Waterworks made and constructed under this Act and the said recited Act of the General Assembly or either of them and all appliances or appurtenances thereto respectively belonging and the materials of which the same consist excepting communication pipes and their appliances within the outer boundary of any premises the property of private persons as hereinafter mentioned and all materials tools implements and things furnished and provided by the Superintendent under the authority or for the purposes of the said Acts or either of them and all lands tenements hereditaments and other property purchased or acquired by the Superintendent under such authority or for such purposes shall vest in and be the property of the Superintendent and his successors "Undertakers of the Auckland Waterworks" under the recited Act and this Act.

Plan and book of reference to be kept.

4. Within six months after the passing of this Act a plan of the Waterworks and a book of reference thereto shall be deposited in the office of the Superintendent and shall be permanently kept there and be at all times open for public

inspection and all persons may at all convenient times examine gratis at such office such plan and book of reference.

5. The said plan shall contain a delineation of all lands through which the Waterworks are to be made and constructed and shall have marked thereon limits of deviation beyond which the compulsory powers of taking land conferred by the recited Act may not be exercised excepting always land required for works for temporary or extraordinary purposes and the said book of reference shall contain the names of the owners lessees and occupiers if known of each and every portion of the said land within the limits of deviation with the description of such land and the quality thereof which shall or may be required for the purposes of the said Waterworks.

Contents of plan and book of reference.

6. No advantage shall be taken of or against the Superintendent or any interruption be given during or after the making of the Waterworks or any approaches works or conveniences connected therewith on account of any error or omission in such plan and book of reference or either of them in any case in which it shall appear to the Inspector or to the Resident Magistrate acting in or near the place in which the lands shall be situated and be certified by writing under his hand respectively that such error or omission proceeded from mistake.

Omissions in book of reference.

7. The Superintendent in constructing the Waterworks may deviate from the line of the works laid down in the said plan or comprised within the limits of deviation but may not take nor use for the purpose of such deviation the lands of any person not mentioned in the book of reference before referred to without his consent in writing unless the name of such person shall have been omitted by mistake and the fact that such omission happened from mistake shall have been certified in a manner hereinbefore provided.

Not to deviate beyond limits defined upon plan, &c.

8. Prior to the first entry upon any land to be permanently taken by the Superintendent for the purposes of this or the recited Act, not less than fourteen days' notice of the intention of the Superintendent to enter shall be given in the Provincial Gazette and in one or more newspapers published in the Province and such notice shall contain a statement that the said plan and book of reference are deposited at the Superintendent's Office as hereinbefore required and are open for public inspection.

Superintendent to give notice prior to first entry upon land.

Special notice to be given of any alteration. 9. If any alteration of the line of works as described in the said plan shall be proposed to be made by the Superintendent under the powers of deviation hereinbefore contained he shall give notice thereof in writing to the owner and occupier (if any) of any land affected by such alteration and such notice shall contain a description and statement of the quantity of land proposed to be taken under such alteration.

Application of moneys.

APPLICATION OF MONEY.

Money raised to be expended in construction of works, etc. 10. The money to be raised or received by the Superintendent by virtue of any Act passed or to be passed in the present session of the Provincial Council of Auckland appropriating money for the construction of the works hereby authorised shall be laid out and applied in defraying and discharging all expenses preparatory or relating to the preparing the said Plans and Books of Reference and other expenses relating to the procuring this and the recited Act and in or towards the making and maintenance of the Waterworks hereby authorised to be made and maintained and in purchasing the land necessary therefor and in making compensation to persons injuriously affected by the execution of the powers conferred by this and the recited Act or either of them and in paying interest on money expended under the power hereof and in otherwise carrying this and the recited Act into execution.

Pipes to be laid by the Inhabitants.

SERVICE PIPES TO BE LAID BY THE INHABITANTS.

Power to the Inhabitants to lay service-pipes, giving the Superintendent notice of the same. 11. Any owner or occupier of any dwelling-house or any part of a dwelling-house within the limits of this Act who shall wish to have water from the water works of the Superintendent brought into his premises and who shall have paid or tendered to the Superintendent the portion of water rate in respect of such premises by this Act directed to be paid in advance may open the ground between the pipes of the Superintendent and his premises having first obtained the consent of the owners and occupiers of such ground and lay any galvanised iron pipes with screw joints or other pipes from such premises to communicate with the pipes of the Superintendent such pipes to be of a strength and material to be approved of by the Superintendent or in case of dispute to be settled by two Justices or by the Inspector Provided always that any such owner or occupier shall before he begins to lay any such pipe give to the Superintendent fourteen days' notice of his intention so to do.

12. Before any pipe is made to communicate with the pipes of the Superintendent the person intending to lay such pipes shall give two days' notice to the Superintendent of the day and how when such pipe is intended to be made to communicate with the pipes of the Superintendent and every such pipe shall be so made to communicate under the superintendence and according to the directions of the Surveyor or other officer appointed for that purpose by the Superintendent unless such surveyor or officer fail to attend at the time mentioned in such notice and in case of any dispute as to the manner in which such pipe shall be so made to communicate it shall be settled by two Justices or by the Inspector.

Such communication to be made under the superintendence of the surveyor.
As to settling disputes.

13. The bore of any such pipe as last aforesaid shall not exceed one inch except with the consent of the Superintendent.

Bore of service-pipes.

14. Any person who shall have laid down any pipe or other works or who shall have become the proprietor thereof may remove the same after having first given six days' notice in writing to the Superintendent of his intention so to do and of the time of such proposed removal and every such person shall make compensation to the Superintendent for any injury or damage to his pipes or works which may be caused by such removal and every person who shall remove any such pipe without giving such notice as aforesaid shall forfeit to the Superintendent a sum not exceeding five pounds over or above the damage which he shall be found liable to pay in any action at the suit of the Superintendent for the damage done to his pipes or works.

Service-pipes may be removed after giving notice of the same.

15. Any such owner or occupier may open or break up so much of the pavement of any street as shall be between the pipe of the Superintendent and his house building or premises and any sewer or drain therein for any such purpose as aforesaid doing as little damage as may be and making compensation for any damage done in the execution of any such work Provided always that every such owner or occupier desiring to break up the pavement of any street or any sewer or drain therein, shall be subject to the same necessity of giving previous notice and shall be subject to the same control restriction and obligations in and during the time of breaking up the same and also reinstating the same and to the same penalties in regard to any delay thereto as the Superintendent is subject to by virtue of this or the recited Act.

Penalty for removing pipes without notice. Power to inhabitants to break up pavement, giving notice of the same.

16. Every owner or occupier of any dwelling-house or part of a dwelling-house within the limits of this Act shall when such communication pipes shall be laid as aforesaid and when he shall have paid or tendered the Domestic water rate payable in respect thereof according to the provisions of this Act be entitled to demand and receive from the Superintendent a sufficient supply of water for his domestic purposes.

Protection of Water.

WASTE OR MISUSE OF THE WATER SUPPLIED BY THE SUPERINTENDENT.

17. Every person supplied with water shall keep their pipes cisterns and stop-cocks in good repair, so as effectually to prevent the water from running to waste and in case any such person shall when required by the Superintendent neglect to keep the same in good repair the Superintendent may cut off the pipes or turn off the water from the premises of such person until such pipes cisterns and stop-cocks shall be repaired.

18. Every such person who shall suffer any such pipe cistern or stop-cock to be out of repair so that the water supplied to him by the Superintendent shall be wasted shall forfeit to the Superintendent for every such offence a sum not exceeding five pounds.

19. The Superintendent may repair any such pipe cistern or stop-cock so as to prevent any such waste of water and recover the expenses of such repair from the person so allowing the same to be out of repair.

20. The Surveyor or any other person acting under the authority of the Superintendent may between the hours of nine of the clock in the forenoon and four of the clock in the afternoon enter into any house or premises supplied with water by virtue of this Act in order to examine if there be any waste or misuse of such water and if such Surveyor or other person at any such time be refused admittance into such dwelling-house or premises for the purpose aforesaid or be prevented from making such examinations as aforesaid the Superintendent may turn off the water supplied by them from such house or premises.

21. Any owner or occupier of any tenement supplied with water under this Act who shall supply to any other person or wilfully permit him to take any such water from

any such tenement unless for the purpose of extinguishing any fire or unless he be a person supplied with water by the Superintendent and the pipes belonging to him be without his default out of repair shall forfeit to the Superintendent for every such offence a sum not exceeding five pounds.

22. Every person who not having agreed to be supplied with water by the Superintendent shall take any water from any reservoir water-course or conduit belonging to the Superintendent or any pipe leading to or from any such reservoir water-course or conduit or from any other thing or place belonging to the Superintendent other than such as may have been provided for the gratuitous use of the public shall forfeit to the Superintendent for every such offence a sum not exceeding ten pounds.

Penalty for taking the water without agreement.

23. Every person who shall wilfully or carelessly break injure or open any lock cock valve pipe work or engine belonging to the Superintendent or shall flush or draw off the water from the reservoirs or other works of the Superintendent or shall do any other wilful act whereby such water shall be wasted, shall forfeit to the Superintendent for every such offence a sum not exceeding ten pounds.

Penalty for destroying valve, &c.

PAYMENT AND RECOVERY OF WATER RATES.

Rates.

24. The Superintendent is hereby authorised and required once in each year to estimate and fix as correctly as may be what amount of money will be necessary to be levied for the purpose of defraying the costs charges and expenses of supplying water within the limits of this Act for and during the year then current (each year for the purposes of this Act being deemed to terminate on the 31st day of December) under which shall be understood to be comprehended the payment of the interest of any money borrowed on the security of the rates and other property of the Superintendent as well as any sum of money which the Superintendent may set apart and apply each year as and for a sinking fund as hereinafter provided together with such sum as may be necessary for the restoration and improvement of the Waterworks and such portions of the salaries wages and other expenses of any engineers surveyors clerks collectors and other officers and servants employed by the Superintendent for the purposes of this Act as he thinks equitable and fair to charge to such account and all other charges and expenses attendant upon procuring and

Superintendent to estimate annual sums required for purposes of Act.

distributing a supply of water and for the other purposes to which money may be applied under the authority of this Act or the recited Act not including however in such estimate the money required for obtaining the Acts authorising the Works and for the first making and construction of the Waterworks and for the purchase of land and payment of compensation to persons injuriously affected which is to be paid and discharged out of moneys raised by loan under the provisions hereinafter contained.

Rates and charges for water to be regulated on annual expenditure. 25. The Superintendent shall from time to time so regulate the rates and charges to be made for the supply of water under the provisions of this Act that the amount of such rates and charges shall be as nearly as may be sufficient to pay such interest and costs charges and expenses as aforesaid together with such further sum as the Superintendent may set apart as hereinafter provided for the purpose of the sinking fund.

Buildings, &c., subject to assessment. 26. Subject to the provisions herein contained all dwelling-houses shops warehouses counting-houses coach-houses stables workshops mills manufactories and buildings and the several lands thereto respectively attached or belonging and all other lands and premises within the limits of the recited Act except as hereinafter mentioned are hereby made subject to the several assessments following (that is say)—

A Rate to be called the Public Water Rate upon all dwelling-houses shops warehouses counting-houses coach-houses stables workshops mills manufactories and buildings and the several lands thereto respectively belonging and all other lands and tenements except as hereinafter mentioned according to the annual value thereof: Provided that the said Public Water Rate shall be made and levied upon the owners of any land not attached to or occupied with a building used wholly or in part as a dwelling-house according to one-fourth part only of the annual value thereof respectively.

A Rate to be called the Domestic Water Rate upon all dwelling-houses shops and buildings the occupiers whereof respectively shall receive or use a supply of water under this Act for domestic use according to the annual value of

such dwelling-houses shops and buildings and of any land attached or belonging thereto respectively.

27. No land belonging to the Crown nor any buildings or premises the property of Her Majesty or of the General or Provincial Governments or the Superintendent in his corporate capacity and used for a public purpose nor any building or premises used solely for a public purpose nor any Hospital Benevolent Asylum or other building used solely for charitable or religious purposes shall be liable to assessment.

Public Water Rate.

28. The Superintendent shall as soon as conveniently may be make and levy a Public Water Rate and shall for that purpose cause a Schedule to be made setting forth in such form as to him shall seem best a description of the lands or tenements in respect of which liability to pay the rate arises the names and descriptions of the owners and occupiers thereof respectively the estimated annual value thereof respectively and the amount of money payable in respect thereof respectively: such rate shall be so calculated as to raise a total amount of money sufficient to defray all costs charges and expenses to which the Superintendent may in manner hereinbefore mentioned be estimated to be liable to pay during the year ending the thirty-first day of December one thousand eight hundred and sixty-five.

Superintendent to make public water rate.

29. The Superintendent shall then cause notice of such Rate to be published in the *Auckland Government Gazette* and shall cause the schedule before referred to to be deposited for the inspection of the ratepayers in some convenient place.

Rate to published in Gazette.

30. For the purpose of ascertaining such names descriptions and annual value the Superintendent may by himself or by any person authorised by him at all reasonable times enter upon view and survey any of such lands or tenements without let hindrance or impediment from the owner or occupier thereof or any other person whomsoever.

Superintendent may enter and view.

31. Any person who shall infringe the foregoing provisions shall be liable to a penalty not exceeding Twenty Pounds.

Penalty for infringing view.

32. It shall be lawful for any person who shall think himself aggrieved by the valuation set forth in such schedule

Appeal from rate.

at any time within fourteen days from the date of publication of the Gazette notice above required, to give to the Superintendent three days' notice in writing of his intention to appeal against the same to two or more Justices of the Peace who are hereby respectively empowered to act in such an appeal as in an ordinary civil action except that no summons shall be necessary and on the day named in such notice such person and the Superintendent or his authorised agent or solicitor shall attend before such Justices or suffer judgment for default of appearance and the decision of such Justices shall be final and conclusive in the premises.

Costs may be awarded.

33. It shall be lawful for the Justices of the Peace who shall hear and determine any appeal to award such costs as to them shall seem meet to be paid to or by either of the parties to the same and such costs when awarded against the Superintendent shall be payable out of the Rates collected under this Act.

Rate to be settled and deposited.

34. The schedule shall then be finally settled by the Superintendent in accordance with the judgments (if any) of such Justices of the Peace, and shall be signed by him and be deposited in his office and there lie for the inspection of any person whose name shall appear therein as liable to the payment of rates or by the authorised agent of such person without payment of any fee.

Rates for succeeding year.

35. A Public Water Rate of such amount as the Superintendent in manner aforesaid shall find necessary shall in like manner be made and levied during each and every succeeding year but if no variation is made by the Superintendent in the ratio of rating the existing Rate and schedule or either of them may be adopted for the next succeeding year as the rate and schedule for such year subject to such alterations or additions thereto as the Superintendent may deem it necessary to make. In case he make any such alterations or additions he shall cause a corrected or a supplementary schedule to be prepared and shall cause a notice thereof to be published in the *Auckland Government Gazette* in manner aforesaid and shall further proceed therein with right of appeal for any person who may conceive himself injuriously affected thereby in manner hereinbefore specified in reference to the first Rate.

Publication in Provincial Gazette to be deemed sufficient notice.

36. Publications as aforesaid in the *Auckland Government Gazette* shall be deemed sufficient notice to all persons concerned.

37. After the deposit of the completed schedule as herein- before provided the amount of money to which any person may be therein stated to be liable shall be paid by him to a collector appointed by the Superintendent to receive the same on demand at the place of abode or business of the person from whom or on the premises in respect of which such rate shall be due and shall on non-payment thereof be recoverable at the suit of any such collector by summary proceedings before two Justices of the Peace and shall be leviable by distress and sale. Rate to be paid to collector.

38. Subject to the provisions hereinafter made, the occupier of any land or tenement in respect of which any Public Water Rate is payable shall be liable in the first instance to pay the same and in the event of there being no occupier the owner shall be liable. Liability of owner or occupier.

