ORDINANCES

OF

NEW MUNSTER AND PROVINCE OF NELSON.

THE

ORDINANCES

OF

New Munster,

A.D., 1849,

AND OF THE

Province of Nelson,

Passed in the first eleven Sessions of the

PROVINCIAL COUNCIL,

A.D., 1853, to A.D., 1863,

TO WHICH ARE ADDED, EXTRACTS OF

Imperial Act and Charter and Proclamations &c.,

Constituting and defining Province of New Munster,

AND

The Imperial Acts

Relating to the Constitution of New Zealand.

PUBLISHED BY AUTHORITY.

Nelson:

PRINTED BY R. LUCAS, BRIDGE STREET.

MDCCCLXIV.

PREFACE.

HAVING, at the request of the Provincial Government of Nelson, undertaken the republication of the Acts of the Province, as also those of the late Province of New Munster, in operation in this Province, I beg to offer an explanation of the mode adopted by me (and approved of by the Government) in the preparation for the press.

Firstly, to show the constitution of the Province of New Munster, I have extracted such portions of the Imperial Act of Parliament, and of the Charter and Instructions of 1846, as relates to the same, and given in full the Proclamation of the Governor-in-Chief, defining the Boundaries of such Province.

Next follow the Acts formed by the Legislative Council of New Munster.

The New Zealand Constitution Act passed by the Imperial Parliament, under the provisions of which the several Provinces of New Zealand were established, (Nelson being one) comes next in order.

Finally, the Acts passed by the Provincial Council in Sessions I. to XI., during the first ten years of the establishment of the Province.

The several Acts referring to the same subject have been printed *seriatim* according to their Sessional order.

In cases where Acts have been totally repealed, the Title and Analysis have been printed to show what legislation on the subject has taken place; and where particular sections only of an Act have been repealed, such sections have been printed in smaller type, and reference has been made by foot-note to the Act effecting the repeal.

JOHN SHARP,
Chief Clerk Resident Magistrate.

NELSON, 1st JUNE, 1864.

ANNO NONO AND DECIMO VICTORIÆ REGINÆ.

CAP. CIII.

An Act to make further provision for the Government of the New Zealand Islands.

[28th August, 1846.]

[EXTRACT.]

3. And be it enacted, That it shall be lawful for Her Majesty, in and by any Letters Patent hereafter to be issued under the Great Seal of the United Kingdom, from time to time to divide the said Islands of New Zealand into two or more separate Provinces.

CHARTER OF 1846.

[EXTRACT.]

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. To all to whom these Presents shall come Greeting :*

3. And whereas it is by the said recited Act* further enacted that it shall be lawful for us, in and by any Letters Patent to be issued as aforesaid, from time to time, to divide the said Islands of New Zealand into two or more separate Provinces and to constitute and establish within the same two or more separate Assemblies, that is to say, one such Assembly in and for each of such separate Provinces, and that each of the said Assemblies shall consist of and be holden by a Governor, or Legislative Council, and a House of Representatives: Now therefore, in further pursuance of the said recited Act, and in exercise of the powers thereby in us vested, we do hereby grant, ordain, and appoint, that the said Islands of New Zealand shall be divided into two separate Provinces, to be called respectively the "Province of New Ulster," and the "Province of New Munster;" and we do hereby divide the said Islands accordingly.

* 9 and 10 Vic., cap. 103, as per page vii.

INSTRUCTIONS OF 1846.

[EXTRACT.]

VICTORIA R.

CHAPTER IV.

ON THE DIVISION OF NEW ZEALAND INTO PROVINCES.

1. For the present, and until further order be made in that behalf, the Islands of New Zealand shall be divided into two Provinces, to be known respectively by the designation of the "Province of New Ulster," and the "Province of New Munster."

2. The Province of New Ulster shall comprise the whole of the Island hitherto called the Island of New Ulster, with the exception of those parts of the said Island adjacent to Cook's Straits, which the Governor-in-Chief of New Zealand may, by any such Proclamation as aforesaid, except and exclude from the Province of New Ulster. The parts of the Island of New Ulster which may be so excepted and excluded, with all the remaining parts of the New Zealand Islands, shall constitute the Province of New Munster. The dependencies of New Zealand respectively constitute a part of, and be considered as attached and belonging to, the respective Provinces to which they are severally most contiguous.

3. In determining the metes and bounds of the several Boroughs after-mentioned, the Governor-in-Chief shall take care that the limits of the whole of each such Borough shall fall exclusively within the same Province, and shall never extend to more Provinces than one.

4. The Governor-in-Chief shall in manner aforesaid determine which town within each of the said Provinces shall be the capital town thereof, that is to say, the ordinary seat of the Legislature and of the Superior Courts of Civil and Criminal Justice of the Province.

PROCLAMATION

DIVIDING THE COLONY INTO PROVINCES, UNDER THE CHARTER OF 1846.

VICTORIA, *by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.*

Whereas, in pursuance of an Act made and enacted in the Parliament holden in the ninth and tenth years of our reign, intituled "An Act to make further provision for the Government of the New Zealand Islands," We have been pleased to issue certain Letters Patent (being the New Zealand Charter), and certain "Instructions" accompanying the same.

And whereas, in pursuance of the said recited Act, and in exercise of the powers thereby in Us vested, We did by the said "Charter" grant, ordain, and appoint that the said Islands of New Zealand should be divided into two separate Provinces, to be called respectively the "Province of New Ulster" and the "Province of New Munster:" and We did by the said "Charter" declare, ordain, and appoint that the limits of the said Provinces respectively should be determined in manner and form prescribed and provided for in and by the said "Instructions" hereinbefore mentioned.

And whereas by Our said "Instructions" We did ordain and appoint that the "Province of New Ulster" should comprise the whole of the island hitherto called the Island of New Ulster, with the exception of those parts of the said island adjacent to Cook's Straits which the Governor-in-chief of New

Zealand might by proclamation, to be issued in manner in the said "Instructions" provided, except and exclude from the "Province of New Ulster." And We did further ordain and appoint that the parts of the island of "New Ulster," which might be so excepted and excluded, with all the remaining parts of the New Zealand Islands, should constitute the "Province of New Munster;" and, further, that the dependencies of New Zealand should respectively constitute a part of, and be considered as attached and belonging to, the respective Provinces to which they may severally be most contiguous.

Now, We do hereby proclaim and declare, that so much of the said island of New Ulster adjacent to Cook's Straits, which lies to the south of a line commencing at the centre of the mouth of the river Patea, where it joins the sea, and running thence due east until it reaches the East Coast of the said island, shall be excepted and excluded from the "Province of New Ulster," and shall form part of the "Province of New Munster."

And We do hereby further declare and appoint that this Our Proclamation shall take effect upon and from the date hereof.

In testimony whereof We have caused this Our Proclamation to be sealed with the Public Seal of the General Government of New Zealand.

Witness Our trusty and well-beloved George Grey, Esquire, our Governor-in-Chief in and over the Islands of New Zealand, at Government House, at Auckland, in the Province of New Ulster, this 10th day of March, in the Eleventh year of Our reign, and in the year of Our Lord, 1848.

(Signed) G. Grey,

Governor and Commander-in-Chief.

By command,

Andrew Sinclair,

Colonial Secretary.

NATURALIZATION ORDINANCE.

1849.

SESSION I. No. 1. (New Munster.)

AN ORDINANCE FOR THE NATURALIZATION OF CERTAIN PERSONS IN THE PROVINCE OF NEW MUNSTER.

ANALYSIS.

Title.
Preamble.
1. Persons named in Schedule to be Naturalized.
2. Commencement of Ordinance.
3. Schedule.

"*An Ordinance to Naturalize certain Persons in the Province of New Munster.*"

WHEREAS, the Persons particularly described in the Schedule to this Ordinance annexed, have recently settled in this Province, and it is expedient that there should be removed from them (within the Province) the disabilities to which aliens are by law subject. Preamble.

1. Be it enacted, By His Excellency the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof as follows:—All and singular the Persons who are particularly described in the Schedule hereunto annexed, shall be to all intents and purposes whatsoever within the Province of New Munster, deemed and taken to be and to have been from the date set opposite their respective names, in the said Schedule, Natural Born Subjects of Her Majesty, as if they had respectively been born within the Realm of England. Persons described in Schedule to be Naturalized.

Commencement of Ordinance.

2. Be it enacted, That this Ordinance do take effect from the day of the passing of the same.

Passed the Legislative Council this Tenth day of May, One thousand eight hundred and forty-nine. } E. EYRE, LIEUTENANT-GOVERNOR.

HENRY SHAFTO HARRISON. Clerk of Council. 23rd August, 1849.

SCHEDULE.

Germans	Charles Brown	December 17th, 1847.
	Francis Joseph Pagon ...	" " "
Italian	Salvatore Cemino	September 2nd, 1848.

MEDICAL PRACTITIONERS' ORDINANCE.

1849.

SESSION I. No. 2. (New Munster.)

AN ORDINANCE TO DEFINE THE QUALIFICATIONS AND TO PROVIDE FOR THE REMUNERATION IN CERTAIN CASES OF MEDICAL PRACTITIONERS.

ANALYSIS.

Title.
Preamble.
1. Who shall be deemed a legally qualified Medical Practitioner.
Fee for Certificate.
2. Remuneration to Medical Witness.
3. Commencement of Ordinance.

"*An Ordinance to define the qualifications and to provide for the remuneration in certain cases of Medical Practitioners.*"

WHEREAS it is expedient to define the qualifications and to provide for the remuneration, in certain cases, of Medical Practitioners within the Province of New Munster: Preamble.

1. Be it enacted, by his Excellency the Lieutenant-Governor of New Munster, by and with the advice and consent of the Legislative Council thereof, as follows—That every person who is a Doctor or Bachelor of Medicine of some University, or a Physician or Surgeon licensed or admitted as such by some College of Physicians or Surgeons in Great Britain or Ireland, or a Member of the Company of Apothecaries of London or Dublin, or who is or has been a Medical Officer, duly appointed and confirmed of her Majesty's sea or land service, Who shall be deemed a legally qualified Practitioner.

shall be deemed a legally qualified Medical Practitioner, and that every such person upon submitting his degree, diploma, certificate, or other proof of such qualification for the examination of the Resident Magistrate in his district, shall be entitled to receive a certificate to that effect and to have a notification of the same inserted in the *Government Gazette*, upon payment of the sum of Five shillings to the Colonial Treasurer on behalf of her Majesty for the public use of the Province of New Munster, and that such notification in the *Government Gazette* be received and taken in all cases as sufficient evidence that the person therein described is a legally qualified Medical Practitioner.

Remuneration to Medical Witnesses.

2. Be it enacted, That where any legally qualified Medical Practitioner has attended at any inquest, inquiry, or trial in obedience to any summons or subpœna he shall be entitled to receive the remuneration of One guinea, and (in addition thereto) for the making of any *Post Mortem* examination the sum of Two Guineas; and if the place of his residence be more than three miles distant from the place where his attendance has been required, he shall be entitled to Two Shillings and Sixpence for every mile of such extra distance; and until funds shall be specially provided for that purpose the Lieutenant-Governor may order the payment of any such sum or sums from the public revenue of the Province: Provided that no remuneration shall be paid for any *Post Mortem* examination made without previous direction of the Coroner, Justice, or Court (as the case may be) unless such previous examination shall appear to the Court to have been essential to further the ends of justice; nor shall any remuneration be given to any Medical Officer holding the situation of Colonial Surgeon.

Commencement of Ordinance.

3. Be it enacted, That this Ordinance shall come into operation from and after the day of the passing of the same.

Passed the Legislative Council this Eighteenth day of May, One thousand eight hundred and forty nine.

E. EYRE,
LIEUTENANT-GOVERNOR,
23rd August, 1849.

HENRY SHAFTO HARRISON,
Clerk of the Council.

ENTIRE ANIMAL ORDINANCE.

1849.

SESSION I. No. 3. (New Munster.)

AN ORDINANCE TO PREVENT ENTIRE HORSES AND CERTAIN OTHER ANIMALS FROM BEING SUFFERED TO STRAY OR RUN AT LARGE.

ANALYSIS.

Title.
Preamble.
1. Owner of any Entire Horse, or certain other Animals, liable to a Penalty of £5 for suffering the same to be at large.
2. Mode of Procedure.
3. Animals under a certain Age not subject to Provisions of this Ordinance.
4. Commencement of Ordinance.

"*An Ordinance to prevent entire Horses and certain other Animals from being suffered to stray or run at large.*"

Preamble.

WHEREAS, great injury is likely to arise to the breed of stock in this Province by reason of entire horses and certain other animals of inferior kind being allowed to stray and run at large.

Owner of certain Entire animals liable to a penalty of £5 for suffering the same to be at large.

1. Be it therefore enacted, by His Excellency the Lieutenant-Governor of New Munster, by and with the advice and consent of the Legislative Council thereof, that the owner of any entire horse, bull, entire ass or mule, which shall be found straying or running at large shall be liable to a Penalty of not more than Five pounds, nor less than Two pounds: Provided always that this enactment shall not extend to any entire animals being depastured on any land belonging to or rented by the owner of such animal.

Mode of Procedure.

2. Be it enacted, That all proceedings under this Ordinance shall be regulated by Ordinance No. 5, Session II., for the regulation of Summary Proceedings before Justices of the Peace.

Animals under certain age not subject to provisions of this Ordinance.

3. Be it enacted, That no horse, ass, or mule under the age of twelve months, or bull under the age of six months, shall be subject to the provisions of this Ordinance.

Commencement of Ordinance.

4. Be it enacted, That this Ordinance do take effect from the day of the passing thereof.

Passed the Legislative Council this Twenty-fifth day of May, One thousand eight hundred and forty-nine.

E. EYRE,
LIEUTENANT-GOVERNOR.
23rd August, 1849.

HENRY SHAFTO HARRISON,
Clerk of Council.

SCAB ORDINANCE.

1849.

SESSION I. No. 4. (New Munster.)

AN ORDINANCE TO PREVENT THE EXTENSION OF THE INFECTIOUS DISEASE CALLED THE SCAB, AS WELL AS THE DISEASE CALLED THE INFLUENZA OR CATARRH, IN SHEEP OR LAMBS.

ANALYSIS.

Title.
Preamble.
1. Penalty on persons suffering their diseased sheep to run at large.
2. Penalty on persons landing diseased sheep from vessels.
3. Inspectors of sheep to be appointed. Their duties and regulations.
4. Duty of Inspectors on arrival of vessels freighted with sheep.
5. Time within which flocks shall be deemed infected.
6. When infected sheep kept on land crossed by a public way, notice be given.
7. Penalty for abandoning diseased sheep.
8. Power to Justices to assess damages caused by communicating infection.
9. Penalty for not destroying infected carcasses.
10. Penalty for casting infected carcasses into running stream
11. Powers to Justices to remove sheep by warrant.
12. Power to Justices to cause examination of infected sheep.
13. Penalty on Butchers having infected sheep in possession.
14. Mode of procedure.
15. Commencement of Ordinance.
16. Schedule.
Form of warrant

THIS Ordinance is repealed by the "Nelson Scab Act, 1863," passed by the Provincial Council, Session X., No. 4.

EMPOWERING ORDINANCE.

1849.

SESSION I., No. 5. (New Munster.)

AN ORDINANCE TO CONFER UPON THE LIEUTENANT-GOVERNOR OF NEW MUNSTER, WITHIN THE PROVINCE, THE SAME POWERS, IN CERTAIN CASES, AS ARE CONFERRED ON THE OFFICER ADMINISTERING THE GOVERNMENT OF THE COLONY FOR THE TIME BEING.

ANALYSIS.

Title.
Preamble.
1. The same powers as have been conferred on the Governors, Lieutenant-Governor, or Officer administering the Government of the Colony, conferred on the Lieutenant-Governor of New Munster.
Schedule.

"*An Ordinance to confer upon the Lieutenant-Governor of New Munster, within the Province, the same powers in certain cases as are conferred on the Officer administering the Government of the Colony for the time being.*"

Preamble. WHEREAS, by certain Ordinances passed by the Governors and by the Lieutenant-Governor of New Zealand, and the Legislative Council thereof, enumerated in a Schedule to this Ordinance annexed, certain powers are vested in the said Governors and in the said Lieutenant Governor, or in the Officer Administering the Government of the Colony for the time being :

1. Be it enacted, by the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, That all such powers as are conferred by the said Ordinances, in the said Schedule enumerated, on the Governors, Lieutenant-Governor, or Officer Administering the Government of the colony for the time being, are hereby, within the limits of the Province of New Munster, conferred on the Lieutenant-Governor thereof.

The same powers as have been conferred on the Governors, Lieut.-Governor, or Officer Administering the Government of the Colony, conferred on the Lieutenant Governor of New Munster.

Passed the Legislative Council this Sixteenth day of June, One thousand eight hundred and forty-nine.

E. EYRE,
LIEUTENANT-GOVERNOR.

Government House, 2nd October, 1849.

HENRY SHAFTO HARRISON,
Clerk of Council.

SCHEDULE.

SESSION 2, No. 9.—An Ordinance to provide for the Registration of Deeds and Instruments affecting real property.
" " 13.—An Ordinance for licensing Auctioneers.
" " 17.—An Ordinance for imposing a tax upon Raupau Houses.
" 3, " 2.—An Ordinance to make temporary provision for the constitution of Juries.
" " 8.—An Ordinance to establish Courts of Requests for the more easy and speedy recovery of small debts.
" " 9.—An Ordinance for appointing a Board of Trustees for the management of Property to be set apart for the education and advancement of the Native Race.
" 5, " 1.—An Ordinance for raising a Militia within the Colony.
" 6, " 1.—An Ordinance to empower the Governors of New Zealand to regulate the importation and sale of Arms, Gunpowder, and other Warlike Stores.
" 7, " 2.—An Ordinance to provide for the establishment and maintenance of a Constabulary Force.
" 7, " 4.—An Ordinance to regulate the appointment and the duties of Sheriff in the Colony of New Zealand.
" " 5.—An Ordinance to regulate the appointment and duties of Coroner in the Colony of New Zealand.
" " 6.—An Ordinance to authorise the importation of Wine duty free for Military and Naval Officers serving in the Colony of New Zealand.
" " 7.—An Ordinance for the regulation of Prisons.
" " 16.—An Ordinance to provide for the establishment of Resident Magistrates' Courts, and to make special provision for the administration of Justice in certain cases.
" " 17.—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.

SESSION 7, No. 18.—An Ordinance to regulate the removal and the making and repairing of Arms, Gunpowder, and other Warlike Stores within the Colony of New Zealand.

" " 19.—An Ordinance to provide for the prevention, by summary proceedings, of unauthorised Purchases and Leases of Land.

" " 20.—An Ordinance for establishing Courts of Sessions of the Peace.

" " 21.—An Ordinance to make provision for the safe custody of, and prevention of offences by persons dangerously insane, and for the care and maintenance of persons of unsound mind.

" " 22.—An Ordinance to authorise compensation in Colonial Debentures to be made to certain Claimants to Land in the Colony of New Zealand.

" 8, " 2.—An Ordinance to prohibit the keeping of Gunpowder exceeding a certain quantity.

" " 3.—An Ordinance to prohibit the sale of Spirits and to regulate the sale of other Intoxicating Liquors to persons of the Native Race.

" " 4.—An Ordinance to provide for the management of Savings' Banks.

" " 5.—An Ordinance for regulating the slaughtering of Cattle in certain places.

" " 6.—An Ordinance to authorise and regulate the impounding of Cattle.

" " 7.—An Ordinance for regulating Marriages within the Colony of New Zealand.

" " 9.—An Ordinance for registering Births, Deaths, and Marriages in the Colony of New Zealand.

" " 10.—An Ordinance for promoting the Education of Youth in the Colony of New Zealand.

" " 12.—An Ordinance to provide for the protection of Footpaths in the Colony of New Zealand.

SUMMARY EJECTMENT ORDINANCE.

1849.

SESSION I., No. 6. (New Munster.)

AN ORDINANCE TO PROVIDE A CHEAP AND EXPEDITIOUS MODE OF PROCEDURE AGAINST PERSONS OCCUPYING LAND OR PREMISES WITHIN THE PROVINCE OF NEW MUNSTER, WITHOUT RIGHT, TITLE, OR LICENSE.

ANALYSIS.

Title.
Preamble.
1. Penalty for occupying Land or Premises without right, title, or license.
2. Justices may assess Damages for occupation after notice has been given.
3. Additional penalty for not quitting, after notice has been given.
4. Land Orders and copy of Register of Selection to be deemed sufficient title.
5. In cases of disputed title, Justices may dismiss complaint.
6. Penalty for the production of fictitious title or license.
7. Mode of enforcing payment of Fines and Damage.
8. Commencement of Ordinance.

"*An Ordinance to provide a cheap and expeditious mode of procedure against persons occupying Land or Premises within the Province of New Munster, without right, title, or license.*"

WHEREAS it is desirable to provide a cheap and expeditious mode of procedure against persons occupying lands or premises situate within the Province of New Munster without any right, title, or license: Preamble.

Penalty for occupying Land or Premises without right, title, or license.

1. Be it enacted, by the Lieutenant-Governor of the Province of New Munster, with the advice and consent of the Legislative Council thereof, That from and after the passing of this Ordinance, it shall be lawful for the Resident Magistrate of any district, upon the complaint of any person who shall show, to the satisfaction of such Resident Magistrate, that he is owner of or agent for any land or premises in the Province of New Munster, to summon before him and any two other Justices of the Peace, any person complained of as being in possession of, or as occupying, land or premises, without right, title, or license; and if, at the hearing of the case, the defendant shall not produce or prove a title to, or license to occupy, such land or premises, to the satisfaction of the said Resident Magistrate and Justices, he shall be liable to a penalty not exceeding the sum of Ten pounds.

Justices may assess Damages for occupation after notice has been given.

2. Be it enacted, That whenever any defendant shall be so fined, as aforesaid, upon whom a notice in writing to quit the land or premises so occupied by him, shall have been previously served by, or by the direction of, the complainant, the said Resident Magistrate and Justices may assess the amount of damages to be paid by the defendant to the complainant for such occupation, as aforesaid, from the time of the service of such notice: Such damage for occupancy not to extend to any time previous to the passing of this Ordinance.

Additional penalty for not quitting after notice has been given.

3. Be it enacted, That whenever any defendant shall continue to occupy the land or premises in respect of which he shall have been so fined as aforesaid, for two calendar months after the imposition of such fine, he shall be fined such further sum of money not exceeding the sum of Ten pounds, and shall pay to the complainant such further sum of money for damages for such continued occupation as the said Resident Magistrate and Justices shall, upon a like summons and hearing, direct.

Land Orders and copy of register of selection to be deemed sufficient title.

4. Be it enacted, That for the purpose of this Ordinance, a land order issued by the New Zealand Company, with a copy of the register made in the books of the said Company, of the section selected in respect of such land order, or any title derived therefrom, shall be deemed and taken as a sufficient title.

In cases of disputed title Justices may dismiss complaint.

5. Be it enacted, That whenever any such defendant, as aforesaid, shall, at the hearing of the case, show, to the satisfaction of the said Resident Magistrate and the Justices, or any two of them, a *prima facie* right or title in himself to such occupation, the complaint shall be dismissed.

6. Be it enacted, That any such defendant, who shall have been convicted, before a competent Court, of having at the hearing of the case by the Justices, as aforesaid, wilfully set forth a fraudulent or fictitious title, shall be liable to a penalty of not more than Fifty pounds. Penalty for the production of fictitious title or license.

7. Be it enacted, That except, as hereinbefore is otherwise provided, all proceedings under this Ordinance shall be regulated by Ordinance No. 5, Session II., for the regulation of summary proceedings before Justices of the Peace. Mode of enforcing payment of Fines and Damage.

8. Be it enacted, That this Ordinance shall come into operation from the day of the passing thereof. Commencement of Ordinance.

Passed the Legislative Council this Sixteenth day of June, One thousand eight hundred and forty-nine.

E. EYRE,
LIEUTENANT-GOVERNOR.
Government House,
2nd October, 1849.

HENRY SHAFTO HARRISON,
Clerk of Council.

TOWN ROADS AND STREETS ORDINANCE.

1849.

SESSION I., No. 7. (New Munster.)

AN ORDINANCE TO AUTHORISE THE LEVYING AND COLLECTING OF RATES FOR THE MAKING AND REPAIRING OF ROADS, STREETS, &c., &c., IN ANY TOWN IN THE PROVINCE OF NEW MUNSTER.

ANALYSIS.

Title.
Preamble.
1. Repeal of No. 6, Session V.
2. Lieutenant-Governor to proclaim Town.
3. Commissioners to be elected.
4. Claims to right of voting to be sent in.
5. A Bench of Magistrates to decide upon Claims.
6. Commissioners to continue in office for one year.
7. Commissioners to levy a yearly rate.
8. Assessors to be appointed by warrant under the hands of the Commissioners.
9. When assessment made, notice thereof shall be given.
10. Appeal against assessment.
11. How Rate may be distrained for.
12. Rate may be recovered.
13. Rate due, leviable upon any goods found on such property
14. Commissioners to appoint one or more persons to levy the amount of Rate.
15. Collectors to give security.
16. Collectors to furnish their accounts of receipts weekly.
17. And to pay their balances to the Colonial Treasurer.
18. Accounts of Commissioners to be audited.
19. Commissioners empowered to make Bye-laws.
20. A meeting of Commissioners to be called by two Commissioners at the least.
21. Questions to be decided by Commissioners.
22. Minutes of resolutions to be kept.
23. Half-yearly Accounts to be rendered.
24. Assessors, with their necessary assistants, may enter lands, &c.
25. Commissioners to grant Licenses.
26. No judge, &c., to be disqualified.
27. Proceedings for Penalties.
28. Not to extend to certain Lands and Buildings.
29. Commencement of Ordinance.

THIS Ordinance is repealed so far as regards the Province of Nelson by the "Nelson Improvement Act, 1856," of the Province of Nelson, Session III., No. 3.

APPROPRIATION ORDINANCE.

1849.

SESSION I., No. 8. (New Munster.)

AN ORDINANCE TO APPROPRIATE THE REVENUE FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND FORTY-NINE—FIFTY.

ANALYSIS.

Title.
Preamble.
1. Certain sums to be applied to the Service of the year 1849-50.
2. Treasurer to pay Monies on order of the Lieutenant Governor.
3. Commencement of Ordinance.

"*An Ordinance to appropriate the Revenue for the year* 1849—50."

Preamble.

WHEREAS it is expedient that the Revenue of the Province of New Munster, except such portion as is by law set apart by way of Civil List, and excepting also any charge which by any Law or Ordinance now in force, may have been made on the Revenue of the said Province, should be from time to time appropriated by authority of the Legislative Council.

Certain sums to be applied to the Service of the year 1849-50.

1. Be it enacted, by his Excellency the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof as follows:

1st. Out of such Revenue as aforesaid, there shall, and may be issued, and applied, in manner hereinafter mentioned, any sum or sums of money not exceeding the several sums hereinafter specified, (that is to say,)

For defraying the charge of the Government of this Province, unprovided for by the Civil List, for the year commencing from the 1st day of July, 1849, and ending June the 30th, 1850, the sum of Fourteen thousand and fifty-six pounds ten shillings (£14,056 10s. 0d.) as hereinafter particularly specified, that is to say,—

WELLINGTON.

1.	Establishment of His Excellency the Lieutenant-Governor.....	£525	5	0
2.	Colonial Secretary's Department ...	469	15	0
3.	Colonial Treasurer's do. ...	165	10	0
4.	Auditor General's do. ...	144	16	0
5.	Survey do. ...	154	15	0
6.	Public Works do. ...	82	0	0
7.	Customs do. ...	842	7	6
8.	Harbor Master's do. ...	710	5	0
9.	Medical do. ...	619	10	0
10.	Supreme Court do. ...	206	11	6
11.	Registrar General's do. ...	185	0	0
12.	Attorney General's do. ...	140	0	0
13.	Resident Magistrate's do. ...	357	0	0
14.	Sheriff's do. ...	556	7	6
15.	Coroner's do. ...	30	0	0
16.	Post Office do. ...	422	7	6
17.	Police do. ...	1,867	0	0
18.	Miscellaneous Services do. ...	575	0	0
	Total for Wellington...	£8,053	10	0

NELSON.

1.	Establishment of his Honor the Superintendent	£110	0	0
2.	Resident Magistrate's Department	264	1	3
3.	Sheriff's do. ...	222	5	0
4.	Police do. ...	401	15	0
5.	Customs do. ...	360	0	0
6.	Post Office do. ...	175	0	0
7.	Sub-Treasury do. ...	92	0	0
8.	Registrar's do. ...	225	10	0
9.	Harbor do. ...	275	6	3
10.	Coroner's do. ...	20	0	0
11.	Medical	120	0	0
12.	Miscellaneous	162	0	0
	Total for Nelson...	£2,427	17	6

OTAGO.

1.	Resident Magistrate's Department	£120	0	0
2.	Customs do. ...	260	0	0
3.	Post Office do. ...	100	0	0
4.	Harbor do. ...	100	0	0
5.	Police do. ...	537	16	3
	Total for Otago...	£1,117	16	3

WANGANUI.

1. Resident Magistrate's Department	£163	5	0
2. Post Office do. ...	65	0	0
Total for Wanganui...	£228	5	0

AKAROA.

1. Resident Magistrate's Department	£131	1	3
2. Post Office do. ...	10	0	0
Total for Akaroa...	£141	1	3

GENERAL CHARGES.

Legislative Council	£250	0	0
Printing *Government Gazette* ...	200	0	0
Printing Forms and Miscellaneous Printing	100	0	0
Interest on Debentures	400	0	0
Public Offices—Court House—Council Chamber, &c.	900	0	0
Wanganui Boat	238	0	0
	£2,088	0	0

Treasurer to pay money on order of Lieutenant-Governor.

2. Be it enacted, That the Colonial Treasurer shall issue and pay from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified to such persons, and in such portions as the Lieutenant Governor shall, by any order or orders in writing, signed by him from time to time direct, and such Treasurer shall in his account be allowed credit for all sums paid by him in pursuance of such orders, and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which such receipts shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

Commencement of Ordinance.

3. Be it enacted, That this Ordinance shall come into operation from the day of the passing thereof.

Passed the Legislative Council this Twenty-second day of June, One thousand eight hundred and forty-nine.

E. EYRE,
LIEUTENANT-GOVERNOR.
Government House,
2nd October, 1849.

HENRY SHAFTO HARRISON,
Clerk of Council.

CONSTABULARY FORCE ORDINANCE.

1849.

SESSION I., No. 9. (New Munster.)

AN ORDINANCE TO INCREASE THE EFFICIENCY OF THE CONSTABULARY FORCE.

ANALYSIS.

Title.
Preamble.
1. Power to any in the Constabulary Force above the rank of a Private Constable to board Ships, Boats, or other vessels
2. Provision for punishing disorderly conduct in the houses of Licensed Victuallers, extended to other houses.
3. Fine for Drunkenness.
4. Power to any two Justices of the Peace to imprison persons having certain implements with felonious intent.
5. Power to Constables to arrest persons with stolen property upon them.
6. Penalty for damaging Public Buildings.
7. Penalty on persons committing certain acts in the nature of nuisances specified in Schedule A.
8. Power to Constables to seize certain articles enumerated in Schedule A.
9. Penalty for discharging Fire-arms and Fire-works.
10. Penalty for burning Shavings or other things in the Street, and setting fire to the Bush.
11. Penalty for bathing in public.
12. Penalty for exposing the person.
13. Penalty for Nuisances.
14. Penalty for injuring the Streets by hauling timber, &c., thereon.
15. Penalty for uncovered openings in the Foot-ways.
16. Penalty for making any opening in the Foot-way.
17. Penalty for removing Night-soil in the day time.
18. Penalty for throwing Dead Animals into the Streets or into Streams.
19. Penalty for damaging the Foot-paths or Carriage-ways.
20. Penalty for riding upon Carriages without reins.
21. Penalty for furious driving through the Streets.
22. Penalty for committing Nuisances in the Thoroughfares.
23. Penalty for compounding evidence.

24. Limits of the Town to be set out.
25. Regulating the building of Houses, &c.
26. Commissioners may regulate the management of the Foot-paths.
27. Declaring the limits of the Ordinance.
28. Respecting Penalties imposed by other Ordinances.
29. Penalty for resisting Constables.
30. Penalty for neglecting to repair and keep clean Chimnies.
31. Mode of procedure, and that this Ordinance be construed with No. 2, Session VII.
32. Commencement of Ordinance.

"*An Ordinance to increase the efficiency of the Constabulary Force.*"

Preamble.

WHEREAS an Ordinance No. 2, Session VII., to provide for the establishment of a Constabulary Force, was passed on the 9th October, 1846; and whereas it is expedient to increase the efficiency of the said Force:

Power to any one in the Constabulary Force above the rank of a Private Constable to board Ships, Boats, or other vessels.

1. Be it enacted by his Excellency the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, as follows:—That any Inspector, Sub-Inspector, or any Officer of the Constabulary Force above the rank of a Private Constable, may with such Constables as he may think proper, enter into any ship, boat, or other vessel, (not being then actually employed in Her Majesty's Service,) for the purpose of inspecting and directing the conduct of any Constable who may be stationed on board of any such vessel, and the conduct of all other parties who shall be employed on board of any such vessel, and for preventing fire, preserving peace and good order, and for the prevention, or detection of any felonies or misdemeanors on board of such vessel.

Provision for punishing disorderly conduct in the houses of licensed victuallers extended to other houses.

2. Be it enacted, That any Constable may demand admittance, for the purpose of preventing or repressing disorderly conduct, into any house, shop, or place of public resort, wherever provisions, liquors, or refreshments of any kind shall be sold or consumed (whether the same shall be kept or retailed therein or procured elsewhere), and any unnecessary delay in giving admission to the said Constable, shall subject the party to a penalty not exceeding Five pounds.

Penalty for drunkenness.

3. Be it enacted, That if any person shall be convicted of drunkenness before any Justice of the Peace, he shall forfeit aud 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 six calendar months, he shall upon such third conviction, forfeit and pay such sum as aforesaid, and be imprisoned for the term of seven days, with hard labor, at the discretion of the Magistrates.

Power to any two Justices of the Peace to imprison persons having certain implements with felonious intent.

4. Be it enacted, That every person armed with any gun, pistol, sword, bludgeon, or having in his possession any pick-lock, crow-bar, jack, bit, or other implement, with intent feloniously to break into, or having broken into any building for an unlawful purpose, or frequenting any street, highway, quay, wharf, or thoroughfare, with intent to commit felony, may be imprisoned by any two Justices of the Peace for the term of three calendar months.

Power to Constables to arrest persons with stolen property upon them.

5. Be it enacted, That it shall be lawful for any Constable, finding any person with property in his possession which may reasonably be suspected of having been stolen or unlawfully obtained, to take such person before a Justice of the Peace, to be dealt with according to law.

Penalty for damaging public buildings.

6. Be it enacted, That any person who shall damage any public building, wall, parapet, sluice, bridge, road, street, sewer, culvert, water-course, or other public property, shall pay the cost of repairing the same, and if the same be wilfully done, shall forfeit and pay a further sum not exceeding Twenty pounds, nor less than Five pounds.

Penalty on persons committing certain acts in the nature of nuisances specified in Schedule A.

7. Be it enacted, That any person doing or causing to be done, or permitting any of the acts specified in Schedule A, to this Ordinance annexed, upon the carriage or foot-way, shall on conviction before any Justice of the Peace be liable to a penalty not exceeding Forty and not less than Five shillings.

Power to Constables to seize certain articles enumerated in Schedule A.

8. Be it enacted, That any Constable may require any person being the owner of any of the articles enumerated in the Schedule A, to remove the same from the carriage or foot-way, and that any person not removing the same, shall be liable to a penalty not exceeding Forty and not less than Five shillings for each time that he shall fail to remove any of the said articles, within reasonable time, after having been required so to do, and any Constable may seize the same, where the owner after having been once required to remove any article, or where the owner of any article cannot be found, may proceed, after giving notice (in all cases where the value of the article seized shall be more than Ten shillings) of the seizure by an advertisement in the *Government Gazette*, to sell the same when the value of the article is under Ten shillings, without notice, the proceeds of the sale to go to pay the penalties incurred for the breach of any provision of this Ordinance, and the surplus, if any, to such charitable purpose as the Lieutenant-Governor may direct: Provided, that nothing in this Ordinance shall be taken to prevent any person from placing an awning, or verandah, in front of his shop or house, but such

awning or verandah must be at least seven feet above the height of the foot-way in front of such house or shop, and the posts must be placed close up to the curbstone or outer edge of such foot-way.

Penalty for discharging Fire-arms and Fire-works.

9. Be it enacted, That any person who shall discharge any fire-arms without lawful cause, or let off any fire-works in any street or public place, shall be liable to a fine not exceeding Five pounds, nor less than Five shillings.

Penalty for burning Shavings or other things in the Street or setting fire to the Bush.

10. Be it enacted, That any person burning any shavings or other things in any street or public place, or setting fire to the bush, scrub, or flax, within the limits of any town, shall be liable to a fine of not more than Forty nor less than Five shillings, and shall compensate any person damnified thereby, the amount of compensation to be assessed by any two Justices of the Peace.

Penalty for bathing in public.

11. Be it enacted, That any person bathing near to, or within view of any public wharf, quay, bridge, street, or other place of public resort, so as to offend against decency, between the hours of eight in the morning and eight in the evening, shall be liable to a fine of Twenty shillings.

Penalty for exposing the person.

12. Be it enacted, That any person who shall offend against decency by the exposure of his person, shall be liable to a fine of not more than Ten pounds, or may at the discretion of any two Justices of the Peace, be committed to gaol and hard labor for any term not exceeding two months.

Penalty for Nuisances.

13. Be it enacted, That upon complaint made to any two Justices of the Peace of the existence of any nuisance in the form of any noisome or unwholesome trade, or of any privy, stye, or receptacle for filth of any kind, the said Justices of the Peace shall inspect, or order an inspection of the same, and shall give seven days' notice to abate such nuisance; and in default of the same being abated, the owner or occupier of the premises on which such nuisance exists, shall be liable to a fine not exceeding Ten pounds.

Penalty for injuring the Streets by hauling timber and other things thereon.

14. Be it enacted, That if any person shall haul or draw by himself or his servant, upon any part of a street or public place, any timber, stone, or other weights, otherwise than upon a wheeled carriage, or shall suffer the same to drag, or trail, or hang over such carriage to the obstruction or injury of the said streets, or ways, he shall be liable to a fine of Forty shillings over and above the damage occasioned thereby.

Penalty on uncovered openings in the Foot-way.

15. Be it enacted, That if any owner or occupier of Premises, having iron or wooden rails, bars, or trap-doors, over the areas, or openings to any kitchen, cellar, or other part of a building beneath the surface of the foot-way, shall neglect to keep the

the same in repair, or shall leave the same open (save at such reasonable times at which coals, wood, or other things, shall be in process of putting down or taking up) so as to endanger persons passing and repassing, shall be liable to a fine of not more than Five pounds, nor less than Forty shillings.

Penalty for making any openings in the Foot-way.

16. Be it enacted, That it shall not be lawful for any person to make any Cellar, or any opening of a like nature beneath the surface of the foot-way, without the approval of the Commissioners for the repairs of streets, or of the Resident Magistrate where there are no such Commissioners ; and that any person offending against this provision, shall be liable to a fine of Five pounds, as well as to the expense of removing or closing up the same ; such expense to be assessed by any two Justices of the Peace.

Penalty for removing Night-soil, in the day time.

17. Be it enacted, That if any person shall drive or cause to be driven, any carriage with any night-soil or ammoniacal liquor through the streets, or public places, between the hours of five o'clock in the morning, and ten o'clock at night. or shall shoot from a carriage, or cast any night-soil, filth, or ammoniacal liquor upon the streets, it shall be lawful for any person whomsoever to seize and apprehend the person so offending, without any other warrant than this Ordinance, and to convey such person before any two Justices of the Peace, who are hereby empowered to fine the same offender, or the owner, if the driver cannot be found, as well as the employers of the person so offending, in the sum of not more than Five pounds.

Penalty for throwing Dead Animals into the Streets, or into Streams.

18. Be it enacted, That if any person shall throw, or cause to be thrown, any dead animals, or part thereof, into any street, lane, road, or other public place, or into any river, creek, or stream, or other water, or leave or cause the same to be left on the bank thereof, he shall be liable to a fine of not more than Twenty, and not less than Five shillings.

Penalty for damaging the Foot-path or carriage-ways or for removing ballast, or for injuring buoys or survey marks.

19. Be it enacted, That if any person shall open any drain or sewer in any street, or remove or cause to be removed, any turf or clay, sand, soil, gravel, stone, or other material used in the formation of the streets or carriage-ways therefrom, without leave from the Commissioners for repairs of streets, or from the Resident Magistrate where there are no such Commissioners ; or shall wantonly damage the said streets or carriage-ways, or who shall remove any ballast, sea or tide embankment, without written authority of the Harbor Master, or if there is no Harbor Master, of the Resident Magistrate, or who shall remove or damage or otherwise interfere with any buoys, beacons, or other surveying marks, put up by competent authority either on shore or afloat, he shall be liable to a fine of not more than Five pounds, and not less than One pound.

20. Be it enacted, That if the driver of any waggon, wain, cart, dray, or other carriage, shall ride thereupon, (not having some person on foot to guide the same) such as are drawn by horses and properly driven with reins only excepted, or shall willfully remain at such a distance from his carriage whilst passing through the street, as not to have the command of his horse, horses, or cattle, or meeting any other carriage, shall not keep his own carriage on the left or near side of the road, or in passing, shall not keep on the right or off side of the road, or shall in any manner wilfully prevent any other person from passing him, or by negligence or misbehaviour, interrupt the free passage of any person, or carriage, along the said road, he shall be liable to a fine of not more than Forty nor less than Ten shillings.

Penalty for riding upon Carriages without reins.

21. Be it enacted, That any person who shall ride or drive through any street, or public place, so as to endanger the limbs or lives of other persons, shall be liable to a fine of not more than Ten and not less than Two pounds.

Penalty for furious riding or driving.

22. Be it enacted. That any person shall be liable to a penalty of not more than Forty shillings, who shall in any thoroughfare, or public place, commit any of the following offences, that is to say :—

Penalty for committing Nuisances in the Thoroughfares.

1. Every person who shall suffer to be at large any unmuzzled ferocious dog, or set on, or urge any dog to attack, worry, or put in fear any person, horse, or other animal.
2. Every person who by negligence or ill usage in driving cattle shall cause any mischief to be done by such cattle, or shall, in any wise, misbehave himself in the driving or management of such cattle, and also every person not being hired or employed to drive such cattle who shall wantonly pelt, drive, or hurt such cattle.
3. Every person who shall wilfully damage any building, wall, fence, paling, fixture or appendage thereunto, or who shall steal or wilfully damage any tree, shrub or other plant, or any seat in any walk, park, or garden.
4. Every person who shall distribute or offer for sale, or exhibit any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sing any profane, indecent, or obscene song or ballad, or write, or draw, any indecent or obscene word, figure, or representation, or use any profane, indecent, or obscene language to the annoyance of the inhabitants or passengers.

5. Every person who shall use any threatening, abusive, or insulting words in the presence or hearing of any Constable, or behave himself so as to provoke a breach of the peace, or whereby the passage along the street may be obstructed by causing a crowd to collect or otherwise.

6. Every person who shall wilfully disturb any inhabitant by ringing any door bell, knocking at any door, or who shall deface, injure, or remove any door-plate, bell, knocker, lamp or sign board.

Penalty for compounding informations.

23. Be it enacted, That in case any person shall lodge any information before any Justice of the Peace, for any offence by which he was not personally aggrieved, and shall afterwards, directly or indirectly receive any sum of money or other reward for compounding, delaying, or withdrawing the information, he shall be liable to a penalty of not more than Ten pounds.

Limits of the town to be set out.

24. Be it enacted. That the Commissioners for the repairs of streets, the Resident Magistrate, where there are no such Commissioners, or any person deputed by them or him, may set out and mark the length and breadth of the foot-ways and carriage-ways, as well as the limits of any town within or to be brought within the operation of this Ordinance, and such Commissioners for the repairs of streets, or Resident Magistrate where there are no such Commissioners, or any person deputed by them or him, shall not be deemed a trespasser by entering upon the property of any person for the purpose of setting out, or measuring the limits of the foot-ways, carriage-ways, or towns, within or to be brought within the operation of this Ordinance.

Regulating the building of houses, &c.

25. Be it enacted, That so soon as the limits of any town, or of the foot and carriage-ways, shall have been ascertained as aforesaid and the said limits published by competent authority, any person erecting any building or part of a building, so as to encroach on the said limits without license first obtained from the Commissioners for the repairs of streets, or from the Resident Magistrate where there are no such Commissioners, shall be liable to a penalty of not more than Twenty pounds.

Commissioners may regulate the management of Foot-paths.

26. Be it enacted, That the Commissioners for the repairs of streets, or the Resident Magistrate, where there are no such Commissioners, may make regulations for the length, breadth, height, steps or inclination, and for the general maintenance of the foot-ways, and for that purpose may remove flagging, steps, posts, or other impediments.

Declaring the limits of the Ordinance.

27. Be it enacted, That the provisions of this Ordinance shall immediately be in force within such limits of the Town of Wellington, as marked on the map of the Surveyor-General

of the New Zealand Company, as the Lieutenant-Governor with the advice of the Executive Council may proclaim, and it shall be lawful for the Lieutenant-Governor, with the advice of the Executive Council from time to time, by proclamation in the *Government Gazette*, to specify any further or other limits of Towns, within which any of the provisions of this Ordinance shall be enforced, upon a requisition to that effect from a majority of the Magistrates of the district in which such town is situate.

Respecting penalties imposed by other Ordinances.

28. Be it enacted, That nothing in this Ordinance shall be construed to repeal any penalties imposed by any other Ordinance in force in the Province of New Munster.

Penalty for resisting Constable.

29. Be it enacted, That any person assaulting, or resisting any Constable in the execution of his duty, shall be liable to a fine of not more than Ten pounds.

Penalty for neglecting to repair and keep clean Chimnies.

30. Be it enacted, That any person refusing or neglecting to repair the chimney of any house in his occupation after having been called upon so to do by the Resident Magistrate; and any person neglecting to keep clean the chimney of any house occupied by him, so that from the foulness thereof the same shall take fire, shall be liable to a fine of not more than Two pounds.

Mode of procedure. That this ordinance shall be construed with No. 2, Sess. VII.

31. Be it enacted, That all proceedings under this Ordinance shall be regulated and carried on according to the Ordinance, No. 5, Session II., for the regulation of summary proceedings before Justices of the Peace: and that this Ordinance shall be read and construed together with Ordinance No. 2, Session VII.

Commencement of Ordinance.

32. Be it enacted, That this Ordinance shall take effect from the day of the passing of the same.

Passed the Legislative Council this Twenty-second day of June, One thousand eight hundred and forty-nine.

HENRY SHAFTO HARRISON,
Clerk of Council.

E. EYRE,
LIEUTENANT-GOVERNOR.
Government House,
23rd August, 1849.

SCHEDULE A.

Beat carpets, fly kites, drive a carriage, for the purpose of breaking horses, ride a horse for the purpose of breaking, throw, or permit to be thrown rubbish, or anything annoying or offensive: slaughter, or cut up any animal so near to the carriage or foot-way, that the blood or offal shall cause a nuisance to passengers: place or cause to be placed, any carriage, for either persons or things, any wheelbarrow, cask or barrel, except for necessary and temporary purposes: ride any horse, mule or ass, upon the foot-ways: place any stall, board, chopping-block, show-board (on hinges or otherwise), basket, wares, goods, or merchandise, of any kind whatsoever: wash or hoop any cask or vessel: place any timber, stones, bricks, lime, or other materials for buildings (except the same be enclosed), expose any meat or offal, so as to overhang the street.

COUNTRY ROADS ORDINANCE.

1849.

SESSION I., No. 10. (New Munster.)

AN ORDINANCE TO AUTHORISE THE LEVYING AND COLLECTION OF TOLLS ON ROADS, AND RATES ON LAND IN THE PROVINCE OF NEW MUNSTER.

ANALYSIS.

Title.
Preamble.
1. Lieutenant-Governor to proclaim district.
2. Commissioners to be elected.
3. Claims of votes to be sent in.
4. Resident Magistrate to decide upon claims.
5. Commissioners to continue in office for one year.
6. Commissioners to erect Toll-bars and levy Rates.
7. Tolls to be levied according to scale in Schedule.
8. Commissioners authorised to make Bye-laws.
9. Commissioners to cause statement of Rate, &c., to be posted.
10. Appointment of Collector, having power to sue by summary proceedings.
11. Rate uncollected to remain chargeable on land.
12. Commissioners to publish Accounts.
13. Penalty for evading Tolls.
14. Penalties; for injuring roads, bridges, drains, &c., for causing obstructions, for riding on carts, &c., without proper drivers, for not driving on the proper side of road, for furious driving, for cattle, &c., trespassing.
15. Monies arising from Tolls, Rates, or Penalties paid to Treasurer to be appropriated by the Commissioners.
16. Lieutenant-Governor to issue warrant for money required to carry out the provisions of Ordinance.
17. Proceedings under this Ordinance to be taken according to Ordinance No. 5, Session II.
18. Meetings of Commissioners, when to be called.
19. Questions decided by majority.
20. Minutes of resolutions entered in a book.
21. Commissioners to enter Accounts and keep Vouchers. Accounts to be audited.
22. Commissioners to exhibit Balance-sheet.
23. Monies, Books, Accounts, Vouchers to be delivered to new Commissioners.
24. Not to extend to Crown Lands, Board of Ordinance, nor Native Reserves.
25. Not to disqualify any Judge, Resident Magistrate, or Justice from acting under the provisions of this Ordinance.
26. Commencement of Ordinance, Form of Claim, Schedule.

THIS Ordinance is repealed so far as regards the Province of Nelson by the "Country Roads Act, 1856," of the Province of Nelson, Session III., No. 4.

DOG NUISANCE ORDINANCE.

1849.

SESSION I., No. 11. (New Munster.)

AN ORDINANCE TO ABATE THE DOG NUISANCE.

ANALYSIS.

Title.
Preamble.
1. Repeal of Ordinance, Session III. No. 19.
2. All owners of Dogs required to register the same.
3. Amount of Fees for registration.
4. All unregistered Dogs may be destroyed.
5. Penalty for maintaining unregistered Dogs.
6. Mode of procedure.
7. Registry Book open to inspection.
8. In cases for Damages, not necessary to prove defendant's knowledge of Dog's propensity to injure.
9. Upon requisition of Magistrates, Lieutenant-Governor may proclaim Ordinance.
10. Monies levied by fine, &c., to be expended in the repairs of Roads.
11. Provisions under this Ordinance not to extend to Natives not being resident in any town.
12. Commencement of Ordinance.

THIS Ordinance is repealed so far as regards the Province of Nelson by the "Dog Nuisance Act, 1858," of the Province of Nelson, Session V., No. 7.

THE NEW ZEALAND CONSTITUTION ACT.

(Passed the 30th day of June, 1852.)

IN THE FIFTEENTH AND SIXTEENTH YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

ANALYSIS.

Title.
Preamble—3 and 4 Vict., c. 62; 9 and 10 Vict., c. 103; 11 and 12 Vict., c. 5.
1. Repeal of recited Acts, &c. Provisoes.
2. Certain Provinces established in New Zealand.
3. Each Province to have a Superintendent and Provincial Council.
4. Before Elections of Members of Provincial Councils Superintendents of Provinces to be chosen.
5. Governor may appoint Electoral Districts, &c.
6. Qualification of Members.
7. Qualification of Voters.
8. Aliens and persons convicted of certain offences disqualified.
9. Members may resign their Seats.
10. In certain cases Seats to become void.
11. Determination of questions as to vacancies.
12. Issue of Writs for supplying vacancies.
13. Duration of Provincial Council. Dissolution.
14. When Writs are to issue.
15. Convening of Council.
16. Prorogation.
17. A Session to be held every year.
18. Superintendent and Provincial Council may make laws.
19. Restrictions on powers of Legislation.
20. As to Election of Speaker.
21. Speaker to preside.
22. Quorum.
23. Questions to be determined by majority of Votes.
24. Standing Orders to be adopted.
25. Appropriation and issue of Money.

26. Superintendent may transmit drafts of Laws for consideration of Council.
27. Giving or withholding assent to Bills.
28. Superintendent to send copies of Bills assented to to Governor.
29. Disallowance of Bills assented to.
30. No Bill to have any force until assented to by Governor.
31. Governor may transmit instructions to Superintendent as to reserving Bills.
32. Establishment of a General Assembly.
33. Appointment of Members of the Legislative Council.
34. Legislative Councillors may hold seats for life.
35. Resignation of Seat in Council.
36. Causes by which Seat may be vacated.
37. Trial of question whether Seats are vacated.
38. Appointment of Speaker of Legislative Council.
39. Quorum, &c.
40. Power to summon a House of Representatives by proclamation in Her Majesty's name.
41. Power to Governor by proclamation to constitute Electoral Districts, &c., for election of Members of House of Representatives.
42. Qualification of Voters for Members of House of Representatives.
43. First Writs to be issued within six months.
44. Time and place of holding the General Assembly. Prorogation and Dissolution.
45. Disputed Elections.
46. No Member to sit or vote until he has taken the oath of allegiance.
47. Affirmation or declaration instead of oath.
48. Speaker to be elected on first meeting of House of Representatives.
49. Resignation of Seats.
50. Vacating of Seats in certain cases.
51. Election to take place on vacancies.
52. Standing Rules and Orders to be made.
53. Power of General Assembly to make Laws.
54. As to the appropriation and issue of Money.
55. Governor may transmit drafts of Laws to either House.
56. Governor may assent to, refuse assent, or reserve Bills.
57. Governor to conform to instructions transmitted by her Majesty.
58. As to disallowance by her Majesty of Bills assented to by the Governor.
59. No reserved Bill to have any force until assented to by her Majesty.
60. Acts to be printed.
61. Duties not to be levied on supplies for Troops, nor any dues, &c., inconsistent with treaties.
62. Expenses of collection of Revenue.
63, Audit of Accounts.
64. Grants for Civil and Judicial services.
65. How the appropriation of sums granted may be varied.
66. Appropriation of Revenue.
67. Power to General Assembly to alter Electoral Districts, and number of Members of House of Representatives, &c.
68. Power to General Assembly to make other alterations in the constitution of the House of Representatives.
69. Power to General Assembly to constitute Provinces, and alter the provisions concerning election of Members, &c.
70. Her Majesty may establish Municipal Corporations.
71. Her Majesty may cause Laws of Aboriginal Native Inhabitants to be maintained.
72. Power to General Assembly to regulate Sales of Waste Lands.
73. Saving as to the Lands of Aboriginal Native Tribes.

74. 10 and 11 Vict., c. 112. Upon all Sales of Waste Lands, one-fourth part of the sum to be paid to New Zealand Company till the debt is discharged. Power to New Zealand Company to release lands from payments, &c.

75. Saving as to Canterbury Settlement Lands. 13 and 14 Vict., c. 70, and 14 and 15 Vict., c. 84.

76. Power to Canterbury Association to transfer their powers to the Provincial Council.

77. Saving as to Nelson Trust Fund. 14 & 15 Vict., c. 86.

78. Power to her Majesty to regulate the disposal of Waste Lands in Otago. No Act of the General Assembly to interfere with such regulations, save with consent, &c.

79. Her Majesty may delegate certain powers to Governor.

80. Interpretation of "Governor," and "New Zealand."

81. Commencement of this Act.

82. Proclamations to be published in the *New Zealand Gazette.*

Schedule.

"*An Act to grant a Representative Constitution to the Colony of New Zealand.*

3 & 4 Vict. c. 62.

WHEREAS, by an Act of the Session holden in the third and fourth year of her Majesty, chapter sixty-two, it was enacted, that it should be lawful for her Majesty, by Letters Patent, to be from time to time issued under the Great Seal of the United Kingdom, to erect into a separate colony or colonies any islands which then were, or which thereafter might be, comprised within and be dependencies of the Colony of New South Wales: AND WHEREAS, in pursuance of the powers in her vested by the said Act, her Majesty did, by certain Letters Patent under the Great Seal of the United Kingdom, bearing date the sixteenth day of November, in the fourth year of her reign, erect into a separate colony the islands of New Zealand, theretofore comprised within or dependencies of the Colony of New South Wales, bounded as therein described; and the said Islands of New Zealand were thereby erected into a separate Colony accordingly: and her Majesty did, by the said Letters Patent, authorise the Governor for the time being of the said Colony of New Zealand, and certain other persons, to be a Legislative Council for such Colony, and to make laws for the peace, order, and good government thereof: AND WHEREAS, by an Act of the Session holden in the ninth and

9 & 10 Vict.

tenth years of her Majesty, chapter one hundred and three, the Act firstly herein recited, and all Charters, Letters Patent, Instructions, and Orders in Council, made and issued in pursuance thereof, were repealed, abrogated, and annulled, so far as the same were repugnant to the Act now in recital, or any Letters Patent, Charters, Orders in Council, or Royal Instructions to be issued under the authority thereof; and, by the Act now in recital, certain powers for the Govern-

ment of the said Islands were vested in her Majesty, to be executed by Letters Patent under the Great Seal of the United Kingdom, or by instructions under her Majesty's signet and sign manual, approved in her Privy Council, and accompanying or referred to in such Letters Patent: AND WHEREAS, in pursuance of the said last-mentioned Act, her Majesty did, by Letters Patent, bearing date at Westminster the twenty-third day of December, in the tenth year of her reign, and by certain Instructions made and approved as required by such Act, and bearing even date with and accompanying the said Letters Patent, execute certain of the powers by such Act vested in her Majesty for the better government of the said Islands: AND WHEREAS by an Act of the Session holden in the eleventh and twelfth years of her Majesty, chapter five, so much of the said Act secondly herein recited, and the said Letters Patent and Instructions issued in pursuance thereof, as relates to the constitution and establishment of two or more separate assemblies within the said Islands, and of a General Assembly in and for the said Islands, was suspended for five years, unless her Majesty, with the advice of her Privy Council, should direct the same to be carried into effect before the expiration of that period; and, by the Act now in recital, the said firstly-recited Act, Letters Patent, and Instructions, were revived for the time during which the said secondly-recited Act, Letters Patent, and Instructions, were suspended as aforesaid; and, by the Act now in recital, certain powers were vested respectively in the Governor-in-Chief of the said Islands, and in such Governor and the Legislative Council thereof: AND WHEREAS it is expedient that further and better provision should be made for the Government of New Zealand: BE IT THEREFORE ENACTED, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

11 & 12 Vict. c. 5.

Repeal of recited Acts, &c.

1. The said Acts, and all Charters, Letters Patent, Instructions, and Orders in Council, issued in pursuance thereof, shall be, and the same are hereby repealed, so far as the same are repugnant to, or would prevent or interfere with, the operation of this Act, or any Letters Patent or Instructions to be issued under the authority or in pursuance of this Act: PROVIDED NEVERTHELESS, that all laws and ordinances made, and acts done, under and in pursuance of the said recited Acts, and any Charters, Letters Patent, Instructions, or Orders in Council, issued in pursuance thereof, shall continue as lawful, valid, and effectual, as if this Act had not been passed, save so far as any such Laws, Ordinances, or Acts may be repugnant

Provisoes.

to, or would prevent or interfere with, the operation of this Act: PROVIDED ALSO, That, until the expiration of the time, or latest of the times, appointed for the return of writs for the first election of members of the Provincial Councils of the Provinces established by this Act, the existing Provincial Legislative Councils shall continue to have and exercise all rights, jurisdiction, powers, and authorities, which they would have had if this Act had not been passed; and until the expiration of the time appointed for the return of the writs for the first election of the members of the House of Representatives to be constituted under this Act, the Legislative Council of New Zealand shall continue to have and exercise all rights, jurisdiction, powers, and authorities, which such Legislative Council would have had if this Act had not been passed.

Certain provinces established in New Zealand.

2. The following Provinces are hereby established in New Zealand, namely,—Auckland, New Plymouth, Wellington, Nelson, Canterbury, and Otago; and the limits of such several Provinces shall be fixed by proclamation by the Governor as soon as conveniently may be after the proclamation of this Act in New Zealand.

Each Province to have a Superintendent and Provincial Council.

3. For each of the said Provinces hereby established, and for every Province hereafter to be established, as hereinafter provided, there shall be a Superintendent and a Provincial Council; and the Provincial Council of each of the said Provinces hereby established shall consist of such number of members, not less than nine, as the Governor shall by proclamation direct and appoint.

Before Elections of Members of Provincial Councils Superintendents of Provinces to be chosen.

4. Upon or before the issue of writs for the first election of members of the Provincial Council for any Province established by or under this Act, the persons duly qualified in each of the said Provinces to elect members for the Provincial Councils as hereinafter mentioned, shall elect a Superintendent of such Province: and on the termination of such Council, by expiration of the period hereinafter fixed for its continuance, or by the previous dissolution thereof, the persons qualified as aforesaid shall elect the same or some other person to be Superintendent, and so on from time to time; and every such Superintendent shall hold his office until the election of his successor: PROVIDED ALWAYS, That it shall be lawful for the Governor of New Zealand, on behalf of Her Majesty, to disallow any such election; and if such disallowance be signified by the Governor under the seal of New Zealand, to the Speaker of such Council, at any time within three months after such election, the office of Superintendent shall become vacant; and, on any vacancy occasioned by such disallowance, or by

the death or resignation of the Superintendent (such resignation being accepted by the Governor on behalf of her Majesty), a new election shall in like manner take place: PROVIDED FARTHER, That, at any time during the continuance of the office of any such Superintendent, it shall be lawful for her Majesty to remove him from such office, on receiving an address signed by the majority of the members of such Provincial Council praying for such removal; and thereupon the like proceedings shall be had as in the case of any such vacancy as above mentioned.

Governor may appoint Electoral Districts, &c.

5. It shall be lawful for the Governor, by proclamation, to constitute within each of the said Provinces hereby established convenient electoral districts for the election of members of the Provincial Council, and of the Superintendent, and to appoint and declare the number of members to be elected for each such district for the Provincial Council, and to make provision for the registration and revision of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of returning officers, and for issuing, executing, and returning the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for ensuring the orderly, effective, and impartial conduct of such elections; and in determining the number and extent of such electoral districts, and the number of members to be elected for each district, regard shall be had to the number of electors within the same, so that the number of members to be assigned to any one district may bear to the whole number of the members of the said Council, as nearly as may be, the same proportion as the number of electors within such district shall bear to the whole number of electors within the limits of the Province.

Qualification of Members.

6. Every person within any Province hereby established, or hereafter to be established, who shall be legally qualified as an elector, and duly registered as such, shall be qualified to be elected a member of the Provincial Council thereof, or to be elected Superintendent thereof: PROVIDED ALWAYS, That it shall not be necessary that he reside or possess the qualification in the particular district for which he may be elected to serve as a member.