39. If there be no occupier and the payment of the Rate cannot from any cause be enforced against the owner of any such land or tenement the same may be recovered under the Sale for Non-payment of Rates Act 1862. If no occupier, how to be recovered.

40. Any person who shall enter on the occupation of any premises, in respect of which any arrears shall be due and continue in the occupation thereof after such arrears shall have been demanded in manner hereinbefore provided shall be liable to pay the same such payment being subject to the provisions for adjustment hereinafter made with regard to the respective liabilities of landlords and occupiers. Entering tenant liable to arrears.

41. Any rate if paid as aforesaid by an occupying tenant if not a lessee for a term of seven years and upwards shall be recoverable by him from the landlord as money paid to his use and the same may be made a set-off against the rent then due or thereafter to become due and the landlord from whom such sum is recovered or deducted if he be a tenant to another of the same premises may recover or deduct from his landlord out of the annual rent payable by him a sum proportionate to that recovered or deducted from him with reference to the rent received by him and so on between successive landlords and tenants. Rate recoverable by tenant from landlord.

42. The holder of a building lease shall be deemed to be an owner for the purposes of this Act but any such holder may in manner aforesaid receive or deduct from his ground landlord such proportion of the rate paid by him as the rent payable by him to the ground landlord bears to the rent Holder of a building lease deemed owner.

receivable by him from his tenant; and if there be no tenant holding under him as such rent payable by him bears to the annual value of the premises.

Disputes as to liability of landlord and tenants to be settled by two Justices. 43. If any dispute shall arise as to the respective liabilities and right of landlords and tenants under the aforesaid provisions the same shall be settled by two Justices.

Domestic Water Rate.

DOMESTIC WATER RATE.

When supply of water commenced Superintendent to make domestic water rate. 44. As soon as the Superintendent shall commence to supply water from the waterworks under and in accordance with the provisions of this Act he shall once in every year make and levy a Domestic Water Rate upon all persons using or receiving such water.

Previous provisions applicable to making, &c., Domestic Water Rate. 45. All the provisions hereinbefore contained with respect to making publishing settling and depositing the schedule relating to the Public Water Rate and the levying collecting and recovering the same shall apply to the Domestic Water Rate save that the person using or receiving the supply shall be liable to the payment of the rate and shall not recover or deduct the rate from any other person.

Such rates may be levied to defray past or future expenses. 46. The Superintendent may make a said Public Water Rate and a Domestic Water Rate prospectively in order to raise money to pay charges and expenses to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred.

Limits and proportion of rates. 47. The Domestic Water Rate shall not at any time exceed the rate of three Pounds per cent. per annum and the Public Water Rate shall when the works are so far complete as to enable the Superintendent to supply water to all persons within the limits of this Act who shall be willing to use or receive the same always be in the proportion to the Domestic Water Rate of one-third part thereof.

General Provisions applicable to Rates.

When several houses supplied by one pipe each to pay. 48. When several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same Rates for the supply of Water as they would have been liable to if each of such several houses or parts of houses had been supplied with water from the works of the Superintendent by a separate pipe.

49. The Rates shall be paid in advance by equal quarterly payments on the first day of January the first day of April the first day of July and the first day of October and the first payment of the Domestic Water Rate shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Superintendent or at the time when the agreement to take water from the Superintendent is made. Rates to be paid quarterly.

50. The occupier of any tenement or part of any tenement liable to the payment of any water-rate who shall give notice of his intention to discontinue the use of water supplied by the Superintendent or who shall remove from his tenement between any two quarterly days of payment shall pay the Domestic Water Rate in respect of such tenement or part of a tenement for the quarter ending on the quarterly day of payment next after his quitting the same or giving such notice. Persons giving notice to discontinue use of water or removing to pay to the next quarter day.

51. The owners of all dwelling-houses or parts of dwelling-houses occupied as separate tenements the annual value of which houses or tenements shall not exceed the sum of Twenty Pounds shall be liable to the payment of the Domestic Water Rates instead of the occupiers thereof and the powers and provisions herein contained for the recovery of rates from occupiers shall be construed to apply to the owners of such houses and tenements and the person receiving the rents of any such house or tenement as aforesaid from the occupier thereof on his own account or as agent or receiver for any person interested therein shall be deemed the owner of such house or tenement. Owners of houses not exceeding £20 rent to be liable to water-rate.

52. Provided always that when any owner shall pay any such rate in respect of any such dwelling-house or part of a dwelling-house which shall be in the occupation of any tenant under any lease or agreement made prior to the passing of this Act, such tenant shall repay to the owner all sums which shall be so by him paid during the continuance of such lease and any such sum of money payable by the tenant to the owner under the provisions hereinbefore contained may be recovered if the sum be not paid on demand as arrears of rent could be recovered from the occupier by the said owner. Tenant under existing leases to repay the owner. Further provision for recovery of rates.

53. If any person supplied with water by the Superintendent or liable as herein provided to pay any Water Rate neglect to pay such Water Rate at any of the said Further provisions for recovery of rates.

times of payment thereof the Superintendent may stop the water from flowing into the premises in respect of which such rate is payable by cutting off the pipe to such premises or by such means as the Superintendent shall think fit and may recover the rate due from such person with the expenses of cutting off the water and costs of recovering the rate in manner hereinbefore mentioned.

Persons not to be imprisoned for non-payment of water-rate. 54. No person shall be liable to be imprisoned for non-payment of payment of any Water Rate or charge for water supplied under the provisions of this Act.

Offences.

OFFENCES.

Penalties for fouling water. 55. Every person who shall commit any of the offences next hereinafter enumerated shall for every such offence forfeit to the Superintendent a sum not exceeding Five Pounds (that is to say)—

Every person who shall bathe or wash in any stream reservoir aqueduct or other Waterworks belonging to the Superintendent or wash therein or cause to enter therein any dog or other animal

Every person who shall put or throw any rubbish dirt filth or other noisome thing into any such stream reservoir aqueduct or other Waterworks as aforesaid or wash or cleanse therein any cloth wool leather or skin of any animal or any clothes or other thing

Every person who shall cause the water of any sink sewer or drain steam engine boiler or other filthy water belonging to him or under his control to run or to be brought into any stream reservoir aqueduct or other Waterworks belonging to the Superintendent or shall do any other act whereby the water in such Waterworks shall be fouled

Every person who shall lay assist in laying or authorise the laying of any gas pipe in or under the ground within three feet of any pipe of the Superintendent

And every such person shall forfeit a further sum of twenty shillings for each day (if more than one) that such offences shall be continued.

Injuring works. 56. Every person who commits any of the offences next following shall for every such offence forfeit to the Superintendent a sum not exceeding Fifty Pounds.

Pulls up or removes any pole or stake driven into the ground for the purpose of setting out the line of any Waterworks of the Superintendent or defaces or destroys any mark made for the same purpose.

Damages or destroys any of the Waterworks of the Superintendent or any part thereof.

57. Any person who makes any pipe to communicate with any waterwork or pipe of the Superintendent without authority in that behalf shall forfeit to the Superintendent a sum not exceeding Twenty Pounds. Attaching service pipes without authority.

58. Provided always that no penalty under this Act shall exceed in amount One Hundred Pounds. No penalty to exceed £100.

ACCESSORIES TO OFFENCES.

Accessories.

59. Where the doing of any act or thing is made punishable by this Act with any penalty fine or forfeiture the causing permitting procuring or suffering such act or thing to be done shall be punishable in like manner. Accessories to offences liable as principals.

SERVICE OF NOTICES.

Notices.

60. Any notice required to be given in writing to any person by the Superintendent by virtue of the provisions of this Act or of the recited Act or any Act incorporated therewith shall be sufficient if signed by the Superintendent or by the Secretary or other authorised officer. Notices to be given by Superintendent how to be authenticated.

61. Any such notice may either be served personally on the person to be served or may be left at his last known usual place of abode if any such can after diligent inquiry be found. Service of Notices by Superintendent.

62. Any notice required to be given in writing by any person to the Superintendent by virtue of the provisions of this Act or of the recited Act or any Act incorporated therewith may be left at the office of the Superintendent. Service of Notices on Superintendent.

63. All rates and sums of money received and collected in virtue of the powers herein contained shall be paid to the Provincial Treasurer of the Province of Auckland who shall keep a separate account of the same to be called the Application of revenue.

Waterworks Fund, and the said Provincial Treasurer shall throughout pay the following

First All the costs charges and expenses incurred occasioned and incident to the collection of the said rates and sums of money.

Second All the costs charges and expenses incident to the maintaining of the waterworks in an efficient condition including the salaries of the engineers and workmen employed thereon.

Third All interest and sinking fund which may from time to time be due on the sums expended in virtue of this Act on the construction of the said waterworks.

And Lastly he shall place any balance or surplus which may then be unappropriated to the credit of a sinking fund in connection with the said waterworks.

Accounts.

ACCOUNTS.

Annual account to be made up by Superintendent. 64. The Superintendent shall at the end of each year cause an account to be prepared of the whole receipt and expenditure of all rates and other moneys levied and received under the powers of this Act for the year preceding under the several distinct heads of receipt and expenditure with a statement of the balance of such account and such account shall be examined audited and certified in the same manner as the public accounts of the Province are or may be by law examined audited and certified.

Accounts to be deposited. 65. Such accounts when so examined audited and certified shall be deposited in the office of the Superintendent and shall be open to the inspection of all persons during the ordinary hours of business.

Officers.

OFFICERS.

Appointment of officers. 66. The Superintendent may from time to time appoint and employ an Engineer or Surveyor of Waterworks and such other officers and other persons as he may think necessary and proper for the execution of the powers vested in him by this and the recited Act or either of them.

67. Wherever by this Act or the recited Act authority is conferred on the Superintendent to enter upon any land for the purposes of this Act or the recited Act or to do any act in or relating to the construction or maintenance of any work the same authority shall equally extend to all persons acting by the direction of the Superintendent and to all necessary agents assistants servants workmen means and appliances whatsoever.

Powers conferred on Superintendent to extend to officers duly authorised.

DISQUALIFICATION FROM INTEREST.

Disqualification.

68. No person shall be disqualified from acting as a Justice of the Peace Juror or otherwise in any proceeding under this Act or the recited Act or any Act incorporated therewith by reason only of his being an inhabitant within the limits of this Act or by reason of his being liable to any rate or charge for water supplied under this Act or of his premises being supplied or being so situated as to be capable of being supplied with water under this Act.

Interest in execution of Act not to be disqualification.

69. The Short Title of this Act shall be "The Auckland Waterworks Act 1864."

APPENDIX I.

AUCKLAND HOSPITAL AND GRAMMAR SCHOOL RESERVES ACT, 1856.

IN THE TWENTIETH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION IV., No. 27.

[14th August, 1856.]

AN ACT to vest in the Superintendent of the Province of Title.
*Auckland certain lands heretofore granted to Trustees as
Reserves for a Hospital and for Grammar Schools.*

WHEREAS by three several Crown Grants bearing date Preamble.
respectively the 24th day of August 1850 the 28th day of
October 1850 and the 24th day of April 1851 all those
several allotments or parcels of Land mentioned or des- Recital of Grants
cribed in the first Schedule to this Act annexed were to Trustees of Re-
granted to Andrew Sinclair Esq. the Colonial Secretary, erves for a Hospi-
William Swainson Esq. the Attorney-General, and Alex- tal.
ander Shepherd Esq. the Colonial Treasurer and other
the person or persons for the time being respectively dis-
charging the duties of the said offices upon trust for the
site and for an endowment for or towards the maintenance
and support of a Hospital as in the said Grants respectively
mentioned and upon further trust to convey the said allot-
ments or parcels of land unto such other person or persons
either jointly with themselves or otherwise as the Governor
of the Province of New Ulster should from time to time in
writing under his hand direct and appoint subject never-
theless to the trusts and with the powers in the said Grants
respectively declared and contained.

And whereas by three several deeds poll bearing date Of conveyances to
respectively the twentieth day of April 1854 and endorsed new Trustees.

on three said recited Crown Grants respectively all those same allotments or parcels of land were conveyed and assured unto Robert Henry Wynyard Superintendent of the Province of Auckland Frederick Whitaker Daniel Pollen John Anderson Gilfillan and James Thomas Boylan members of the Executive Council of the said Province and James O'Neill and Patrick Dignan and unto the Superintendent and members of the Executive Council of the said Province for the time being To hold the said allotments or parcels of land upon the Trusts and with the powers by the said recited Crown Grants expressed and declared of and concerning the same.

Recital of Grants to Trustees of Reserves for College and Grammar Schools.

And whereas by four other Crown Grants bearing date respectively the 24th day of October 1850 the 28th day of October 1850 the 14th day of April 1851 and the 9th day of December 1853 all those several allotments or parcels of land mentioned or described in the second Schedule to this Act annexed were granted to Andrew Sinclair Esq. the Colonial Secretary William Swainson Esq. the Attorney-General and Alexander Shepherd Esq. the Colonial Treasurer or other the person or persons for the time being respectively discharging the duties of the said offices upon trust as an endowment for or towards the maintenance of a College and Grammar School or Schools as in the said grants respectively mentioned and upon further trust to convey the said allotments or parcels of land unto such other person or persons either jointly with themselves or otherwise as the Governor of the Province of New Ulster should from time to time in writing under his hand direct and appoint subject nevertheless to the Trusts and with the powers in the said Grants respectively declared and contained.

Of conveyances to new Trustees.

And whereas by four several deeds poll endorsed on the lastly recited Crown Grants three of which endorsed deeds bear date respectively the 20th day of April 1854 and the fourth of which endorsed deeds bears date the eighth day of May 1854 all those same allotments or parcels of land were conveyed and assured unto Archibald Clark Laughlin O'Brien William Connell Thomas Russell David Nathan John Anderson Gilfillan and Frederick Ward Merriman To hold the same upon the Trusts and with the powers by the said Crown Grants respectively expressed and declared of and concerning the same.

Of doubts of validity of Grants.

And whereas doubts have arisen as to the validity and effect of the said recited Crown Grants and the said recited

conveyances and the Trustees by such conveyances appointed have not taken upon themselves the Trusts thereof And whereas in order to the due management and administration of the said Trusts lands it is expedient that the same should be vested in the Superintendent of the Province of Auckland and his successors subject to the provisions of an Act of the General Assembly of New Zealand entitled "The Public Reserves Act 1854."

Be it therefore enacted by the General Assembly of New Zealand as follows:—

1. All the lands mentioned or described in Schedule A Lands described in Schedule A vested in Superintendent of Auckland subject to certain Trusts. to this Act annexed are hereby vested in the Superintendent of the Province of Auckland and his successors and shall for all purposes whatsoever be deemed to have been lands duly granted to him and his successors under "The Public Reserves Act 1854" for the purposes specified respectively in the three several Crown Grants firstly hereinbefore recited.

2. All the lands mentioned or described in Schedule B Lands described in Schedule B vested in Superintendent of Auckland subject to certain Trusts. to this Act annexed are hereby vested in the Superintendent of the Province of Auckland and his Successors and shall for all purposes whatsoever be deemed to have been land duly granted to him and his successors under "The Public Reserves Act 1854" for the purposes specified respectively in the four several Crown Grants secondly hereinbefore recited.

3. All leases heretofore made of any portions of the said Lands heretofore granted valid. lands shall be deemed to have been valid leases of the land therein respectively comprised notwithstanding any defect in the title of the Trustees by whom the said leases were respectively made.

4. All rents and arrears of rent and other monies now due or recoverable in respect of any of the said lands or in respect of the occupation thereof shall be payable and paid to and recoverable by the said Superintendent and his Successors. Arrears of rent payable to Superintendent.

5. The said Superintendent and his Successors shall in all respects have and exercise all the rights remedies and powers as though the said leases respectively had been duly made by the said Superintendent to the respective lessees therein named. Rights &c of Superintendent same as though leases granted by him.

Short Title.