Qualification of Voters.

7. The members of every such Council shall be chosen by the votes of the inhabitants of the Province who may be qualified as hereinafter mentioned; that is to say, every man of the age of twenty-one years or upwards, having a freehold estate in possession, situate within the district for which the vote is

to be given, of the clear value of fifty pounds above all charges and incumbrances, and of or to which he has been seised or entitled, either at law or in equity, for at least six calendar months next before the last registration of electors, or having a leasehold estate in possession, situate within such district, of the clear annual value of ten pounds, held upon a lease which at the time of such registration shall have not less than three years to run, or having a leasehold estate so situate, and of such value as aforesaid, of which he has been in possession for three years or upwards next before such registration, or being a householder within such district, occupying a tenement within the limits of a town (to be proclaimed as such by the Governor for the purposes of this Act), of the clear annual value of ten pounds, or without the limits of a town of the clear annual value of five pounds, and having resided therein six calendar months next before such registration as aforesaid, shall, if duly registered, be entitled to vote at the election of a member or members for the district.

Aliens and persons convicted of certain offences disqualified.

8. PROVIDED ALWAYS, That no person shall be entitled to vote at any such election who is an alien, or who at any time theretofore shall have been attainted or convicted of any treason, felony, or infamous offence, within any part of her Majesty's dominions, unless he shall have received a free pardon, or shall have undergone the sentence or punishment to which he shall have been adjudged for such offence.

Members may resign their Seats.

9. It shall be lawful for any member of any Provincial Council, by writing under his hand, addressed to the Superintendent of the Province, to resign his seat in the said Council; and upon the receipt by the Superintendent of such resignation the seat of such member shall become vacant.

In certain cases Seats to become void.

10. If any member of any Provincial Council shall, for two successive Sessions of such Council, fail to give his attendance therein, 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 attainted of treason, or to be convicted of felony or any infamous offence, his seat in such Council shall thereupon become vacant.

Determination of questions as to vacancies.

11. Any question which shall arise respecting any vacancy in a Provincial Council on occasion of any of the matters aforesaid shall be heard and determined by such Council, on such question being referred to them for that purpose by the Superintendent of the Province, and not otherwise.

Issue of Writs for supplying vacancies.

12. Whenever it shall be established, to the satisfaction of the Superintendent, that the seat of any member of the Provincial Council has become vacant, the Superintendent shall

forthwith issue a writ for the election of a new member to serve in the place so vacated, during the remainder of the term of the continuance of such Council, and no longer.

Duration of Provincial Council. Dissolution.

13. Every Provincial Council shall continue for the period of four years from the day of the return of the writs for choosing the same, and no longer: PROVIDED ALWAYS, That it shall be lawful for the Governor, by proclamation or otherwise, sooner to dissolve the same, whenever he shall deem it expedient so to do.

When Writs are to issue.

14. The Governor shall cause the first writs for the election of members of the Provincial Council of every province hereby established to be issued at some time not later than six calendar months next after the proclamation of this Act in New Zealand; and upon the expiration of the said period of the continuance of any Provincial Council, or upon the previous dissolution thereof, the Governor shall cause writs to be issued for the election of members of the ensuing Council.

Convening of Council.

15. It shall be lawful for the Superintendent, by proclamation in the *Government Gazette*, to fix such place or places within the limits of the Province, and such times for holding the first and every other Session of the Provincial Council, as he may think fit, and from time to time, in manner aforesaid, to alter and vary such times and places as he may judge advisable, and most consistent with general convenience.

Prorogation.

16. It shall be lawful for the Superintendent to prorogue such Council from time to time, whenever he shall deem it expedient so to do.

A Session to be held every year.

17. PROVIDED ALWAYS, That there shall be a Session of every Provincial Council once at least in every year, so that a greater period than twelve calendar months shall not intervene between the last sitting of the Council in one Session, and the first sitting of the Council in the next Session.

Superintendent and Provincial Council may make Laws.

18. It shall be lawful for the Superintendent of each Province, with the advice and consent of the Provincial Council thereof, to make and ordain all such laws and ordinances (except and subject as hereinafter mentioned) as may be required for the peace, order, and good government of such Province, provided that the same be not repugnant to the law of England.

Restrictions on powers of legislation.

19. It shall not be lawful for the Superintendent and Provincial Council to make or ordain any law or ordinance for any of the purposes hereinafter mentioned: (that is to say)—

1. The imposition or regulation of Duties of Customs to be imposed on the importation or exportation of any goods at any port or place in the Province :
2. The establishment or abolition of any court of judicature of civil or criminal jurisdiction, except courts for trying and punishing such offences as by the law of New Zealand are or may be made punishable in a summary way, or altering the constitution, jurisdiction, or practice of any such court, except as aforesaid :
3. Regulating any of the current coin, or the issue of any bills, notes, or other paper currency :
4. Regulating the weights and measures to be used in the Province, or in any part thereof :
5. Regulating the post-offices and the carriage of letters within the Province :
6. Establishing, altering, or repealing laws relating to bankruptcy or insolvency :
7. The erection and maintenance of beacons and light-houses on the coast :
8. The imposition of any dues or other charges on shipping at any port or harbor in the Province :
9. Regulating marriages :
10. Affecting lands of the Crown, or lands to which the title of the aboriginal native owners has never been extinguished :
11. Inflicting any disabilities or restrictions on persons of the native race to which persons of European birth or descent would not also be subjected :
12. Altering in any way the criminal law of New Zealand, except so far as relates to the trial and punishment of such offences as are now or may, by the criminal law of New Zealand, be punishable in a summary way, as aforesaid :
13. Regulating the course of inheritance of real or personal property, or affecting the law relating to wills.

As to election of Speaker.

20. Every Provincial Council shall, immediately on their first meeting, and before proceeding to the despatch of any other business, elect one of their members to be the Speaker thereof, during the continuance of such Council, which election being confirmed by the Superintendent, shall be valid and effectual; and in case of vacancy in the said office by death, resignation, or otherwise, then and so often as the same shall

happen, the election shall be repeated and confirmed as aforesaid.

21. The Speaker of each Provincial Council shall preside at the meetings of such Council; but, in his absence, some member elected by the Council shall preside. Speaker to preside.

22. No Provincial Council shall be competent to the despatch of any business, unless one-third of the whole number of members be present. Quorum.

23. All questions which shall arise in any such Council shall be decided by the majority of votes of the members present other than the Speaker or presiding member; but, in all cases wherein the votes shall be equal, the Speaker or presiding member shall have a casting vote. Questions to be determined by majority of Votes.

24. Every Provincial Council, at their first meeting, and from time to time afterwards, as occasion may require, shall prepare and adopt such Standing Rules and Orders as may be best adapted for the orderly conduct of the business of such Council, which rules and orders shall be laid before the Superintendent; and, being by him approved, shall then become binding and in force. Standing Orders to be adopted.

25. It shall not be lawful for any Provincial Council to pass, or for the Superintendent to assent to, any bill appropriating any money to the public service, unless the Superintendent shall first have recommended to the Council to make provision for the specific service to which such money is to be appropriated; and no such money shall be issued, or be made issuable, except by warrants to be granted by the Superintendent. Appropriation and issue of Money.

26. It shall be lawful for the Superintendent to transmit to the Provincial Council, for their consideration, the drafts of any such laws or ordinances as it may appear to him desirable to introduce; and all such drafts shall be taken into consideration in such convenient manner as in and by such rules and orders as aforesaid shall be in that behalf provided. Superintendent may transmit drafts of Laws for consideration of Council

27. Every bill passed by the Provincial Council shall be presented to the Superintendent for the Governor's assent, and the Superintendent shall declare, according to his discretion (but subject nevertheless, to the provisions herein contained, and to such instructions as may from time to time be given him by the Governor), that he assents to such bill on behalf of the Governor, or that he withholds the assent of the Governor, or that he reserves such bill for the signification of the Governor's pleasure thereon: PROVIDED ALWAYS, That it shall and may be lawful for the Superintendent, before declaring his pleasure in regard to any bill so presented to him, to Giving or withholding assent to Bills

make such amendments in such bill as he thinks needful or expedient, and to return such bill with such amendments to such Council, and the consideration of such amendments by such Council shall take place in such convenient manner as shall, in and by the rules and orders aforesaid, be in that behalf provided: PROVIDED ALSO, That all bills altering or affecting the extent of the several electoral districts which shall be represented in the Provincial Council, or establishing new or other such electoral districts, or altering the number of the members of such Council to be chosen by the said districts respectively, or altering the number of the members of such Council, or altering the limits of any town, or establishing any new town, shall be so reserved as aforesaid.

Superintendent to send copies of Bills assented to to Governor.

28. Whenever any bill shall have been assented to by the Superintendent as aforesaid, the Superintendent shall forthwith transmit to the Governor an authentic copy thereof.

Disallowance of Bills assented to.

29. It shall be lawful for the Governor, at any time within three months after any such bill shall have been received by him, to declare, by Proclamation, his disallowance of such bill; and such disallowance shall make void and annul the same, from and after the day of the date of such Proclamation, or any subsequent day to be named therein.

No Bill to have any force until assented to by Governor.

30. No bill which shall be reserved for the signification of the assent of the Governor shall have any force and authority within the Province until the Superintendent shall signify either by speech or message to the Provincial Council, or by proclamation in the *Government Gazette*, that such bill has been laid before the Governor, and that the Governor has assented to the same; and an entry shall be made in the journals of the Provincial Council of every such speech, message, or proclamation; and a duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper officer, to be kept among the records of the Province: and no bill which shall be so reserved, as aforesaid, shall have any force or authority within the Province, unless the assent of the Governor thereto shall have been so signified, as aforesaid, within three months next after the day on which such bill shall have been presented to the Superintendent for the Governor's assent.

Governor may transmit instructions to Superintendent as to reserving Bills.

31. It shall be lawful for the Governor, from time to time, to transmit to the Superintendent of any Province, for his guidance in assenting to or withholding assent from bills, or reserving the same for the signification of the Governor's pleasure thereon, such instructions as to the Governor shall seem fit; and it shall be the duty of the Superintendent to act in obedience to such instructions.

32. There shall be within the Colony of New Zealand a General Assembly, to consist of the Governor, a Legislative Council, and House of Representatives.

Establishment of a General Assembly.

33. For constituting the Legislative Council of New Zealand, it shall be lawful for her Majesty, before the time to be appointed for the first meeting of the General Assembly, by an instrument under her Royal Sign Manual, to authorise the Governor, in her Majesty's name, to summon to the said Legislative Council such persons, being not less in number than ten, as her Majesty shall think fit; and it shall also be lawful for her Majesty, from time to time, in like manner to authorise the Governor to summon to the said Legislative Council such other person or persons as her Majesty shall think fit, either for supplying any vacancy or vacancies, or otherwise; and every person who shall be so summoned, shall thereby become a member of the said Legislative Council: PROVIDED ALWAYS, That no person shall be summoned to such Legislative Council who shall not be of the full age of twenty-one years, and a natural-born subject of her Majesty, or a subject of her Majesty, naturalized by Act of Parliament, or by an Act of the Legislature of New Zealand.

Appointment of members of the Legislative Council.

34. Every member of the Legislative Council of New Zealand shall hold his seat therein for the term of his life; subject, nevertheless, to the provisions hereinafter contained for vacating the same.

Legislative Councillors may hold Seats for life.

35. It shall be lawful for any member of the said Legislative Council, by writing under his hand, addressed to the Governor, to resign his seat in the said Council, and upon such resignation and acceptance thereof by the Governor, the seat of such member shall become vacant.

Resignation of Seat in Council.

36. If any Legislative Councillor of New Zealand shall, for two successive Sessions of the General Assembly, without the permission of her Majesty or of the Governor, signified by the said Governor to the Legislative Council, fail to give his attendance in the said Legislative Council, or shall take any oath, or make any declaration or acknowledgement of allegiance, obedience, or adherence to any foreign Prince or Power, or shall do, concur in, or adopt any act whereby he may become a subject or citizen of any foreign state or power, or become entitled to the rights, privileges, or immunities, of a subject or citizen of any foreign state or power, 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 attainted of treason, or be convicted of felony, or any infamous crime, his seat in such Council shall thereby become vacant.

Causes by which Seat may be vacated.

Trial of question whether Seats are vacated.

37. Any question which shall arise respecting any vacancy in the said Legislative Council, on occasion of any of the matters aforesaid, shall be referred by the Governor to the said Legislative Council, to be by the said Legislative Council heard and determined: PROVIDED ALWAYS, That it shall be lawful, either for the person respecting whose seat such question shall have arisen, or for her Majesty's Attorney-General for New Zealand, on her Majesty's behalf, to appeal from the determination of the said Council in such case to her Majesty; and the judgment of her Majesty given with the advice of her Privy Council thereon shall be final and conclusive to all intents and purposes.

Appointment of Speaker of Legislative Council.

38. The Governor shall have power and authority from time to time to appoint one member of the said Legislative Council to be Speaker of such Council, and to remove him and appoint another in his stead.

Quorum, &c.

39. The presence of at least five members of the said Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers; and all questions which shall arise in the said Legislative Council shall be decided by a majority of votes of the members present other than the Speaker, and when the votes shall be equal, the Speaker shall have the casting vote.

Power to summon a House of Representatives by Proclamation in her Majesty's name.

40. For the purpose of constituting the House of Representatives of New Zealand, it shall be lawful for the Governor, within the time hereinafter mentioned, and thereafter from time to time as occasion shall require, by proclamation in her Majesty's name, to summon and call together a House of Representatives in and for New Zealand, such House of Representatives to consist of such number of members not more than forty-two nor less than twenty-four, as the Governor shall by proclamation in that behalf direct and appoint; and every such House of Representatives shall, unless the General Assembly shall be sooner dissolved, continue for the period of five years from the day of the return of the writs for choosing such House, and no longer.

See also Act 1927 No 44 Sec. 3 (2).

Provision repealed by Triennial Parliaments Act 1879 Sec 2-3

Power to Governor by Proclamation to constitute electoral Districts, &c., for election of Members of House of Representatives.

41. It shall be lawful for the Governor, by proclamation to constitute within New Zealand convenient electoral districts for the election of members of the said House of Representatives, and to appoint and declare the number of such members to be elected for each such district, and to make provision (so far as may be necessary beyond the provision which may be made for the like purposes in relation to elections for Provincial Councils) for the registration and revision of lists of all persons qualified to vote at the elections to be holden within such districts, and also

provision for the appointing of returning officers, and for issuing, executing, and returning the necessary writs for elections of the House of Representatives, and for taking the poll thereat, and otherwise for ensuring the orderly, effective, and impartial conduct of such elections; and in determining the number and extent of such electoral districts, and the number of members to be elected for each district, regard shall be had to the number of electors within the same, so that the number of members to be assigned to any one district may bear to the whole number of the members of the House of Representatives—as nearly as may be, the same proportion as the number of electors within such district shall bear to the whole number of electors in New Zealand.

Qualification of Voters for Members of House of Representatives.

42. The members of the said House of Representatives to be chosen in every electoral district appointed for that purpose, shall be chosen by the votes of the inhabitants of New Zealand who shall possess within such district the like qualifications which, when possessed within an electoral district appointed for the election of members of a Provincial Council, would entitle inhabitants of the Province to vote in the election of members of the Provincial Council thereof, and who shall be duly registered as electors; and every person legally qualified as such elector shall be qualified to be elected a member of the said House.

First Writs to be issued within six months.

43. The Governor shall cause the first writs for the election of members of the said House of Representatives to be issued at some time not later than six calendar months next after the proclamation of this Act in New Zealand; and upon the expiration of the said period of the continuance of the House of Representatives, or upon the previous determination of such House by the dissolution of the General Assembly, the Governor shall cause writs to be issued for the election of members of the ensuing House of Representatives.

Time & place of holding the General Assembly.

44. The General Assembly of New Zealand shall be holden at any place and time within New Zealand which the Governor shall from time to time by proclamation for that purpose appoint; and the time so to be appointed for the first holding of such General Assembly shall be as soon as conveniently may be after the return of the first writs for the election of members of the said House of Representatives; and the Governor may at his pleasure prorogue or dissolve the General Assembly.

Prorogation and dissolution.

Disputed Elections.

45. The said House of Representatives shall, until provision be made otherwise in that behalf by law, be judges without appeal, of the validity of the election of each member thereof.

No Member to sit or vote until he has taken the oath of allegiance.

46. No member of the said Legislative Council or House of Representatives shall be permitted to sit or vote therein until he shall have taken and subscribed the following oath before the Governor, or before some person or persons authorised by him to administer such oath:—

Oath of allegiance.

"I, A. B., do sincerely promise and swear, that I will be faithful, and bear true allegiance to her Majesty Queen Victoria.

"So help me God."

Affirmation or declaration instead of oath.

47. Every person authorised by law to make his solemn affirmation or declaration, instead of taking an oath, may make such affirmation or declaration in lieu of the said oath.

Speaker to be elected on first meeting of House of Representatives.

48. The said House of Representatives shall immediately, on their first meeting, proceed to the choice of one of their members as their Speaker during the continuance of the said House, which choice, being confirmed by the Governor, shall be valid and effectual; and in case of vacancy of the office by death, resignation, or otherwise, then and so often as the same shall happen, the choice shall be repeated and confirmed as aforesaid.

Resignation of Seats.

49. It shall be lawful for any member of the said House of Representatives, by writing under his hand addressed to the Speaker of the said House, to resign his seat in the said House, and upon such resignation the seat of such member shall become vacant.

Vacating of Seats in certain cases.

50. If any member of the said House of Representatives shall, for one whole Session of the General Assembly, without the permission of such House, fail to give his attendance in the said House or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence, to any foreign prince or power, or do, or concur in, or adopt, any act whereby he may become a subject or citizen of any foreign state or power, or become entitled to the rights, privileges, or immunities of a subject of any foreign state or power, 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 attainted of treason, or be convicted of felony or any infamous crime, his seat in such house shall thereby become vacant.

Election to take place on vacancies.

51. When and so often as a vacancy shall occur, as aforesaid, in any seat in the said House of Representatives, it shall and may be lawful for such House to address the Governor, stating the existence of such vacancy, and the cause thereof; and the Governor, upon receiving such address, shall cause a writ to be issued for supplying such vacancy.

52. The said Legislative Council and House of Representatives, at the first sitting of each respectively, and from time to time afterwards as there shall be occasion, shall prepare and adopt such standing Rules and Orders as shall appear to the said Council and House of Representatives respectively best adapted for the orderly conduct of the business of such Council and House respectively, and for the manner in which such Council and House respectively shall be presided over in case of the absence of the Speaker, and for the mode in which such Council and House shall confer, correspond, and communicate with each other relative to votes or bills passed by or pending in such Council and House respectively, and for the manner in which notices of bills, resolutions, and other business intended to be submitted to such Council and House respectively, at any session thereof, may be published in the *Government Gazette*, or otherwise, for general information, for some convenient space or time before the meeting of such Council and House respectively, and for the proper framing, entitling, and numbering of the bills to be introduced into and passed by the said Council and House of Representatives, all of which Rules and Orders shall by such Council and House respectively be laid before the Governor, and being by him approved, shall become binding and of force, but subject, nevertheless, to the confirmation or disallowance of her Majesty in manner hereinafter provided respecting the Acts to be made by the Governor, with the advice and consent of the said Legislative Council and House of Representatives: PROVIDED, That no such Rule or Order shall be of force to subject any person, not being a member or officer of the Council or House to which it relates, to any pain, penalty, or forfeiture.

Standing Rules and Orders to be made.

53. It shall be competent to the said General Assembly (except and subject as hereinafter mentioned) to make laws for the peace, order, and good government of New Zealand, provided that no such laws be repugnant to the law of England; and the laws so to be made by the said General Assembly shall control and supersede any laws or ordinances in anywise repugnant thereto, which may have made or ordained prior thereto by any Provincial Council; and any law or ordinance made or ordained by any Provincial Council, in pursuance of the authority hereby conferred upon it, and on any subject whereon, under such authority as aforesaid, it is entitled to legislate, shall, so far as the same is repugnant to, or inconsistent with, any Act passed by the General Assembly, be null and void.

Power of General Assembly to make Laws.

54. It shall not be lawful for the House of Representatives or the Legislative Council to pass, or for the Governor to assent to any bill appropriating to the public service any sum of money

As to the appropriation and issue of Money.

from or out of her Majesty's revenue within New Zealand, unless the Governor on her Majesty's behalf, shall first have recommended to the House of Representatives to make provision for the specific public service towards which such money is to be appropriated, and (save as herein otherwise provided) no part of her Majesty's revenue within New Zealand shall be issued, except in pursuance of warrants under the hand of the Governor directed to the public treasurer thereof.

Governor may transmit drafts of Laws to either House.

55. It shall and may be lawful for the Governor to transmit by message to either the said Legislative Council or the said House of Representatives, for their consideration, the drafts of any laws which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration, in such convenient manner as shall, in and by the Rules and Orders aforesaid, be in that behalf provided.

Governor may assent to, refuse assent, or reserve Bills.

56. Whenever any bill which has been passed by the said Legislative Council and House of Representatives shall be presented for her Majesty's assent to the Governor, he shall declare according to his discretion, but subject, nevertheless, to the provisions contained in this Act, and to such instructions as may from time to time be given in that behalf by her Majesty, her heirs or successors, that he assents to such bill in her Majesty's name, or that he refuses his assent to such bill, or that he reserves such bill for the signification of her Majesty's pleasure thereon: PROVIDED ALWAYS, That it shall and may be lawful for the Governor, before declaring his pleasure in regard to any bill so presented to him, to make such amendments in such bill as he thinks needful or expedient, and by message to return such bill with such amendments to the Legislative Council or the House of Representatives, as he shall think the more fitting, and the consideration of such amendments by the said Council and House respectively shall take place in such convenient manner as shall, in and by the Rules and Orders aforesaid, be in that behalf provided.

Governor to conform to Instructions transmitted by her Majesty.

57. It shall be lawful for her Majesty, with the advice of her Privy Council, or under her Majesty's signet and sign manual, or through one of her principal Secretaries of State, from time to time to convey to the Governor of New Zealand such instructions as to her Majesty shall seem meet, for the guidance of such Governor, for the exercise of the powers hereby vested in him, of assenting to, or dissenting from, or for reserving for the signification of her Majesty's pleasure, bills to be passed by the said Legislative Council and House of Representatives; and it shall be the duty of such Governor to act in obedience to such instructions.

58. Whenever any bill which shall have been presented for Her Majesty's assent to the Governor shall by such Governor have been assented to in her Majesty's name, he shall by the first convenient opportunity transmit to one of her Majesty's principal Secretaries of State an authentic copy of such bill so assented to; and it shall be lawful at any time within two years after such bill shall have been received by the Secretary of State, for her Majesty, by Order in Council, to declare her disallowance of such bill; and such disallowance, together with a certificate under the hand and seal of the Secretary of State certifying the day on which such bill was received as aforesaid, being signified by the Governor to the said Legislative Council and House of Representatives by speech or message, or by proclamation in the *Government Gazette*, shall make void and annul the same, from and after the day of such signification.

As to disallowance by Her Majesty of Bills assented to by the Governor.

59. No Bill which shall be reserved for the signification of her Majesty's pleasure thereon shall have any force or authority within New Zealand until the Governor shall signify, either by speech or message to the said Legislative Council and House of Representatives, or by proclamation, that such Bill has been laid before her Majesty in Council, and that her Majesty has been pleased to assent to the same; and an entry shall be made in the journals of the said Legislative Council and House of Representatives of every such speech, message, or proclamation, and a duplicate thereof, duly attested shall be delivered to the Registrar of the Supreme Court, or other proper officer, to be kept among the records of New Zealand; and no Bill which shall be so reserved, as aforesaid, shall have any force or authority within New Zealand, unless her Majesty's assent thereto shall have been so signified, as aforesaid, within the space of two years from the day on which such Bill shall have been presented for her Majesty's assent to the Governor, as aforesaid.

No reserved Bill to have any force until assented to by her Majesty.

60. The Governor shall cause every Act of the said General Assembly which he shall have assented to in her Majesty's name to be printed in the *Government Gazette* for general information, and such publication by such Governor of any such Act, shall be deemed to be in law the promulgation of the same.

Acts to be printed.

61. It shall not be lawful for the said General Assembly to levy any duty upon articles imported for the supply of her Majesty's land or sea forces, or to levy any duty, impose any prohibition or restriction, or grant any exemptions, bounty, drawback, or other privilege upon the importation or exportation of any articles, or to impose any dues or charges upon shipping contrary to, or at variance with, any treaty or treaties concluded by her Majesty with any foreign power.

Duties not to be levied on Supplies for Troops, nor any Dues, &c., inconsistent with treaties.

Expenses of collection of Revenue.

62. The Governor is hereby authorised and required to pay out of the revenue arising from taxes, duties, rates, and imposts levied under any Act or Acts of the said General Assembly, and from the disposal of waste lands of the Crown, all the costs, charges, and expenses incident to the collection, management, and receipt thereof; also to pay out of the said revenue arising from the disposal of waste lands of the Crown such sums as may become payable under the provisions hereinafter contained, for or on account of the purchase of land from aboriginal natives, or the release or extinguishment of their rights in any land, and such sums as may become payable to the New Zealand Company under the provisions of this Act in respect of the sale or alienation of land.* PROVIDED ALWAYS, That full and particular accounts of all such disbursements shall from time to time be laid before the said Legislative Council and House of Representatives.

Audit of Accounts.

63. All costs, charges, and expenses, of or incident to the collection, management, and receipt of duties of import and export shall be regulated and audited in such manner as shall be directed by the Commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, and all such costs, charges, and expenses in relation to other branches of the said revenue shall be regulated and audited in such manner as shall be directed by laws of the said General Assembly.

Grants for Civil and Judicial Services

64. There shall be payable to her Majesty, every year, out of the revenue arising from such taxes, duties, rates, and imposts, and from the disposal of such waste lands of the Crown in New Zealand, the several sums mentioned in the schedule to this Act; such several sums to be paid for defraying the expenses of the services and purposes mentioned in such schedule, and to be issued by the Treasurer of New Zealand in discharge of such warrants as shall be from time to time directed to him under the hand and seal of the Governor; and the said Treasurer shall account to her Majesty for the same through the Commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, in such manner and form as her Majesty shall be graciously pleased to direct.

How the appropriation of sums granted may be varied.

65. It shall be lawful for the General Assembly of New Zealand, by any Act or Acts, to alter all or any of the sums mentioned in the said schedule, and the appropriation of such sums to the services and purposes therein mentioned; but every Bill which shall be passed by the said Legislative Council and House of Representatives altering the salary of the Governor, or altering the sum described as for native purposes, shall be reserved for the signification of her Majesty's pleasure thereon, and until and subject to such alteration by Act or Acts as aforesaid, the salaries of the Governor and Judges shall be

* Repealed by 20 and 21 Victoria, Cap. 53.

those respectively set against their several offices in the said schedule; and accounts in detail of the expenditure of the several sums for the time being appropriated under this Act, or such Act or Acts as aforesaid of the said General Assembly, to the several services and purposes mentioned in the said schedule, shall be laid before the said Legislative Council and House of Representatives within thirty days next after the beginning of the Session after such expenditure shall have been made: PROVIDED ALWAYS, That it shall not be lawful for the said General Assembly, by any such Act as aforesaid, to make any diminution in the salary of any Judge to take effect during the continuance in office of any person being such Judge at the time of the passing of such Act.

Appropriation of Revenue.

66. After and subject to the payments to be made under the provisions hereinbefore contained, all the revenue arising from taxes, rates, and imposts levied in virtue of any Act of the General Assembly, and from the disposal of waste lands of the Crown under any such Act made in pursuance of the authority herein contained, shall be subject to be appropriated to such specific purposes as by any Act of the said General Assembly shall be prescribed in that behalf; and the surplus of such revenue which shall not be appropriated as aforesaid, shall be divided among the several Provinces for the time being established in New Zealand under or by virtue of this Act, in the like proportions as the gross proceeds of the said Revenue shall have arisen therein respectively, and shall be paid over to the respective Treasuries of such Provinces for the public uses thereof, and shall be subject to the appropriation of the respective Provincial Councils of such Provinces.

Power to General Assembly to alter Electoral Districts, and number of Members of House of Representatives, &c.

67. It shall be lawful for the said General Assembly, by any Act or Acts, from time to time, to establish new electoral districts for the purpose of electing members of the said House of Representatives, to alter the boundaries of electoral districts for the time being existing for such purpose, to alter and appoint the number of members to be chosen for such districts, to increase the whole number of members of the said House of Representatives, and to alter and regulate the appointment of returning officers, and make provision in such manner as they may deem expedient for the issue and return of writs for the election of the members of such House, and the time and place of holding such elections, and for the determination of contested elections for such House.*

Power to General Assembly to make other alterations in the constitution of the House of Representatives.

68. It shall be lawful for the said General Assembly, by any Act or Acts, to alter from time to time any provisions of this Act, and any laws for the time being in force concerning the election of members of the said House of Representatives, and the qualification of electors and members: PROVIDED, That every Bill for any of such purposes shall be reserved for the signification of her Majesty's pleasure thereon, and a copy of such Bill shall be laid before both Houses of Parliament for the space of thirty days at the least before her Majesty's pleasure thereon shall be signified.*

* Repealed by 20 and 21 Victoria, Cap. 53.

Power to General Assembly to constitute Provinces and alter the Provisions concerning election of Members, &c.

69. It shall be lawful for the said General Assembly, by any Act or Acts, from time to time, to constitute new Provinces in New Zealand, to direct and appoint the number of members of which the Provincial Councils thereof shall consist, and to alter the boundaries of any Provinces for the time being existing, and to alter the provisions of this Act, and any laws for the time being in force respecting the election of members of the Provincial Councils, the powers of such Councils, and the distribution of the said surplus revenue between the several Provinces of New Zealand: PROVIDED ALWAYS, That any Bill for any of the said purposes shall be reserved for the signification of her Majesty's pleasure thereon.*

Her Majesty may establish Municipal Corporations.

70. It shall be lawful for her Majesty, in and by any Letters Patent to be issued under the Great Seal of the United Kingdom, from time to time, to constitute and establish within any district or districts of New Zealand one or more Municipal Corporation or Corporations, and to grant to any such Corporation all or any of the powers which in pursuance of the Statutes in that behalf made and provided, it is competent to her Majesty to grant to the inhabitants of any town or borough in England and Wales incorporated in virtue of such Statutes or any of them, and to qualify and restrict the exercise of any such powers in such and the same manner as by the Statutes aforesaid, or any of them, her Majesty may qualify or restrict the exercise of any such powers as aforesaid in England: PROVIDED ALWAYS, That all provisions of any such Letters Patent, and all bye-laws or regulations made by any such Corporation, shall be subject to alteration or repeal by any Ordinance or Act of the Provincial Council for the Province in which any such Corporation may be established, or of the General Assembly, according to their respective powers hereinbefore declared.

Her Majesty may cause Laws of Aboriginal Native Inhabitants to be maintained.

71. AND WHEREAS it may be expedient that the laws, customs, and usages of the aboriginal or native inhabitants of New Zealand, so far as they are not repugnant to the general principles of humanity, should for the present be maintained for the government of themselves, in all their relations to and dealings with each other, and that particular districts should be set apart within which such laws, customs, or usages should be so observed:

It shall be lawful for her Majesty, by any Letters Patent to be issued under the Great Seal of the United Kingdom, from time to time to make provision for the purposes aforesaid, any repugnancy of any such native laws, customs, or usages to the law of England, or to any law, statute, or usage in force in New Zealand, or in any part thereof, in anywise notwithstanding.