6. This Act may be cited for all purposes as the "Auckland Hospital and Grammar School Reserves Act 1856."

SCHEDULES ABOVE REFERRED TO.

SCHEDULE A.

1. All that allotment or parcel of land containing one rood and one perch (more or less) being No. 12 of Section No. 4 of the Town of Auckland in the Parish of Waitemata in the County of Eden.

2. All that allotment or parcel of land containing one rood and thirty-seven perches (more or less) being No. 16 of Section No. 7 of the Town of Auckland aforesaid.

3. All that allotment or parcel of land containing one rood and three perches (more or less) being No. 8 of Section No. 15 of the Town of Auckland aforesaid.

4. All those allotments or parcels of land containing one rood and thirty-six perches (more or less) being Nos. 7 8 9 and 10 of Section No. 9 of the Town of Auckland aforesaid.

5. All that piece or parcel of land containing thirteen perches (more or less) being the western half of allotment No. 17A of Section No. 4 of the Town of Auckland aforesaid.

6. All that allotment or parcel of land containing two roods and sixteen perches (more or less) being No. 1 of Section No. 31 of the Town of Auckland aforesaid.

7. All that allotment or parcel of land containing seven acres and one rood (more or less) being No. 21A of Section No. 11 of the Suburbs of Auckland aforesaid.

8. All that allotment or parcel of land containing fourteen acres and eight perches (more or less) being No. 8A of Section No. 12 of the Suburbs of Auckland aforesaid.

9. All that allotment or parcel of land containing fifty-three acres (more or less) being No. 7A of Section No. 12 of the Suburbs of Auckland aforesaid.

10. All that allotment or parcel of land containing twenty-seven acres and twenty-three perches (more or less) being No. 17A of Section No. 12 of the Suburbs of Auckland aforesaid.

APPENDIX I.

5

11. All that allotment or parcel of land containing four acres and one rood (more or less) being No. 14A of Section No. 12 of the Suburbs of Auckland aforesaid.

12. All those allotments or parcels of land containing one hundred and two acres one rood and twenty-four perches (more or less) being Nos. 14 15 16 17 and 20 of the Parish of Takapuna County of Eden aforesaid.

13. All that allotment or parcel of land containing thirty-one acres and two roods (more or less) being No. 18 of Section No. 9 of the Suburbs of Auckland aforesaid.

14. All that allotment or parcel of land containing forty acres (more or less) being No. 24 of Section No. 6 of the Suburbs of Auckland aforesaid.

15. All that Section containing three acres three roods and twenty-seven perches (more or less) being Section No. 98 of the Suburbs of Auckland aforesaid.

16. All that allotment or parcel of land containing twelve acres (more or less) situated in the Suburbs of Auckland aforesaid being allotment No. 41 of Section No. 3.

17. All that allotment or parcel of land containing by admeasurement three acres and fourteen perches (more or less) situated in the Suburbs of Auckland aforesaid being allotment No. 1 of Section No. 99.

SCHEDULE B.

1. All that allotment or parcel of land containing by admeasurement three acres (more or less) situated in the Town of Auckland aforesaid being No. 1 of Section No. 10.

2. All those allotments or parcels of land containing one rood and thirty-six perches (more or less) situated in the Town of Auckland aforesaid and being Nos. 11 12 13 and 14 of Section No. 9.

3. All those allotments or parcels of land containing sixteen acres and twenty perches (more or less) situated in the Suburbs of Auckland aforesaid and being Nos. 2c 2d 2e and 2f of Section No. 10.

4. All those allotments or parcels of land containing one acre one rood and twenty perches (more or less) situated in the Town of Auckland aforesaid and being Nos. 14 15 16 17 and 18 of Section No. 22

APPENDIX I.

5. All those allotments or parcels of land containing fourteen acres one rood and twenty-seven perches situated in the Suburbs of Auckland aforesaid and being Nos. 18 and 19 of Section No. 4.

6. All that allotment or parcel of land containing one hundred and fifty-five acres (more or less) situated in the Parish of Pakuranga in the County of Eden aforesaid and being farm No. 59.

7. All that piece or parcel of land situated in the Parish of Pakuranga aforesaid containing fifty-three acres (more or less) being part of farm No. 17.

8. All that allotment or parcel of land containing nine acres and one rood (more or less) situated in the suburbs of Auckland aforesaid and being No. 9 of Section No. 95.

9. All those allotments or parcels of land containing nineteen acres and two roods (more or less) situated in the Suburbs of Auckland aforesaid being Nos. 23A and 23B of Section No. 6.

10. All that allotment or parcel of land containing five acres (more or less) situated in the Parish of Takapuna aforesaid and being No. 20 of Section No. 2.

11. All that allotment or parcel of land containing three acres (more or less) situated in the Suburbs of Auckland aforesaid and being No. 2 of Section No. 15.

12. All those allotments or parcels of land containing four acres (more or less) situated in the City of Auckland aforesaid and being Nos. 20 and 21 of Section No. 9.

APPENDIX II.

NEW ZEALAND.

 ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 18.

AN ACT to authorise the Sale of certain Lands at Takapuna Title in the North Suburbs of Auckland appropriated for the Maintenance and Education of Children of both Races and of Children of other poor Persons being Inhabitants of the Islands in the Pacific Ocean and likewise to authorise the Sale of Land situated in Nelson Street City of Auckland and set apart as a Site for the erection of a Church for the Roman Catholic Natives. [3rd July, 1858.]

WHEREAS by a certain Deed of Grant bearing date Preamble. the 19th day of August 1850 under the Seal of the Province of New Ulster reciting that a School hath been established by the Government in the Suburbs of Auckland for the education of Children of Her Majesty's subjects of both races and of children of other poor and destitute persons being inhabitants of the Islands of the Pacific Ocean And reciting that it would promote the objects of the said Institution to set apart certain pieces or parcels of land in the immediate neighbourhood thereof for the use and towards the support and maintenance of the same All that allotment number (22) twenty-two Parish of Takapuna County of Eden bounded on the North by a road (780) seven hundred and eighty links on the East by a swamp by number (23) twenty-three (2030) two thousand and thirty links on the South by a road (690) six hundred and ninety links and on the West by a road (2580) two thousand five hundred and eighty links and containing (19a. 3r. 33p.) nineteen acres three roods and thirty-three perches more or less All those allotments being numbers (32) thirty-two (33) thirty-three and (34) thirty-four in the parish before

named bounded on the North by a road (1540) one thousand five hundred and forty links and (3375) three thousand three hundred and seventy-five links on the West by a road (2280) two thousand two hundred and eighty links, on the South by a Road (760) seven hundred and sixty links and by a swamp and on the East by Shoal Bay, and together containing (66a. 2r. 9p.) sixty-six acres two roods and nine perches more or less.

All those allotments being numbers (35) thirty-five (36) thirty-six and (37) thirty-seven of the Parish before named bounded on the North by Shoal Bay on the West by a road (1680) one thousand six hundred and eighty links, on the south by a road (3300) three thousand three hundred links and (1510) one thousand five hundred and ten links and together containing (66a. 2r. 34p.) sixty-six acres two roods and thirty-four perches more or less.

And all those allotments being numbers (39) thirty-nine (40) forty (41) forty-one (42) forty-two (43) forty-three (44) forty-four (45) forty-five (46) forty-six (47) forty-seven (48) forty-eight (49) forty-nine (50) fifty of the Parish before named bounded on the North by number (68) sixty-eight (1700) one thousand seven hundred links and by number (38) thirty-eight (1000) one thousand links and (1740) one thousand seven hundred and forty links, on the East by a road (5000) five thousand links on the South by a road (4000) four thousand links and on the West by a Road (8000) eight thousand links and together containing (220a. 0r. 32p.) two hundred and twenty acres and thirty-two perches more or less together with the rents issues and proceeds thereof were granted unto the Bishop of the Roman Catholic Church at Auckland and his successors Bishops of the Roman Catholic Church at Auckland to hold unto the said Bishop and his successors in trust nevertheless and for the use or towards the support and maintenance of the said School so long as religious education industrial training and instruction in the English language shall be given to youth educated therein or maintained thereat.

And whereas by Deed of Grant bearing date the 16th day of September in the year 1852 under the Seal of the Province of New Ulster all that piece or parcel of Land containing by admeasurement 1r. 2p. one rood and two perches more or less situated in the City of Auckland Parish of Waitemata County of Eden and being number (10) ten of Section (25) twenty-five bounded on the north

by number (9) nine (291) two hundred and ninety-one links on the East by number (7) seven (90) ninety links on the South by number (11) eleven (291) two hundred and ninety-one links and on the West by Nelson Street together with all the rights and appurtenances whatsoever thereto belonging was granted unto the Bishop of the Roman Catholic Church at Auckland for the time being in Trust as a site for the Erection of a Church for the Roman Catholic Natives.

And whereas by Deed of Grant bearing date the 5th day of November in the year 1853 under the Public Seal of the Colony of New Zealand all that piece or parcel of land containing by admeasurement (4a. 3r.) four acres three roods more or less situate in the Parish of Waitemata and County of Eden and being allotment No. (15) fifteen of Section No. (8) eight of the Suburbs of Auckland bounded on the North and East by high-water mark of the Harbour of Waitemata on the South by lot No. (16) sixteen of the same section (980) nine hundred and eighty links and on the West by lot No. (14) fourteen of the same section (408) four hundred and eight links together with the rents issues and proceeds thereof was granted unto the Bishop of the Roman Catholic Church at Auckland and his successors Bishops of the Roman Catholic Church at Auckland to hold unto the said Bishop and his successors in Trust nevertheless and for the use or towards the support and maintenance and the Education of children of both Races and of children of other poor and destitute persons being inhabitants of the Islands in the Pacific Ocean:

And whereas the Right Rev. Jean Baptiste Francois Pompallier is the present Bishop of the Roman Catholic Church at Auckland:

And whereas for the purpose of promoting the objects of the Trusts declared by the said Deed of Grant of the 19th day of August 1850 the said Bishop is desirous that such Bishop or other Trustee for the time being of the pieces of land and other hereditaments therein comprised should be empowered to sell and dispose of the same hereditaments and to invest the monies arising from the sale thereof in the purchase and improvement of other lands to be held upon trust for the maintenance of a School or Schools within ten miles of the City of Auckland in connexion with the Roman Catholic Church wherein Religious Education Industrial Training and Instruction in the English language

should be given to children of poor or destitute persons being inhabitants of the Colony and Her Majesty's subjects without distinction of Race or being inhabitants of any of the Islands in the Pacific Ocean :

And whereas it hath been represented by the said Bishop that the said piece of land comprised in the said Deed of grant of the 16th day of September 1852 is not a convenient site for the erection of a Church for the Roman Catholic Natives and that a part of the said piece of land comprised in the said Deed of Grant dated the 5th day of November 1853 would be a suitable site for that purpose and it is therefore expedient that the said Bishop or other the Trustee for the time being of the said piece of land comprised in the said Deed of Grant of the 16th day of September 1852 should be empowered to sell and dispose of the same and to invest the monies arising from the sale thereof in the erection of such a Church on some part of the said piece of land comprised in the said Deed of Grant dated the 5th day of November 1853 :

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows :—

Power to sell
lands &c., at Auck-
land.

I. It shall be lawful for the said Jean Baptiste Francois Pompallier Bishop of the Roman Catholic Church at Auckland or other the Trustee for the time being of the said pieces of land and hereditaments comprised in the said Deeds of Grant dated respectively the 19th day of August 1850 and the 16th day of September 1852 at any time or times after the passing of this Act absolutely to sell and dispose of the said Trust Premises or any part thereof either by Public Auction or by Private Contract and in such manner as the Trustee for the time being shall think fit and to convey the fee simple and inheritance of the same Trust Premises when sold to the person or persons who shall agree to become the purchaser or purchasers thereof.

Trustees to invest
proceeds in pur-
chase of other
lands and to erect
buildings and hold
the same upon
like Trusts.

II. The said Bishop or other the said Trustee for the time being shall immediately after such sale or so soon as convenient lay out and invest the money which shall arise from the sale of the hereditaments comprised in the said Deed of Grant dated the 19th day of August 1850 in the purchase in his own name of other lands Provided that any part of the said money not exceeding the value of the

improvements on the hereditaments comprised in the said Deed of Grant dated the 19th day of August 1850 as estimated by some qualified person to be appointed for the purpose by the Governor may with the approval of the Governor be laid out in the erection of a School House or other Buildings for the purposes of the Trust upon the land so to be purchased or in fencing draining or otherwise improving the same.

III. The said Right Rev. Jean Baptiste Francois Pom-pallier Roman Catholic Bishop of Auckland his Heirs and Assigns shall stand and be seized of the hereditaments so to be purchased as aforesaid upon Trust for the maintenance of a School or Schools within ten miles of the city of Auckland in connexion with the Roman Catholic Church wherein Religious Education Industrial Training and Instruction in the English language shall be given to children of poor and destitute persons being inhabitants of the Colony and Her Majesty's subjects without distinction of Race or being inhabitants of any of the Islands in the Pacific Ocean.

IV. The said Bishop or other the said Trustee for the time being shall lay out and invest the money which shall arise from the sale of the hereditaments comprised in the said Deed of Grant dated the 16th day of September 1852 in the erection on any part of the said piece of land comprised in the said Deed of Grant dated the 5th day of November 1853 of a Church or Chapel for the use of the Roman Catholic Natives provided that the remaining portion of the same piece of land shall continue to be held upon the Trusts thereof declared by the said Deed of Grant dated the 5th day of November 1853.

V. Every receipt which shall be given by the said Bishop or other the said Trustee for the time being for the purchase money of the hereditaments hereby authorised to be sold shall be a good valid and sufficient acquittance for the same and every sale which shall be made and every contract which shall be entered into and every conveyance which shall be executed by the said Bishop or other the Trustee for the time being under the authority of this Act shall be binding and conclusive on all persons claiming any benefit or interest under the Trusts of the said Deed of Grant of the 19th day of August 1850 or under the Trusts of the said Deed of Grant of the 16th day of September 1852.

Short Title.

VI. The Short Title of this Act shall be the "Auckland Roman Catholic Endowments Sales Act 1858."

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

APPENDIX III.

NEW ZEALAND.

ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 49.

[18th August, 1858.]

Title. *AN ACT to enable the Governor to sell and exchange certain allotments of Land in and near the City of Auckland and apply the proceeds of such sales in Public Improvements.*

Preamble. WHEREAS the allotments or parcels of land described in the Schedules A and B hereunto annexed were heretofore set apart as Public Reserves: And whereas the said lands are not required for any public purpose, and it is expedient that the same should be sold and the proceeds thereof expended in improvements for the benefit of the Public Domain and other property in the vicinity of the land hereby authorised to be sold and still reserved by the General Government for public purposes:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:—

Governor may sell by auction Lands described in Schedule A. 1. It shall be lawful for the Governor whenever he shall think fit to sell and dispose of by public auction either altogether or in lots all or any part of the said allotments or parcels of land more particularly mentioned or described in the said Schedule A to this Act.

2. It shall be lawful for the Governor to sell and dispose of all or any part of the allotment or parcel of land more particularly mentioned or described in Schedule B to this Act to the several persons whose lands respectively abut thereon by private contract at a price to be fixed by an arbitration to be conducted in such manner as the Governor shall think fit to direct.

And Lands in
Schedule B. at
arbitration.

3. It shall also be lawful for the Governor in the name and on behalf of Her Majesty to make and execute under the Public Seal of the Colony Crown Grants in the usual form to the Purchasers of any of the lands sold under this Act and every such grant shall be deemed to convey an estate in fee simple free from incumbrances and without liability on the part of the purchaser or purchasers to see to the application of the purchase money.

Grants to convey
Estate in fee
simple.

4. The money to arise from every such sale shall be applied first in payment of the expenses attending the same and secondly except the purchase money of allotments Nos. 1 2 3 4 of Section 15 of the City of Auckland in the improvement of the Government Domain or Park at Auckland and in payment of the cost already or to be hereafter incurred in making roads to and in the vicinity of the said Domain and as to the purchase money of allotments Nos. 1.2 3 4 in or towards the erection of a Court of Justice in the City of Auckland.

Application of
proceeds.

5. And whereas it has been proposed that the several allotments or parcels of land described in the Schedule C. hereunto annexed together with the buildings thereon erected shall be transferred by the Government of the Colony to the Provincial Government of Auckland in consideration of the expense incurred by the Province of Auckland in the erection of the house now occupied by the Governor: Be it therefore further enacted that it shall be lawful for the Governor whenever he shall think fit in the name and on behalf of Her Majesty to make and execute under the Public Seal of the Colony Crown Grants or a Crown Grant to the Superintendent of the said Province and his successors of all or any of the several allotments of land described in the said Schedule C. to this Act and it shall be lawful for the Superintendent of the said Province for and on behalf of the said Province by writing under his hand and under the seal of the said Province to release to Her Majesty all rights and claims whatsoever in respect or on account of the expense incurred on behalf of the said

Governor may
grant Lands de-
scribed in Sche-
dule C to Super-
intendent in ex-
change for Go-
vernment House.

Province in the erection of the said house now occupied as the residence of His Excellency the Governor.

Land granted to Superintendent to be deemed to have been granted under Public Reserves Act. 6. Any land granted to the Superintendent of the said Province of Auckland and his successors by virtue of this Act shall for all purposes be deemed and taken to have been granted under "The Public Reserves Act 1854" for such purposes of public utility as shall be hereafter declared in respect of the same by any Act to be passed by the Superintendent of the Province of Auckland with the advice and consent of the Provincial Council thereof.

Short Title. 7. The Short Title of this Act shall be "The Auckland Reserves Act 1858."

SCHEDULE A.

1. All that allotment or parcel of land containing six acres three roods and twenty-six perches (more or less) being part of Section No. 10 of the City of Auckland in the Parish of Waitemata in the County of Eden and being bounded as follows:—on the North-east for a length of seven hundred and fifty links (750) by allotment No. 1 of the aforesaid Section No. 10 on the South-east for a length of one thousand and eighty-five links (1085) by Stanley-street on the South-west for a length of two hundred and eighty-seven links (287) by a road connecting Stanley-street and the Grafton Road on the West-north-west and west for lengths respectively of one hundred and three links (103) and seven hundred and thirty-five links (735) by the Grafton Road and on the North-west for a length of four hundred and fifty-five links (455) by Wynyard Street.

2. All that allotment or parcel of land containing four acres one rood and twenty-eight perches (more or less) being part of Section No. 34 of the City of Auckland aforesaid and being bounded as follows:—on the East and East-south-east for lengths respectively of five hundred and forty links (540) and eight hundred and eighty-seven links (887) by the Grafton Road aforesaid on the West-south-west and south-west for lengths respectively of three hundred and fifty links (350) and three hundred links (300) by a fence which separates it from property belonging to Andrew Sinclair Esq. and on the North-west for a length of eleven hundred links (1100) by a road fifty feet in width running north-east from the property aforesaid of Andrew Sinclair, Esq. to the Grafton Road aforesaid.

3. All that allotment or parcel of land containing one acre one rood and nineteen perches (more or less) situated in the

Suburbs of Auckland and being bounded as follows:—on the North-east for a length of three hundred and four links (304) by Section No. 11 of the City of Auckland aforesaid on the South-east for a length of one hundred links (100) by land granted for a rope walk on the South-south-east by an irregular undefined line the several parts of which are in length respectively twenty-three links (23) one hundred links (100) two hundred and ninety links (290) one hundred and eighty-five links (185) and two hundred and twelve links (212) which said irregular line separates it from Section No. 98 of the Suburbs of Auckland (being an hospital endowment and at this part a narrow belt of land by the side of a mill race) and on the north-west for a length of eight hundred and thirty links (830) by Stanley Street aforesaid.

4. All that allotment or parcel of land containing ten acres one rood and twenty-nine perches (more or less) being part of the Government Domain otherwise called Auckland Park and being bounded as follows:—on the West-north-west for lengths of two thousand two hundred and twenty links (2220) and one thousand three hundred and forty-five links (1345) by the Grafton Road aforesaid on the South for a length of five hundred and seventy-five links (575) by a road leading towards the Provincial Hospital on the Eastward by the Hospital stream which for a length of about one thousand six hundred and fifty links (1650) separates it from the Hospital endowment in which the Provincial Hospital is situated and for a further length of about nine hundred and fifty links (950) separates it from the Government Domain the Hospital stream then losing itself in a swamp at a puriri tree on the East-south-east by a bent undefined line the two parts of which are in length respectively six hundred and eighty-five links (685) and four hundred and twenty links (420) and which bent line reaches from the puriri tree aforesaid to the southernmost post of the gate entering the Government Domain from Stanley Street aforesaid and on the North-east for a length of three hundred and eighty-five links (385) by a road as aforesaid connecting Stanley Street and the Grafton Road.

5. All those allotments or parcels of land on which stand the buildings occupied by the Supreme Court the Resident Magistrate's Court and the Gaol, containing one acre and twenty perches (more or less) being Nos. 1 2 3 and 4 of Section No. 15 of the City of Auckland aforesaid.

6. All that allotment or parcel of land containing fifteen acres and ten perches (more or less) being No. 35 of Section No. 6 of the Suburbs of Auckland.

7. All that allotment or parcel of land containing one hundred and forty-two acres (more or less) situated near St. John's College and being bounded as follows:—on the North for a length of about three thousand nine hundred and fifty links

A b

(3950) by a road commonly called the "Point England Road" on the West South-west and South for lengths respectively of about one thousand two hundred links (1200) two thousand eight hundred links (2800) and three thousand one hundred and eighty links (3180) by the road from St. John's College to Panmure and on the East for a length of about three thousand six hundred and fifty links (3650) by a road running between the said "Point England" Road and the said road from St. John's College to Panmure.

SCHEDULE B.

1. All that allotment or parcel of land containing thirteen acres three roods and seventeen perches (more or less) situated in Section No. 11 of the Suburbs of Auckland and being bounded as follows:—on the West for a length of about four thousand five hundred links (4500) by the road from Auckland to Onehunga, commonly called the "Epsom Road" and on the Eastwards for lengths respectively of two thousand three hundred and fifteen links (2315) two hundred and sixty-two links (262) five hundred and eighty-nine links (589) fifty links (50) five hundred and fifty links (550) and nine hundred and twenty-four links (924) by allotments Nos. 10 and 11 and part of allotment 12 of the aforesaid Section No. 11 by the end of a road fifty links (50) wide by another part of allotment No. 12 and by allotment No. 16 of the aforesaid Section No. 11 of the Suburbs of Auckland.

SCHEDULE C.

All that allotment or parcel of land containing one acre and one perch (more or less) being No. 1 of Section No. 12 of the City of Auckland aforesaid.

2. All that other allotment or parcel of land situate in Princes Street in the City of Auckland aforesaid and being the Eastern half of allotment No. 17A of Section No. 4 of the said Town containing thirteen perches (more or less).

3. All that other allotment or parcel of land in the City of Auckland aforesaid having a frontage to High Street of fifty-seven feet (57ft.) and a frontage to Chancery Street of sixty-seven feet six inches (67ft. 6in.) and being part of allotment No. 4 of Section No. 4 of the said City and which said parcel of land with the buildings thereon was purchased for and on behalf of the Government of New Zealand for Public Offices of certain Departments of the Government.

4. All that other allotment or parcel of land in the City of Auckland aforesaid containing eight perches (more or less) being part of allotment No. 16 of Section No. 14 of the said City which was conveyed to Her Majesty Queen Victoria by George Willson on the sixteenth day of October one thousand eight hundred and forty-nine and which is bounded as follows:—on the North by allotment No. 17 of the Section aforesaid one hundred and thirteen feet (113ft.) on the East by a portion of the aforesaid allotment No. 16 twenty feet six inches (20ft. 6in.) on the South by a portion of the aforesaid allotment No. 16 one hundred and thirteen feet (113ft.) and on the West by Lower Queen-street twenty feet six inches (20ft. 6in.)

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

APPENDIX IV.

NEW ZEALAND.

ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 69.

[21st August, 1858.]

AN ACT to enable the Superintendent of the Province of Auckland to purchase certain Lands in the Electoral District of the City of Auckland for the purpose of improving the said City and for that purpose to borrow Money upon the security of certain Lands in the said City. Title.

WHEREAS it is advisable to enable the Superintendent of the Province of Auckland to purchase certain lands in the City of Auckland for the purpose of improving the said City : Preamble.

And whereas by an Act of the Imperial Parliament passed in the 8th year of the reign of Her Majesty intituled "The Land Clauses Consolidation Act" it was enacted that for the purpose of incorporating the provisions of the said Act in any Act of Parliament to be thereafter passed authorising the taking of lands for undertakings of a public nature it should be sufficient in any such Act to enact that the clauses of the said recited Act with respect to the matter so proposed to be incorporated (describing such matter as it is described in the said recited Act in the words introductory to the enactment with respect to such matter) should be incorporated with such Act and thereupon all the clauses and provisions of the said recited Act with respect to the matter so incorporated should save so far as they might be expressly varied or excepted by such Act form part of such Act and such Act should be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act should relate :

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows :—

Superintendent
may take possession
of certain
Lands and dispose
of same.

1. It shall be lawful for the Superintendent of the Province of Auckland upon giving notice to the owners and occupiers of all or any part of the lands described in the Schedule to this Act annexed in manner in the said recited Act appointed for the service of notices to enter upon and take possession of the said lands and upon payment of compensation as hereinafter provided the said lands shall vest in the said Superintendent in fee simple subject to being laid out and disposed of in such manner as the Superintendent and Provincial Council of the said Province shall by Act direct and subject to the payment of compensation to all parties interested in the said lands or injuriously affected by the taking thereof in manner provided by the said recited Act and by this Act Provided always that the notice hereby required to be given shall be so given within four months from the passing of this Act Provided always that in case notice shall not be given as aforesaid to the owners or occupiers of any of the lands described in the Schedule herunto annexed as allotments Nos. 4 5 39 and 40 there shall be paid by the said Superintendent to the owners and occupiers to whom notice shall not be given reasonable compensation for the injury (if any) sustained by them by reason of the passing

of this Act : Provided also that if the said notices hereinbefore required to be given are not given within the time specified or in the event of the said notices being duly given and the Provincial Council of the said Province shall fail or neglect to carry out the provisions of this Act then and in that case the several owners and occupiers of the lands described in the Schedule to this Act as allotments Nos. 4 5 39 and 40 shall be entitled to compensation from the 7th day of July last for the injury sustained and inconvenience suffered by the passing of this Act and the amount of such compensation in each case shall be ascertained and settled as provided by the before recited "Land Clauses Consolidation Act" such compensation to be a charge on the Provincial Revenues of the Province of Auckland.

2. The compensation payable under this Act shall be paid within four months from the time when the amount thereof shall have been finally determined upon and every amount payable under any verdict or award under the provisions of this Act shall bear interest at such rate not exceeding ten per centum per annum as shall be fixed by such award or verdict. Compensation to be paid within four months.

3. Such of the provisions of the said recited Act as are applicable to the circumstances of the case subject to the interpretation thereof hereinafter contained shall be deemed to be incorporated in this Act. Certain provisions of recited Act deemed to be incorporated.

4. For the purpose of enabling the said Superintendent to pay for the lands hereby authorised to be taken it shall be lawful for the said Superintendent to raise by the sale of Debentures any sum or sums of money for that purpose provided that the total sum raised shall not exceed £40,000. Superintendent may raise money for the purchase of lands.

5. The sale of Debentures under this Act shall be effected by means of Public Tender and not otherwise. Debentures to be sold by Public Tender.

6. All monies which may be received by the said Superintendent by the re-sale of any land hereby authorised to be taken by him shall be applied towards the repayment of any money borrowed under the authority of this Act. Proceeds of re-sale to be applied to liquidation of sums borrowed.

7. Every such debenture shall be a first charge upon all lands heretofore granted to the Superintendent of the Province of Auckland upon trust for the improvement and benefit of the City of Auckland and it shall be lawful for the holder of every such Debenture in case the money advanced Debentures to be a charge on City Endowment lands

upon the same shall not be paid at the time fixed in the said Debenture for the payment thereof or in case any interest due in respect thereof shall be in arrear for the space of six months to sell the said land or any portion thereof either altogether or in lots and either by public auction or private contract or by both of such means and subject to such conditions as he may think fit and with power to buy in and re-sell the same without being liable for any loss occasioned thereby and upon any such sale of the said lands or any portion thereof the said Superintendent shall convey such lands which shall be so sold as aforesaid to the purchasers thereof and the receipts in writing of the holders of every such Debenture shall be a sufficient discharge to any purchaser of all or any part of such lands for so much of his purchase money as may be thereby expressed to be received the monies to arise from such sale as aforesaid shall be applied first in payment of the expenses attending any such sale or otherwise incurred in the execution of the power of sale hereby given secondly in repayment of the principal money and interest remaining due on any and every such Debenture together with any costs and expenses occasioned by the non-payment thereof The surplus if any shall be paid to the Treasurer of the said Province and shall be subject to be appropriated by the Provincial Council thereof Provided that no power hereinbefore given to any such holder of such Debentures shall extend to authorise any such holder of such Debentures to sell any portion of the said lands hereinbefore mentioned dedicated or hereafter to be dedicated for public purposes as a street road or thoroughfare.

Superintendent to be deemed Corporation Sole. 8. For the purposes of this Act the Superintendent of the Province of Auckland and his successors shall be deemed a Corporation sole.

Interpretation Clause. 9. The following words and expressions shall have the several meanings hereby assigned to them :

Promoters of an undertaking shall be construed to mean the Superintendent of the Province of Auckland.

Any special Act shall include this present Act.

Clerk of the Peace shall be construed to mean the Registrar of the Supreme Court.

Superior Court shall mean the Supreme Court.

In cases wherein any money is directed to be deposited in the Bank such money shall be paid deposited or invested in such manner as the Supreme Court or any Judge thereof shall by order to be made at the instance of the Superintendent direct.

10. The Short Title of this Act shall be the "Auckland Short Title Improvement Act 1858."

SCHEDULE.

Allotments Nos. 4 and 5 of Section No. 4 of the City of Auckland.

Allotment No. 38 of Section No. 4 of the City of Auckland.

So much of Allotments Nos. 40 39 37 36 35 34 33 and 32 of Section No. 4 of the City of Auckland as shall be sufficient to carry High Street at a width of not exceeding 60 feet into Victoria Street.

All those portions of Allotments Nos. 26 27 and 28 situate to the North-west of a line extended from the South-eastern corner of O'Connell Street to the point in the North-eastern boundary of said Allotment No. 28 opposite the South-east corner of the said Allotment No. 38.

So much of Allotments Nos. 6 7 8 and 9 of the said Section as will be sufficient to carry Chancery Street at a width of not exceeding 40 feet up to the Western corner of Field's Lane as at present laid out.

So much of the Allotment No. 9 as will be sufficient to widen the said Lane from Chancery Street to Shortland Street to a width of not exceeding 40 feet.

APPENDIX V.

NEW ZEALAND.

 ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 75.

Title.

AN ACT to regulate the disposal and administration of the Waste Lands of the Crown in New Zealand.

[Reserved for the signification of Her Majesty's pleasure thereon, 19th August, 1858.]

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

Acts, &c, specified in schedule declared valid, and to remain force with certain exceptions.