Power to General Assembly to regulate Sales of Waste Lands.

72. Subject to the provisions herein contained, it shall be lawful for the said General Assembly to make laws for regulating the sale, letting, disposal, and occupation of the waste lands of the Crown in New Zealand; and all lands wherein

* Repealed by 20 and 21 Victoria, Cap. 53.

the title of natives shall be extinguished as hereinafter mentioned, and all such other lands as are described in an Act of the Session holden in the tenth and eleventh years of her Majesty, chapter one hundred and twelve, to promote colonisation in New Zealand, and to authorise a loan to the New Zealand Company, as demesne lands of the Crown, shall be deemed and taken to be Waste Lands of the Crown within the meaning of this Act: PROVIDED ALWAYS, That, subject to the said provisions, and until the said General Assembly shall otherwise enact, it shall be lawful for her Majesty to regulate such sale, letting, disposal, and occupation, by instructions to be issued under the Signet and Royal Sign Manual.

Saving as to the lands of Aboriginal Native Tribes.

73. It shall not be lawful for any person other than her Majesty, her heirs or successors, to purchase, or in anywise acquire or accept, from the aboriginal natives, land of or belonging to, or used or occupied by them in common as tribes or communities, or to accept any release or extinguishment of the rights of such aboriginal natives in any such land as aforesaid; and no conveyance or transfer, or agreement for the conveyance or transfer of any such land, either in perpetuity or for any term or period, either absolutely or conditionally, and either in property, or by way of lease or occupancy, and no such release or extinguishment, as aforesaid, shall be of any validity or effect, unless the same be made to, or entered into with, and accepted by, her Majesty, her heirs or successors: PROVIDED ALWAYS, That it shall be lawful for her Majesty, her heirs and successors, by instructions under the Signet and Royal Sign Manual, or signified through one of her Majesty's principal Secretaries of State, to delegate her powers of accepting such conveyances or agreements, releases or relinquishments, to the Governor of New Zealand, or the Superintendent of any Province within the limits of such Province, and to prescribe or regulate the terms on which such conveyances or agreements, releases or extinguishments, shall be accepted.

10 & 11 Vict., c. 112.

74. AND WHEREAS, under and by virtue of the said last-mentioned Act, and of a notice given on the Fourth day of July, One thousand eight hundred and fifty, by the New Zealand Company, in pursuance of such Act, the sum of Two hundred and sixty-eight thousand three hundred and seventy pounds fifteen shillings, with interest, after the yearly rate of Three pounds ten shillings per centum upon the said sum, or so much thereof as shall from time to time remain unpaid, is charged upon and payable to the New Zealand Company out of the proceeds of the sales of the demesne lands of the Crown in New Zealand:*

Upon all Sales of

In respect of all sales or other alienations of any waste lands of the Crown in New Zealand in fee simple, or for any less estate or interest

* Repealed by 20 and 21 Victoria, Cap. 53.

Waste Lands, one-fourth part of the sum to be paid to New Zealand Company till their debt is discharged.

(except by way of license for occupation for pastoral purposes for any term of years not exceeding seven, and not containing any contract for the renewal of the same, or for a further estate, interest, or license, or by way of reservation of such lands as may be required for public roads or other internal communications, whether by land or water, or for the use or benefit of the aboriginal inhabitants of the country, or for purposes of military defence, or as the sites of places of public worship, schools, or other buildings, or as places for the interment of the dead, or places 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 shores of navigable streams, or for any other purpose of public safety, convenience, health, or enjoyment), there shall be paid to the said New Zealand Company, towards the discharge of the principal sum and interest charged as aforesaid, in lieu of all and every other claim of the said Company in respect of the said sum, except where otherwise hereinafter provided, so long as the same, or any part thereof respectively, shall remain unpaid, one-fourth part of the sum paid by the purchaser in respect of every such sale or alienation: PROVIDED ALWAYS, That it shall be lawful for the New Zealand Company, by any resolution of a majority of the proprietors of the said Company present at any meeting of such proprietors, and certified under the common seal of such Company, to release all or any part of the said lands from the monies or payment charged thereon by the said Act, or this Act, or any part of such monies or payment, either absolutely, or upon any terms or conditions, as such proprietors may think fit.*

Power to New Zealand Company to release Lands from payments, &c.

Saving as to Canterbury Settlement Lands.

13 & 14 Vict., c. 70, and 14 & 15 Vict., c. 84.

75. It shall not be lawful for the said General Assembly to repeal or interfere with all or any of the provisions of an Act of the Session holden in the thirteenth and fourteenth years of her Majesty, chapter seventy, intituled, "An Act empowering the Canterbury Association to dispose of certain lands in New Zealand," or of an Act passed in the Session then next following, chapter eighty-four, to alter and amend the said first-mentioned Act: PROVIDED ALWAYS, That, on the expiration, or sooner determination, of the functions, powers, and authorities now vested in, or lawfully exercised by the said Association, the provisions of the present Act shall come into force as regards the lands to which the said Acts relate.

Power to Canterbury Association to transfer their powers to the Provincial Council.

76. It shall be lawful for the Canterbury Association, at any time after a Provincial Council shall have been constituted under this Act for the Province of Canterbury, to transfer to the said Council all such functions, powers, and authorities, and the said Council is hereby empowered to accept such transfer, upon such terms and conditions as shall be agreed upon between the said Council and the said Association: PROVIDED ALWAYS, That nothing contained in such terms and conditions shall interfere with the rights of her Majesty, her heirs and successors, or of the New Zealand Company respectively; and from and after such time as shall be agreed upon between the said Council and the said Association, the said Council

* Repealed by 20 and 21 Victoria, Cap. 53.

shall have and be entitled to exercise all the said functions, powers, and authorities.

Saving as to Nelson Trust Fund.

77. Nothing in this Act or in any Act, Law, or Ordinance to be made by the said General Assembly, or by any Provincial Assembly, shall affect or interfere with so much of an Act of the Session holden in the fourteenth and fifteenth years of her Majesty, chapter eighty-six, intituled "An Act to regulate the affairs of certain settlements established by the New Zealand Company in New Zealand," as relates to the administration of the fund for the public purposes of the Settlement of Nelson.

14 & 15 Vict., c. 86.

Power to her Majesty to regulate the disposal of Waste Lands in Otago.

78. And whereas certain terms of purchase and pasturage of land in the settlement of Otago had been issued by the New Zealand Company before the Fourth day of July, One thousand eight hundred and fifty, and the said terms, or part of them, were in force on that day as contracts between the New Zealand Company and the Association of lay members of the Free Church of Scotland, commonly called the Otago Association: And whereas, by the provisions of the said Act of the tenth and eleventh years of her Majesty, and of the said notice given by the New Zealand Company, the lands of the said Company in New Zealand reverted to, and became vested in her Majesty as part of the demesne land of the Crown, subject nevertheless to any contract then subsisting in regard to any of the said lands: And whereas it is expedient that provision should be made to enable her Majesty to fulfil the contracts contained in such terms of purchase and pasturage as aforesaid:

It shall be lawful for her Majesty for that purpose to make provision, by way of regulations to be contained in any charter to be granted to the said Association, for the disposal of the lands to which the said terms of purchase and pasturage relate, so far as the same are still in force as aforesaid, and for varying from time to time such regulations, with such consent by or on behalf of the said Association as in any such charter or instructions shall be specified, and for fixing the boundaries thereof, and for enabling the said Association to transfer its powers to the Provincial Council for the Province of Otago: Provided always, That no such charter shall be granted or have effect for any longer term than ten years from the passing of this Act; but one of her Majesty's principal Secretaries of State may at any time during the term for which such charter shall be granted, by writing under his hand, extend the term for which such charter shall have been granted for such further time as in his discretion he may think fit: Provided

ALWAYS, That it shall not be lawful for her Majesty, by any such regulations as aforesaid, to diminish the sum now payable to the New Zealand Company in respect of all waste land sold under the said terms of purchase, unless with the consent of the New Zealand Company, signified as hereinbefore provided; and during the continuance of such charter as aforesaid, it shall not be lawful for the said General Assembly to repeal or interfere with any such regulations respecting lands in Otago, except with such consent by or on behalf of the Otago Association as in any such charter or instructions may be provided, and (so far as the rights of the New Zealand Company may be affected) with the consent of such Company signified as hereinbefore provided; and every bill which shall repeal or interfere with any such regulations shall be reserved for the signification of her Majesty's pleasure thereon.

No Act of the General Assembly to interfere with such regulations, save with consent, &c.

Her Majesty may delegate certain powers to Governor.

79. It shall be lawful for her Majesty, by any such Letters Patent aforesaid, or instructions under her Majesty's Signet and Sign Manual, or signified through one of her Majesty's principal Secretaries of State, to delegate to the Governor any of the powers hereinbefore reserved to her Majesty respecting the removal of Superintendents of Provinces, and the regulation of the sale, letting, disposal, and occupation of waste lands, the establishment of municipal corporations, and the preservation of aboriginal laws, customs, and usages.

Interpretation of 'Governor,' and "New Zealand."

80. In the construction of this Act the term "Governor" shall mean the person for the time being lawfully administering the Government of New Zealand; and for the purposes of this Act "New Zealand" shall be held to include all territories, islands, and countries lying between thirty-three degrees of south latitude, and fifty degrees of south latitude, and one hundred and sixty-two degrees of east longitude, and one hundred and seventy-three degrees of west longitude, reckoning from the meridian of Greenwich.*

Commencement of this Act.

81. This Act shall be proclaimed in New Zealand by the Governor thereof within six weeks after a copy of such Act shall have been received by such Governor, and, save as herein expressly provided, shall take effect in New Zealand from the day of such proclamation thereof.

Proclamation to be published in the *New Zealand Gazette.*

82. The proclamation of this Act, and all proclamations to be made under the provisions thereof, shall be published in the *New Zealand Government Gazette.*

* Repealed by 26 Victoria, Cap. 23.

Schedule.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.*

Governor	£2,500
Chief Justice	1,000
Puisné Judge	800
Establishment of the General Government	4,700
Native Purposes	7,000
	£16,000

* By Act of General Assembly, 26 Victoria, No. XXVII., the above Schedule was amended as follows:

Governor	£4,500
Judges	6,200
Establishment of General Government	7,300
Native Purposes	7,000

CONSTITUTION ACT AMENDMENT ACT.

TWENTIETH AND TWENTY-FIRST VICTORIA, CAP. LIII.

AN ACT TO AMEND THE ACT FOR GRANTING A REPRESENTATIVE CONSTITUTION TO THE COLONY OF NEW ZEALAND.

ANALYSIS.

Title.
Preamble — 15 and 16 Vict., c. 72.
I. Sections 67, 68, 69, and 74, and part of section 62, of recited Act repealed.
II. Power to General Assembly of New Zealand to vary the provisions of the recited Act, with the exceptions herein named.
III. Commencement of Act.

"*An Act to amend the Act for granting a Representative Constitution to the Colony of New Zealand.*"

[17th August, 1857.]

15 & 16 Vict. c. 72.

WHEREAS it is expedient that an Act passed in the Session holden in the fifteenth and sixteenth years of her Majesty, chapter seventy-two, to grant a Representative Constitution to the Colony of New Zealand, should be amended by repealing certain clauses thereof, whereby certain charges were imposed on the Territorial Revenue of the said Colony, for which charges other provision has been or is intended to be made, and making further and other provision for enabling the General Assembly of New Zealand to alter the enactments thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. Sections sixty-seven, sixty-eight, sixty-nine, and seventy-four of the said Act of the fifteenth and sixteenth years of her Majesty, and so much of section sixty-two of the said Act as authorises and requires the Governor to pay out of the Revenue arising from the disposal of waste lands of the Crown sums on account of the purchase of land from aboriginal natives, or the release or extinguishment of their rights, and sums payable to the New Zealand Company, are hereby repealed.

Sections 67, 68, 69, and 74, and part of section 62, of recited Act repealed.

II. It shall be lawful for the said General Assembly of New Zealand by any Act or Acts from time to time to alter, suspend or repeal all or any of the provisions of the said Act, except such as are hereinafter specified; namely,

So much of the said Act as repeals former Acts, Letters Patent, Instructions and Orders in Council:

The provisions contained in sections three, eighteen (save the exception therein contained), twenty-five, twenty-eight, twenty-nine, thirty-two, forty-four, forty-six, forty-seven, fifty-three, fifty-four, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty-one, sixty-four (save so much as charges the Civil List on the revenues arising from the disposal of waste lands of the Crown), sixty-five, seventy-one, seventy-three, and eighty of the said Act:

But no such Act of the General Assembly as aforesaid which shall alter, suspend, or repeal any of the provisions contained in section nineteen of the said Act shall have any force or effect unless the same shall have been reserved for the signification of her Majesty's pleasure thereon, and until the Governor of New Zealand shall have signified, as provided by the said Act, that her Majesty has been pleased to assent to the same.

Power to General Assembly of New Zealand to vary the Provisions of the recited Act, with the exceptions herein named.

III. This Act shall be proclaimed in New Zealand by the Governor, or person administering the Government thereof within six weeks after a copy of such Act shall have been received by such Governor, and shall take effect in New Zealand from the day of such proclamation; except that the repeal of section seventy-four of the said recited Act, and of so much of section sixty-two as relates to sums payable to the New Zealand Company, shall only take effect if on or before the Fifth day of April, One thousand eight hundred and fifty-eight payment be made to the New Zealand Company of the sums and in the manner specified in the New Zealand Company's Claims Act passed during the present Session of Parliament.

Commencement of Act.

GOVERNMENT OF PROVINCES ACT.

TWENTY-FIFTH AND TWENTY-SIXTH VICTORIA, CAP. 48.

AN ACT RESPECTING THE ESTABLISHMENT AND GOVERNMENT OF PROVINCES IN NEW ZEALAND, AND TO ENABLE THE LEGISLATURE OF NEW ZEALAND TO REPEAL THE SEVENTY-THIRD SECTION OF AN ACT, INTITULED "AN ACT TO GRANT A REPRESENTATIVE CONSTITUTION TO THE COLONY OF NEW ZEALAND.

ANALYSIS.

1. 24 and 25 Vict., c. 30, repealed.
2. New Provinces Act, 1858, confirmed.
3. General Assembly to provide for the establishment of New Provinces in New Zealand.
4. General Assembly not to make Laws inconsistent with provisions herein mentioned.
5. Limitation of Governor's powers of assent to Bills.
6. Repeal of parts of two first recited Acts.
7. Application of Acts to future Provinces.
8. Power to General Assembly to repeal or alter Act LXXIII. of 15 and 16 Vict., c. 72.
9. Governor.

"*An Act respecting the Establishment and Government of Provinces in New Zealand, and to enable the Legislature of New Zealand to repeal the Seventy-third Section of an Act, intituled 'An Act to grant a Representative Constitution to the Colony of New Zealand.'*"

[29th July, 1862.]

WHEREAS by an Act of the Session holden in the fifteenth and sixteenth years of her Majesty, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," it was provided that certain Provinces therein mentioned should be established in the said Colony, and that in every such Province there should be a Provincial Council, and that

there should be in the said Colony a General Assembly competent to make laws for the peace, order, and good government of the same; and by the sixty-ninth section of the said Act it was further provided that it should be lawful for the said General Assembly to constitute new Provinces in the said Colony, and to appoint the number of members of which the Provincial Councils thereof should consist, and to alter the boundaries of any Provinces for the time being existing: provided always that any Bill for any of the said purposes should be reserved for the signification of her Majesty's pleasure thereon: And whereas by an Act of the Session holden in the twentieth and twenty-first years of her Majesty, intituled "An Act to amend an Act for granting a Representative Constitution to the Colony of New Zealand," it was enacted that the sixty-ninth section of the said first recited Act should be repealed, and that it should be lawful for the said General Assembly to alter, suspend, or repeal all or any of the provisions of the said Act, except certain sections therein specified: And whereas the said General Assembly, by an Act passed in a Session holden in the twenty-first and twenty-second years of her Majesty, intituled "An Act to provide for the establishment of new Provinces in New Zealand," or, more shortly, "The New Provinces Act, 1858," did authorise the Governor of the said Colony to establish such new Provinces in manner therein mentioned, and the said Governor did establish certain new Provinces accordingly: And whereas doubts are entertained whether it was competent to the said General Assembly to make such provision and to the said Governor to establish such new Provinces as aforesaid: And whereas, for the removing of such doubts, an Act was passed in the now last Session of Parliament, intituled "An Act to declare the Validity of an Act passed by the General Assembly of New Zealand, intituled 'An Act to provide for the establishment of new Provinces in New Zealand:'" And whereas it is expedient to repeal the said last mentioned Act of Parliament, and to make fresh provision respecting the establishment of new Provinces inNew Zealand: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

1. The said last mentioned Act of Parliament shall be and the same is hereby repealed. 24 & 25 Vict. c. 30, repealed.

New Provinces Act, 1858, confirmed.

2. The said "New Provinces Act, 1858," (except so far as the same shall have been altered by any Act subsequently passed by the said General Assembly,) shall be and be deemed to have been from the date of the passing thereof valid and effectual for all purposes whatever, and all matters and things done under and in pursuance of authority created or given or expressed to be created or given by the same Act shall be deemed to have been of the same force and effect as if the said Act and everything therein contained had from the above mentioned date been actually so valid as aforesaid.

General Assembly to provide for the establishment of New Provinces in New Zealand.

3. Subject to the conditions hereinafter mentioned, it shall be lawful for the said General Assembly, by any Act or Acts to be by them from time to time passed, to establish or provide for the establishment of new Provinces in the Colony of New Zealand, and to alter or to provide for the alteration of the boundaries of any Provinces for the time being existing in the said Colony, and to make provision for the administration of any such Provinces, and for the passing of laws for the peace, order, and good government thereof, and therein to repeal or alter any of the provisions of the two first hereinbefore recited Acts of Parliament relating to such Provinces, or to the Superintendents and Provincial Councils thereof.

General Assembly not to make Laws inconsistent with provisions herein mentioned.

4. It shall not be lawful for the General Assembly to make any law inconsistent with the following provisions; that is to say,

(1.) In every Province of New Zealand there shall be an officer designated the Superintendent, who, unless any provision shall be made to the contrary in any Act of the General Assembly, shall be capable of being elected and acting as a member of the Council of the same Province:

(2.) No Provincial law shall take effect until it shall have received the assent in writing, either of the said Superintendent or of the Governor of New Zealand:

(3.) In giving or refusing his assent to any Provincial law, or in reserving the same for the signification of the Governor's pleasure, the Superintendent shall conform to such instructions in writing as he may from time to time receive from the Governor:

(4.) In case the Superintendent shall assent to any Provincial law he shall forthwith transmit to the Governor an authentic copy thereof:

(5.) It shall be lawful for the Governor at any time after the date of such assent, and until the expiration of three months after such authentic copy of any Provincial law shall have been received by him, to declare by proclamation his disallowance of such law, and such disallowance shall make void and annul the same from and after the day of the date of such proclamation or any subsequent day to be named therein:

(6.) It shall not be lawful for the Council or other Legislative Body of any Province to pass, or for the Superintendent or Governor to assent to, any Bill appropriating any money to the Public Service, unless the Superintendent or Governor shall first have recommended to the Council to make provision for the specific Service to which such money is to be appropriated, and no such money shall be issued or made issuable except by warrants to be granted by the Superintendent or Governor :

(7.) It shall not be lawful for any such Council or other Body as aforesaid to pass, and for the said Superintendent or Governor to assent to, any law which shall be repugnant to the law of England or to any enactment of the said General Assembly.

Limitation of Governor's powers of assent to Bills.

5. It shall not be competent to the Governor of New Zealand to assent to any Bill passed by the Legislature of New Zealand which shall repeal or alter any of the provisions of the nineteenth clause of the first hereinbefore recited Act of Parliament, but the said Governor (unless he shall refuse his assent to such Bill) shall reserve the same for the signification of her Majesty's pleasure.

Repeal of parts of two first recited Acts.

6. So much of the two first hereinbefore recited Acts of Parliament as is inconsistent with the provisions of this Act is hereby repealed.

Application of Acts to future Provinces.

7. Subject to the Provisions of this Act, and of the said New Provinces Act, the said two first hereinbefore recited Acts of Parliament shall apply to all Provinces at any time existing in New Zealand, in like manner and subject to the same conditions as the same apply to Provinces established by the first hereinbefore recited Act of Parliament.

Power to General Assembly to repeal

8. And wheres it is expedient to enable the General Assembly of New Zealand to repeal the seventy-third Section of the first, hereinbefore recited Act of Parliament : Be it further

or alter Act LXXIII. of 15 and 16 Vict., c. 72.

enacted as follows (that is to say): It shall be lawful for the said General Assembly to alter or repeal all or any of the Provisions contained in the said Section, and no Act passed by the said General Assembly, nor any part of such Act, shall be or be deemed to have been invalid by reason that the same is repugnant to any of the said provisions.

Governor.

9. In the construction of this Act the term "Governor" shall mean the person for the time being lawfully administering the Government of New Zealand.

ALTERATION OF BOUNDARIES ACT.

TWENTY-SIXTH VICTORIA, CAP. 23.

AN ACT TO ALTER THE BOUNDARIES OF NEW ZEALAND.

ANALYSIS.

Title.
Preamble.
1. Part of Section 80, of 15 and 16 Vict., c. 72, repealed.
2. What shall be deemed the Limits of the Colony.

Title. "*An Act to alter the Boundaries of New Zealand.*"

[8th June, 1863.]

Preamble. WHEREAS by the eightieth section of an Act of the fifteenth year of her Majesty, chapter seventy-two intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," it was provided that, for the purposes of that Act, the said Colony should be held to include the territories therein mentioned: And whereas it is expedient to alter the limits of the said Colony as declared by the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

Part of Section 80 of 15 and 16 Vict., c. 72, repealed. 1. So much of the eightieth section of the aforesaid Act of Parliament as declares the limits of the Colony of New Zealand for the purposes of the said Act is repealed.

What shall be deemed the limits of the Colony. 2. The Colony of New Zealand shall for the purposes of the said Act and for all other purposes whatever be deemed to comprise all territories, islands, and countries lying between the one hundred and sixty-second degree of east longitude and the one hundred and seventy-third degree of west longitude, and between the thirty-third and fifty-third parallels of south latitude.

PROVINCE OF NELSON.

APPROPRIATION ORDINANCE.

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

SESSION I., No. 9.

AN ORDINANCE TO APPROPRIATE MONEY TO THE PUBLIC SERVICE FOR THE PROVINCE OF NELSON FOR THE YEAR ENDING 30TH SEPTEMBER, 1854.

ANALYSIS.

Title.
Preamble.
1. Certain Sums to be applied to the Service of the Year ending the 30th September, 1854.
2. Treasurer to pay Money on order of the Superintendent.
3. Commencement of Ordinance.

"*An Ordinance to appropriate Money to the Public Service for the Province of Nelson for the Year ending 30th September*, 1854."

Preamble. WHEREAS, by certain Ordinances of the Provincial Council of the Province of Nelson, intituled respectively "An Ordinance to declare that certain Duties heretofore required to be performed by the Colonial Treasurer, or Treasurer of a County or District, shall henceforth be performed by the Treasurer for the Province," and "An Ordinance to make all Fines, Forfeitures and Penalties recoverable by Summary Proceedings within the Province payable to the Treasurer for the Public

Uses of the Province," it is provided that certain sums of money shall be received by the Treasurer of the Province: And whereas his Excellency the Governor of New Zealand has directed that certain sums of money received by the Collector of Customs at the Port of Nelson, and by the Commissioner of Crown Lands for the said Province of Nelson, shall be paid to the Provincial Treasurer for the public uses of the Province: And whereas it is expedient that provision be made for the appropriation of the Revenue received and to be received by the said Treasurer in virtue of the above-recited authorities: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Certain Sums to be applied to the Service of the Year ending the 30th September, 1854.

1. Out of the Revenue as aforesaid, there shall and may be issued and applied, in manner hereinafter mentioned, any sum or sums of money not exceeding the several sums hereinafter specified, that is to say, for defraying the charge of the Government of the said Province of Nelson for the year commencing on the First day of October, 1853, and ending upon the Thirtieth day of September, 1854, the sum of Ten thousand nine hundred and fifty-three pounds fourteen shillings and elevenpence, as hereinafter particularly specified: that is to say—

	£	s.	d.
The Superintendent and Establishment	485	0	0
Provincial Council Establishment .	454	0	0
Solicitor's Department . .	200	0	0
Treasurer's Department . .	122	0	0
Public Works Department .	280	0	0
Harbor Department . .	450	0	0
Government Wharf . .	53	6	8
Sheriff and Gaol Department .	384	0	0
Police Department . .	698	17	6
Medical Department . .	130	0	0
Coroner's Department . .	45	0	0
Charitable Aid . .	121	10	9
Nelson School Society . .	180	0	0
Native Interpreter to all the Public Departments . .	50	0	0
Miscellaneous . . .	490	0	0
Public Purposes . .	6,810	0	0
Amounting in the whole to the sum of ...	£10,953	14	11

Treasurer to pay Money on order of the Superintendent.

2. And be it enacted that the Treasurer of the said Province of Nelson shall issue and pay, from time to time, any sum or sums of money for the purpose hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons and in such portions as the Superintendent shall, by any order or orders in writing signed by him, from time to

time direct; and such Treasurer shall in his account be allowed credit for all sums paid by him in pursuance of such orders; and the receipts of the persons to whom such sum shall have been so paid shall be to him a full discharge for the sum or sums for which such receipts shall have been given, and the amount thereof shall be passed to his credit in account accordingly.

Commencement of Ordinance.

2. This Ordinance shall come into operation from the day of the passing thereof.

E. W. STAFFORD,
Superintendent.

Passed the Provincial Council, on the Fifteenth day of February, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-eighth day of February, in the Year of our Lord One thousand eight hundred and fifty-four.

DONALD SINCLAIR,
Speaker.

GEORGE WHITE,
Clerk of the Council.

PROVINCE OF NELSON.

APPROPRIATION ORDINANCE.

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

SESSION II., No. 8.

AN ORDINANCE TO APPROPRIATE THE REVENUE OF THE PROVINCE OF NELSON FOR THE YEAR ENDING THE THIRTIETH DAY OF SEPTEMBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE, AND THENCE UNTIL THE THIRTY-FIRST DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-FIVE.

ANALYSIS.

Title.
1. Certain Sums to be applied to the Service of the Year ending 30th September, 1855.
2. Treasurer to pay Money on warrant of Superintendent.
3. Certain Sums paid during the Year ended 30th September, 1854, authorised.
4. Appropriation of Revenue for Year ending 30th September, 1855, to apply to Three Months, ending 31st December, 1855.

Title. "*An Ordinance to appropriate the Revenue of the Province of Nelson for the Year ending the Thirtieth day of September, One thousand eight hundred and fifty-five, and thence until the Thirty-first day of December, One thousand eight hundred and fifty-five.*"

BE it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows :—

Certain Sums to be applied to the Service of the Year ending 30th September, 1855.

1. Out of the Revenue of the Province of Nelson subject to the appropriation of the Provincial Council thereof, there may be issued and applied any sums of money not exceeding the several sums hereinafter specified : that is to say—For defraying the charge of the Government of this Province for the year commencing on the First day of October, One thousand eight hundred and fifty-four, and ending on the Thirtieth day of September, One thousand eight hundred and fifty-five, the sum of Thirty-two thousand nine hundred and thirty-three pounds six shillings and sevenpence, as hereinafter particularly specified : that is to say—

	£	s.	d.
The Superintendent's Establishment	1,019	0	0
Secretary's Department	271	6	8
Solicitor's Department	250	0	0
Treasurer's Department	170	0	0
Harbor Department	654	5	8
Government Wharf Department	76	0	0
Sheriff's Department	510	0	0
Police Department	967	10	0
Medical Department	763	10	0
Coroner's Department	45	0	0
Public Works Department	592	0	0
Registrar of Deeds' Department	183	10	0
Provincial Council Department	795	0	0
Native Interpreter	75	0	0
Clerk to Magistrates	20	0	0
Miscellaneous	547	17	7

PUBLIC PURPOSES.

Library, Nelson Literary Institute	100	0	0
Do. in Country Districts	150	0	0
Establishment of Reading Rooms (to meet equivalent subscriptions)	200	0	0
Education, Nelson School Society	400	0	0
Do. Expenses of proposed Commission	50	0	0
Do. three Schools in Country Districts	100	0	0
Expenses of Mr. Adderley in investigating New Zealand Company's Debt	200	0	0
Mineralogical Exploration	800	0	0
Exploration and Surveys of Lines of Road	600	0	0
Roads, Bridges, Ferries, &c.	8,000	0	0
Jetty at Motueka	200	0	0
House of Accommodation, Wairau, nine months at £40 per annum	30	0	0
Equipment of Public Works Department	115	0	0
Hospital and Lunatic Asylum	1,000	0	0
Gaol	500	0	0
Repairs of Public Offices	100	0	0
Pounds	160	0	0
Government Wharf	1,000	0	0
House for Boatmen of Harbor Boat	200	0	0
Buoys, Beacons and Warping Posts	70	0	0
New Boat	35	0	0

	£	s.	d.
Lesser Public Works . . .	300	0	0
Charitable Aid	200	0	0
Printing Gazette, Forms, &c. . .	150	0	0
Immigration	8,000	0	0
Postal Service to Wairau (to meet £200 voted by General Assembly) . . .	200	0	0
Postal Service to Motueka, *via* Waimea South and West (to meet £50 voted by General Assembly), eight months, at £200 per annum	133	6	8
Melbourne Steam Service, six months, at £3,000 per annum	1,500	0	0
Inter-Provincial Steam Service, "Nelson" Contract	1,500	0	0
	£32,933	6	7

Treasurer to pay Money on warrant of Superintendent.

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons 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 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 credit in account accordingly.

Certain Sums paid during the Year ended September, 1854, authorised.

3. And whereas no provision has hitherto been made by law for the appropriation of the sum of Five hundred and eight pounds eighteen shillings and threepence, which has been expended during the year ending Thirtieth day of September, One thousand eight hundred and fifty-four: *Be it therefore enacted*, that the Provincial Treasurer shall in his accounts be allowed credit for all sums not exceeding in the whole the sums hereinafter respectively specified, paid to such persons and in such portions as the Superintendent shall, by any warrant or warrants under his hand, have directed: that is to say—

	£	s.	d.
Sheriff and Gaol Department . .	18	16	8
Messenger	0	7	0
Charitable Aid	60	0	9
Returning Officers . . .	2	16	6
Collecting Census . . .	1	17	4
Inter-Provincial Steam Service . .	375	0	0
Medical (Motueka) . . .	50	0	0
	£508	18	3

Amounting in the whole to the sum of Five hundred and eight pounds eighteen shillings and threepence; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which such receipts shall have been given.

Appropriation of Revenue for year ending 30th September, 1855, to apply to Three Months ending 31st December, 1855.

4. And whereas it is expedient that the financial year should be made to correspond with the calendar year: *Be it also enacted* that such appropriation of the said revenue as is herein before provided for the year ending the Thirtieth day of September, One thousand eight hundred and fifty-five, shall be deemed and taken to apply to the appropriation of such revenue for the three months ending on the Thirty-first day of December, One thousand eight hundred and fifty-five, unless the Provincial Council shall in the meantime otherwise provide for the appropriation of such revenue for such last-mentioned period.

DONALD SINCLAIR,
Speaker.

Passed the Provincial Council this Fourteenth day of February, 1855.

GEORGE WHITE, *Clerk of the Council.*

I assent to this Ordinance on behalf of the Governor of New Zealand, this Sixteenth day of February, in the Year of our Lord One thousand eight hundred and fifty-five.

E. W. STAFFORD,
Superintendent.

PROVINCE OF NELSON.

APPROPRIATION ACT.

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

SESSION III., No. 6.

AN ACT TO APPROPRIATE THE REVENUE OF THE PROVINCE OF NELSON, FOR THE YEAR ENDING THE THIRTY-FIRST DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SIX.

ANALYSIS.

1. Certain Sums to be applied to the Service of the Year ending 31st December, 1856.
2. Treasurer to pay Money on Warrant of Superintendent.
3. Certain Sums paid during the Fifteen Months ended 31st December, 1855, authorised.

"*An Act to appropriate the Revenue of the Province of Nelson, for the Year ending the Thirty-first day of December, One thousand eight hundred and fifty-six.*"

[4th April, 1856.]

BE it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows :—

Certain Sums to be applied to the Service of the Year ending 31st December, 1856.

1. Out of the Revenue of the Province of Nelson, subject to appropriation by the Superintendent and Provincial Council thereof, there may be issued and applied any sums of money not exceeding the several sums hereinafter specified: that is to say—For defraying the charge of the Government of the said Province for the year commencing on the First day of

January, One thousand eight hundred and fifty-six, and ending on the Thirty-first day of December, One thousand eight hundred and fifty-six, the sum of Nineteen thousand three hundred and forty-four pounds and elevenpence, as hereinafter particularly specified ; that is to say—

		£	s.	d.
The Superintendent's Establishment		571	0	0
Secretary's Department		421	0	0
Solicitor's Department		250	0	0
Treasurer's Department		165	0	0
Audit Department		63	0	0
Harbor Department		598	14	0
Sheriff's and Gaol Department		537	0	0
Police Department		1,076	16	0
Magistrates' Department		296	0	0
Medical Department		716	2	11
Coroner's Department		43	0	0
Registrar of Deeds' Department		315	0	0
Provincial Council Establishment		1,094	0	0
Native Interpreter		50	0	0
Miscellaneous		425	0	0
Public Works Department		680	0	0
Library, Nelson Literary Institute		50	0	0
Libraries in Country Districts		200	0	0
Establishment of Reading Rooms (to meet equivalent subscriptions)		180	0	0
Education—				
Existing Schools, until Education Act comes in force	£350 0 0			
In aid of Rates	1,500 0 0			
		1,850	0	0
Exploration and Surveys of Lines of Road		350	0	0
Roads, Bridges, Ferries, &c.—				
Existing Contracts	2,073 10 6			
Main Lines, and other roads	3,726 9 6			
		5,800	0	0
Jetty at Motueka		400	0	0
Clearing Aorere River		50	0	0
Do. Two Fords in Wairoa		20	0	0
Staking Motupipi River		10	0	0
Houses of Accommodation		75	0	0
Equipment of Public Works Department		40	0	0
Gaol		330	0	0
Lock-up at Motueka		60	0	0
Do. at the Wairau		60	0	0
Do. at Richmond		90	0	0
Repairs of Public Offices		50	0	0
Pounds		120	0	0
Government Wharf		100	0	0
House for Boatmen of Harbor Boat		32	18	0
Buoys, Beacons, and Warping Posts		47	10	0
New Boat		40	0	0
House for Signal Station		12	0	0
Census		100	0	0
Lesser Public Works		300	0	0

	£	s.	d.
Charitable Aid	200	0	0
Printing Gazette, Forms, &c. . .	175	0	0
Immigration	1,000	0	0
Road from Riwaka to Massacre Bay, provided the Revenue of the Province exceeds the amount appropriated as above . .	300	0	0
TOTAL . . .	£19,344	0	11

Treasurer to pay Money on warrant of Superintendent.

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons 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 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 credit in account accordingly.

Certain Sums paid during the Fifteen Months ended 31st December, 1855, authorised.

3. And whereas no provision has hitherto been made by law for the appropriation of the sum of Fifty-one pounds and fourpence, which has been expended during the financial period of fifteen months, ending the Thirty-first day of December, One thousand eight hundred and fifty-five: Be it therefore enacted, that the Provincial Treasurer shall in his accounts be allowed credit for all sums not exceeding in the whole the sums hereinafter respectively specified, paid to such persons and in such portions as the Superintendent shall, by any warrant or warrants under his hand, have directed; that is to say—

	£	s.	d.
Sheriff and Gaol Department . .	22	15	7
Provincial Council . . .	6	15	10
Printing and Gazette . . .	21	8	11
	£51	0	4

Amounting in the whole to the sum of Fifty-one pounds and fourpence; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which such receipts shall have been given.

PROVINCE OF NELSON.

APPROPRIATION ACT.

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

SESSION IV., No. 4.

AN ACT TO APPROPRIATE THE REVENUE OF THE PROVINCE OF NELSON FOR THE YEAR ENDING THE THIRTY-FIRST DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN.

ANALYSIS.

Title.
1. Certain Sums to be applied to the Service of the Year ending 31st December, 1857.
2. Treasurer to pay Money on warrant of Superintendent.
3. Certain Sums paid previously to the Year ending December 31st, 1856, authorised.

"*An Act to appropriate the Revenue of the Province of Nelson for the Year ending the Thirty-first day of December, One thousand eight hundred and fifty-seven.*"

[Assented to 18th June, 1857.]

BE it enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. Out of the Revenue of the Province of Nelson, subject to appropriation by the Superintendent and Provincial Council thereof, there may be issued and applied any sums of money not exceeding the several sums hereinafter specified: that is to say—For defraying the charge of the Government of the said Province for the year commencing on the First day of January, One thousand eight hundred and fifty-seven, and ending on the Thirty-first day of December, One thousand eight hundred and fifty-seven, the sum of Twenty-one thousand seven hundred and fifty-one pounds seven shillings and sixpence, as hereinafter particularly specified, that is to say:— Certain Sums to be applied to the Service of the Year ending 31st December, 1857.

	£	s.	d.	£	s.	d.
The Superintendent's Establishment	571	0	0			
Secretary's Department	321	0	0			
Solicitor's Department	250	0	0			
Treasurer's Department	165	0	0			
Audit Department	33	0	0			
Crown Land Department	951	0	0			
Survey Department	544	0	0			
Harbor Department	663	10	0			
Sheriff and Gaol Department	602	0	0			
Police Department	1,084	0	0			
Magistrates' Department	628	1	8			
Magistrate's Department (Aorere)	630	6	8			
Magistrate's Department (Wairau)	438	16	8			
Medical Department	872	0	0			
Coroners' Department	79	0	0			
Provincial Council Department	1,083	5	0			
Registrar of Deeds Department	350	0	0			
Inter-Provincial Postal Department	484	0	0			
Native Interpreter's Department	120	0	0			
Miscellaneous	420	0	0			
New Zealand Company's Debt	3,000	0	0			
				13,290	0	0

PUBLIC PURPOSES.

Library, Nelson Literary Institution	50	0	0
Libraries in Country Districts	170	0	0
Establishment of Reading-rooms (to meet equivalent subscriptions)	200	0	0
Existing Contracts	1,000	0	0
House of Accommodation	40	0	0
Repairs of Public Offices, &c.	30	0	0
Census	100	0	0
Lesser Public Works	200	0	0
Roads, Bridges, and Ferries	500	0	0
Printing Gazettes, Forms, &c.	150	0	0
Expenses of Prosecution in Supreme Court	130	0	0

	£	s.	d.	£	s.	d.
Expenses at Canterbury, for Felony committed within the Province of Nelson . . .	36	7	6			
Charitable Aid . . .	200	0	0			
Commission of Inquiry under Compensation Act . . .	150	0	0			
Education . . .	1,500	0	0			
Ferry over Wairau River . .	400	0	0			
Cutting Bridle Track from Riwaka to Takaka . . .	200	0	0			
Improving the above Road . .	200	0	0			
New Roads, Bridges, and Ferries .	1,000	0	0			
Lock-up at Wairau . .	100	0	0			
Lock-up at Richmond . .	80	0	0			
Lock-up at Aorere . .	100	0	0			
Magistrate's House at Aorere .	300	0	0			
Constables' House at Aorere .	100	0	0			
Constables' House at Wairau .	180	0	0			
Pounds	100	0	0			
Three Buoys for Waimea River .	150	0	0			
New Buoy for Rock inside Harbor .	20	0	0			
Government Wharf . .	1,000	0	0			
Site for Cemetery at Richmond .	75	0	0			
				8,461	7	6
				£21,751	7	6

Treasurer to pay Money on warrant of Superintendent.

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons 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 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 credit in account accordingly.

Certain Sums paid previously to the Year ended 31st December, 1856, authorised.

3. And whereas no provision has hitherto been made by law for the appropriation of the sum of Nine hundred and fifty-seven pounds nine shillings and fourpence, which has been expended for the purposes hereinafter mentioned: Be it therefore enacted, that the Provincial Treasurer shall in his accounts be allowed credit for all sums not exceeding in the whole the sums hereinafter respectively specified, paid to such persons and in such portions as the Superintendent shall, by any warrant or warrants under his hand, have directed, that is to say:—

	£	s.	d.
Resident Magistrates' Department . .	209	13	9
Provincial Secretary's Department . .	340	12	1
Harbor Department . . .	10	4	4
Sheriff, and Gaol Department . .	6	1	9
Medical Department . . .	47	0	8
Provincial Council	144	10	8
Gaol	184	19	2
Charitable Aid	14	6	11
	£957	9	4

Amounting in the whole to the sum of Nine hundred and fifty-seven pounds nine shillings and fourpence; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge for the sum or sums for which such receipts shall have been given.

PROVINCE OF NELSON.

APPROPRIATION ACT.

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

SESSION V., No. 10.

AN ACT TO APPROPRIATE THE REVENUE OF THE PROVINCE OF NELSON FOR THE YEAR ENDING THE THIRTY-FIRST DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT.

ANALYSIS.

Title.
Preamble.
1. Certain Sums to be applied to the Service of the Year ending 31st December, 1858.
2. Treasurer to pay Money on warrant of Superintendent.
3. Appropriation of Revenue extended to further period under certain conditions.
4. Certain Sums paid during the Fifteen Months ended 31st December, 1857, authorised.

Title. "*An Act to appropriate the Revenue of the Province of Nelson for the Year ending the Thirty-first day of December, One thousand eight hundred and fifty-eight.*"

[Assented to 14th May, 1858.]

Preamble. BE it enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. Out of the Revenue of the Province of Nelson, subject to appropriation by the Superintendent and Provincial Council thereof, there may be issued and applied any sums of money not exceeding the several sums hereinafter specified: that is to say—For defraying the charge of the Government of the said Province for the year commencing on the First day of January, One thousand eight hundred and fifty-eight, and ending on the Thirty-first day of December, One thousand eight hundred and fifty-eight, the sum of Twenty-five thousand seven hundred and ninety pounds twelve shillings and sixpence, as hereinafter particularly specified; that is to say:— Certain Sums to be applied to the Service of the Year ending 31st December, 1858.

	£	s.	d.
The Superintendent's Establishment	571	0	0
Secretary's Department	321	0	0
Solicitor's Department	250	0	0
Treasurer's Department	170	0	0
Audit Department	48	0	0
Crown Land and Survey Department	1,837	0	0
Harbor Department	860	12	6
Sheriff's and Gaol Department	672	0	0
Police Department	1,294	15	0
Magistrate's Department (Nelson)	656	0	0
Magistrate's Department (Aorere)	940	0	0
Magistrate's Department (Wairau)	685	5	0
Medical Department	902	0	0
Coroner's Department	127	0	0
Provincial Council Department	1,214	0	0
Registrar of Deeds' Department	370	0	0
Inter-Provincial Postal Department	235	0	0
Native Interpreter's Department	80	0	0
Miscellaneous	1,244	0	0
New Zealand Company's Debt	4,000	0	0
Interest on Nelson Debentures	1,275	0	0

PUBLIC WORKS AND PURPOSES.

Education	1,800	0	0
Libraries whose annual subscriptions do not exceed 10s.	220	0	0
Nelson Steam Company for conveyance of Mails, &c.	1,000	0	0
Museum and Mechanics' Institute	200	0	0
Fire Engine (provided the Inhabitants contribute an equal amount)	150	0	0
Lesser Public Works	200	0	0
Repairs of Roads (to be appropriated to each district in the same proportion as the £1,000 for Roads, Bridges, &c.)	600	0	0
Improving the Coast Road to Amuri	50	0	0
Existing Contracts	468	0	0

PUBLIC WORKS, NOT SPECIFIED IN DEBENTURE ACT.

	£	s.	d.	£	s.	d.
New Roads, Bridges, and Ferries, as follows :—						
Town of Nelson . . .	100	0	0			
Suburban North . .	100	0	0			
Waimea Districts . .	350	0	0			
Motueka . . .	150	0	0			
Moutere . . .	75	0	0			
Riwaka Valley . . .	25	0	0			
Omaka Bridge, near the Beaver .	50	0	0			
Trunk Lines, Wairau . .	100	0	0			
Trunk Lines, Awatere . .	50	0	0			
				1,000	0	0
Ferry over Wairau River . . .				400	0	0
Improving Road from Riwaka to Takaka . .				450	0	0
Solitary Cell (Gaol, Nelson) . . .				100	0	0
Buoys, Waimea River and Harbor . .				100	0	0
Site for Cemetery (Richmond) . . .				75	0	0
Lock-up at Richmond				130	0	0
Alteration to Boatmen's House, Nelson . .				20	0	0
Boat for Aorere Harbor Master and Ferry . .				25	0	0
Pounds				50	0	0
Port Road and Bridge, Nelson . . .				500	0	0
Road through Wairau Gorge to Amuri . .				500	0	0
				£25,790	12	6
Court House, Wairau, provided the Revenue of the Province exceeds the amount appropriated .				200	0	0

Treasurer to pay Money on warrant of Superintendent.

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons 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 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 credit in account accordingly.

Appropriation of Revenue extended to further Period under certain conditions.

3. The appropriation of the revenue hereinbefore provided for the year ending the Thirty-first December, One thousand eight hundred and fifty-eight, shall be deemed and taken to apply to the appropriation of the Revenue of the Province for the three months ending on the Thirty-first March, One thousand eight hundred and fifty-nine, unless the Provincial Council shall in the meantime otherwise provide for the appropriation of such revenue for such last-mentioned period.

Certain Sums paid during the Fifteen Months ended 31st December, 1857, authorised.

4. And whereas no provision has hitherto been made by law for the appropriation of the sum of Two thousand two hundred and sixty-six pounds thirteen shillings and fivepence, which has been expended for the purposes hereinafter mentioned: Be it therefore enacted, that the Provincial Treasurer shall in his accounts be allowed credit for all sums not exceeding in the whole the sums hereinafter respectively specified, paid to such persons and in such portions as the Superintendent shall, by any warrant or warrants under his hand, have directed: that is to say—

	£	s.	d.
Magistrates' Department (Nelson)	34	1	2
Coroners' Department	79	6	9
Provincial Council Department	239	16	1
Roads, Bridges, and Ferries	359	5	4
Printing Gazette Forms, &c.	56	1	2
Magistrate's House, Constables' House, Lock-up } Aorere	20	10	0
Surveys	1,366	17	5
Buoys (Aorere River)	53	15	6
Lock-up (Motueka)	57	0	0
	£2,266	13	5

Amounting in the whole to the sum of Two thousand two hundred and sixty-six pounds thirteen shillings and fivepence; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge of the sum or sums for which such receipts shall have been given.

PROVINCE OF NELSON.

APPROPRIATION ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 8.

AN ACT TO APPROPRIATE THE REVENUE OF THE PROVINCE OF NELSON FOR THE YEAR ENDING THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SIXTY.

ANALYSIS.

Title.
Enacting Clause.
1. Certain Sums to be applied to the Service of the year ending 31st March, 1860.
2. Treasurer to pay Money on the warrant of Superintendent.
3. Certain Sums paid during the Fifteen Months ended 31st March, 1859, authorised.

Title. "*An Act to appropriate the Revenue of the Province of Nelson for the Year ending the Thirty-first day of March, One thousand eight hundred and sixty.*

[Assented to 21st June, 1859.]

BE it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows :—

1. Out of the Revenue of the Province of Nelson subject to appropriation by the Superintendent and Provincial Council thereof, there may be issued and applied any sums of money not exceeding the several sums hereinafter specified: that is to say—For defraying the charge of the Government of the said Province for the year commencing on the First day of April, One thousand eight hundred and fifty-nine, and ending on the Thirty-first day of March, One thousand eight hundred and sixty, the sum of Sixty-four thousand six hundred and fifty-two pounds three shillings and one penny.

Certain Sums to be applied to the Service of the Year ending 31st March, 1860.

	£	s.	d.	£	s.	d.
Superintendent's Establishment	626	0	0			
Provincial Secretary's Department	330	0	0			
Solicitor's Department	250	0	0			
Treasurer's Department	177	0	0			
Audit Department	48	0	0			
Crown Land Department	2,021	0	0			
Gaol Department	612	0	0			
Police Department	2,599	12	6			
Medical Department	1,207	0	0			
Registrar of Deeds' Department	405	0	0			
Native Interpreter's Department	80	0	0			
Harbor Department	1,069	12	6			
Provincial Council Department	1,020	0	0			
Provincial Engineer's Department	500	0	0			
District Courts Department	100	0	0			
Registrar of Brands' Department	70	0	0			
Miscellaneous	1,022	0	0			
Interest on Debentures	1,800	0	0			
Instalments under Education Loan Act	300	0	0			
Salaries and Contingencies for the month of March, 1859	1,400	8	7			
Existing Contracts	1,223	17	0			
				16,861	10	7
PUBLIC WORKS AND PURPOSES.						
GENERAL.						
Education	3,000	0	0			
Nelson School Society and Mr. M. Campbell	555	7	9			
Immigration	5,000	0	0			
Surveys and Explorations	2,000	0	0			
Public Offices	2,000	0	0			
Improvement of Harbor and Entrance, Nelson	1,200	0	0			
Harbor Light on Boulder Bank	1,500	0	0			
Public Wharf, Nelson	4,000	0	0			
Pelorus Bridle Road	3,000	0	0			
East Coast Road, from Flags River to Hurunui	1,000	0	0			
Carried over			£	16,861	10	7

	£ s. d.	£ s. d.
Brought over		16,861 10 7
PUBLIC WORKS AND PURPOSES—*continued.*		
Road between Fox Hill and Top House .	600 0 0	
Middle Road, from Top House to Hurunui, by Wairau Gorge . .	1,000 0 0	
Road to Grey River and West Coast, if practicable . . .	1,000 0 0	
Draining Public Reserve, Riwaka .	100 0 0	
Temporary Rooms for Lunatics .	400 0 0	
Purchase of Cemeteries, Country Districts	200 0 0	
Pounds	50 0 0	
Libraries—Nelson . £50 0 0		
Collingwood . 50 0 0		
Other Country Districts 250 0 0		
	350 0 0	
Museum	300 0 0	
Mineralogical and Scientific Explorations	300 0 0	
Thistle Act . . .	500 0 0	
Lesser Public Works . .	150 0 0	
		28,205 7 9
LOCAL.		
Tasman (or Blind) Bay Districts.		
Town of Nelson—Market . .	500 0 0	
Inclosing Botanical Gardens . .	100 0 0	
Laying out Trafalgar Square .	100 0 0	
Road from Public Wharf to Gardiner's Rope Walk . . .	500 0 0	
Trunk Lines . . .	250 0 0	
Suburban North—Trunk Line from Nelson to Happy Valley . . .	200 0 0	
Beach Road . . .	100 0 0	
Happy Valley Road (to meet equivalent subscriptions) . . .	50 0 0	
Road Board . . .	100 0 0	
Waimeas—Agricultural Association .	200 0 0	
Bonus for discovery of a Workable Goldfield at Waimea South . .	100 0 0	
Purchase of Road up Eve's Valley .	122 19 0	
Purchase of Site and erection of Pound at Waimea South . .	50 0 0	
Branch Trunk Line up 88 and Quail Valleys	200 0 0	
Trunk Line from Redwood's to boundary of Waimea West District .	100 0 0	
Completion of Purchase of Cemetery, Richmond . . .	139 5 9	
Road connecting Waimea West with Waimea South . . .	150 0 0	
Road Board . . .	1,500 0 0	
Carried over	. . £	45,066 18 4

	£ s. d.	£ s. d.
Brought over . .		45,066 18 4
PUBLIC WORKS AND PURPOSES—*continued.*		
LOCAL—*continued.*		
Establishment of Reading-room, Waimea South (to meet equivalent subscriptions) . . .	30 0 0	
Bridge, Maddox's Bush . .	30 0 0	
Purchase of Gravel Reserve . .	30 0 0	
Moutere—Road Board . .	300 0 0	
Trunk Line from boundary of Moutere Road District to Bensemann's .	100 0 0	
Repairing Moutere Bridge . .	20 0 0	
Road along left bank of Moutere River	10 0 0	
Motueka—Jetty and Road to Main Trunk Line	150 0 0	
Provincial Trunk Line leading to Pangatotara	150 0 0	
Forming Road through Guy's Land .	50 0 0	
Purchase of Site for and Removal of Lock-up . . .	50 0 0	
Fencing Recreation Reserve . .	100 0 0	
Road Board . . .	100 0 0	
Establishment of Reading-room (to meet equivalent subscriptions) . .	30 0 0	
Riwaka Road Board . . .	100 0 0	
Road to Sandy Bay . .	50 0 0	
		5,762 4 9
Golden (or Massacre) Bay Districts.		
Branch Lines to New Diggings .	1,500 0 0	
Aorere—Trunk Line from Collingwood, by the Quartz Ranges, towards head of Valley (inclusive of £350 for the purpose of erecting a Bridge over Slate River, and £150 for the purpose of improving the Road from the Port to Appoo's Flat) . . .	2,000 0 0	
Jetty and Streets in Collingwood .	250 0 0	
Takaka—District Trunk Line from Motupipi Beach to Spittal's Ferry .	350 0 0	
District Trunk Line from Waitapu to Spittal's Ferry . . .	300 0 0	
District Trunk Line from Spittal's Ferry to Linsay's . . .	400 0 0	
Staking out and Buoying Motupipi Channel . . .	50 0 0	
Bridle-track between Takaka and Collingwood . . .	250 0 0	
Roads at Clifton . . .	100 0 0	
Staking out and Buoying Waitapu River	50 0 0	
		5,250 0 0
Carried over . . .	. . . £	56,079 3 1

	£	s.	d.	£	s.	d.
Brought over . .	.	.		56,079	3	1
PUBLIC WORKS AND PURPOSES—*continued.*						
LOCAL—*concluded.*						
Cloudy Bay Districts.						
Waitohi—Jetty . . .	300	0	0			
Lock-up	60	0	0			
Wairau—Trunk Line from Wairau River, through Beaver and Taylor's Pass, to limit of Wairau Road District .	1,500	0	0			
District Trunk Line up Wairau Plain .	300	0	0			
" " continued in Narrows and Wairau Valley . .	150	0	0			
and over Traverses .	50	0	0			
Opawa Foot-bridge and Ford .	30	0	0			
Dray Bridge over Omaka, at Beaver .	300	0	0			
Bridge at back of Simmond's House .	60	0	0			
Wairau Road Board . .	200	0	0			
Waihopai—District Trunk Line from junction of Avon River to Falcon Point .	250	0	0			
Beaver—Bridge over Creek near Lock-up.	30	0	0			
Completion of Court House and addition for Post Office . . .	200	0	0			
District Road between Beaver and Boulder Bank (if acquired) . .	100	0	0			
Buoys for Wairau River Mouth, and charge of same . . .	100	0	0			
District Road from Boulder Bank to Ferry at terminus of Waitohi Road .	50	0	0			
Ferry Boat over Wairau at ditto .	300	0	0			
Dray Bridge over Tua Marina .	200	0	0			
Bridge over Spring Creek . .	100	0	0			
Fencing in Cemeteries . .	100	0	0			
Awatere—Trunk Line through Taylor's Pass	200	0	0			
Trunk Line from Taylor's Pass to the Shearing Reserve. . .	300	0	0			
Bridle Track by Upcot to Barefell's Pass	160	0	0			
Trunk Line from Taylor's Pass to the Awatere River Mouth . .	50	0	0			
Nautical Survey of Awatere River Mouth, and improving the same in the event of its being found practicable to make it a port of shipment for the district . . .	200	0	0			
Amuri—Construction and Improvement of Roads	1,000	0	0			
Driving Track from Clarence Country to Kaikora Reserve . .	100	0	0			
				6,390	0	0
Carried over . .	.	.	£	62,469	3	1

	£	s.	d.	£	s.	d.
Brought over . . .	.	.	.	62,469	3	1
PUBLIC WORKS AND PURPOSES—*concluded.*						
DEBENTURES.						
(*"Other Public Works," voted last year, but unexpended.*)						
New Roads, Bridges, and Ferries .	485	0	0			
Site for Cemetery, Richmond .	75	0	0			
Road from Riwaka to Takaka (any surplus to be expended on Roads at Clifton)	443	0	0			
Pounds	30	0	0			
Nelson Port Road . . .	100	0	0			
Ferries over Wairau River at its junction with the Branch, and at the mouth of the Kaituna Valley . .	400	0	0			
Lock-up, Richmond . .	130	0	0			
Alteration of Boatmen's House .	20	0	0			
Road through Wairau Gorge to Amuri .	500	0	0			
				2,183	0	0
TOTAL . .	.	.	£	64,652	3	1

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons 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 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 credit in account accordingly.

Treasurer to pay Money on warrant of Superintendent.

3. And whereas no provision has hitherto been made by law for the appropriation of the sum of Two thousand one hundred and ninety-two pounds fourteen shillings and fivepence, which has been expended for the purposes hereinafter mentioned: Be it therefore enacted, that the Provincial Treasurer shall in his accounts be allowed credit for all sums not exceeding in the whole the sums hereinafter respectively specified, paid to such persons and in such portions as the Superintendent shall, by any warrant or warrants under his hand, have directed; that is to say:—

Certain Sums paid during the Fifteen Months ended 31st March, 1859, authorised.

	£	s.	d.
Crown Land and Survey Department . .	12	0	10
Harbor Department . . .	47	10	5
Medical Department . . .	1	14	2
Provincial Council	121	11	5
Registrar of Deeds . . .	17	12	1
Printing Electoral Roll . . .	1	12	6
Charitable Aid	152	14	7
Miscellaneous	138	2	3
Education	1,129	9	1
Lesser Public Works . . .	34	14	3
Site for Public Offices . . .	300	0	0
Buoys, Waimea River . . .	52	5	2
Boat for Aorere Harbor . . .	11	6	6
Lunatic Asylum	64	10	0
Roads, Bridges, and Ferries, Massacre Bay, and Road to Gold Diggings . . .	107	11	2
	£2,192	14	5

Amounting in the whole to the sum of Two thousand one hundred and ninety-two pounds fourteen shillings and five-pence; and the receipts of the persons to whom such sums shall have been so paid, shall be to him a full discharge of the sum or sums for which such receipts shall have been given.

PROVINCE OF NELSON.

APPROPRIATION ACT.

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

SESSION VII., No. 4.

AN ACT TO APPROPRIATE THE REVENUE OF THE PROVINCE OF NELSON FOR THE YEAR ENDING THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-ONE.

ANALYSIS.

Title.
Enacting Clause.
1. Certain Sums to be applied to the Service of the Year ending 31st March, 1861.
2. Treasurer to pay Money on the warrant of Superintendent.
3. Certain Sums paid during the Twelve Months ended 31st March, 1860, authorised.

"*An Act to appropriate the Revenue of the Province of Nelson for the Year ending the Thirty-first day of March, One thousand eight hundred and sixty-one.*" Title.

[Assented to 4th May, 1860.]

BE it enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Enacting Clause.

Certain Sums to be applied to the Service of the Year ending 31st March, 1861.

1. Out of the Revenue of the Province of Nelson, subject to appropriation by the Superintendent and Provincial Council thereof, there may be issued and applied any sums of money not exceeding the several sums hereinafter specified: That is to say—For defraying the charge of the Government of the said Province for the year commencing on the First day of April, One thousand eight hundred and sixty, and ending on the Thirty-first day of March, One thousand eight hundred and sixty-one, the sum of Forty-nine thousand four hundred and eighty-eight pounds eleven shillings and twopence, as hereinafter particularly specified; that is to say:—

	£	s.	d.	£	s.	d.
Superintendent's Establishment	622	0	0			
Provincial Secretary's Department	345	0	0			
Provincial Solicitor's Department	250	0	0			
Provincial Treasurer's Department	162	0	0			
Audit Department	48	0	0			
Crown Land Department	1,746	0	0			
Provincial Engineer's Department	500	0	0			
Registrar of Deeds' Department	405	0	0			
Supreme Court	100	0	0			
District Court	50	0	0			
Gaol Department	674	0	0			
Police Department	1,480	5	6			
Native Interpreter's Department	80	0	0			
Weights and Measures Department	150	0	0			
Registrar of Cattle Brands and Labor Department	62	0	0			
Medical Department	1,157	0	0			
Harbor Department	977	13	0			
Provincial Council Department	723	0	0			
Charitable Aid Department	400	0	0			
Miscellaneous	934	0	0			
Interest on Debentures	2,356	12	10			
Second and Third Instalments under Education Loan Act	300	0	0			
Existing Contracts	11,666	19	10	25,180	11	2
PUBLIC WORKS AND PURPOSES.						
GENERAL.						
Education (including Rate)	5,400	0	0			
Temporary Tuition of the Children of Taranaki Refuges	130	0	0			
Immigration (payment of Trust Funds Loan)	2,000	0	0			
Surveys and Explorations	1,000	0	0			
Harbor Light	475	0	0			
Public Wharf (Warehouses, &c.)	750	0	0			
Reducing the Buoy Rock	100	0	0			
Carried over	.	.	£	25,180	11	2

	£	s.	d.	£	s.	d.
Brought over . .	.	.		25,189	11	2
PUBLIC WORKS AND PURPOSES—*continued.*						
Pelorus Road—Maitai Valley . .	200	0	0			
Road, Riwaka to Takaka . .	300	0	0			
Road from Panga-totara to Upper Motueka	300	0	0			
Road to Grey District, &c. . .	1,000	0	0			
Middle Road to Canterbury, from Wai-iti River	800	0	0			
Draining Swamp, Riwaka . .	100	0	0			
Public Libraries . . .	300	0	0			
Purchase of Rifles . . .	1,000	0	0			
Payment of Drill Sergeants for Volunteer Corps (unless provision has been made for this service by the General Government)	150	0	0			
Ammunition . . .	50	0	0			
Powder Magazine, &c. . .	200	0	0			
Procuring Coal from Grey River .	300	0	0			
Standard Weights and Measures .	100	0	0			
Public Cemetery . . .	1,000	0	0			
Thistle Act	300	0	0			
Lesser Public Works . . .	150	0	0			
Law Books	150	0	0			
				16,255	0	0
LOCAL.						
Town of Nelson.						
Completion of Botanical Garden Fence .	83	0	0			
Public Garden, Trafalgar Square .	100	0	0			
Haven Road . . .	400	0	0			
Board of Works . . .	800	0	0			
Suburban North.						
Road Board . . .	400	0	0			
Waimea Districts.						
Road Board . . .	1,500	0	0			
Bridle Road from Lower Wakefield to Motueka Valley . . .	250	0	0			
Motueka.						
Jetty, and Road leading to it . .	246	0	0			
Road Board . . .	200	0	0			
Riwaka.						
District Roads . . .	150	0	0			
Moutere.						
Road Board . . .	400	0	0			
Carried over . .	.	.	£	41,444	11	2

	£ s. d.	£ s. d.
Brought over . . .	. .	41,444 11 2
PUBLIC WORKS AND PURPOSES—*concluded.*		
LOCAL—*continued.*		
Amuri.		
Dray Road to Gore Bay . .	800 0 0	
Moorings, Gore Bay . .	100 0 0	
Bridge over Waiau-ua River . .	900 0 0	
Road up Hurunui by Mandamus River .	150 0 0	
Golden Bay.		
Jetty, Motupipi—Completion . .	20 0 0	
Waitapu—Dray Road over Ferry .	15 0 0	
Road from Motupipi to Clark's .	50 0 0	
Clifton Road . . .	50 0 0	
Gold-field Districts.		
Long Plain Roads . . .	150 0 0	
Bridle Road from Takaka to Collingwood	350 0 0	
Slate River Bridge and Approaches .	400 0 0	
Repairs of made Roads . .	250 0 0	
Roads to New Diggings . .	200 0 0	
Beach Road between Lewis Street and Bridge near Miles's Hotel . .	80 0 0	
		8,044 0 0
TOTAL . .	. . £	49,488 11 2

Treasurer to pay Money on warrant of Superintendent.