1. The several Acts Ordinances and Regulations specified in the Schedule to this Act annexed are hereby declared to have been valid from the time of the passing or issuing thereof and the said Acts Ordinances and Regulations and the Bills specified in the said Schedule shall hereafter have the full force and effect of Law in the several Provinces to which they respectively relate except so far as the same are repugnant to or inconsistent with the provisions hereinafter contained that is to say :

1. No larger quantity of land than 320 acres shall be put up for sale by auction in any one lot and the upset price shall in no case be less than 5s. an acre.
2. No land after the first day of August 1860 shall be sold upon credit except such as it may be lawful to set apart for Special Settlement by immigrants expected to arrive.
3. The priority of choice shall in no case whatever be decided by lot but in all cases in which two or more applications are made on the same day for any land open for selection at a fixed price such land shall be

put up to auction at an upset price of the same amount as the fixed price at which auction only the applicants in person or by their agents shall be allowed to bid. But this provision shall not extend to applications heard before the Waste Lands Board of the Province of Canterbury.

2. If at any time the Superintendent and Provincial Governor in Council of any Province shall recommend to the Governor Council may alter that an augmentation should be made in the price at which prices of lands, the Waste Lands of the Crown within such Province shall be offered for sale either by selection or by auction it shall be lawful for the Governor in Council if he think fit to fix such price accordingly.

3. Subject to the said several Acts Ordinances Regulations and Bills and in cases where no provision shall have been made in such behalf it shall be lawful for the Governor in Council in the name and on behalf of Her Majesty to constitute such Offices and Boards and appoint such officers as may be necessary for the management and administration of the Waste Lands of the Crown and for the survey thereof within the several Provinces of the Colony and from time to time to make such changes and alterations and remove such Officers as he may think fit. The Governor to constitute Offices and appoint Officers.

4. All the acts authorised or required to be performed by and all the powers conferred upon or given to the Superintendents of the several Provinces acting either with or without the advice or the advice and consent of the respective Executive Councils thereof under or by virtue of the several Acts Ordinances Bills and Regulations specified in the Schedule to this Act shall henceforth cease to be vested in the Superintendent and shall and may henceforth be vested in and may be performed and exercised by the Governor alone fully and effectually for all purposes. Powers vested in Superintendent to be exercised by Governor.

5. It shall also be lawful for the Governor to exercise Governor may and perform every power and act which may be necessary compel performance of engagements, to complete carry out or compel the performance of any subsisting contract or agreement which may have been lawfully made entered into or commenced under any law in force within any Province before the coming into operation within such Province of any of the several Acts Ordinances Bills and Regulations specified in the said Schedule.

Governor may delegate powers. 6. It shall be lawful for the Governor under his hand and the public seal of the Colony from time to time to delegate to the Superintendent of any Province or to such other person as the Governor may think fit all or any of the powers vested in the Governor by Sections 3 4 and 5 and also by Section 14 of this Act subject or not to any limitations or restrictions as he may think fit and in like manner to revoke any such powers Provided always that any power which may be in any Superintendent at the time of the coming into operation of this Act under any of the Acts Ordinances Bills or Regulations specified in the said Schedule shall thenceforth be deemed and taken to have been duly delegated under this Act.

Governor may make regulations. 7. Subject to the said several Acts Ordinances Regulations and Bills it shall be lawful for the Governor in Council from time to time to make and revoke Regulations for the guidance of the several Officers employed in the management and administration of the Waste Lands of the Crown and for the management and conduct of the business of any Land Board or Office and for the settling of all disputes and differences relating or incident to the sale letting disposal or occupation of the Waste Lands of the Crown and all such regulations shall be binding and conclusive on all persons whomsoever.

Appropriation of Crown Grant Fees. 8. All fees payable on the issue of Crown Grants shall be chargeable in the first place with the salary of a Secretary for Crown Lands and with the costs and expenses of maintaining a Crown Grant Office.

Part of Section 62, Constitution Act, repealed; costs of administration of Waste Lands to be regulated by Acts or Ordinances of Provincial Councils. 9. So much of the 62nd section of the Constitution Act as authorises the Governor to pay out of the Revenue arising from the disposal of the Waste Lands of the Crown all the costs charges and expenses incident to the collection management and receipt thereof is hereby repealed and except the salaries of the Secretary for Crown Lands and of the Receivers of Land Revenue and the expense incident to the maintenance of the Crown Grant Office all the costs charges and expenses incident to the management and administration of the Waste Lands of the Crown within each Province of the Colony shall be regulated by Acts or Ordinances to be passed by the Superintendent and Provincial Council thereof.

Accounts of Receipts and disbursements to be 10. All the accounts of such costs charges and expenses shall be audited by the Secretary for Crown Lands and so

far as the same relate to each Province shall be from time to time laid before the Provincial Council thereof. audited by Secretary for Crown Lands.

11. And whereas it is proper and expedient that power should be given to the Governor to fulfil engagements heretofore made on behalf of Her Majesty and also to make Reserves for certain public purposes within the colony Be it therefore further enacted that it shall be lawful for the Governor at any time to fulfil and perform any contract promise or engagement heretofore made by or on behalf of Her Majesty and whereof there is evidence in writing with respect to any allotment or parcel of land within the Colony and any Crown Grant made in pursuance of any such contract promise or engagement shall be valid. Governor to fulfil contracts, &c.

12. It shall also be lawful for the Governor in Council at any time and from time to time to except from sale and either reserve to Her Majesty or dispose of in such other manner as for the public interest may seem best such of the Waste Lands of the Crown in any of the said Provinces as may be required for the purposes of Military Defence or for the construction of Trunk lines of road, or as Sites for Public Buildings for the use of the General Government or for other purposes of public utility or convenience and all such exceptions shall be deemed to have been made whenever the Governor by writing under his hand shall have notified to the Superintendent of the Province in which any land so excepted is situate that the same is required for any of the purposes aforesaid and such notification shall have been published in the New Zealand Gazette. Governor empowered to make Reserves.

13. It shall also be lawful for the Governor in Council by proclamation in the New Zealand Gazette to change the specific purpose for which any land has heretofore been or may hereafter be set apart as a reserve for the General Government and also to exchange any land for the time being set apart as such reserve for other land of equal value or to sell any land so set apart as he may think fit and in case of the exchange or sale of any such land to make a Crown Grant thereof accordingly Provided always that in the event of a sale of any such land the proceeds thereof shall be invested in the purchase of other land and any land so acquired by exchange or purchase shall be forthwith proclaimed as a Public Reserve under "The Public Reserves Act 1854." Governor may change purpose of, or exchange, or sell Reserves.

Rights to make
Roads reserved in
certain Crown
Grants may be
released.

14. And whereas Crown Grants have heretofore from time to time been made in which rights of Road through the lands therein comprised have been reserved and it is expedient that power should be given to release such rights Be it therefore further enacted that it shall be lawful for the Governor by writing under his hand to release by an endorsement on the Crown Grant or by a separate instrument any rights reserved as aforesaid and on such release being given the power to take or set apart any Road by virtue of any such reservation shall thenceforth cease and determine Provided always that any Road set apart in pursuance of any such reservation previously to such release shall be deemed and taken for all purposes whatsoever to be a Public Road and Highway.

Naval and Military
Settlers entitled to land free
of cost.

15. Whereas it is desirable to encourage the settlement of Naval and Military Settlers throughout the Northern Island of New Zealand Be it therefore further enacted that Naval and Military Officers whether on full or half pay and every non-commissioned Officer and Private Marine and Seaman whether belonging to Her Majesty's service or to the service of the East India Company who may retire or obtain his discharge from the service to which he may belong or who having retired or obtained his discharge for the purpose of settling in the Provinces of New Plymouth or Wellington has not selected land under any former law or regulation enabling Naval and Military Settlers to select land free of cost shall be entitled to land free of cost in the said Provinces respectively in like manner and upon the same terms and conditions as Naval and Military Settlers are entitled to land free of cost under the "Auckland Waste Lands Act 1858" And the several powers and duties of the Commissioner appointed under the said Act in respect of land to be so granted shall be exercised and performed by any Commissioner of Crown Lands in the said several Provinces of New Plymouth and Wellington.

Former Acts re-
pealed.

16. The Acts passed by the General Assembly of New Zealand intituled respectively "The Waste Lands Act 1854" and "The Provincial Waste Lands Act 1854" are hereby repealed.

Commencement
of Act.

17. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon and the same shall have been confirmed by Her Majesty with the advice of the Privy Council and a Proclamation of such

confirmation having been given shall have been made by the Governor of the Colony.

18. The Short Title of this Act shall be "The Waste Short Title Lands Act 1858."

SCHEDULE

Of Acts, Ordinances, Bills, and Regulations for the Sale, Letting, Disposal and Occupation of the Waste Lands of the Crown, referred to in this Act.

Provinces.	By what Legislature or other authority enacted, or put in force.	Session and number of Acts or Ordinances.	Title, or Short Title.	Date assented to or put in force.
Province of AUCKLAND.	Act of the Governor and Provincial Council.	Session VIII. No. 2.	Auckland Waste Lands Act, 1853.	9th March, 1853.
	Bill passed by the Provincial Council, and reserved for the Governor's assent.	Session VIII. No. 3.	Immigration Certificate Bill, 1853.	At passing of this Act.
Province of NEW PLYMOUTH.	Proclamation of the Governor under the Waste Lands Act, 1854.	.....	Regulations for the Sale and Disposal of the Waste Lands of the Crown.	20th October, 1855.
Province of WELLINGTON.	Proclamation of the Governor-in-Chief under the Constitution Act.	.....	General Land Regulations.	4th March, 1853.
	Proclamation of the Officer administering the Government, under the Waste Lands Act, 1854.	.....	Additional Land Regulations for the Amendment and Extension of the Regulations of 4th March, 1853.	16th June, 1855.
Province of NELSON.	Bill passed by the Provincial Council, and reserved by the Superintendent for the Governor's assent.	Session V.	Nelson Waste Lands Bill, 1858.	At passing of this Act.
	Bill passed by the Provincial Council, and reserved by the Superintendent for the Governor's assent.	Session v.	Dun Mountain Railway Act, 1858.	At passing of this Act.
Province of CANTERBURY.	Proclamation of the Governor under the Waste Lands Act, 1854.	.....	Regulations for the Disposal, Sale, Letting and Occupation of the Waste Lands of the Crown.	9th February, 1856.
	Proclamation of the Governor under the Waste Lands Act, 1854.	.....	Amended Regulations.	14th August, 1856.
	Ordinance of the Governor and Provincial Council.	Session VII. No. 2.	Waste Lands Regulations Amendment Ordinance	6th January, 1857.
Province of OTAGO.	Bill passed by the Provincial Council, and reserved by the Superintendent for the Governor's assent.	Session VII. No. 1.	Waste Lands Regulations Amendment Ordinance	11th February, 1858.
	Proclamation of the Governor under the Waste Lands Act, 1854.	.....	Land Regulations.	12th February, 1856.
Province of OTAGO.	Ordinance of the Governor and Provincial Council.	.....	Land Sales and Leases Ordinance, 1856.	27th January, 1857.
	Ordinance of the Governor and Provincial Council.	.....	Town Land Sales Ordinance, 1857.	11th February, 1858.

APPENDIX VI.

NEW ZEALAND.

ANNO VICESIMO PRIMO ET VICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. 79.

[Reserved for the signification of Her Majesty's pleasure thereon,
19th August, 1858.]

AN ACT to enable the Governor to establish a Settlement for Title.
colonization in the Bay of Islands.

WHEREAS the formation of a Special Settlement on the Western side of the Bay of Islands for Colonization by Her Majesty's subjects without distinction of race would tend to advance the prosperity and welfare of the inhabitants generally and especially to promote the civilisation of the Aborigines in the Northern Districts of the Colony and it is therefore expedient that the Governor should be empowered to take the necessary steps for the formation of such a Settlement:

Preamble.

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

1. It shall be lawful for the Governor whenever he shall think fit by Proclamation in the *Government Gazette* to set apart on the Western side of the Bay of Islands an eligible site for a Settlement for colonization and the limits of such Settlement from time to time to define and vary as he shall think fit Provided always that the extent of such Settlement shall at no time exceed 250,000 acres of land inclusive of any land therein comprised that may be the property of private individuals.

Governor may set
apart a Site for a
Settlement in the
Bay of Islands.

2. For the purposes of such settlement the Governor may reserve or take the whole or any part of the Land specified in the Land Schedule may be

reserved or taken by Governor. specified in the Schedule to this Act and such land shall be deemed to be Crown Land freed and discharged from all claims whatever as soon as the Governor shall have notified in the *New Zealand Gazette* that he has reserved or taken the same for the purposes of this Act.

Compensation to be given for land reserved or taken. 3. Whenever any Land shall have been so reserved or taken the person to whom the same would otherwise have been granted shall be compensated according to the value thereof at the time of the same being reserved or taken to be determined at the option of such person by a Commissioner appointed under "The Lands Claims Settlement Act 1856" or by the award of two indifferent arbitrators one to be appointed in writing by the person whose Land shall be so reserved or taken and the other by the Colonial Secretary or in case of their not agreeing in an award within three weeks from the time of the question being referred to them by the Colonial Secretary in writing then by the award of their Umpire to be chosen before they enter upon the question. Provided always that if no award shall have been made within six weeks from the time of such reference by the Colonial Secretary the amount of compensation shall be determined by the said Commissioner.

Colonial Treasurer to issue certificate for amount of compensation. 4. Upon the determination of the amount of compensation so to be granted as aforesaid the Colonial Treasurer shall issue to the person entitled to the same a Certificate entitling such person or his assigns to purchase Waste Land of the Crown within the Province of Auckland to the amount thereof according to the Law for the time being in force regulating the sale of such Land. Provided always that it shall be lawful for the Governor at the request of the party entitled to compensation to pay in money the value to be determined as aforesaid of any improvements made upon any land reserved or taken under this Act.

Crown Lands, &c. within Settlement to be disposed of under provisions of this Act. 5. Within the Settlement so constituted all the Waste Lands of the Crown and all land now or hereafter to be reserved or taken for the purposes of this Act shall be held and disposed of under the provisions hereof and not otherwise.

Governor to cause a Town, &c., to be laid out. 6. It shall be lawful for the Governor within such Settlement to cause a Town to be surveyed and laid out and also Suburban and Rural allotments.

7. All such Town Suburban and Rural Lands shall be let sold occupied and disposed of for such prices in such manner for such purposes upon such terms and subject to such Regulations as the Governor in Council shall from time to time prescribe for that purpose. Land to be disposed of as the Governor shall prescribe.

8. The money to arise from the sale and disposal of any such Lands shall be disposed of as the Governor in Council shall from time to time direct for the following purposes namely Proceeds to be expended in Settlement for purposes specified.

First—In defraying the expenses incident to the formation and laying out such Settlement including the payment of any compensation to the owners of any Land that may be reserved or taken under the provisions of this Act. Formation, &c.

Secondly—In the making and erection of Roads Bridges Docks Quays Landing-places Wharves Piers Public Buildings and other Public Works within such Settlement and in repayment of any Loans advanced for any such purposes. Roads, &c.

Thirdly—In establishing endowing and maintaining Public Schools and other Public Institutions. Schools, &c.

Fourthly—In promoting Emigration from other Places for the purpose of securing the efficient colonization of the said Settlement. Emigration, &c.

Provided always that all such money shall for the purposes of "The New Zealand Loan Act 1856" be deemed and taken to be Revenue arising from the disposal of Waste Lands of the Crown in the Colony of New Zealand and shall be chargeable with the sums of money borrowed and raised under the authority of the said Act and with the interest thereon.

9. This Act shall not come into operation until Her Majesty's pleasure shall have been taken thereon and the same shall have been confirmed by Her Majesty with the advice of Her Privy Council and a Proclamation of such confirmation having been given shall have been made by the Governor or person administering the Government of New Zealand. Commencement of Act.

10. The Short Title of this Act shall be "The Bay of Short Title Islands Settlement Act 1858."

SCHEDULE.

Schedule.