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons 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 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 credit in account accordingly.

Certain Sums paid during the Twelve Months ended 31st March, 1860, authorised.

3. And whereas no provision has hitherto been made by law for the appropriation of the sum of Five thousand eight hundred and thirty-eight pounds nine shillings and ninepence, which has been expended for the purposes hereinafter mentioned: Be it therefore enacted, that the Provincial Treasurer shall in his accounts be allowed credit for all sums not exceeding in the whole the sums hereinafter respectively specified, paid to such persons and in such portions as the Superintendent shall, by any warrant or warrants under his hand, have directed; that is to say:—

	£	s.	d.
Provincial Secretary's Department	24	9	1
Crown Land Department	176	11	10
Native Interpreter's Department	20	0	0
Provincial Council Department	115	4	8
Interest on Debentures	19	6	5
Education	1,090	6	0
Surveys and Explorations	1,395	1	10
Public Offices	1,460	3	11
Temporary Rooms for Lunatics	12	2	8
Mineralogical and Scientific Explorations	436	3	8
Lesser Public Works	148	8	7
Laying out Trafalgar Square	16	8	3
Road from Public Wharf to Gardiner's Rope-walk	250	0	0
Nelson—Trunk Lines	520	9	6
Moutere—Road Board	30	0	0
Motueka—Jetty and Road to Main Trunk Line	56	7	4
Road Board	15	0	0
Staking out and Buoying Motupipi Channel	52	6	0
	£5,838	9	9

Amounting in the whole to the sum of Five thousand eight hundred and thirty-eight pounds nine shillings and ninepence; and the receipts of the persons to whom such sums shall have been so paid, shall be to him a full discharge of the sum or sums for which such receipts shall have been given.

PROVINCE OF NELSON.

APPROPRIATION ACT.

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

SESSION VIII., No. 7.

AN ACT TO APPROPRIATE THE REVENUE OF THE PROVINCE OF NELSON FOR THE YEAR ENDING THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO.

ANALYSIS.

Title.
Preamble.
1. Certain Sums to be applied to the Service of the Year ending 31st March, 1862.
2. Treasurer to pay Money on warrant of Superintendent.
3. Certain Sums paid during the Twelve Months ended 31st March, 1861, authorised.

Title. "*An Act to appropriate the Revenue of the Province of Nelson for the Year ending the Thirty-first day of March, One thousand eight hundred and sixty-two.*"

[Assented to 18th June, 1861.]

Preamble. BE it enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. Out of the Revenue of the Province of Nelson, subject to appropriation by the Superintendent and Provincial Council thereof, there may be issued and applied any sums of money not exceeding the several sums hereinafter specified: That is to say—For defraying the charge of the Government of the said Province for the year commencing on the First day of April, One thousand eight hundred and sixty-one, and ending on the Thirty-first day of March, One thousand eight hundred and sixty-two, the sum of Forty-four thousand five hundred and eighty-six pounds one shilling and twopence, as hereinafter particularly specified; that is to say:— Certain Sums to be applied to the Service of the Year ending 31st March, 1862.

	£	s.	d.	£	s.	d.
Superintendent's Establishment	967	0	0			
Solicitor's Department	250	0	0			
Treasurer's Department	162	0	0			
Audit Department	70	10	0			
Crown Land Department	1,854	0	0			
Engineer's Department	470	0	0			
Registrar of Deeds' Department	438	0	0			
Supreme Court Witnesses	100	0	0			
Gaol Department	684	0	0			
Police Department	1,470	0	0			
Public Wharf Department	200	0	0			
Native Interpreter's Department	80	0	0			
Weights and Measures Department	150	0	0			
Registrar of Cattle Brands & Labor Department	62	0	0			
Medical Department	1,257	0	0			
Harbor Department	963	2	6			
Provincial Council Department	777	0	0			
Charitable Aid	400	0	0			
Miscellaneous	964	0	0			
Interest on Debentures	2,356	12	10			
Education Loan Act 4th Instalment	150	0	0			
Existing Contracts	3,869	15	10			
				17,695	1	2
PUBLIC WORKS AND PURPOSES.						
GENERAL.						
Education (including Rate and £50 for collection of same)	3,000	0	0			
Public Libraries	300	0	0			
" " newly founded	100	0	0			
Explorations and Surveys	800	0	0			
Government Buildings (out-buildings, and laying out grounds, &c.	230	0	0			
Insurance of Government Buildings	80	0	0			
Furniture, &c., for Council Chamber and Public Offices	360	0	0			
Fire Engine	300	0	0			
Carried over	.	.	£	17,695	1	2

	£	s.	d.	£	s.	d.
Brought over . . .	.	.		17,695	1	2
PUBLIC WORKS AND PURPOSES—*continued.*						
Fencing Paddock for Deer . .	400	0	0			
Government Wharf . . .	200	0	0			
Powder Magazine . . .	50	0	0			
Public Cemetery, Nelson . .	160	0	0			
Fencing District Cemetery . .	100	0	0			
Road to ditto	200	0	0			
Court House and Lock-up, Nelson .	800	0	0			
Lock-up and Magistrates' Room, Takaka .	150	0	0			
Volunteers—Expense of Drill Sergeants, Ammunition, &c. . . .	300	0	0			
Pelorus Road . . .	400	0	0			
Roads to Wangapeka and intermediate country	3,000	0	0			
Roads to Grey District . .	1,000	0	0			
Bridle Road, Riwaka to Takaka .	250	0	0			
Grant for use of Odd Fellows' Hall for Taranaki Refugees . . .	50	0	0			
Bonus for discovery of Gold-field, Wangapepa	100	0	0			
Grant to Mr. Rochfort, for losses on Survey of Grey District . .	100	0	0			
Land Scrip to Major Cook . .	300	0	0			
Compensation to Jacob Watson for loss of land	100	0	0			
Agricultural Association . .	100	0	0			
Coal from Grey River . .	300	0	0			
Protection of River Banks (to meet equivalent subscriptions) . .	300	0	0			
Thistle Act	300	0	0			
Signal Staff for Coasters . .	26	0	0			
Lesser Public Works . . .	150	0	0			
				14,006	0	0
LOCAL.						
Town of Nelson.						
Public Garden, Trafalgar Square .	150	0	0			
Haven Road . . .	200	0	0			
Protection of Banks of Maitai . .	100	0	0			
Board of Works . . .	400	0	0			
Nelson Institute, Museum . .	200	0	0			
Suburban North.						
Road Board	200	0	0			
Waimea Districts.						
Bridge over Wairoa River . .	3,000	0	0			
Road through Aniseed Valley . .	200	0	0			
Road Board . . .	1,060	0	0			
Ferry Boat, Waimea River . .	25	0	0			
Recreation Ground at Richmond (if Revenue will admit . . .	200	0	0			
Carried over . .	.	.	£	31,701	1	2

	£	s.	d.	£	s.	d.
Brought over . .	.		.	31,701	1	2
PUBLIC WORKS AND PURPOSES—*continued.*						
Moutere						
Road Board . . .	230	0	0			
Motueka.						
Road Board . . .	200	0	0			
Crane, Motueka Jetty . .	30	0	0			
Riwaka.						
Draining Riwaka Swamp (subject to an equal sum being contributed by owners of adjacent sections) . .	150	0	0			
Road Board	100	0	0			
Road to Flour Mill . . .	50	0	0			
Amuri.						
Dray Road to Gore Bay . .	2,000	0	0			
Bridge over Waiau-ua . .	1,500	0	0			
District Roads . . .	800	0	0			
Waiau-ua Ferry . . .	300	0	0			
Golden Bay, Takaka.						
Dray Road, to Waitapu . .	200	0	0			
Dray Road, to Motupipi . .	200	0	0			
Ferry Boat, Upper Takaka . .	20	0	0			
Long Plain Road . . .	50	0	0			
Mail Road, Lindsay's to Motupipi, east of Takaka River including Ferry near Windles	500	0	0			
Guide Posts River Mouth Fords, Golden Bay	20	0	0			
Gold-fields, Collingwood.						
(Subject to repayment of previous expenditure guaranteed by General Government.)						
Repairs of Made Roads . .	300	0	0			
Beach Road	150	0	0			
Takaka and Collingwood Bridle Track .	100	0	0			
Branch Road to Bell's Diggings from Waitapu Road . . .	100	0	0			
Road from Aorere to West Coast. .	150	0	0			
				12,885	0	0
TOTAL . .	.	.	£	44,586	1	2

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons 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 shall in his accounts be allowed credit for all sums paid by him

Treasurer to pay Money on warrant of Superintendent.

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 credit in account accordingly.

Certain Sums paid during the Twelve Months ended 31st March, 1861, authorised.

3. And whereas no provision has hitherto been made by law for the appropriation of the sum of Sixteen thousand and fifty-eight pounds two shillings and eight-pence, which has been expended for the purposes hereinafter mentioned: Be it therefore enacted, that the Provincial Treasurer shall in his accounts be allowed credit for all sums not exceeding in the whole the sums hereinafter respectively specified, paid to such persons and in such portions as the Superintendent shall, by any warrant or warrants under his hand, have directed, that is to say:—

	£	s.	d.
The Superintendent's Establishment	2	3	6
Crown Land	20	0	1
Gaol	29	19	9
Police	216	19	1
Native Interpreter	27	1	6
Registrar of Cattle Brands and Labor	4	12	6
Harbor	70	14	9
Charitable Aid	120	15	7
Miscellaneous	176	5	2
Existing Contracts	1,512	16	4
Education (including Rate)	56	11	7
Surveys and Explorations	176	2	4
Public Wharf, Warehouses, &c.	553	9	0
Reducing Buoy Rock	64	7	10
Road, Riwaka to Takaka	15	15	1
Public Cemetery	30	5	4
Lesser Public Works	80	0	9
Completion of Botanical Garden Fence	15	11	0
Public Garden, Trafalgar Square	6	16	9
Bridle Road, from Takaka to Collingwood	15	11	6
Repairs of Made Roads	9	11	0
Government Wharf Department	224	7	7
Purchase of Acre, Hardy Street	400	0	0
Taranaki Refugees	10,462	12	6
Dog Act	56	5	3
Road through Wairau Gorge to Amuri	24	10	0
Surveys	1,270	9	11
Motueka Jetty and Road	89	7	0
Road from Wakefield to Wairau	325	0	0
	£16,058	2	8

Amounting in the whole to the sum of Sixteen thousand and fifty-eight pounds two shillings and eightpence; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge of the sum or sums for which such receipts shall have been given.

PROVINCE OF NELSON.

APPROPRIATION ACT.

IN THE TWENTY-SIXTH YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION IX., No. 9.

AN ACT TO APPROPRIATE THE REVENUE OF THE PROVINCE OF NELSON FOR THE YEAR ENDING THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-THREE.

ANALYSIS.

Title.
Preamble.
1. Certain Sums to be applied to the Service of the year ending 31st March, 1863.
2. Treasurer to pay Money on warrant of Superintendent.
3. Certain Sums paid during the Twelve Months ended 31st March, 1862, authorised.

"*An Act to appropriate the Revenue of the Province of Nelson for the Year ending the Thirty-first day of March, One thousand eight hundred and sixty-three.* Title.

BE it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows :— Preamble.

Certain Sums to be applied to the Service of the Year ending 31st March, 1863.

1. Out of the Revenue of the Province of Nelson, subject to appropriation by the Superintendent and Provincial Council thereof, there may be issued and applied any sums of money not exceeding the several sums hereinafter specified: that is to say—For defraying the charge of the Government of the said Province for the year commencing on the First day of April, One thousand eight hundred and sixty-two, and ending on the Thirty-first day of March, One thousand eight hundred and sixty-three, the sum of Fifty-seven thousand six huudred and sixty-five pounds and fourpence, as hereinafter particularly specified; that is to say:—

	£	s.	d.	£	s.	d.
Superintendent's Establishment	964	0	0			
Solicitor's Department	250	0	0			
Treasurer's Department	160	0	0			
Audit Department	175	0	1			
Crown Land Department	2,054	0	0			
Engineer's Department	470	0	0			
Gaol Department	699	10	0			
Police Department	1,618	12	6			
Collingwood Gold-fields Department	498	2	6			
Native Interpreter's Department	80	0	0			
Weights and Measures Department	120	0	0			
Meteorological Department	50	0	0			
Registrar of Cattle Brands and Labor Department	62	0	0			
Medical Department	1,202	0	0			
Harbor Department	1,158	5	6			
Provincial Council Department	810	0	0			
Charitable Aid	600	0	0			
Miscellaneous	2,384	0	0			
Interest on Debentures	2,356	12	10			
Supreme Court Witnesses	100	0	0			
Education Loan Act 5th Instalment	150	0	0			
Existing Contracts	4,710	13	4			
				20,672	16	8
PUBLIC WORKS AND PURPOSES.						
GENERAL.						
Education (including proportion of Land Fund, and £100 for collection of Rate)	4,450	0	0			
Libraries, Country Districts	250	0	0			
Buildings for ditto (to meet equivalent subscriptions)	50	0	0			
Nelson Institute Library	50	0	0			
Immigration	1,000	0	0			
Explorations	500	0	0			
Surveys	1,000	0	0			
Survey of proposed line for Railway to Waimea	150	0	0			
Carried over			£	20,672	16	8

	£	s.	d.	£	s.	d.
Brought over . .	.	.		20,672	16	8
PUBLIC WORKS AND PURPOSES—*continued.*						
Government Buildings.						
Court House and Lock-up, (including Existing Contracts) . Purchase of portion of Campbell's Acre Fencing . . . Fire Engine . . Insurance . .	2,241	0	0			
Purchase of Land, (from C. Elliott,) City of Nelson	200	0	0			
Repairs of Nelson Gaol . .	50	0	0			
Cart Bridge over Maitai River and protection of Roads . . .	1,300	0	0			
Government Wharf—Platform and Tarring Piles	500	0	0			
Wairoa Bridge—including Existing Contracts, Extras, Inspection, and purchase of Land for Road to Bridge .	4,160	0	0			
Riwaka Swamp Drain—(including Existing Contracts—£150 to meet equivalent subscriptions) . .	334	0	0			
Bridle Track, Riwaka to Takaka .	250	0	0			
Road to connect Riwaka and Motueka .	60	0	0			
Road from Waimea Village to Dove Dale	800	0	0			
Road from Upper Moutere to Dove Dale .	160	0	0			
Road from Motueka to Baton . .	500	0	0			
Road, Salisbury's to Baton . .	50	0	0			
Bridle Road up Wangapeka River to Baton	100	0	0			
Pelorus Road (including Existing Contracts)	1,080	0	0			
Road to Canterbury by Wairau Gorge, Repairs	500	0	0			
Improving Road through Big Bush .	300	0	0			
House of Accommodation, Acheron Valley	300	0	0			
House of Refuge, Acheron Valley .	100	0	0			
Roads to Buller and Grey Districts and from mouth of Buller to Thackery Valley	3,000	0	0			
Buoys for Buller River . .	100	0	0			
Sample of Coals from West Coast .	300	0	0			
District Cemeteries . . .	385	0	0			
Road to Cemetery, (Wakapuaka Road) .	300	0	0			
Compensation to certain persons for breaches of contract by the New Zealand Company	325	0	0			
Compensation to T. P. Caldwell .	107	5	0			
Bonus for discovery of Gold-fields Wangapeka	100	0	0			
Specimens to be sent to Crystal Palace .	100	0	0			
Agricultural Association . .	100	0	0			
Provincial Steam Service . .	1,500	0	0			
Inter-colonial Steam Service . .	1,000	0	0			
Carried over . .	.	.	£	20,672	16	8

	£	s.	d.	£	s.	d.
Brought over				20,672	16	8
Mail Service to West Coast	100	0	0			
Volunteers (Drill Instruction, Ammunition, and Existing Contracts)	345	3	5			
Introduction of Useful Animals	300	0	0			
Pound, Suburban South	50	0	0			
Lesser Public Works	390	0	0			
				28,937	8	5
LOCAL.						
Town of Nelson.						
Public Garden, Trafalgar-square (including Existing Contracts)	105	17	6			
Re-erection of Suspension Bridge over Maitai	200	0	0			
Protection of Maitai River Banks (to meet equivalent subscriptions)	200	0	0			
Board of Works	450	0	0			
Museum, Nelson Institute	200	0	0			
Suburban North.						
Road Board	160	0	0			
Waimea Districts.						
Aniseed Valley Road	100	0	0			
Road Board	1,000	0	0			
Moutere.						
Dam, Company's Ditch (to meet equivalent subscriptions)	20	0	0			
Bridge, Branch Road, Moutere	50	0	0			
Road Board	200	0	0			
Foot Bridge, Lower Moutere	60	0	0			
Motueka.						
Road Board	175	0	0			
Crane on Jetty	60	0	0			
Riwaka.						
Road Board	80	0	0			
Moorings, River Mouth	10	0	0			
Amuri.						
Waiau Bridge (voted last year)	1,500	0	0			
Suspension Bridge over Lower Waiau, and District Roads (voted last year)	2,000	0	0			
Districts Roads (including Existing Contracts)	533	17	9			
Golden Bay.						
Mail Road, east of Takaka River (voted last year)	300	0	0			
Repairs of Roads, Aorere	150	0	0			
Repairs of Roads, Takaka and Motupipi	250	0	0			
Road from the Town of Seaford to West Wanganui (to meet equivalent subcriptions)	250	0	0			
				8,054	15	3
TOTAL			£	57,665	0	4

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons 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 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 credit in account accordingly.

Treasurer to pay Money on warrant of Superintendent.

3. And whereas no provision has hitherto been made by law for the appropriation of the sum of Four thousand nine hundred and four pounds eighteen shillings and ninepence, which has been expended for the purposes hereinafter mentioned: Be it therefore enacted, that the Provincial Treasurer shall in his accounts be allowed credit for all sums not exceeding in the whole the sums hereinafter respectively specified, paid to such persons and in such portions as the Superintendent shall, by any warrant or warrants under his hand, have directed: that is to say—

Certain Sums paid during the Twelve Months ended 31st March, 1862, authorised.

	£	s.	d.
Superintendent's Establishment	2	4	2
Crown Land Department	15	11	5
Supreme Court Witnesses	48	3	4
Police Department	83	3	3
Public Wharf Department	22	19	10
Medical Department	16	0	1
Harbor Department	6	12	10
Provincial Council Department	44	5	8
Charitable Aid	264	0	2
Existing Contracts	75	10	9
Explorations and Surveys	1,345	11	8
Insurance of Government Buildings	18	0	0
Furniture, &c., for Council Chamber and Offices	36	1	10
Government Wharf	4	6	1
Road to Cemetery	6	14	6
Signal Staff for Coasters	2	9	5
Haven Road	100	0	0
Taranaki Aid	2,213	4	0
Hospital Reserve	600	0	0
	£4,904	18	9

Amounting in the whole to the sum of Four thousand nine hundred and four pounds eighteen shillings and ninepence; and the receipts of the persons to whom such sums shall have been so paid shall be to him a full discharge of the sum or sums for which such receipts shall have been given.

PROVINCE OF NELSON.

APPROPRIATION ACT.

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

SESSION X., No. 8.

AN ACT TO APPROPRIATE THE REVENUE OF THE PROVINCE OF NELSON FOR THE YEAR ENDING THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR.

ANALYSIS.

Title.
Preamble.
1. Certain Sums to be applied to the Service of the Year ending 31st March, 1864.
2. Treasurer to pay Money on warrant of Superintendent.

Title. "*An Act to appropriate the Revenue of the Province of Nelson for the Year ending the Thirty-first day of March, One thousand eight hundred and sixty-four.*"

[Assented to 7th August, 1863.]

Preamble. BE it enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. Out of the Revenue of the Province of Nelson subject to appropriation by the Superintendent and Provincial Council thereof, there may be issued and applied any sums of money not exceeding the several sums hereinafter specified: that is to say—For defraying the charge of the Government of the said Province for the year commencing on the First day of April, One thousand eight hundred and sixty-three, and ending on the Thirty-first day of March, One thousand eight hundred and sixty-four, the sum of Eighty-six thousand and seventy-five pounds four shillings, as hereinafter particularly specified, that is to say:—

Certain Sums to be applied to the Service of the Year ending 31st March, 1864.

	£	s.	d.	£	s.	d.
Superintendent's Establishment.						
The Superintendent . . .	600	0	0			
Provincial Secretary (also Commissioner of Crown Lands) . . .	"	"	"			
Chief Clerk	300	0	0			
Assistant Clerk . . .	100	0	0			
Messenger	60	0	0			
Office Keeper . . .	50	0	0			
Contingencies—						
Stationery						
Newspapers . . .	35	0	0			
Postage, &c. . . .						
				1,145	0	0
Solicitor's Department.						
Provincial Solicitor . . .	250	0	0			
				250	0	0
Treasurer's Department.						
Provincial Treasurer . . .	150	0	0			
Contingencies—						
Stationery						
Books	10	0	0			
				160	0	0
Audit Department.						
Provincial Auditor . . .	150	0	0			
Deputy Auditor . . .	10	0	0			
Contingencies—						
Stationery and books . . .	10	0	0			
				170	0	0
Crown Land Department.						
Commissioner (also Provincial Secretary)	400	0	0			
Arrears 3 months, at £400 per annum .	100	0	0			
Chief Clerk	250	0	0			
Second Clerk . . .	250	0	0			
Contingencies—						
Stationery, Binding, &c. . .	50	0	0			
				1,050	0	0
Carried over . .	.	.	£	2,775	0	0

	£	s.	d.	£	s.	d.
Brought over				2,775	0	0
Survey Department.						
Chief Surveyor	350	0	0			
Allowance for instruments	10	0	0			
Allowance for Horse Forage	25	0	0			
Two Surveyors	600	0	0			
Allowance for Instruments for do., each £10	20	0	0			
Draughtsman	200	0	0			
Allowance for Instruments	10	0	0			
Two Cadets, each £50	100	0	0			
Contingencies—						
Stationery	75	0	0	1,390	0	0
Engineer's Department						
Provincial Engineer	450	0	0			
Travelling Expenses	100	0	0			
Extra Forage	25	0	0			
Contingencies—						
Stationery, Drawing & Tracing Papers, &c.	25	0	0	600	0	0
Provincial Council.						
Speaker (also Member of Waste Lands Board)	150	0	0			
Three Members residing more than 20 miles from Nelson, at 20/- for each day's attendance; Five Members residing more than ten miles from Nelson, at 15/- per diem; Six Members residing more than four miles from Nelson, at 10/- per diem	317	15	0			
Clerk to Council	150	0	0			
Assistant Clerk, at 15/- per diem	85	0	0			
Messenger, at 12/- per diem	50	0	0			
Contingencies—						
Fuel and Light; Stationery; Newspapers; Postage; Chandeliers, &c.	200	0	0	952	15	0
Goal Department.						
Gaoler	175	0	0			
Turnkey	120	0	0			
Overseer	100	0	0			
Contingencies—						
Rations for Debtors; Fuel for ditto; Rations for Prisoners; Clothing for do.; Fuel and Light; Stationery; Sundries	367	0	0	762	0	0
Carried over			£	6,479	15	0

	£	s.	d.	£	s.	d.
Brought over . .	.	.		6,479	15	0
Police Department.						
Sergeant-Major . . .	175	0	0			
Sergeant	145	0	0			
Two Constables, at 7/- . .	256	4	0			
Seven Constables, at 6/6 . .	832	13	0			
Special Constables . . .	20	0	0			
Travelling Expenses . . .	20	0	0			
Sundries	40	0	0			
District Constables—						
Suburban North . . .	35	0	0			
Suburban South . . .	25	0	0			
Waimea East . . .	100	0	0			
Waimea West . . .	40	0	0			
Waimea South . . .	80	0	0			
Moutere	25	0	0			
Motueka	60	0	0			
Riwaka	25	0	0			
Takaka	60	0	0			
Amuri	40	0	0			
				1,978	17	0
Collingwood Gold-fields.						
Gold Warden . . .	100	0	0			
Clerk	25	0	0			
Sergeant-Major of Police . .	150	0	0			
Private	136	17	6			
Contingencies—						
Extra Constables . . .						
Firewood						
Printing and Stationery . .	106	5	0			
Fodder for Horse . . .						
Sundries						
				518	2	6
Native Interpreter's Department.						
Native Interpreter . . .	60	0	0			
Contingencies, Travelling Expenses &c. .	20	0	0			
				80	0	0
Registrar of Cattle Brands and Labor and Storekeeper, &c. . .	80	0	0			
				80	0	0
Weights and Measures Department.						
Inspector	100	0	0			
Contingencies . . .	20	0	0			
				120	0	0
Meteorological.						
Registrar (also Inspector of Weights and Measures) . . .	100	0	0			
				100	0	0
Carried over . .	.	.	£	9,356	14	6

	£	s.	d.	£	s.	d.
Brought over . .	.	.		9,356	14	6
Medical Department.						
Medical Officers . . .	200	0	0			
Attendants at Hospital . .	140	0	0			
Assistant Nurse . . .	50	0	0			
Attendants at Lunatic Asylum .	150	0	0			
Contingencies—						
Rations for Attendants . .						
„ for Patients . . .						
„ for Lunatics . . .						
Clothing and Bedding for Patients .						
„ „ for Lunatics .						
Sundries	747	0	0			
Drugs and Surgical Instruments .						
Medical Comforts . . .						
Fuel and Light for Hospital . .						
„ „ for Asylum . .						
Sundries						
				1,287	0	0
Harbor Department.						
Harbor Master and Pilot, four months at £150, eight months at £450 . .	350	0	0			
Second Pilot and Coxswain, four months at £140, eight months at £175 . .	163	6	8			
Lighthouse Keeper . . .	100	0	0			
Assistant ditto 6 months . .	50	0	0			
Signalman, at 6/- per diem . .	109	10	0			
Boatmen, 4, at £100 per annum .	400	0	0			
Contingencies—						
New Boat Complete . . .						
Repairs to Boats . . .						
Paint and Oil for Buoys, Boats, Beacons .						
10 New Oars . . .						
Hire of Lighter to raise Moorings .						
Coil of Rope for Boats . .						
Cork for Boats . . .						
Two Iron Sinkers for Buoys . .	211	0	0			
Six Shackles . . .						
Ten Gallons Kerosine Oil . .						
New Lamps (Green) for Danger Signal .						
Storehouse for Lamps at mouth of Harbor						
Repairs to Signalman's House . .						
40 Gallons of Oil . . .						
Sundries						
				1,383	16	8
Scab Act.						
Inspectors and Dipping Apparatus .	400	0	0			
				400	0	0
Carried over . .	.	.	£	12,427	11	2

	£	s.	d.	£	s.	d.
Brought over				12,427	11	2
Miscellaneous.						
Fuel for Government Buildings	100	0	0			
Printing—Provincial Council	150	0	0			
„ Gazette	125	0	0			
„ Forms and Advertizing	275	0	0			
„ Reprint of Acts, of the Province, General Legislative Council, and Legislative Council of New Munster, now in operation	250	0	0			
Expenses of Returning Officers	20	0	0			
Hire of Rooms for Magistrates, Richmond and Motueka	24	0	0			
General Contingencies	3,000	0	0			
Commemoration of the Prince of Wales' Marriage (to meet Subscriptions)	210	0	0			
Charitable Aid	600	0	0			
				4,754	0	0
PUBLIC WORKS AND PURPOSES.						
GENERAL.						
Interest on Debentures	2,356	12	10			
Supreme Court, Witnesses, &c.	100	0	0			
Repayment of balance of Education Loan	2,250	0	0			
Volunteers	400	0	0			
Education, including £750 for augmentation of Teachers' Salaries, and £100 for Collection of Rate	5,000	0	0			
Public Libraries—						
Nelson Institute	50	0	0			
Country Districts	300	0	0			
Reading Rooms (to meet equivalent subcriptions)	200	0	0			
Immigration	5,000	0	0			
Surveys—including Marine Survey of River Mouths, West and East Coasts	3,000	0	0			
Explorations	500	0	0			
Electric Telegraph	2,000	0	0			
Site and Building for Post Office	1,000	0	0			
Lunatic Asylum, Hospital, and Dwellings for Poor	2,000	0	0			
Buildings for Office-keeper, &c.	500	0	0			
Provincial Steam Service	2,000	0	0			
Government Wharf	1,600	0	0			
Bell Buoy, &c., Nelson Harbor	150	0	0			
Road to Public Cemetery and improving Roads in Cemetery	150	0	0			
Raising Collingwood and Grove Streets, completing and painting Bridge, &c.	600	0	0			
Wairoa Cart Bridge, Second Branch and Road to ditto	550	0	0			
Motueka Cart Bridge	3,500	0	0			
Appleby Cart Bridge	5,000	0	0			
Carried over			£	17,181	11	2

	£ s. d.	£ s. d.
Brought over . . .	. .	17,181 11 2
PUBLIC WORKS AND PURPOSES—*continued.*		
Waiua-au Bridge—Extra work .	500 0 0	
Hurunui Bridge . . .	2,000 0 0	
Improving Bridle Track Riwaka to Takaka	400 0 0	
Road between Waimea West and Moutere	200 0 0	
Improving Bridle track, Takaka to Collingwood	150 0 0	
Mail Road East of Takaka River .	300 0 0	
Main South Road . . .	1,030 0 0	
Improving Road to Pelorus . .	400 0 0	
Road to West Coast, Coal Works, Ferry-Houses, &c. Buller Road . . . Wangapeka, Motueka, and Karamea Road . . . Aorere to Heaphy (including £400 existing contracts) . . Foot tracks to connect Buller and Grey Districts . . . Ferry Boats, Houses, &c. . . Court House and Lock-up, West Coast Coal Works . . .	17,000 0 0	
Lesser Public Works . .	300 0 0	
Introduction of useful Animals, including Alpacas	450 0 0	
Agricultural Association . .	200 0 0	
Agricultural Association, Motueka .	50 0 0	
Compensation for Roads . .	270 0 0	
Compensation to New Zealand Company's Workmen. . . .	585 0 0	
Gold Bonuses . . .	2,000 0 0	
		64,041 12 10
LOCAL.		
Town of Nelson.		
Maitai River—Improving Channel and Protection of Roads . .	200 0 0	
Maitai River—(to meet equivalent subscription)	75 0 0	
Hardy Street Bridge . . .	77 0 0	
Board of Works . . .	450 0 0	
Public Garden, Trafalgar Square .	100 0 0	
Museum (including Salary of Curator) .	120 0 0	
Suburban North.		
Happy Valley Road Extension .	50 0 0	
Road Board . . .	160 0 0	
Carried over . .	. . £	81,223 4 0

	£	s.	d.	£	s.	d.
Brought over . .	.	.		81,223	4	0
PUBLIC WORKS AND PURPOSES—*concluded.*						
Waimea Districts.						
Road Board . . .	1000	0	0			
Wai-iti Foot Bridge, (to meet subscriptions)	100	0	0			
Bridle Track from Pigeon Valley to Dove Dale	100	0	0			
Aniseed Valley Road (voted last year) .	100	0	0			
Bridle Road from Stoke to Wallis' and Aniseed Valleys (to meet equivalent subscriptions) . . .	100	0	0			
Pound, Suburban South . .	50	0	0			
Moutere District.						
Road, Moutere to Dove Dale, extra for Bridge and completion of Road .	120	0	0			
Road Board . . .	200	0	0			
Bridge, Lower Moutere, additional .	100	0	0			
Motueka.						
Dray Road up Motueka River . .	200	0	0			
Moorings, repairing and tarring Jetty, &c.	100	0	0			
Road Board . . .	175	0	0			
Riwaka.						
Clearing entrance to Harbor . .	30	0	0			
Riwaka Swamp Drain (to be repaid by owners of adjoining Sections). .	150	0	0			
Road Board . . .	80	0	0			
Takaka District.						
Road Board . . .	250	0	0			
Waitapu Jetty . . . } Motupipi Jetty . . . }	100	0	0			
Court House and Lock-up . .	300	0	0			
Pound	50	0	0			
Collingwood.						
Road Board . . .	250	0	0			
Repairing and painting Court House .	40	0	0			
Repairing Jetty . . .	25	0	0			
				4,852	0	0
TOTAL . .	.	.	£	86,075	4	0

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding the sums respectively specified, to such persons and in such portions as the Superintendent for the time being shall, by warrants to be granted by

Treasurer to pay Money on warrant of Superintendent.

him from time to time, direct; and such Treasurer 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 credit in account accordingly.