All that parcel of Land situate within the Bay of Islands District and comprised within the boundaries following that is to say—Commencing at the Wharau Point at the entrance of the Kerikeri River thence ascending the main ridge of hills to the hill called Te Puke thence by the ridges forming the Eastern and Southern boundary of John Edmonds' claim thence by a line along the Southern boundary of James Shepherd's claim to the hill called Pukewhau thence along the Eastern boundary of the claim known as the "Children's land" to its termination at the Whiringatau Creek thence by that creek to the Kerikeri River and by the Kerikeri River to the Rapid at the Church Mission Station thence across the river to the road from that Station to the Rangitane Creek and from that Creek by a line in a North-Easterly direction to the Mangonui River thence by highwater mark to the Ake Ake Point and thence by a line across the Kerikeri River to the Wharau Point including all the Islands within the said Boundary Estimated to contain fifteen thousand acres more or less.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

APPENDIX VII.

NEW ZEALAND.

ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

LOCAL AND PERSONAL.

No. 6.

[3rd November, 1860.]

Title.

AN ACT to make provision for enabling certain persons to make and maintain Waterworks for the Supply of the City and neighbourhood of Auckland with Water.

Preamble.

WHEREAS the construction of waterworks to furnish a constant supply of water to the Town and Neighbourhood

of Auckland and to such localities as may be in the vicinity of the proposed line of such waterworks would be productive of great benefit to the inhabitants of such places and to the community at large and it is therefore advisable to make provision for the making and maintenance of such waterworks :

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows :—

1. The Short Title of this Act shall be “The Auckland Short Title. Waterworks Act 1860.”

INTERPRETATION OF THIS AND INCORPORATED ACTS. *Interpretation.*

2. The following words and expressions in this Act and Interpretation in any Act incorporated herewith shall have the meanings Acts. hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say)

The word “person” shall include a Corporation Person, whether aggregate or sole.

The word “lands” shall include messuages lands Lands, tenements and hereditaments of any tenure.

The word “streams” shall include springs brooks and Streams, other running waters.

The word “street” shall include any wharf quay jetty Street, square court alley highway lane road thoroughfare or public passage or place within the limits of this Act or projecting from any part thereof into the sea.

The expression “the Waterworks” shall mean the Waterworks, waterworks and the works connected therewith authorised to be constructed by this Act and by an Act of the Superintendent and Provincial Council of the Province of Auckland to be passed as hereinafter mentioned.

The expression “Water rate” shall include any rent Water rate, reward or payment to be made to the undertakers for a supply of water.

- Two Justices. The expression "two Justices" shall mean two or more Justices met and acting together or a Resident Magistrate.
- Superintendent. The word "Superintendent" shall mean the Superintendent for the time being of the Province of Auckland.
- Inspector. The word "Inspector" shall mean an officer appointed under any Local Act relating to the district supplied with Water under this Act for the purpose of inspecting or superintending works connected with the paving drainage or supply of water of such district or any part thereof or an officer appointed under any General Act for executing the like duties with respect to such district together with other districts and until such officer be appointed shall mean the Inspector of Public Works for the time being.
- Undertakers incorporated. The word "Undertakers" shall mean the Superintendent alone or along with other persons as the case may be undertaking the making and maintenance of the Waterworks under this Act and an Act of the said Superintendent and Provincial Council to be passed as hereinafter mentioned.
- Directors. The word "Directors" shall mean the persons duly charged with the direction and management of the Waterworks.
- Limits of this Act. The expression "Limits of this Act" shall mean the district included within a line starting from the junction of Karangahape Road with Symonds Street thence Westward along the said Road to its Junction with Pitt Street thence along the said street to its junction with Wellington Street thence Westward along Wellington Street to its junction with Union Street thence along Union Street to the sea at Freeman's Bay at the West end of Drake Street thence along the Coast to Mechanic's Bay at the foot of Stanley Street and thence Westward along the Road leading to the Presbyterian Church at the foot of Symonds Street and Southward along the same street to the starting point together with such district as may from time to time be declared by the Governor in Council in manner hereinafter mentioned to be placed within the operation of this Act.

The expression "Secretary" shall mean the Secretary of the Undertakers for the time being and shall include the word "Clerk."

3. The Supreme Court shall have and exercise in the execution of any Imperial Act incorporated herewith the same jurisdiction as the Court of Chancery or any superior Court in England is empowered or directed to have or exercise in any section of such Acts and whenever any sum of money shall be payable by the said Undertakers under this Act or any Act incorporated herewith in virtue of any purchase or other transaction for the purposes hereof and the same is directed by any of the Acts herewith incorporated to be paid into the Bank or into the Bank of England with the privity or consent of the Accountant-General of the Court of Chancery it shall be lawful in any such case for the Undertakers with the privity and consent of the Registrar of the Supreme Court in the Northern District to pay such sum of money into the Savings' Bank in Auckland aforesaid to the account of the Undertakers and to the credit of the person interested therein if any such be known and the receipt of the proper officer of such Savings' Bank shall be of the same validity as the receipt of the Cashier of the Bank of England has in England and the words "United Kingdom" and the word "England" and the word "Kingdom" shall be taken to mean and apply to the Colony of New Zealand and the expression "General Quarter Sessions of the Peace" shall be taken to mean the Supreme Court and the expression "Clerk of the Peace" shall be construed to mean the Registrar of the Supreme Court for the Northern District.

Interpretation of Acts incorporated with this Act.

4. The Sections and Schedules of the Imperial Acts incorporated with this Act wherever the words of the same would from their being framed with reference to the Kingdom of England be inapplicable to the circumstances of the Colony of New Zealand are to be read and interpreted so as to make them applicable to the circumstances of this Colony and so as to ensure that the operation of the said Imperial Acts shall be secured by this Act for the benefit of the said undertaking and also for the controlling of the same to the full extent and meaning of this Act.

Further Interpretation.

5. For the purposes of interpretation any Act of the Superintendent and Provincial Council as hereinafter mentioned shall be deemed to be incorporated with and to form part of this Act.

Interpretation of Provincial Acts.

Powers of Undertakers. GENERAL POWERS AND DUTIES OF THE UNDERTAKERS.

Undertakers Incorporated.

6. It shall be lawful for the Superintendent either alone or in connexion with any other persons who shall hereafter become subscribers to the said undertaking and their several and respective successors executors administrators and assigns upon such terms and conditions as shall be sanctioned and specified in an Act to be passed by the said Superintendent and Provincial Council to make construct complete and maintain such Waterworks for the supply of the town and neighbourhood of Auckland with water as may be specified in such Provincial Act and for that purpose and for the other purposes of this Act and of such Provincial Act the undertakers of such Waterworks shall be one Body Corporate by the name and style of the "Undertakers of the Auckland Waterworks" and by that name shall have perpetual succession and shall have a common seal and by that name shall and may sue and be sued plead and be impleaded defend and be defended in all Courts and places whatsoever Provided that no such Act of the Superintendent and Provincial Council of Auckland shall be passed except after compliance with such rules and orders of the said Provincial Council as are applicable to Private Bills of that class.

Power to take and hold land and streams and construct Works.

7. Subject to the provisions restrictions and conditions contained in this Act or in any Act wholly or in part incorporated herewith or contained in such Provincial Act as aforesaid the Undertakers may exercise any of the following powers and execute any of the following works that is to say

They may without any previous agreement with the owner or occupier of such lands enter upon any lands or other places in the County of Eden and take the levels of the same.

They may enter upon take and hold any such lands for the purposes of this Act.

They may from time to time sink such wells or shafts and make maintain alter or discontinue such Reservoirs Water Works Cisterns Tanks Aqueducts Drains Cuts Sluices Pipes Culverts Engines and other works and erect such buildings upon the lands and streams authorised to be taken by them as they shall think proper for supplying with water the district within the limits of this Act.

They may from time to time divert impound and take such water as may be found in and under or on the lands to be taken under the powers of this Act and may alter the course of any stream.

They may without previous payment tender or deposit enter upon and use any land within the County of Eden for the purpose of taking earth or clay therefrom and they may as aforesaid enter upon and use any lands adjacent for making temporary roads or approaches thereto or to the works Provided always that before they make such temporary use of any such lands they shall give twenty-one days' notice of such their intention to the owners and occupiers of such lands except in the case of accident to the works requiring immediate reparation Provided also that the Undertakers shall until any land taken by them for temporary use be given up to the owner pay to the owner half-yearly reasonable compensation for the use of such land and for any damage or injury done to the crop or to the surface of the land or otherwise and such compensation shall be settled if they cannot agree with the owner as in cases of disputed compensation.

Provided that if the Undertakers shall obtain the whole or any portion of the Water from the springs at Onehunga commonly known as Bycroft's Springs allotments 5 8 and 10 of Section 14 and shall by so doing either altogether prevent or materially interfere with the working of the Flour Mill now belonging to Mr. John Bycroft as the same has been accustomed to be worked such compensation shall be paid to the owner for the time being of such Flour Mill as may be determined upon under the terms of the "Lands Clauses Consolidation Act 1845" And provided further that if the Undertakers shall obtain the whole or any portion of the water from the springs at Onehunga they shall erect in some convenient place near the main works and keep in repair a Stand Pipe of not less than $\frac{1}{2}$ inch bore for the free supply of water to the inhabitants of Onehunga aforesaid and shall also supply and keep in repair a trough of not less than two yards long two feet wide and two feet deep through which water shall be constantly kept running for the free supply of water to the cattle and horses of such inhabitants.

8. Provided always that in the exercise of the said powers Undertakers to the Undertakers shall do as little damage as can be and in make compensation.

all cases where it can be done shall provide other watering places drains and channels for the use of adjoining lands in places of any such as shall be taken away or interrupted by them.

Compensation to be made by Undertakers for lands taken or injuriously affected. 9. In exercising the powers of compulsory taking of lands and streams hereinbefore conferred upon them the Undertakers shall make to the owners and occupiers of and all other parties interested in any lands or streams taken or used for the purposes of this Act or injuriously affected by the construction or maintenance of the Waterworks or otherwise by the execution of the powers hereby conferred full compensation for the value of the lands and streams so taken or used and for all damages sustained by such owners occupiers and other persons by reason of the exercise as to such lands or streams of the powers vested in the Undertakers by this Act or any Act incorporated herewith.

Reservation of existing rights. 10. Nothing herein contained shall prevent the owners and occupiers for the time being of any lands through or by which such streams shall flow from using the water thereof in such manner and to such extent as they might have done before the passing of this Act unless they shall have received compensation in respect of their right of so using such water.

Purchase of lands by agreement.

PURCHASE OF LANDS BY AGREEMENT.

Certain Sections of Lands Clauses Consolidation Act 1845, incorporated. 11. With respect to the purchase of lands by agreement the sections of the Act of the Imperial Parliament called the "Lands Clauses Consolidation Act 1845" numbered respectively from six to fourteen both inclusive shall be incorporated with this Act.

Compulsory taking of lands.

PURCHASE AND TAKING OF LANDS OTHERWISE THAN BY AGREEMENT.

Certain Sections of Lands Clauses Consolidation Act 1845, incorporated. 12. The sections of the said "Lands Clauses Consolidation Act 1845" marked respectively 18 to 68 both inclusive shall be incorporated in this Act.

Alteration in Section twenty-two thereof. 13. Provided that section 22 of such Act shall apply to cases where no claim is made as well as to cases where the compensation claimed shall not exceed fifty pounds.

Certain other Clauses of said Act incorporated. 14. Subject to the provisions of this Act the following sections of the said "Lands Clauses Consolidation Act

1845" shall be incorporated with this Act *mutatis mutandis* :

With respect to the purchase-money or compensation coming to parties having limited interests or prevented from treating or making title sections numbered respectively 69 to 80 both inclusive.

With respect to conveyances of land sections numbered respectively 81 to 83.

With respect to entry upon lands by the promoters of the undertaking sections numbered respectively 84 to 87 both inclusive and 89 to 92 both inclusive.

With respect to lands subject to mortgage sections numbered respectively 108 to 114 both inclusive :

With respect to lands subject to leases sections numbered respectively 119 to 122 both inclusive. and

With respect to interests omitted to be purchased sections numbered respectively 124 to 126 both inclusive.

BREAKING UP STREETS FOR THE PURPOSE OF LAYING PIPES. *Laying of Pipes.*

15. The Undertakers under such superintendence as is hereinafter specified may open and break up the soil and pavement of the several streets and bridges within the limits of this Act and may open and break up any sewers drains or tunnels within or under such streets and bridges and lay down and place within the same limits pipes conduit service pipes and other works and engines and from time to time repair alter or remove the same and for the purposes aforesaid may remove and use all earth and materials in and under such streets and bridges and do all other acts which the Undertakers shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits doing as little damage as can be in the execution of the powers hereby granted and making compensation for any damages which may be done in the execution of such powers.

Power to break up Streets, &c., under superintendence and to open drains.

16. Nothing herein contained shall authorise or empower the Undertakers to lay down or place any pipe conduit service-pipe or other work in any land not included

Not to enter private lands without consent.

in the land to be defined and specified in and by such Provincial Act as aforesaid or not dedicated to public use or not being waste lands of the Crown without the consent of the owners and occupiers thereof except that the Undertakers may at any time enter upon and lay or place any new pipes in the place of an existing pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this Act and may repair and alter any pipe so laid down.

Notice to be served on Persons having control, &c., before breaking up streets or opening Drains.

17. Before the Undertakers open or break up any street bridge sewer drain or tunnel they shall give to the superintendent or to the persons under whose control or management the same may be or to his or their clerk surveyor or other officer notice in writing of their intention to open or break up the same not less than three clear days before beginning such works except in cases of emergency arising from defects in any of the pipes or other works and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

Streets or Drains not to be broken up except under superintendence of Persons having control of the same.

18. No such street bridge sewer drain or tunnel shall except in the cases of emergency aforesaid be opened or broken up except under the superintendence of the persons having the control or management thereof or of their officer and according to such plan as shall be approved of by such persons or their officer or in case of any difference respecting such plan then according to such plan as shall be determined by two Justices and such Justices may on the application of the persons having the control or management of any such sewer or drain or their officer require the Undertakers to make such temporary or other Works as they may think necessary for guarding against any interruption of the drainage during the execution of any Works which interfere with any sewer or drain: Provided always that if the persons having such control or management as aforesaid and their officer fail to attend at the time fixed for the opening of any such street bridge sewer drain or tunnel after having had such notice of the intention of the Undertakers as aforesaid or shall not propose any plan for breaking up or opening the same or shall refuse or neglect to superintend the operation the Undertakers may perform the Work specified in such notice without the superintendence of such persons or their officer.

If persons having the control, &c., fail to superintend Undertakers may perform the work without them.

Streets, &c., broken up to be re-

19. When the Undertakers open or break up the road or pavement of any street or bridge or any sewer drain or

tunnel they shall with all convenient speed complete the work for which the same shall be broken up and fill in the ground and reinstate and make good the road or pavement or the sewer drain or tunnel so opened or broken up and carry away the rubbish occasioned thereby and shall at all times whilst any such road or pavement shall be so opened or broken up cause the same to be fenced and guarded and shall cause a light sufficient for the warning of passengers to be set up and kept there throughout every night during which such road or pavement shall be continued open or broken up and shall after replacing and making good the road or pavement which shall have been so broken up keep the same in good repair for three months thereafter and such further time if any not being more than twelvemonths in the whole as the soil so broken up shall continue to subside.

20. If the Undertakers open or break up any street or bridge or any sewer drain or tunnel without giving such notice aforesaid or in a manner different from that which shall have been approved of or determined as aforesaid or without making any such temporary or other works as aforesaid when so required except in the cases in which the Undertakers are authorized to perform such works without any superintendence or notice or if the Undertakers make any unnecessary delay in completing any such work or in filling in the ground or reinstating and making good the road or pavement or the sewer drain or tunnel so opened or broken up or in carrying away the rubbish occasioned thereby or if they neglect to cause the place where such road or pavement has been broken up to be fenced guarded and lighted or neglect to keep the road or pavement in repair for the space of six months next after the same is made good or such further time as aforesaid they shall forfeit to the persons having the control or management of the street bridge sewer drain or tunnel in respect of which such default is made a sum not exceeding five pounds for every such offence and an additional sum of five pounds for every day during which any such delay as aforesaid shall continue after they shall have received notice hereof.