PROVINCE OF NELSON.

APPROPRIATION ACT.

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

SESSION XI., No. 1.

AN ACT TO FURTHER APPROPRIATE THE REVENUE OF THE PROVINCE OF NELSON FOR THE YEAR ENDING THE THIRTY-FIRST DAY OF MARCH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR.

ANALYSIS.

Title.
Preamble.
1. Certain Sums to be applied to the Service of the Year ending 31st March, 1864.
2. Treasurer to pay Money on warrant of Superintendent.

"*An Act to further appropriate the Revenue of the Province of Nelson for the Year ending the Thirty-first day of March, One thousand eight hundred and sixty-four.*" Title.

[Assented to October 26th, 1863.]

BE it enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

Certain Sums to be applied to the Service of the Year ending 31st March, 1864.

1. Out of the Revenue of the Province of Nelson subject to appropriation by the Superintendent and Provincial Council thereof, there may be issued and applied any sums of money not exceeding the several sums hereinafter specified: that is to say—For defraying the charge of the Government of the said Province for the year commencing on the First day of April, One thousand eight hundred and sixty-three, and ending on the Thirty-first day of March, One thousand eight hundred and sixty-four, the sum of Six thousand two hundred pounds (in addition to the sum of Eighty-six thousand and seventy-five pounds four shillings, appropriated by an Act of the Superintendent and Provincial Council, in Session X.) as hereinafter particularly specified, that is to say:—

	£	s.	d.	£	s.	d.
Provincial Council Department (including Expenses of Members, Printing, Clerks and Messengers, Salaries, &c.)	200	0	0			
Roads to West Coast . .	6,000	0	0	6,200	0	0
Total.....£	.	.	£	6,200	0	0

Treasurer to pay Money on warrant of Superintendent.

2. The Provincial Treasurer shall issue and pay, from time to time, any sum or sums of money for the purposes hereinbefore mentioned, not exceeding the sums respectively specified, to such persons 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 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 have been given; and the amounts thereof shall be passed to his credit in account accordingly.

PROVINCE OF NELSON.

AMERICAN BLIGHT.

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

SESSION II., No. 3.

AN ORDINANCE TO PREVENT THE INCREASE OF THE AMERICAN BLIGHT.

ANALYSIS.

Title.
Preamble.
1. Persons having Trees infected with American Blight liable to a Penalty of Forty shillings for the first offence.
2. For second or any subsequent offence, Penalty not exceeding Five Pounds.
3. Persons selling or offering for sale Trees infected, liable to a Penalty of Ten pounds.
4. Commencement of Ordinance.

"*An Ordinance to prevent the increase of the American Blight.*" Title.

WHEREAS considerable injury has been done to Fruit Trees within the Province of Nelson by the Blight or Insect called the American Blight: And whereas it is expedient to prevent as much as possible the increase thereof: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof:— Preamble.

Persons having Trees infected with American Blight liable to a penalty of Forty shillings for first offence

1. That if any person shall have in his possession or under his control any tree infected with the American Blight, or shall occupy any garden, orchard, or other ground whereon any trees infected with the said blight shall be standing or growing, after having received three calendar months' notice to clean such trees, such person shall for every such offence be liable to a penalty not exceeding Forty shillings, to be recovered in a summary manner before any two Justices of the Peace.

For second or any subsequent offence, Penalty not exceeding Five pounds.

2. If any person shall have in his possession or under his control any tree infected with the American Blight, or shall occupy any garden, orchard, or other ground whereon any tree infected with the said blight shall be standing or growing, such person shall for the second or any subsequent offence be liable to a penalty not exceeding Five pounds, to be recovered as aforesaid. Provided always that no person shall be convicted of such offence more than once within the period of three calendar months.

Persons selling or offering for sale Trees infected, liable to a Penalty of Ten pounds.

3. If any person shall himself, or by means of any one under his control, land or cause to be landed from any ship, boat, or other vessel, any tree infected with the said blight, or if any person shall sell or offer or expose for sale any tree infected with the said blight he shall for every such offence be liable to a penalty not exceeding Ten pounds, to be recovered as aforesaid.

Commencement of Ordinance.

4. This Ordinance shall come into operation on and after the First day of October, in the year of our Lord One thousand eight hundred and fifty-five.

DONALD SINCLAIR,
Speaker.

Passed the Provincial Council this Twenty-second day of December, 1854.

GEORGE WHITE, *Clerk of the Council.*

I assent to this Ordinance on behalf of the Governor of New Zealand, this Thirtieth day of December, in the Year of our Lord One thousand eight hundred and fifty-four.

E. W. STAFFORD,
Superintendent.

PROVINCE OF NELSON.

ALTERATION OF ROADS ORDINANCE.

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

SESSION II., No. 4.

AN ORDINANCE TO PROVIDE FOR ALTERING ROADS IN THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Persons wishing to stop up or alter any Road to give notice of same, &c., and to cause a Survey Plan to be deposited with the Clerk to the Magistrates.
2. Persons objecting to such Alteration, &c., may appeal.
3. Justices present at meeting may hear Objections, and make an order for such Alteration, &c.: such order to be transmitted to the Superintendent and Executive Council for confirmation or otherwise.
4. No Alteration, &c., to be made if one-sixth of owners and occupiers of adjoining land object thereto.
5. If application disallowed, parties may apply to Provincial Council for Ordinance to authorise same.
6. After confirmation of order, persons making new Roads may enter Lands for that purpose.
7. Persons obstructing works liable to Penalty.
8. New Road to be public Highway, but old Highway not to be stopped up until new Highway be fit for public use.
9. Expenses of altering Roads to be paid by persons requiring the same to be done.
10. Parties may convey Land, or make Contracts for sale of land required.

11. Disputed compensation to be settled by arbitration, or by Resident Magistrate, or two Justices.
12. In case either party neglect to appoint Arbitrator, or if owner absent, Resident Magistrate, to appoint Arbitrator.
13. In estimating compensation, circumstances to be considered.
14. Compensation to party under any disability to be deposited with Treasurer of Province for benefit of parties interested.
15. And to be applied as Supreme Court shall direct.
16. In case the Proprietor or Occupier of Land through which Road is to be made, considers himself aggrieved, he may claim compensation within eighteen months.
17. Where old Road stopped up owners of adjoining land may accquire same.
18. Proceedings under Ordinance to be regulated by Ordinance, Session II., No. 5.
19. Interpretation Clause.
20. Short Title.
21. Commencement of Ordinance.

Title. "*An Ordinance to provide for altering Roads in the Province of Nelson.*"

Preamble. WHEREAS many lines of road laid out on the Plans of the several Districts of the Province are of that hilly, broken, and swampy character, that great expense would be incurred in forming the same. and it is expedient to make provision for altering and diverting such lines of road, and for other the purposes hereinafter mentioned: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Persons wishing to stop up or alter any Road, to give notice of same, &c., and to cause a Survey Plan to be deposited with the Clerk to the Magistrates.

1. Whenever the Commissioner of Public Works, or any other person, shall be desirous of making any new road, or of stopping up diverting any road either entirely, or reserving a bridle or footway along the whole or any part thereof, such Commissioner or other person shall give notice of his intention to apply to two or more Justices of the Peace having jurisdiction in the said Province, on a day and at a place to be therein named, and which day shall not be less than six weeks nor more than eight weeks from the time of giving such notice for an order for making such new road, or for stopping up or diverting such road, and shall cause a copy of such notice to be published in the *Government Gazette*, and also published for four successive weeks in one newspaper published or generally circulated in the Province, and shall also cause a copy of such notice to be placed during such period in some conspicuous place in each district through which the said road is intended to pass; and every such notice shall state the course, bearings, and boundaries, and also the termini of every road so proposed to be made, stopped up, or diverted, and of the road (if any) proposed to be substituted in the place thereof, and also the

name and place of abode and calling of the person giving such notice; and shall cause a survey plan of the road proposed to be made, or to be stopped up or diverted, and of any road proposed to be substituted for the same verified by some competent Surveyor, together with a book of reference containing the names of the owners, occupiers, and lessees of the lands, when known, through which the new road is intended to pass; also, an estimate of the expense of the work to be deposited with the Clerk to the Magistrates and the nearest Constable at the time of giving such notice as aforesaid; and such plan shall be open to public inspection at all reasonable times from the publication of such notice; and a copy of such plan and book of reference shall, so far as his ownership or occupation extends, be delivered to the owner or occupier of the lands through which such road is intended to pass, when such owners and occupiers shall be known, and shall reside in the Province.

Persons objecting to such Alteration, &c., may appeal.

2. Any person who may feel himself aggrieved by such proposed stopping up, alteration, or new work, may appear before the Justices at the meeting to be held as aforesaid, and state his objections thereto.

Justices present at Meeting may hear Objections, and make an order for such Alteration, &c.: such Order to be transmitted to the Superintendent and Executive Council, for confirmation or otherwise.

3. Any two or more Justices of the Peace having jurisdiction in the Province, may, at a meeting to be held at the time and place mentioned in such notice, hear and determine the matter of such notice and upon proof duly made to them of such notice having been given, and that any such new road is necessary, or that any such road may be diverted and turned either entirely, or subject as aforesaid, so as to make the same nearer or more commodious to the public, or that any such road is unnecessary, the said Justices shall make an order directing such new road or alteration, or new work, or stopping up any road or such part thereof respectively, as they may deem expedient to be executed according to such plans and estimates and shall cause such order to be forthwith transmitted along with the minutes of the grounds of any objections to the same to the Superintendent of the Province, for the consideration of the Superintendent and Executive Council, and it shall be lawful for the Superintendent and Executive Council to confirm or disallow such order.

No Alteration, &c., to be made if one-sixth of Owners and Occupiers of adjoining land object thereto.

4. Provided always that no order shall be made for making any new road, or for diverting or stopping up any old road where one-sixth of the owners and occupiers having leases of not less than three years to run of the land adjoining any road proposed to be stopped up or diverted, or through which any new road is proposed to be made shall, at the time appointed for hearing objections, deliver to the Magistrates present at such meeting, a notice in writing of their objections thereto.

If application disallowed, parties may apply to Provincial Council for an Ordinance to authorise same.

5. In the event of any such application being disallowed, it shall be lawful for the said Commissioner, or other person making such application, who shall have given the notices and deposited the plans as required by this Ordinance, and who shall have given notice in the *Government Gazette*, and for four successive weeks in some newspaper published in the Province, of such his intention to apply to the Provincial Council to pass an Ordinance to authorise such new road to be made, or such old road to be stopped up or diverted (as the case may be), without giving any further or other notice.

After confirmation of order, persons making New Road may enter Lands for that purpose.

6. After the confirmation of such order it shall be lawful for the said Commissioner or other person making such new road, or altering or diverting any road, and for his workmen, with or without carts and carriages, from time to time to enter upon the lands and grounds through which or whereupon such road is intended to be made or pass, and also upon any adjoining lands or grounds, to stake out the same and make such road and all necessary ditches, drains, fences and bridges, in such manner as they shall think necessary, without being deemed trespassers, and without being liable to any fine, penalty, or punishment for entering upon such lands or grounds respectively for any of the purposes of this Ordinance.

Persons obstructing Works liable to penalty.

7. If any owner, occupier, or other person shall alter, obstruct, or in any manner interfere with any such roads, stakes, fences, ditches, drains, or bridges, such owner or occupier, or other person, shall be liable to reimburse all charges and expenses which may be occasioned by reinstating and making good the work so altered, obstructed, or interfered with, and shall also forfeit any sum not exceeding Five pounds.

New Road to be Public Highway, but Old Highway not to be stopped up until New Highway be fit for public use.

8. The new road so to be appropriated and set out shall be and for ever after continue a public highway to all intents and purposes whatsoever, but no old road (except in case of stopping up of such useless road as aforesaid) shall be stopped up until such new road shall be completed and put into good condition, and shall be certified to be in a fit state for public use by the Commissioner of Public Works, or by any two Justices of the Peace, and such certificate deposited with the Clerk of the Magistrates.

Expenses of altering Roads to be paid by persons requiring the same to be done.

9. All expenses attending the making any new road, or stopping up or diverting any road, shall be paid by the person requiring the same to be done, or be recoverable in a summary manner as hereinafter mentioned.

10. All parties seized, possessed of, or entitled to any lands required for the purposes of this Ordinance, or any estate or interest therein, may sell and convey or release the same for the purposes aforesaid, and may enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled as aforesaid, to sell, convey, and release: that is to say, all corporations, tenants intail, or for life, married women seized in their own right or entitled to dower, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any estate in dower, or to any lease for life, or for lives and years, or for years, or any less interest; and the powers so to sell and convey or release as aforesaid may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life, or for lives and years, or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this Ordinance if they had respectively been under no disabilities, and as to such trustees, executors, and administrators, on behalf of their *cestuis que trusts*, whether infants issue unborn, lunatics, *femmes couvertes*, or other persons, and that to the same extent as *cestuis que trust* respectively could have exercised the same powers under the authority of this Ordinance if they had respectively been under no disability.

Parties may convey Land, or make Contracts for Sale of Land required.

11. In case of any disagreement as to the value of any land which shall betaken under the provisions of this Ordinance, or as to any damage sustained by making or altering any road as aforesaid, the same shall be determined by the appraisement of two indifferent persons, one to be chosen by the person requiring such road to be made or altered, and the other by the other person interested therein, or by an umpire to be chosen by such two appraisers, or, if the compensation claimed do not exceed the sum of Twenty pounds, the same may be ascertained

Disputed Compensation may be settled by Arbitration or by Resident Magistrate or two Justices.

by the Resident Magistrate, or any two or more Justices of the Peace, in a summary manner.

In case either party neglect to appoint Arbitrator, or if owner absent, Resident Magistrate to appoint Arbitrator.

12. In case either of the said parties shall refuse or neglect to appoint an Arbitrator for the space of fourteen days after being requested so to do by the other party, or in case the owner of any land required for the purposes of this Ordinance shall be absent from the Province, or cannot be found, the Resident Magistrate shall appoint an Arbitrator to act on behalf of such owner or other party as aforesaid.

In estimating Compensation, circumstances to be considered.

13. In estimating the purchase-money or compensation to be paid as aforesaid, regard shall be had by the Arbitrators not only to the value of the land required, but also to the damage (if any) sustained by the owner of the lands by reason of the severing of the lands from the other lands of such owner, or in otherwise injuriously affecting such lands by the exercise of the powers of this Ordinance.

Compensation to party under any disability to be deposited with Treasurer of Province for benefit of parties interested.

14. The purchase-money or compensation to be paid for any land to be purchased or taken from any party under any disability or incapacity, and not having power to sell or convey such lands, except under the authority of this Ordinance, and the compensation to be paid for any permanent damage or injury to any such lands, shall be deposited in the Treasury of the Province for the benefit of the parties interested therein.

And to be applied as Supreme Court shall direct.

15. All sums of money shall, on petition of any party interested therein, be laid out, invested, accumulated, applied, or paid in such manner or to or for the benefit of such parties as the Supreme Court of New Zealand may order and direct.

In case the Proprietor or Occupier of Land through which Road is to be made considers himself aggrieved, he may claim Compensation within eighteen months.

16. If the proprietor or occupier of any land (not being Waste Land of the Crown) through which any such road as aforesaid is to be made, shall deem himself aggrieved thereby, such proprietor or occupier, or his agent lawfully authorised, may serve a notice in writing on the said Commissioner or other person requiring such new road to be made or old road to be diverted, as aforesaid, within eighteen months from the date of the *Gazette* in which notice of the confirmation of such order shall have been published as aforesaid, specifying the portion of land referred to, and also that he claims compensation for the portion of the land so required for the purposes aforesaid; and in default of such notice being served within the time and manner aforesaid, the proprietor or occupier of such land, and all persons claiming by, through, or under him, shall be for ever foreclosed and shut out from any benefit or claim whatsoever to any compensation for any portion of the land required for such road.

17. In the event of any road being ordered to be stopped up as aforesaid, the owners of the adjoining lands, if they think fit, after the confirmation of such order, may acquire such road, or any part thereof, as may adjoin their lands respectively, either in exchange, or at such price as may be fixed by the Superintendent and Executive Council of the Province, or, in the event of any difference, by arbitration; and the Superintendent may make and issue to the persons acquiring such land a conveyance thereof, which shall be valid to vest in such person the said land, for such estate or interest as by such conveyance shall be expressed and declared; and the purchase money, after deducting the necessary expenses (if any), shall be paid to the Treasurer of the Province, and shall be applied to the public uses of the Province and of the support of the Government thereof. In case the owners of the adjoining land shall decline to purchase the old or useless road, the Superintendent, acting by and with the advice of his Executive Council, may sell and convey the land of such old and useless road to any other person willing to purchase the same.

Where old Road stopped up, owners of adjoining land may acquire same.

18. All proceedings under this Ordinance, in so far as not otherwise expressly provided, may be had and taken according to Ordinance No. 5, Session II., of the Legislative Council of New Zealand, for the Regulation of Summary Proceedings before Justices of the Peace.

Proceedings under Ordinance to be regulated by Ordinance Session II., No. 5.

19. Whenever in this Ordinance, in describing or referring to any person or party, matter or thing, the word importing the singular number or masculine gender only is used, the same shall be understood to include, and shall be applied to several persons or parties, as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing respectively, unless there be something in the subject or context repugnant to such construction.

Interpretation Clause.

20. This Ordinance shall be termed "The Alteration of Roads Ordinance, 1854," and may be cited and referred to by that title.

Short Title.

21. This Ordinance shall come into operation from and after the passing thereof.

Commencement of Ordinance.

DONALD SINCLAIR, *Speaker.*

Passed the Provincial Council this Twenty-second day of December, 1854.

GEORGE WHITE, *Clerk of the Council.*

I assent to this Ordinance on behalf of the Governor of New Zealand, this Third day of February, in the year of our Lord One thousand eight hundred and fifty-five.

E. W. STAFFORD, *Superintendent.*

PROVINCE OF NELSON.

ALTERATION OF ROADS ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 5.

AN ACT TO AUTHORISE CERTAIN ROADS IN THE DISTRICTS OF WAIMEA-SOUTH AND WAIMEA-WEST TO BE STOPPED UP, AND OTHER ROADS MADE IN LIEU THEREOF.

ANALYSIS.

Title.
Preamble.
1. Certain Roads may be stopped up and new Roads made.
Shedules A. and B.

Title. "*An Act to authorise certain Roads in the Districts of Waimea-South and Waimea-West to be stopped up, aud other Roads made in lieu thereof.*"

[Assented to 21st June, 1859.]

Preamble. WHEREAS applications were duly made by Thomas John Thompson, of Richmond, in the said Province, Surveyor under and by virtue of the Provisions of an Ordinance passed by the Superintendent and Provincial Council of the Province of Nelson, intituled "The Alteration of Roads Ordinance, 1854," to two Justices of the Peace having jurisdiction in the said Province, for an order to stop up certain roads, specified in Schedule A to this Act, and to substitute other roads, specified in Schedule

B to this Act, in lieu thereof: And whereas the said applications were disallowed by the said Justices: And whereas, by the said Ordinance, it is enacted, that, in the event of any application for an order for making any new road or for stopping up or diverting any road being disallowed, it should be lawful for the person making such application, who should have given the notices and deposited the plans as required by the said Ordinance and who should have given notice in the *Government Gazette*, and for four successive weeks in some newspaper published in the Province, of such his intention, to apply to the Provincial Council to pass an Ordinance to authorise such new road to be made, or such old road to be stopped up or diverted (as the case might be), without giving any further or other notice: And whereas the several notices have been given and plans deposited, as required by the said Ordinance: And whereas it is expedient that the old roads specified in Schedule A should be stopped up, and the new roads specified in Schedule B made according to the said applications: Be it, therefore enacted, by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof:—

Certain Roads may be stopped up, and new Roads made.

1. That it shall be lawful for the said Thomas John Thompson to cause the old roads specified in Schedule A to be stopped up, and the new roads specified in Schedule B to be made, according to the said applications, and as specified in the said notices, in the same manner and with, under, and subject to the same powers, provisoes, conditions, liabilities, and restrictions, as if the said applications had been allowed and orders made by the said Justices, and confirmed by the Superintendent and Executive Council, under the provisions of the said Ordinance.

SCHEDULE A.

A certain road in Waimea South, commencing on the south side of a cross-road running from the Wai-iti to the hills, at about ten chains west of J. Curran's corner, and proceeding one hundred and three chains in a south-south-west direction, through sections 142 to 150 inclusive; thence about seven and a half chains in a south-west direction, through section number 151. Also, a certain road in Waimea West, commencing four and a half chains from the south boundary of section 56, and proceeding ten and a half chains in a north-north-east direction, through section 56 to its north boundary, and there terminating.

SCHEDULE B.

A certain road situated in the District of Waimea South, sixty links wide, commencing at the said cross-road, at the termination of the trunk-road already formed at John Curran's corner, and proceeding thirty-four chains in a south-west direction, through sections 142, 143, and 144, to the watercourse (being a portion of the road at present in use), thence fourteen and a half chains in a south direction, through 144 and 145, thence one hundred and ten chains in a south-south-west direction, through sections 145 to 153 inclusive, 155, and 156; thence nine chains in a south-west direction, through Waste Land of the Crown, to the Wai-iti; and thence twelve chains in a west-north-west direction, through section 157, and there terminating at the present trunk-road.

And also, a certain other road situated in the District of Waimea West, seventy-five links wide, commencing at the same point as the road to be stopped up, proceeding eleven chains in a north-easterly direction, through the said section, till it meets a certain other road passing along the east boundary of the said section on the bank of the Waimea River, and there terminating.

PROVINCE OF NELSON.

WAIMEA EAST ROAD ALTERATION ACT.

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

SESSION VIII., No. 1.

AN ACT TO AUTHORISE A CERTAIN ROAD IN THE DISTRICT OF WAIMEA EAST TO BE STOPPED UP, AND ANOTHER ROAD TO BE MADE IN LIEU THEREOF.

ANALYSIS.

Title.
Preamble.
1. A certain Road to be Stopped up and a new Road made.
Schedule A.
Schedule B.

"*An Act to authorise a certain Road in the District of Waimea East to be stopped up, and another Road to be made in lieu thereof.*" Title.

[Assented to 18th June, 1861.]

WHEREAS application was duly made by Thomas John Thompson, of Richmond, in the Province of Nelson, Surveyor to the Waimea Road Board, under and by virtue of the Provisions of an Ordinance passed by the Superintendent and Provincial Council of the Province of Nelson, intituled the "Alteration of Roads Ordinance, 1854," to two Justices of the Peace having jurisdiction in the said Province, for an order to stop up a certain road, specified in Schedule A to this Act, and to substitute another road, specified in Schedule B to this Act, in lieu thereof: And whereas the said application was disallowed Preamble.

by the said Justices: And whereas, by the said Ordinance, it is enacted, that, in the event of any application for an order for making any new road or for stopping up or diverting any road being disallowed, it should be lawful for the person making such application, who should have given the notices and deposited the plans as required by the said Ordinance, and who should have given notice in the *Government Gazette*, and for four successive weeks in some newspaper published in the Province, of such his intention, to apply to the Provincial Council to pass an Ordinance to authorise such new road to be made, or such old road to be stopped up or diverted (as the case might be), without giving any further or other notice: And whereas the several notices have been given and plans deposited, as required by the said Ordinance: And whereas it is expedient that the old road specified in Schedule A should be stopped up, and the new road specified in Schedule B made according to the said application: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof:—

A certain Road may be stopped up, and a new Road made.

1. That it shall be lawful for the said Thomas John Thompson to cause the old road specified in Schedule A to be stopped up and the new road specified in Schedule B to be made according to the said applications, and as specified in the said notices, in the same manner and with, under, and subject to the same powers, provisoes, conditions, liabilities, and restrictions, as if the said application had been allowed, and an order made by the said Justices, and confirmed by the Superintendent and Executive Council, under the provisions of the said Ordinance.

SCHEDULE A.

To stop up parts of a certain road in Waimea East, commencing at the cross roads at the west corner of section 59, and going south-east twenty and a half chains, between sections 58, and 59: thence thirty-eight chains south through section 2 of 1, and there terminating; excepting a small portion of the first named part, where the proposed road will intersect the said road.

SCHEDULE B.

A Road, fifty links wide, commencing on the east side of the public road, passing along the west side of section 59 at nine and a half chains from the west corner of the said section, and proceeding seven chains south-east and forty-five chains south, through sections 58, 59, and 2 of I, to the ridge of the hills: thence twenty chains south-south-east, and thirteen chains east, through Sections 2 of I. and III., and ending at the termination of the road proposed to be stopped up.

PROVINCE OF NELSON.

AUCTIONEERS' ACT.

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

SESSION V., No. 5.

AN ACT TO REPEAL "AN ORDINANCE FOR LICENSING AUCTIONEERS," AND AN ORDINANCE TO AMEND THE SAME, AND TO MAKE OTHER PROVISIONS IN LIEU THEREOF.

ANALYSIS.

Title.
Preamble.
1. Recited Ordinances repealed.
2. No Person to sell by Auction without License.
3. License to expire on 31st December.
4. Amount of License.
5. Holders of Licenses entitled to License for the residue of the year, on payment of proportionate part of License Fee.
6. Names of Auctioneers to be published.
7. Hours of Business.
8. Penalty for selling by Auction without License.
9. *Onus probandi.*
10. Penalty for selling at illegal hours.
11. Exemptions.
12. Date when Act shall come into operation.
13. Short Title.

"*An Act to repeal 'An Ordinance for Licensing Auctioneers,' and an Ordinance to amend the same, and to make other provisions in lieu thereof.*" Title.

[Assented to 23rd April, 1858.]

WHEREAS an Ordinance was passed by the Legislative Council of New Zealand, in Session II., No. 13, intituled "An Ordinance for Licensing Auctioneers;" and whereas an Ordinance Preamble.

was also passed by the Legislative Council of New Zealand, in Session III., No. 10, intituled "An Ordinance to amend an Ordinance for Licensing Auctioneers;" and whereas it is expedient that the said recited Ordinances should be repealed, so far as regards the Province of Nelson, and other provisions made in lieu thereof: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice of the Provincial Council thereof as follows :—

Recited Ordinances repealed.

1. The said recited Ordinances, so far as regards the Province of Nelson, shall be, and the same are, hereby repealed.

No person to sell by Auction without License.

2. No person shall sell any estate, goods, or effects by way of auction, or in any way whereby the highest bidder shall be the purchaser, either by public sale or otherwise, unless he shall be duly licensed in manner hereinafter provided.

License to expire on 31st December.

3. Every license issued under the authority of this Act shall be in the form set forth in the Schedule hereunto annexed, and shall commence on the day of the issue thereof, and shall expire on the 31st day of December in each year.

Amount of License.

4. Such license shall be issued by the Provincial Treasurer to any person who shall apply for the same, on payment of the sum of Forty pounds, when issued before the First day of July in any year; and when issued on or after that day, then on payment of the sum of Twenty pounds.

Holders of Licenses entitled to License for the residue of the year on payment of proportionate part of License Fee.

5. Any person holding an Auctioneer's License in force within the Province, at the time of the passing of this Act, shall, at the expiration of such license, be entitled to a license for the residue of the year, on payment of a proportionate part of the license fee.

Names of Auctioneers to be published.

6. The Provincial Treasurer shall publish the names, places of abode, and calling of every person to whom any license shall be issued under this Act, in some newspaper generally circulated in the Province, within ten days after the issue of any such license.

Hours of business.

7. No person so licensed shall exercise his business of an autioneer by any artificial light, or after the hour of five 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.

Penalty for selling by Auction without License.

8. If any person, not being duly licensed, shall sell any estate goods, or effects, by way of auction, or tender, or any way whereby the highest bidder shall be deemed the purchaser,

either by public sale or otherwise, he shall forfeit and pay for every such offence the sum of One hundred pounds, to be recovered in a summary manner.

9. In all proceedings against any person for having acted as an auctioneer without license, such person, unless he shall produce his license, or bring other satisfactory proof of his having been licensed at the time at which the offence shall be deemed to have been committed, shall be deemed to have been unlicensed. *Onus probandi.*

10. If any licensed auctioneer shall exercise his business at any time, or in any manner, contrary to the provisions of this Act, he shall forfeit and pay, for every such offence, any sum not exceeding fifty pounds, to be recovered in a summary manner. Penalty for selling at illegal hours.

11. Provided always, that nothing herein contained shall extend to any sale by order of his Excellency the Governor, or of any Collector or Sub-Collector of Customs, or to any sale of Crown Land, or to any sale by any person of his own chattels, at any place where he shall have resided for the previous six months, more than forty miles distant from the habitual residence of any Auctioneer licensed under this Act, or to any sale of any vessel which may be taken and condemned as a prize, and sold for the benefit of the captors, or to the apparel, or stores, or cargo of such vessel, nor shall in any manner affect any license already granted under the authority of the said recited Ordinance.* Exemptions.

12. This Act shall come into operation on the twenty-fifth day of April, one thousand eight hundred and fifty-eight. Date when Act shall come into operation.

13. This Act shall be intituled and may be cited as "The Auctioneers' Licensing Act, 1858." Short Title.

SCHEDULE.

FORM OF LICENSE.

Know all men by these presents, that [name] of [place of abode, trade or business] having this day paid me the sum of is hereby licensed to exercise the business or calling of an auctioneer, in the Province of Nelson, from the day of the date hereof until the Thirty-first day of December, One thousand eight hundred and

Dated this day of One thousand eight hundred and

Provincial Treasurer.

* Repealed by "Auctioneers' Licensing Amendment Act, 1862," Session IX, No. 4.