Penalty for delay
in reinstating
Streets, &c.

21. If any such delay or omission as aforesaid shall take place the persons having the control or management of the street bridge sewer drain or tunnel in respect of which such delay or omission shall take place may cause to be executed the works so delayed or omitted and the expense of executing the same shall be repaid to such persons by the

In case of delay
other parties may
reinstate and re-
cover expenses.

Undertakers and such expenses may be recovered in the same way as damages are recoverable under this Act or any Act incorporated herewith.

Penalties.

PENALTIES.

Penalty for obstructing construction of Works.

22. Every person who shall wilfully obstruct any person acting under the authority of the Undertakers in setting out the line of the Works or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such Works or deface or destroy any Works made for the same purpose shall be liable to a penalty not exceeding £100 for every such offence.

Penalty for illegally diverting Water.

23. After the streams or supplies of Water hereby authorised to be taken by the Undertakers shall have been so taken every person who shall illegally divert or take the Waters supplying or flowing into the streams so taken or any part thereof or who shall do any unlawful act whereby the said streams or supplies of water may be drawn off or diminished in quantity and who shall not immediately repair the injury done by him on being required so to do by the Undertakers so as to restore the said waters to the state in which they were before such act shall forfeit to the Undertakers any sum which shall be awarded by two Justices not exceeding £100 for every day during which the said supply of Water shall be diverted or diminished by reason of any act done by or by the authority of such person and any sum so forfeited shall be in addition to the sum which he may be lawfully adjudged liable to pay to the Undertakers for any damage which they may sustain by reason of their supply of Water being diminished and the payment of the sum so forfeited shall not bar or affect the right of the Undertakers to bring an action at Law against such person for the damage so committed.

Recovery of Damages and penalties.

RECOVERY OF DAMAGES NOT SPECIALLY PROVIDED FOR
AND OF PENALTIES AND THE DETERMINATION OF ANY
OTHER MATTER REFERRED TO JUSTICES.

Railways Clauses Consolidation Act, 1845, as to damages, &c., to be incorporated with this Act.

24. Subject to the provisions of this Act the sections of the Act of the Imperial Parliament called "The Railways Clauses Consolidation Act 1845" with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matters referred to Justices sections 140 to 158 both inclusive shall

be incorporated with this Act and such selections shall apply to the Waterworks and to the Undertakers respectively *mutatis mutandis*.

25. Every person who upon any examination upon Oath under the provisions of this Act or any Act incorporated herewith shall wilfully and corruptly give false evidence shall be liable to the penalties of wilful and corrupt perjury. Persons giving false evidence liable to penalties of perjury.

TENDER OF AMENDS.

Tender.

26. If any person shall have committed any irregularity trespass or other wrongful proceeding in the execution of this Act or any Act incorporated herewith or by virtue of any power or authority hereby or thereby given and if before action brought in respect thereof such person make tender of sufficient amends to the person injured such last mentioned person shall not recover costs in any such action and if no such tender shall have been made the defendant may by leave of the Court where such action is pending at any time before issue joined or before the trial if in a Resident Magistrate's Court pay into Court such sum of money as he shall think fit and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court. Tender of amends.

MISCELLANEOUS PROVISIONS.

27. Nothing herein contained shall be deemed to exempt the Undertakers from any general Act of any legislature to be passed for improving the sanitary condition of towns and populous district. Undertakers not exempt from provisions of any future general Act as to the health of towns.

28. It shall be lawful for the Governor in Council on the application of the Undertakers from time to time by Order in Council to extend the limits of this Act to any part of the County of Eden but not less than fourteen days previous to such order being made notice of the application shall be advertised in the *Gazette* of the Provincial Government of Auckland and twice in two Newspapers published in the City of Auckland. Limits of Act may be extended.

APPENDIX VIII.

NEW ZEALAND.

 ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

LOCAL AND PERSONAL.

No. 7.

[5th November, 1860.]

Title. AN ACT to enable the Superintendent of the Province of Auckland to raise Money by way of Debentures on security of the Harbour Endowments of the City and Port of Auckland.

Preamble. WHEREAS large sums of money have at various times been voted by the Provincial Legislature of the Province of Auckland and advanced from the Provincial Treasury of the said Province for the purpose of carrying on works and making improvements in the Harbour of Auckland :

And of such sums £25,000 at least were specifically voted on the security of the Harbour Endowments granted to the Superintendent of the said Province under the authority of the "Public Reserves Act 1854" and on the understanding that the amount should be repaid to the said Provincial Treasury :

And whereas the Provincial Government of the Province of Auckland is indebted to the Oriental Bank Corporation and it is expedient that it should be enabled to repay the said sum so due to the said Bank without forcing a lease or sale of the said Harbour Endowments in exercise of the powers vested in the said Superintendent in that behalf by an Act of the Provincial Council of the Province of Auckland Sess. XI. No. 2 :

And whereas the said Provincial Legislature in its IX. Session passed an Act authorising the said Superintendent

to raise a sum not exceeding £25,000 by the issue of Debentures to be a charge on the said Harbour Endowments but which Act was disallowed :

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows that is to say :—

1. The Short Title of this Act shall be “ The Auckland Short Title. Harbour Debenture Act 1860.”

2. It shall be lawful for the Superintendent of the said Province to raise from time to time in the manner hereinafter prescribed by the sale of Debentures a sum of money not exceeding the sum of £25,000 for the purpose of paying off the sum due by the Provincial Government of the Province of Auckland to the Oriental Bank Corporation and of repaying any monies now due or hereafter to be found due to the General Revenue of the said Province for or on account of such Works and Improvements as aforesaid. Superintendent may raise 25,000/ upon Debentures.

3. The sale of such Debentures by the said Superintendent shall be effected by means of Public Tender and not otherwise Provided that it shall not be lawful for the said Superintendent to sell any such Debentures for any sum of money which shall be less than the sum for which such Debenture shall be issued. Debentures to be sold by tender, and not to be sold at less than par.

4. Every such Debenture shall be in the form contained in the Schedule to this Act or to the like effect and shall bear the respective signatures of the said Superintendent and of the Treasurer of the said Province and shall be numbered consecutively and shall have interest coupons attached. Form of Debenture.

5. Every such Debenture shall be made redeemable on some day to be named in the Debenture being on or before the 1st day of January 1876. Debentures when payable.

6. All such Debentures and Coupons shall be payable to the bearer thereof and shall pass by delivery only and without any conveyance assignment or endorsement. Debentures to be payable to bearer.

7. The said Superintendent may from time to time make all such arrangements for the payment of any Debentures or Coupons at any office or banking establishment in Place of payment

London or elsewhere as to the said Superintendent may seem desirable.

Notice to be given of sale. 8. No sale of Debentures shall take place unless due public notice thereof shall have been given.

Interest how and at what rate payable. 9. Every such Debenture shall be for £100 and shall bear interest after a rate to be therein fixed which interest shall be payable half-yearly from the date thereof Provided always that such interest shall not exceed eight pounds per centum per annum.

Debentures to be secured on the Harbour Endowments. 10. The said Debentures shall be a first charge upon the several allotments or parcels of land comprised in the Deed of Grant of the twenty-third day of March 1858 particularly described in the Schedule A to this Act annexed and it shall be lawful for the holder of any such Debenture in case the money advanced upon the same shall not be paid at the time fixed in the said Debenture for the payment thereof or in case any interest due in respect thereof shall be in arrear for the space of six calendar months to make a written demand of payment thereof on the Superintendent for the time being of the said Province by leaving the same at his usual office and if default shall be made in payment of the said money for the space of one month from the service of such demand then at any time after the expiration of the said last-mentioned period it shall be lawful for any such Debenture holder to apply summarily by petition to the Supreme Court of New Zealand praying a decree to the effect that the said lands or a sufficient part thereof may be sold and the monies arising from such sale may be paid into the said Court to be administered for the benefit of all the holders of the said Debentures and it shall be lawful for the said Court to make such order upon such petition as to the Court shall seem fit and in particular to make such order for sale of the said lands or a sufficient part thereof to raise money for payment of all unpaid Debentures issued under this Act and all costs and arrears of interest thereon and such sale shall be altogether and in one lot or in parcels and several lots and either by auction or private contract and generally in such manner as to the Court shall seem fit with liberty for the Court to order the same to be bought in and re-sold in like manner and to direct the Registrar of the said Court or such other person as the Court may direct to convey the lands sold to the purchaser or purchasers thereof in fee-simple or for such less estate as the

Court shall direct which conveyance shall be binding and conclusive on the said Superintendent and all other persons whomsoever and to direct the payment of the purchase money of the lands sold into the said Court (the receipt of the Registrar of the said Court being a sufficient discharge to the purchaser for the same) and out of the proceeds of the lands sold to direct payment of all costs and expenses attending the sale or in any manner incident thereto or to such proceedings as aforesaid and also the costs of the petitioner in the matter of the petition and all such other costs as the Court shall direct and subject thereto to direct that the proceeds of such sale shall be carried to the account of a fund in the said Court to be called "The Auckland Harbour Debenture Fund" and from time to time to make such order upon petition as to the Court shall seem fit for payment out of the said fund to any holder of a Debenture issued under this Act of all money due on such Debenture for principal and interest and of all costs incident to the petition or incurred by reason of the non-payment of such money and it shall be lawful for any holder of any such Debenture to apply summarily by petition to the said Court for payment out of the said Fund of the amount due on such Debenture with interest and costs as aforesaid and that without regard to the rights or interests of other persons interested in such monies and the said Court may upon application by petition of any party make such order and decree in the premises for relief of such party without regard to the rights and interests of other parties as to the Court shall seem fit and generally may make such order as to it shall seem fit for securing and giving effect to the rights and interests of all parties interested in the said Debentures and after satisfaction of all monies due upon such Debentures and interests and costs as aforesaid the Court shall upon application of the Superintendent of the Province of Auckland direct that the balance of the said fund shall be paid to the said Superintendent to be applied for the purposes expressed in the said Act or Ordinance Sess. XI. No. 2.

11. Nothing in this Act contained shall prevent the said Superintendent from exercising the powers vested in him by the said Act Sess. XI. No. 2 hereinbefore referred to of granting by way of lease the said lands or any part thereof without the concurrence of the Debenture holders in like manner as if this Act had not been passed But all sums of money received by the said Superintendent upon any such grant or lease by way of purchase money fine premium

Power to Superintendent to grant leases.

or foregift shall (till a fund be realised sufficient in the judgment of the Court to cover the outstanding Debenture Debt with interest and costs) be paid into the Supreme Court to the credit of the said Fund called "The Auckland Harbour Debenture Fund" and all such monies shall be from time to time disposed of and invested as the Court shall order and direct and the same and all investments thereof shall be held subject to the direction of the Court in the first place as a security to the Debenture holders for all money due or which may become due to them for principal interest and costs respectively and after satisfaction thereof then the balance of the said fund if any shall be paid over to the said Superintendent for the purposes of the said Act Sess. XI. No. 2 and the said Court shall from time to time make such order in the premises as to it shall seem fit.

Power to pay
money into Court
in discharge of
Debenture Debt.

12. If the Superintendent of the said Province shall at any time be desirous of discharging the said lands from liability in respect of the Debentures authorised to be issued by this Act he may apply to the said Court for liberty to pay into Court to the credit of the said Fund a sum sufficient in the judgment of the Court to satisfy all liability in respect of outstanding Debentures Interest and Costs and of all incidental charges and the Court shall if it shall so think fit order such payment to be made accordingly and such payments may be made accordingly (the receipt of the Registrar for the same being sufficient) and upon such payment being so made the said lands shall be discharged from the said Debentures Interest and Costs and the said Fund shall be applied in the first place towards satisfaction of the said Debentures Interest and Costs on the days and times and at the places appointed for payment thereof and after payment of such Debentures Interest and Costs any surplus of the said Fund shall be paid over to the said Superintendent to be applied for the purposes expressed in the said recited Act Sess. XI. No. 2 and the said Court shall from time to time make such order in the premises as to it shall seem fit for effectuating the objects hereinbefore mentioned.

Sinking Fund.

13. The said Superintendent shall in each and every year until payment of the Debentures issued under authority of this Act invest on the security of Debentures issued by the General Government or upon security of real property within the Province of Auckland or in the re-purchase of any Debentures issued under this Act a sum of money out

of the annual income or proceeds from the lands comprised in the Deed of Grant of the twenty-third day of March 1858 hereinbefore referred to equal to two pounds per centum on the amount of the said Debentures unpaid at the time of such investment for the purpose of forming a sinking fund to pay off the said Debentures and the interest to accrue upon all monies so invested shall from time to time be re-invested in the like manner for the like purpose.

14. All monies received by the Superintendent under authority of this Act shall after defraying all necessary expenses of raising the same be applied in the first place in payment of the sum due to the Oriental Bank Corporation and then in refunding to the General Revenue of the Province the monies due and owing or which may have been advanced from such General Revenue on account of the said Harbour Improvements and the balance (if any) shall be applied for the purpose expressed in the said recited Deed of Grant. Application of monies raised.

15. This Act shall have no force or effect until a day to be fixed by the Governor by Proclamation in the New Zealand Gazette after he shall have been requested by the Superintendent and Provincial Council of the Province of Auckland to bring this Act into operation. Commencement of Act.

SCHEDULE A.

1st. All that portion of Section Number 2 of the City of Auckland in the parish of Waitemata in the County of Eden containing by admeasurement four acres and three roods (more or less) bounded on the North by Custom House Street one thousand one hundred and eighty links on the East South-East and South by Fore Street two hundred and sixteen links six hundred and thirty-nine links and five hundred and fifty-three links and on the West by allotments Nos. 1 2 3 4 and 5 of the same Section No. 2 five hundred and ten links Also all that piece or parcel of land in † our said Colony situated below highwater mark in the Harbour of the Waitemata in the said Province of Auckland bounded on the West by a line from Acheron Point bearing North to its intersection with another line drawn between the Watchman and the Bastion On the North by the last mentioned straight line drawn between the Watchman and Bastion to its intersection with another line bearing South to Resolution Point On the East by the said line bearing South to Resolution Point and on the South from Resolution Point by the seaward boundary of

belief that upon their arrival in the said Province they would be entitled to select land under the terms of the "Waste Lands Regulations 1855" of that Province or terms similar thereto :

And whereas by an Act intituled the "Immigration Certificates Act 1858" passed by the Provincial Council of the Province of Auckland in Session VIII. and reserved by the Superintendent of the Province for the assent of the Governor and subsequently confirmed by the "Waste Lands Act 1858" of the General Assembly the Superintendent was authorised to grant to certain persons who had emigrated from the Colony of Nova Scotia for the purpose of settling in the Province of Auckland and who arrived there in the years 1856 and 1857 in certain vessels called the "Gertrude" and "Spray" respectively certificates empowering the holders thereof to select land in accordance with the terms of the "Auckland Waste Lands Act 1858" and by the same Act the Superintendent of the Province of Auckland was authorised to issue such certificates as aforesaid to any other person or persons whomsoever who should prove to the satisfaction of the Provincial Council that he or they had emigrated from the United Kingdom under a belief that he or they would be entitled to such selection as aforesaid upon receiving an address from the Provincial Council to that effect :

And whereas the persons hereinafter mentioned also emigrated from the said Colony of Nova Scotia in the year 1857 for the purpose of settling in the Province of Auckland under the belief that they would be entitled to select land in accordance with the terms of the said "Auckland Waste Lands Regulations 1855:"

And whereas the lastly mentioned persons have been since settled in the Province and claim to be dealt with in the same manner as the immigrants who arrived in the before mentioned vessels the "Gertrude" and "Spray" and it is just that they should be so dealt with :

And whereas the Superintendent of the Province of Auckland cannot grant such certificates as aforesaid for the selection of land without the sanction of the General Assembly :

Be it enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows :—

1. The Short Title of this Act shall be the "Auckland Short Title. Immigration Certificate Act 1861."

2. It shall be lawful for the Superintendent of the Province of Auckland to grant to every person who arrived in the Province of Auckland in the barque "Breadalbane" on or about the twenty-first day of May 1858 except those hereinafter mentioned a Certificate in the form in the Schedule hereunto annexed and the person to whom the said Certificate shall be so granted shall be entitled to the same right of selection and other privileges as though the said Certificate had been a Land Order granted under powers contained in the said "Auckland Waste Lands Act 1858" And every person to whom such a certificate shall be granted shall have a priority of selection thereunder over the piece of land of which at the time of the passing hereof he may be in the *bona fide* occupation Provided always that nothing herein contained shall authorise the said Superintendent to grant to any person any Certificate for a greater number of acres than such person would be entitled to under a Land Order issued by an Emigration Agent under the said "Auckland Waste Lands Act 1858"

Superintendent may grant to certain Immigrants from Nova Scotia by the "Breadalbane" Certificates in the nature of Land Orders.

3. No person who shall have received from the Treasury of the Province of Auckland a refund of a portion of his or her passage money shall be entitled to receive such Certificate as aforesaid.

Certain Immigrants not entitled to such Certificates.

4. This Act shall not come into operation until the same shall have received Her Majesty's Royal Assent and until a Proclamation of such Assent with the advice of Her Majesty's Privy Council having been given shall have been published by the Governor.

When Act to come into operation.

SCHEDULE.

This is to certify that [*insert name*] is entitled to a right of selection for _____ acres and the same privilege as though [*he*] had received a Land Order for the said number of acres under the "Auckland Waste Lands Act 1858" [*he*] having [*state grounds.*]

APPENDIX X.

NEW ZEALAND.

 ANNO VICESIMO QUARTO ET VICESIMO QUINTO

VICTORIÆ REGINÆ.

No. 31.

[Reserved for the signification of Her Majesty's pleasure.]

Title. *AN ACT to provide for the settlement of certain outstanding claims by Pensioners lately serving in the New Zealand Fencible Force.*

Preamble. WHEREAS by certain instructions under the hand of the Right Honorable Earl Grey one of Her Majesty's Principal Secretaries of State for the Colonies dated 8th March 1847 it was proposed that the Military Settlers enrolled to serve in the New Zealand Fencible Force should be entitled to a certain right of pre-emption over land in the vicinity of the Pensioner Villages then proposed to be established in New Zealand And whereas complaint has been made by certain persons who have been enrolled in the New Zealand Fencible Force that they have had no means of exercising the right of pre-emption thus proposed to be granted to them and it is expedient to enquire into the validity of such complaints in order that compensation may be awarded to those persons:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:—

Short Title. 1. The Short Title of this Act shall be the "Pensioners Claims Act 1861."

Pensioners to send in claims. 2. Within three months after this Act shall come into operation every Pensioner of the New Zealand Fencible Force or representative of such Pensioner if dead who

having been entitled to a right of pre-emption as aforesaid shall not have exercised such right shall send in his claim to a commissioner to be from time to time appointed for that purpose by the Governor by Warrant under his hand for examination and after the expiration of such term no such claim shall be received or entertained.

3. It shall be lawful for the said Commissioner to investigate and settle all such claims as shall be so sent in as aforesaid. Commissioner to settle claims.

4. The said Commissioner shall at some convenient time to be fixed by him by notice in the *Government Gazette* proceed to investigate the said claims and in such investigation such Commissioner shall proceed according to equity and good conscience and the award of such Commissioner in each case shall be final and conclusive. Commissioner to investigate claims

5. It shall be lawful for the said Commissioner to award the amount of compensation to which he may deem such claimant entitled under the provisions of this Act provided that in no case shall such amount exceed the sum of £50. And may award compensation.

6. Upon any such award being made and certified to the Governor under the hand of such Commissioner it shall be lawful for the Governor to issue to the claimant a Land Order to the extent of two acres for every one pound sterling mentioned in the award and the person to whom such Land Order shall be granted shall be entitled to the same right of selection and other privileges as if the said Land Order had been granted by an Emigration Agent appointed under the authority of the "Auckland Waste Lands Act 1858" Provided that the Grant for any selection so made may be issued at the expiration of two years from the date of any such Land Order. Governor to issue Land Order.

7. Provided always that no Pensioner or the representative of any Pensioner who may have been dismissed from the said force by competent authority or who may have ceased to reside in the Province of Auckland shall be entitled to any benefit or advantage under the provisions of this Act. Pensioner dismissed from Force, &c., not entitled to benefit of this Act.

8. This Act shall not come into operation until the same shall have received the Royal Assent and a Proclamation of such Assent having been given with the advice of Her Act when to come into operation.

Majesty's Privy Council shall have been issued by the Governor.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

APPENDIX XI.

NEW ZEALAND.

ANNO VICESIMO QUARTO ET VICESIMO QUINTO

VICTORIÆ REGINÆ.

No. 32.

[6th September, 1861.]

- Title. *AN ACT to amend the Act of the Legislature of the Province of Auckland intituled the "Immigration Certificate Act 1858."*
- Preamble. **WHEREAS** by an Act of the Provincial Council of the Province of Auckland intituled the "Immigration Certificate Act 1858" it is enacted that it shall be lawful for the Superintendent to issue a certificate in the form in the Schedule to the said Act annexed to any person or persons whomsoever who should prove to the satisfaction of the said Provincial Council that he or they had emigrated from the United Kingdom under the belief that he or they would be entitled to select land under the terms contained in the "Auckland Waste Lands Act 1858" or terms similar thereto upon receiving an address from the said Provincial Council to that effect And whereas it is expedient to repeal the before recited enactment and to make other provision in lieu thereof:
- Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:—

1. The Short Title of this Act shall be the "Auckland Short Title. Immigration Certificate Act 1858 Amendment Act 1861."

2. The before recited provision is hereby repealed and Repeal of recited
in lieu thereof there shall be deemed to be inserted in the provision and sub-
said "Immigration Certificate Act 1158" the following substitution of new
provision.

It shall be lawful for the said Superintendent to issue such certificates as aforesaid to any person or persons whomsoever who shall prove to the satisfaction of a Commissioner to be from time to time appointed by the Governor that he or they have immigrated to the Province of Auckland under reasonable belief that he or they would be entitled to such selection as aforesaid upon receiving a certificate to that effect signed by such Commissioner.

3. And whereas by such regulations it was provided that no grant of land should be made under the same until after a *bona fide* occupation of the land for a period of five years as provided thereby: Residence in the
Province equivalent to occupa-
tion.

Be it enacted that for entitling a claimant to receive a grant of his land under this Act actual residence in the Province of Auckland shall be deemed to be and to have been equivalent to actual occupation of the land under such Regulations.

APPENDIX XII.

NEW ZEALAND.

ANNO VICESIMO SEXTO

VICTORIÆ REGINÆ.

No. 34.

Title. AN ACT to amend the *Auckland Waste Lands Act*, 1858.

[Reserved for the signification of Her Majesty's pleasure thereon 15th September, 1862.]

Preamble. WHEREAS it is expedient to amend the "Auckland Waste Lands Act 1858" as hereinafter set forth:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows:—

1. The Short Title of this Act shall be "The Auckland Waste Lands Act Amendment Act 1862."

Immigrants term of residence reduced to three years. 2. Whereas under the provisions of the *Auckland Waste Lands Act 1858* certain Land Orders have been and may hereafter be issued entitling the holders thereof to the selection of Land subject to the condition of residence in the Province of Auckland for a period of four years and it is expedient to reduce the term of residence required in the said Province to three years and to alter the other provisions of the said Act in accordance with the said amendment Be it therefore enacted that sections 71 72 77 78 and 79 of the "Auckland Waste Lands Act 1858" are hereby amended by substituting in each of the said Sections respectively the word "three" for the word "five" and the said Sections shall be read and construed as if the word "three" had been inserted therein in each part thereof instead of the word "five."

Further Amend ment. 3. Section 79 of the "Auckland Waste Lands Act 1858" is hereby further amended by substituting for the words

“forty-eight” the words “thirty six” and the said Section 79 shall be read and construed as if the words “thirty-six” had been inserted therein in each part thereof instead of the words “forty-eight.”

4. All lands which may have been or may hereafter be selected under any Land Orders issued under the Auckland Waste Lands Act 1858 or under this Act shall be forfeited to the Crown unless a Crown Grant of such Lands be applied for within twelve months after the passing of this Act or within twelve months after the person who has made or may make such selection shall become entitled to such Grant.

Lands to be forfeited unless Grants taken up.

5. And whereas under the 80th and 81st Sections of the said “Auckland Waste Lands Act 1858” certain Naval and Military Officers and other persons therein described who may retire or obtain their discharge from the Services therein mentioned or having retired or obtained their discharges for the purpose of settling in the Province of Auckland are entitled to Land Orders as therein set forth And whereas it is desirable to allow the persons described in the said clauses 80 and 81 who may retire from the Services therein mentioned with a view of settling in any part of the Colony of New Zealand and who may desire to settle in the Province of Auckland the same right to Land Orders as though they had actually retired from such Services for the purpose of settling in the Province of Auckland Be it therefore enacted that all Naval and Military Officers and other persons described in Clauses 80 and 81 of the said “Auckland Waste Lands Act 1858” who may retire or obtain their discharges from the Services in the said Clauses mentioned for the purpose of settling in the Colony of New Zealand and who may desire to settle in the Province of Auckland shall be entitled to Land Orders entitling them to select Land in the same proportions and in like manner as if such settlers had retired from the said Services specifically for the purpose of settling in the Province of Auckland Provided that any such Land Order shall be applied for within twelve months next after such retirement or discharge as aforesaid except in the case of one Charles St. John Herbert late of Her Majesty’s 58th Regiment who may apply for and obtain such Land Order within three months after the passing of this Act.

Naval and Military Settlers clauses amended.

6. And whereas under the Land Regulations of the Province of Auckland of date 15th March 1855 certain persons

Naval & Military Settlers clauses further amended.

described in the Naval and Military Settlers clauses numbers 37 to 38 of the said Regulations were entitled to money certificates which should be received for the amount therein expressed in payment for any special occupation Land which the person entitled to such certificate might select And whereas by the said Regulations of 15th March 1855 conditions of improvement attached to all the special occupation Land which such persons might so select And whereas by the said "Auckland Waste Lands Act 1858" the same class of persons are allowed to acquire Land free of cost without any such conditions of improvement and it is desirable to place those persons who selected Land under the Regulations of 15th March 1855 upon the same terms as now exist with regard to persons of the same class who select Land under the "Auckland Waste Lands Act 1858" Be it therefore enacted that the class of persons described in the 37th and 38th clauses of the said Regulations of 15th March 1855 and who may have selected Lands under those Regulations shall be entitled to obtain Crown Grants for the Lands which they have selected free from any preceding conditions of improvement and as if their selections of Land had been duly made under the provisions of the "Auckland Waste Lands Act 1858."

Further provisions for Immigrants.

7. And whereas it is desirable to make further provision in addition to the provision of the "Auckland Waste Lands Act 1858" for encouraging Immigration from the United Kingdom and elsewhere (other than the Australian Colonies) Be it therefore enacted that every Immigrant who shall receive from the Immigration Board appointed as hereinafter provided a Certificate of approval of such Immigrant shall be entitled to a Land Order authorizing such Immigrant to select from any Lands specially set apart for Immigrants under this Act after the following rate :

For each adult Male twenty acres of General Country Land and one acre of Town or Village Land.

For each adult Female Ten acres of General Country Land.

For each child under the age of 21 years one acre of General Country Land.

And every such Immigrant shall be entitled to a Crown Grant for the Land which he may have selected upon compliance with the following conditions:—

1. The Repayment to the Province of any sum or sums of money which may have been paid or agreed to be paid or lent or advanced by the Province for the passage money or otherwise at the request or on account of or to such Immigrant at such times and subject to such conditions as may be prescribed in that behalf by the Superintendent and Provincial Council of Auckland.
2. The payment by such Immigrant to the Province within ten years from his arrival in the Colony of the sum of £5 for the one acre of Town or Village Land and the sum of £2 for every acre of General Land which he may be entitled to.
3. The payment of Interest upon all such sums at the rate of six pounds per centum per annum such Interest to be payable yearly from the date when the same shall commence to run.

8. It shall be lawful for the Superintendent from time to time to declare by Proclamation that a certain Block of Land therein described shall be set apart and reserved for Immigrants who may be willing to avail themselves of the provisions of this Act. Superintendent may proclaim blocks of Land.

9. It shall be lawful for the Superintendent at any time to revoke such Proclamation and the Land therein comprised shall be open to be classified and dealt with as though the same had not been set apart and reserved as aforesaid Provided always that the validity of any Act which shall have been done under such Proclamation before the revocation thereof shall not be affected by such revocation. Superintendent may revoke such Proclamation.

10. The Immigration Board referred in the 7th Section of this Act shall be appointed by the Superintendent with the advice of the Executive Council of the Province. Appointment of Immigration Board.

11. The Superintendent and Provincial Council of Auckland may make Regulations for the conduct of the proceedings of the Immigration Board referred to in the 7th Section of this Act and for the Issue Registration and Transfer of Land Orders which may be issued under the 7th Section of this Act and for prescribing the method and time of allotting or dividing the Lands which may be set apart under the 8th Section of this Act and for prescribing conditions of occupation or otherwise and for any other Superintendent & Council may make Regulations under this Act.

purposes in furtherance of the objects of the 7th 8th and 9th Sections of this Act Provided that such Regulations be not repugnant to the provisions of this Act and that such Regulations be reserved for the approval of the Governor.

Time of service in the Militia reckoned as residence in Auckland.

12. And whereas certain persons after having selected Lands in the Province of Auckland under the provisions of the "Auckland Waste Lands Act 1858" subject to the conditions of residence within the said Province have been serving in the Colonial Militia in other parts of the Colony and it is desirable that the time of such service in such Militia in any part of the Colony after such selection has been made should be deemed equivalent to residence in the said Province Be it therefore enacted that all the persons who having selected Lands in the Province of Auckland under the provisions of the said Act subject to the conditions of residence within the said Province have served or shall serve in the Colonial Militia in any part of New Zealand shall be entitled to reckon the time of such service in the Colonial Militia as part of the time of residence in the Province of Auckland required of them by the said Act or by this Act.

Compensation may be given for Roads.

13. Whenever under any Act of the Provincial Council any person who shall be entitled to compensation for any land which shall have been or may be taken for the purposes of a Road or any other public work or in respect to damage done to his property by the taking of such land for such purposes and the person so entitled to compensation shall agree to take such compensation in Land It shall be lawful for the Commissioner of Waste Lands in conformity with the award which may be made under any such Act to issue to the person so entitled to compensation Scrip authorising such person to select Lands within the Province upon the terms therein set forth And the Governor may execute Crown Grants for any Lands so selected.

Superintendent may sell less than 40 acres.

14. The Superintendent may cause any allotment of Country Land of less than Forty acres in extent to be sold under the Regulations now in force for the sale of Country Lands anything in the said Regulations to the contrary notwithstanding.

Limit of operation of Act.

15. The 7th 8th 9th 10th and 11th Sections of this Act shall come into operation in the Province of Auckland only

when proclaimed by the Governor at the request of the Superintendent and the Provincial Council thereof.

16. This Act shall be reserved for Her Majesty's Assent and shall come into operation on and from a day after such assent given) to be fixed by the Governor by Proclamation in the *Government Gazette* of the Colony. Act reserved for
Royal Assent.

Printed under the authority of the Government of the Province of Auckland by Robert James Creighton and Alfred Scales, Printers to the Provincial Government.