PROVINCE OF NELSON.

AUCTIONEERS' LICENSING AMENDMENT ACT.

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

SESSION IX., No. 4.

AN ACT TO AMEND "THE AUCTIONEERS' LICENSING ACT, 1858."

ANALYSIS.

Title.
Preamble.
1. Clause 11 of Auctioneers' Licensing Act repealed.
2. Exemptions.
3. Provincial Treasurer may issue Licenses to sell by Auction more than twelve miles from the City of Nelson on payment of Five pounds.
4. Penalty for holder selling within twelve miles of the City of Nelson.
5. This Act to be construed as part of recited Act of Session V., No. 5.
6. Short Title.
Schedule.

Title. "*An Act to amend 'The Auctioneers' Licensing Act,* 1858.'"

[Assented to 15th July, 1862.]

Preamble. WHEREAS an Ordinance was passed by His Excellency the Governor-in-Chief of the Colony of New Zealand, by and with the advice and consent of the Legislative Council thereof, in

Session II., numbered 11, intituled "An Ordinance for the Regulation of Building and Land Societies." And whereas an Act was passed by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, in Session V., No. 5, intituled "The Auctioneers' Licensing Act, 1858." And whereas by the last recited Act it is among other things enacted, "That if any person not duly licensed shall sell any estate, goods, or effects by way of auction, or tender, or any way whereby the highest bidder shall be deemed the purchaser, either by public sale or otherwise, he shall forfeit and pay for every such offence the sum of One hundred pounds, to be recovered in a summary way." And whereas it is expedient that the last recited Act should be amended: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Clause 11 of Auctioneers' Licensing Act repealed.

1. That Section 11 of the said last recited Act shall be and the same is hereby repealed.

Exemptions from operation of recited Act.

2. Provided always that nothing herein contained shall extend to any sale by order of his Excellency the Governor, or the Superintendent, or of a Collector or Sub-Collector of Customs, or to any sale of Crown Land or Public Reserves, or to any sale by auction or tender by any Building Society constituted under or in accordance with the provisions of the hereinbefore first recited Act, of their estates, or moneys, or securities for moneys, or to any sale by any person of his own chattels at any place where he shall have resided for the previous six months more than forty miles distant from the habitual residence of any Auctioneer licensed under this Act, or to any sale of any vessel which may be taken and condemned as a prize and sold for the benefit of the Captors, or to the apparel or stores or cargo of any such vessel.

Provincial Treasurer may issue Licenses to sell by auction more than 12 miles from the City of Nelson on payment of £5.

3. It shall be lawful for the Provincial Treasurer to issue to any person who shall apply for the same and who shall not reside within twelve miles of the City of Nelson, on payment of the sum of Five pounds, a license, in the form set forth in Schedule A hereunto annexed, authorising such person to sell any estate, goods, or effects, by way of auction, at any place or places in the said Province, not being within twelve miles from the City of Nelson.

Penalty for holder selling

4. If the holder of any license issued under the preceding clause shall sell any estate, goods, or effects by any auction or tender, or any way whereby the highest bidder shall be deemed

within 12 miles of the City of Nelson.

the purchaser, either by public sale or otherwise, within the City of Nelson, or within twelve miles of the said City, he shall forfeit and pay for every such offence the sum of One hundred pounds, to be recovered in a summary manner.

This Act to be construed as part of recited Act of Session V., No. 5.

5. The sections hereinbefore contained except section numbered 1 shall be read and construed as part of the recited Act of Session V., No. 5.

Short title.

6. This Act shall be intituled and may be cited as the "Auctioneers' Licensing Amendment Act, 1862."

SCHEDULE A.

Know all men by these presents that [name] of [place of abode and calling] having this day paid me the sum of Five pounds is hereby licensed to exercise the business or calling of an Auctioneer in any part of the Province of Nelson not being within twelve miles of the City of Nelson from the day of the date hereof until the Thirty-first day of December, One thousand eight hundred and

Dated this day of One thousand eight hundred and

Provincial Treasurer.

PROVINCE OF NELSON.

AUDITOR'S SALARY ACT.

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

SESSION IX., No. 1.

AN ACT TO PROVIDE FOR THE PAYMENT OF THE AUDITOR OF THE PUBLIC ACCOUNTS OF THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Salary of Auditor, &c.
2. Treasurer to pay money on warrant of Superintendent.

"*An Act to provide for the payment of the Auditor of the Public Accounts of the Province of Nelson.*" Title.

[Assented to 11th June, 1862.]

WHEREAS by an Act passed by the General Assembly of New Zealand intituled "The Provincial Audit Act, 1861," provision is made for the appointment of an Auditor and Deputy-Auditor of the Public Accounts of the Provinces of New Zealand: And it is amongst other things enacted that it should be the duty of the Superintendent and Provincial Council of every Province to make provision by Act, for the payment of a salary to such Auditors and also Deputy-Auditors whilst acting, and for the expenses of the Department: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

Salary of Auditor, &c.

1. Out of the Revenue of the Province of Nelson, subject to appropriation by the Superintendent and Provincial Council thereof, there shall be paid any sum or sums of money not exceeding the several sums hereinafter specified, for defraying the salaries of the Auditor and Deputy-Auditor under the said Act, and also for the expenses of the Department, that is to say:

Provincial Auditor the sum of One hundred and fifty pounds per annum.

Deputy-Auditor the sum of Twelve shillings per day during the time he shall be acting as Provincial Auditor.

Expenses of Department the sum of Fifteen pounds per annum.

Provided always that whenever any sum shall be paid as salary to the Deputy-Auditor exceeding Thirty pounds in any one year the amount in excess of that sum shall be deducted from the salary of the Provincial Auditor.

Treasurer to pay money on warrant of Superintendent.

2. The Provincial Treasurer shall issue and pay from time to time any sum or sums of money for the purposes hereinbefore mentioned, not exceeding in the whole the sums respectively specified, to such persons and in such manner as the Superintendent shall by warrant under his hand from time to time direct, and such Treasurer shall in his account be allowed credit for all sums paid by him in pursuance of such warrants, and the receipt 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 receipt shall have been given, and the amounts thereof shall be passed to his credit in account accordingly.

PROVINCE OF NELSON.

BULLER RESERVE ADMINISTRATION ACT.

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

SESSION X., No. 9.

AN ACT TO PROVIDE FOR THE ADMINISTRATION OF THE PUBLIC RESERVE IN THE BULLER DISTRICT.

ANALYSIS.

Title.
Preamble.
1. Superintendent to define portions of Reserve within which land to be sold or leased under this Act.
2. Superintendent may sell or let.
3. Land to be surveyed before sale or lease.
4. Waste Lands Board to determine the form of sections.
5. Sales to be by auction.
6. Upset prices to be assessed.
7. Deposit on application for lease.
8. Precedence of application.
9. Term of leases.
10. Clauses to be inserted in lease.
11. Dead rent.
12. Royalty on coal.
13. On other minerals.
14. Superintendent to sign deeds.
15. Monies payable to Provincial Treasurer.
16. Sales to be by Superintendent.
17. Short Title.

"*An Act to provide for the administration of the public Reserve in the Buller District.*" Title.

WHEREAS, by a certain Deed of Grant bearing date on or about the Sixteenth day of January, 1863, issued under the hand of Sir George Grey, K.C.B., Governor of the Colony of New Preamble.

Zealand, and sealed with the Public Seal of the said Colony, the said Governor, in the name and on behalf of her Majesty, did grant unto the Superintendent of the Province of Nelson and his successors, all that piece or parcel of land in the Province of Nelson aforesaid, containing by admeasurement One hundred and fourteen thousand acres, be the same more or less, situated in the District of the Buller in the said Province, and marked B and D on the Plan drawn in the margin of the said deed, Whereof the boundary commences at the point A on the line drawn from the flag station at the mouth of the River Buller to the summit of Mount Rochfort at a distance of thirty-seven thousand links from the said flag station, thence due north twelve thousand links, thence north forty-five degrees east sixty-five thousand six hundred links, thence due north to high-water mark on the West Coast thirty-two thousand four hundred links, thence along high-water mark on the West Coast to Kongahu, thence east forty-five degrees south fifty-five thousand six hundred links, thence south twenty degrees west one hundred and fifty-four thousand links, thence south forty-five degrees west one hundred and two thousand links, to the north bank of the River Okari, thence down the north bank of the River Okari a distance of about seven miles, thence north forty-five degrees east to the south bank of the River Buller, thence by the south bank of the River Buller and by the western, southern, and eastern boundaries of certain reserves made for the use of the Natives, and again by the south bank of the River Buller to the point marked E on such bank of the said river, thence due north about thirty-seven thousand links to the point marked A, being the point of commencement, as the same is delineated in the Plan drawn in the margin of the said deed, to hold the same upon trust for mining and other public purposes under the provisions of the Public Reserves Act, 1854. And whereas it is expedient to make provision for the sale and letting of the land comprised within such reserve: Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, as follows :—

Superintendent to define portions of Reserve within which Land to be sold or leased under this Act.

1. It shall be lawful for the Superintendent to define and declare from time to time the parts of the said reserve within which the provisions contained in the following sections shall have effect, and all other parts of the said reserve shall be open for lease or sale in such manner and on such special terms as may seem fit to the Superintendent, with the advice of the Waste Lands Board: Provided that no lease or sale shall be concluded otherwise than as hereinafter provided, without the approval of the Provincial Council, signified by resolution.

2. The Superintendent, on the recommendation of the Waste Lands Board, may sell or let any portion of the said parcel of land or reserve, subject to the provisions hereinafter contained. Superintendent may sell or let.

3. Before any land shall be sold or let under this Act, the same shall be surveyed by some person appointed by the Waste Lands Board. Land to be surveyed before sale or lease.

4. The Waste Lands Board shall determine the form and size of all sections, whether for sale or lease: Provided that no section for sale shall contain more than one hundred acres, and no lease shall include more than twelve hundred and eighty acres. Waste Lands Board to determine the form of sections.

5. All sales shall be by public auction. Sales to be by auction.

6. The Waste Lands Board shall assess the upset price of all land offered for sale: Provided that such price shall in no case be less than Two pounds per acre. Upset prices to be assessed.

7. Applications for leases must be made in writing to the Commissioner of Crown Lands, and accompanied by a deposit of Five shillings for every acre applied for, which deposit shall be credited to the applicants respectively against any fees, rents, and royalties that may be or may thereafter become due in respect of their said applications or leases. Deposit on application for Lease.

8. Where more than one application is made for a lease of the same land, precedence shall be in the order of the receipt by the Commissioner of Crown Lands of the applications: Provided that the Waste Lands Board may, if they think fit, subdivide and apportion the land thus applied for among the several applicants, in which case the order of choice for the subdivisions shall be the order of receipt of the applications. Precedence of application.

9. Every lease shall be for a term not exceeding twenty-one years. Term of Leases

10. Every lease shall contain such clauses as the Waste Lands Board shall think fit for securing the proper and effectual working of the minerals within the land thereby demised, and for the surrender of the said land at the end or earlier determination of the lease. Clauses to be inserted in Lease.

11. Every lease shall impose a dead rent at the rate of not less than One shilling nor more than Five shillings per acre, to be fixed by the Waste Lands Board. Dead Rent.

12. Every lease shall reserve a royalty on all coal raised under its powers, at the rate of not less than threepence nor more than twelvepence per ton: Provided that all royalties paid in any one year shall be deducted from the dead rent payable during the same year. Royalty on Coal.

On other Minerals.

13. Every lease shall reserve a royalty of not more than one-tenth nor less than one-fiftieth of all other minerals raised under its powers.

Superintendent to sign Deeds.

14. All conveyances and other deeds under this Act shall be signed by the Superintendent, and sealed with the seal of the Province.

Monies payable to Provincial Treasurer.

15. All monies or royalties payable under this Act shall be paid to the Provincial Treasurer, or some person appointed by him in that behalf.

Sales to be by Superintendent.

16. All sales shall be conducted under the authority of the Superintendent.

Short Title.

17. The Short Title of this Act shall be "The Buller Reserve Administration Act, 1863."

PROVINCE OF NELSON.

BRIDLE ROADS ACT.

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

SESSION VII., No. 1.

AN ACT TO PROVIDE FOR THE PROTECTION OF BRIDLE ROADS.

ANALYSIS.

Title.
Enacting Clause.
1. Superintendent may proclaim certain Bridle Roads to come under operation of Act.
2. Persons driving Sheep or Cattle on proclaimed Road liable to Penalty.
3. Short Title.

"*An Act to provide for the Protection of Bridle Roads.*" Title.

[Assented to 4th May, 1860.]

BE it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows :— Enacting Clause.

1. It shall be lawful for the Superintendent of the said Province, from time to time, by proclamation in the *Government Gazette* for the said Province, to proclaim any bridle road, or roads, or any portion thereof, situated within the said Province, to come under the provisions of this Act. Superintendent may proclaim certain Bridle Roads to come under operation of Act.

Persons driving Sheep or Cattle on proclaimed Road liable to Penalty.

2. If any person shall drive any sheep or cattle, except pack-bullocks, upon any bridle road, or upon any part thereof after it shall have been proclaimed as aforesaid, every such person shall for every such offence be liable to a penalty, not exceeding Five shillings, for every head so driven, to be recovered in a summary manner before any Justice of the Peace: Provided always, that no penalty to be imposed in any one case under this Act shall exceed the sum of £100.

Short Title.

3. This Act shall be termed and may be cited as "The Bridle Road Protection Act, 1860."

PROVINCE OF NELSON.

CENSUS.

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

SESSION II., No. 1.

AN ORDINANCE TO PROVIDE FOR TAKING A CENSUS OF THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Census to be taken.
2. Superintendent to appoint persons to leave Schedules, &c.
3. Notices to Householders to be prepared to give Information
4. Collectors to leave Schedules at Houses, and Householders to fill up same.
5. Collectors to call for Schedules, and complete them when necessary.
6. Penalty for not filling up Schedules, &c.
7. Persons to be appointed to take a Census of the Maori Population of the Province.
8. Time for taking Census in One thousand eight hundred and fifty-five extended to the First of February in that year.
9. Short Title.

"*An Ordinance to provide for taking a Census of the Province of Nelson.*" Title.

WHEREAS it is expedient that authentic Statistical Information of the Province of Nelson should be periodically obtained: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

Census to be taken.

1. A census of the number and condition of the population of the Province of Nelson shall be taken on the days and in manner hereinafter declared.

Superintendent to appoint persons to leave Schedules, &c.

2. The Superintendent shall appoint persons to collect the information required by this Ordinance, and may cause an allowance to be made to any such person at a rate not exceeding Ten shillings per day.

Notices to Householders to be prepared to give information.

3. Some fit person, to be appointed by the Superintendent, shall, on or before the Twenty-first day of December in every year, cause notices to be given in the *Government Gazette*, and to be affixed on the Court House and in such other conspicuous places as he shall deem proper, requiring every householder to be prepared, on the First day of January then next, or as soon thereafter as he may be called upon so to do by a Collector appointed as aforesaid, to give all such information as is required by the Schedule hereunto annexed.

Collector to leave Schedules at Houses, and Householders to fill up same.

4. The said Collectors shall, on or before the Thirty-first day of December in each year, leave, at every house within the districts assigned to them respectively, a Schedule, being a blank copy of the Schedule to this Ordinance annexed; and every householder able to write shall, on the First day of January then next, furnish in writing the information required by the said Schedule, by filling up the same, and subscribing his name at the foot thereof, and shall deliver thesame, when called for, to one of the said Collectors.

Collectors to call for Schedules, and complete them when necessary.

5. Each Collector shall, as soon after the First day of January as practicable, call at every house in his district to collect the Schedules; and such Collector is hereby authorised to put such questions as may be indispensable to the complete filling up thereof, to any householder who, from inability to write or otherwise, shall not have duly filled up the same; and the Collector shall thereupon fill it up himself with the information so supplied.

Penalty for not filling up Schedules, &c.

6. Every householder who shall wilfully refuse, or without lawful excuse neglect, to fill up the said Schedule to the best of his knowledge and belief, or to sign and deliver the same, or shall make, sign, or deliver, or cause to be made, signed, or delivered, any false return of any of the matters specified in the said Schedule, or who shall refuse to answer, or wilfully give a false answer, to such questions as aforesaid, shall, for every such refusal or neglect or wilfully false answer, forfeit a sum not exceeding Five pounds, nor less than Twenty shillings, to be recovered in a summary way.

7. It shall also be lawful for the Superintendent to appoint such other persons as he may deem necessary for the purpose of taking a census of the number and condition of the Maori Population of the Province, and to cause an allowance to be made to such persons at a rate not exceeding Twelve shillings per day.

Persons to be appointed to take a Census of the Maori Population of the Province.

8. Provided always, that the first census taken under this Ordinance shall be taken on the First day of February, one thousand eight hundred and fifty-five; the notices given on or before the Twenty-first day of January, One thousand eight hundred and fifty-five; the Schedules left on or before the Thirty-first day of January, One thousand eight hundred and fifty-five, and filled up by the housholder on the First day of February, One thousand eight hundred and fifty-five, and called for, and filled up when requisite by the Collector, as soon after that day as practicable; all in manner aforesaid.

Time for taking Census in One thousand eight hundred and fifty-five extended to the First of February in that year.

9. This Ordinance shall be termed the "Census Ordinance, 1854,"* and may be cited and referred to by that title.

Short Title.

Passed the Provincial Council, on Friday, the Fifteenth day of December, 1854.

DONALD SINCLAIR, *Speaker.*

GEORGE WHITE, *Clerk of the Council.*

I assent to this Ordinance on behalf of the Governor of New Zealand, this Thirtieth day of December, in the Year of our Lord One thousand eight hundred and fifty-four.

E. W. STAFFORD,
Superintendent.

* Although not repealed, yet this Act is virtually annulled by the "Census Act, 1858."

PROVINCE OF NELSON.

COUNTRY ROADS ACT.

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

SESSION III., No. 4.

AN ACT TO PROVIDE FOR THE MAKING AND MAINTAINING OF ROADS AND OTHER PUBLIC WORKS IN THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Recited Ordinance repealed.
2. Superintendent to proclaim Districts.
3. Qualification of Electors.
4. Meeting of Electors to decide what Rate shall be levied.
5. Rate to be made upon estimated value of Lands and Tenements to sell.
6. Board to be elected by ballot.
7. Board to continue in office until the next election of a Board.
8. Members of Board to be disqualified in certain cases.
9. If Members of Board reduced below four, new Members to be elected.
10. All Disputes relating to election of Members of the Board, or making Rate, to be deter- by Superintendent and Executive Council.
11. Board to have power to make Roads, &c.
12. Board to have power to make Drains, &c.
13. Board to make Contracts and appoint Surveyors, &c.
14. Collector and Treasurer to give Security.
15. Persons obstructing Works liable to Penalty.
16. Penalty for erecting Wind-mills, Lime-kilns, &c., in certain cases.
17. Materials may be taken from Waste Lands, Rivers, &c.
18. If sufficient Materials cannot be found in Waste Lands, &c. may be taken from Private Lands.
19. Pits and Holes to be fenced.
20. Penalty for danger at Night.
21. Disputed Compensation to be settled by Arbitration.

22. If either Party neglect to appoint Arbitrator, or if Owner absent, Resident Magistrate to appoint Arbitrator.
23. Arbitrators to appoint Umpire and if Arbitrators do not make Award within Three Months, Umpire to make Award.
24. Costs of Reference in discretion of Arbitrators, and Submission may be made a Rule of Court.
25. Board may impose Dues for use of any Public Work.
26. Board to levy Rates.
27. Assessors may be appointed.
28. Notice to be given of Place where Assessment may be inspected.
29. Persons aggrieved may appeal.
30. Rate to be paid by Occupier.
31. Rate to be paid as directed by the Board.
32. If Rate in arrear Property may be sold.
33. Superintendent may execute Conveyance.
34. Moneys to be paid to the Treasurer of the Board.
35. Superintendent may pay Money appropriated for Roads, &c., to the Board.
36. Meetings of Board.
37. Questions to be decided by a Majority present, and Minutes to be kept.
38. Accounts to be kept and audited.
39. Copy of Balance Sheet to be published.
40. Money, Books, &c., to be handed over to new Board.
41. Board may sue and be sued in the name of their Clerk, &c.
42. Members of Board not to contract, &c.
43. Act not to extend to certain Lands.
44. No Judge, Resident Magistrate, or Justice of the Peace to be disqualified from acting under this Act.
45. Proceedings for Penalties.
46. Short Title.

"*An Act to provide for the making and maintaining of Roads and other Public Works in the Province of Nelson.*" Title.

[3rd April, 1856.]

WHEREAS an Ordinance was passed by the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, Session I., No. 10, intituled "An Ordinance to authorise the levying and collecting of Tolls on Roads and Rates on Land in the Province of New Munster:" And whereas it is expedient that the said Ordinance be repealed, and other provisions made for the making and repairing of roads and other public works within the Province of Nelson: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. The said recited Ordinance, so far as regards the Province of Nelson, shall be and the same is hereby repealed. Recited Ordinance repealed

2. It shall be lawful for the Superintendent from time to time to constitute and appoint certain districts in which this Act shall come into operation, and the limits of such districts from time to time to alter as occasion may require, and also, if he shall see fit, to revoke the proclamation by which such Superintendent to proclaim Districts.

district shall have been constituted, and to make such other provisions as he shall think necessary for carrying into effect this Act.

Qualification of Electors.

3. Every person whose name shall appear on the Electoral Roll for the time being in force, as entitled to vote in the election of members of the Provincial Council for the district; and if there be no Electoral Roll for any district to be constituted as aforesaid, a list of persons qualified to vote in each such district shall be formed from the claims of persons entitled to vote in the election of members of the Provincial Council by some person to be appointed for that purpose by the Superintendent; and every person whose name shall appear in such list shall be qualified to vote and take part in the proceedings of the general meetings which shall take place previous to any rate being levied for the district under this Act; and after any such rate shall have been levied, then every person who shall have paid the then last rate so levied for the district shall be entitled to vote and take part in such meeting: Provided always that such person shall have paid all rates for which he shall be then liable, such payment, if disputed, to be proved by the book usually kept by the Collector of the Rates for the time being.

Meeeting of Electors to decide what Rate shall be levied.

4. On a day in the month of April, in each year, and at a convenient place within each district, and hour, to be fixed by the Superintendent in the first instance, and afterwards by the District Board, the voters shall assemble, and, having appointed a chairman, shall proceed to consider and determine what rate upon the lands and tenements within such district shall be made and levied for the ensuing year for the purpose of this Act.*

Rate to be made upon estimated value of Lands and Tenements to sell.

5. The rate shall be made upon the estimated value to sell of the lands and tenements rated thereto, and shall not exceed Threepence in the pound.*

Board to be elected by ballot.

6. At the first meeting of the voters of each district for the purposes aforesaid, after the passing of this Act, and at the annual meeting in every year thereafter, the meeting, after having determined what amount of rate (if any) to be levied, shall elect by ballot, from amongst the persons qualified to vote at such meeting, five persons to be a Board for the District to carry into effect the provisions of this Act, any three of whom shall be a quorum; and the chairman of such meeting shall report in writing to the Superintendent the names of the persons elected to form the Board.*

Board to continue in Office until the next election of a Board.

7. The Board shall continue in office until the next election of a Board: any member going out of office may be reelected if then qualified.*

Members of Board to be disqualified in certain cases.

8. If any member 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 member of the Board.

* Repealed by "The Country Roads Amendment Act, 1858," Sess. V., No. 12.

9. If at any time, by reason of death, absence, resignation, bankruptcy, or otherwise, the members of the Board shall be reduced below four, the Board shall signify the same to the Superintendent, who shall appoint a meeting of voters, at such time and place as he shall think expedient: and such voters shall, at such meeting, after electing a chairman, elect from amongst the persons qualified to vote at such meeting a number of new members equal to the number of vacancies, and the chairman shall report in writing to the Superintendent the names of the members so elected: such new members shall hold office until the next general election.*

If Members of Board reduced below Four, new Members to be elected.

10. All questions and disputes which may arise concerning the election of any members of the Board, or the making of any rate, or respecting any other proceeding at a general meeting, shall be referred to the Superintendent and Executive Council, by the petition in writing of five or more electors, presented within fourteen days after the day of meeting at which the disputed proceeding shall have taken place; and all questions respecting the vacancy of the office of members shall be referred to the Superintendent and Executive Council, whose decision shall be final.

All disputes relating to election of Members of the Board, or making Rate, to be determined by Superintendent and Executive Council.

11. The Board shall have power within the limits of the district, subject to the provisions of the Alteration of Roads Ordinance, Session II., No. 4, to make and keep in repair roads, streets, causeways, footpaths, bridges, and execute other works of public utility.

Board to have power to make Roads, &c.

12. The Board shall also have power, from time to time, to make or cleanse all such ditches, drains, sewers, and water-courses as they may deem necessary, into, through, or under any lands or grounds, upon paying to the owner and occupier of such lands for the damage he shall sustain thereby.

Board to have power to make Drains, &c.

13. The Board shall have power from time to time to enter into any contracts for the execution of any work to be done under the authority of this Act, and to appoint and employ such treasurers, collectors, surveyors, clerks, and workmen as they may deem necessary, to enable them to carry into execution the provisions of this Act, and as they shall think proper and necessary to remove any such officers or workmen, and appoint others in their stead; and out of the moneys which shall come into their hands under or by virtue of this Act, to pay such officers and workmen such remuneration as shall be reasonable.

Board to make Contracts and appoint Surveyors, &c.

14. Every collector, treasurer, or other person appointed to levy or receive the said rates, other than the Provincial Treasurer, shall give sufficient security to the satisfaction of the Board for the District, by bond, for the faithful execution of the said office; and every such collector, treasurer, or other person shall,

Collector and Treasurer to give Security.

* Repealed by "The Country Roads Amendment Act, 1858," Sess. V., No. 12.

at such time or times as the said board shall direct, deliver them true and perfect accounts of all moneys which shall have been received by him by virtue of this Act, and of moneys paid by him, together with the proper vouchers for such payments: and if any person shall refuse or neglect to produce or deliver the vouchers relating to the same, or shall not deliver to the said Board, within ten days after being thereunto required, all books, papers, and writings in his custody or power relating to the trust reposed in him, or shall refuse or neglect to pay such moneys as, upon the balance of any account, shall appear to be in his hands, to the Board, or as they shall appoint, every such person shall for every such neglect respectively forfeit a sum not exceeding Fifty pounds, to be recovered in a summary manner.

Persons obstructing Works liable to Penalty.

15. If any person shall obstruct, or in any manner interfere with, any such road, drain, watercourse, or other work, such person, on being convicted thereof before any Justice of the Peace, shall be liable to reimburse all charges and expenses which may be occasioned by reinstating and making good the work so altered, obstructed, or interfered with, and shall also forfeit any sum not exceeding Ten pounds nor less than Five pounds.

Penalty for erecting Wind mills, Lime-kilns, &c., in certain cases.

16. It shall not be lawful for any person to erect, or cause to be erected, within one hundred yards of any road or street, any steam-engine or wind-mill, unless such steam-engine or wind-mill shall be behind some wall or fence sufficient to screen the same from the road, so that the same may not be dangerous to passengers, horses, or cattle; nor to make any fire for burning or calcining any limestone, bricks, or clay, or the making of coke or charcoal, within twenty-five yards of any road or street, unless the same shall be within some building or behind some wall or fence sufficient to screen the same from such road; and any person offending against this enactment shall be liable to a penalty for every such offence not exceeding Ten pounds nor less than Five pounds; and a further penalty, not exceeding Forty shillings, for every day during which the offence is continued after notice in writing from the Board for the district in this behalf.

Materials may be taken from Waste Lands, Rivers, &c.

17. It shall be lawful for the Board, and for every person acting under their authority, to enter in and upon any waste land, or any river or creek, to search for, dig, get, and carry away any stones, gravel, sand, or other materials which may be required for making or repairing any road, so that such person doth not divert or interrupt the course of any such river or creek, or prejudice or damage any building, road, or ford, or the bank of any such river or creek, nor dig or get

the same materials out of any river or creek within the distance of fifty yards from any bridge, dam, or weir.

If sufficient Materials cannot be found in Waste Lands, &c., may be taken from Private Lands.

18. If such materials cannot be had conveniently within any such waste lands, river, or creeks, and such materials can or may be procured in or upon any private lands (such lands not being a garden, yard, or plantation) lying near to the road for which the materials shall be required, the Board shall give fourteen days' notice of their intention to enter upon such land in order to search for, dig, and carry away such materials, and shall cause such notice to be left at the last known place of abode in the Province of the owner of such land, or his agent, if known, and also of the occupier of such land, which notice shall express the place from which it is proposed to take the materials; and if, within such period of fourteen days, such owner, agent, or occupier shall give notice to the Board, or to their clerk, of any objection to the taking of such materials, then such objection shall be heard and determined by any two Justices of the Peace, at a time and place to be appointed by such Justices, and whereof five days' notice at least shall be given; and if no such objection shall be made, or if the same shall be overruled by such Justices, then it shall be lawful for any person acting under the authority of the Board to enter upon such land, and to take and carry away so much of the said materials as shall be required for such road, and the Board shall pay to the owner and occupier of such land for any damage they may sustain thereby.

Pits and Holes to be fenced.

19. If any person acting under such authority as aforesaid shall make any pit or hole in any lands wherein such materials shall be found, the Board shall forthwith cause the same to be sufficiently fenced, off, and such fence to be supported and repaired during such time as the said pit or hole shall continue open; and, where no materials shall be found, shall cause such pit or hole to be forthwith filled up and levelled.

Penalty for danger at Night.

20. If any person shall lay, or cause to be laid, any heap of stones, or any other matter or thing whatsoever, upon any road, and allow the same to remain at night to the danger or the personal damage of any person passing thereon, all due and proper precaution not having been taken to guard against the same, he shall forfeit for every such offence any sum not exceeding Ten pounds.

Disputed Compensation to be settled by Arbitration.

21. In case of any dispute as to the amount of any compensation to be made under the provisions of this Act, unless both parties concur in the appointment of a single arbitrator, each party, on the request of the other, shall, by writing under his hand, appoint an arbitrator to whom the matter shall be referred

and such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same; and after the making of such appointment, the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation.

If either Party neglect to appoint Arbitrator, or if Owner absent, Resident Magistrate to appoint Arbitrator.

22. In case either of the said parties shall refuse or neglect to appoint an arbitrator, for the space of fourteen days after being requested so to do by the other party, the Resident Magistrate shall appoint an arbitrator to act on behalf of the party so refusing or neglecting as aforesaid.

Arbitrators to appoint Umpire, and if Arbitrators do not make Award within Three Months, Umpire to make award.

23. In case there be more than one arbitrator, the arbitrators shall, before they enter upon the reference, appoint, by writing under their hands, an umpire; and if the person appointed umpire die, or become incapable, or refuse to act, the arbitrators shall forthwith appoint another person in his stead; and in case the arbitrators cannot agree, or shall fail to make their award within three months from the day on which the last of them was appointed, the matters referred shall be determined by the umpire, and such umpire shall make his award within three months from the day on which the matters in dispute shall be referred to him as aforesaid.

Costs of Reference in discretion of Arbitrators, and Submission may be made a Rule of Court.

24. All costs consequent upon the reference shall be in the discretion of the arbitrator, or arbitrators, or umpire, as the case may be, and any submission to arbitration under the provisions of this Act may be made a rule of the Supreme Court of New Zealand.

Board may impose Dues for use of any Public Work.

25. It shall also be lawful for the Board to impose such dues as they shall deem reasonable upon all persons making use of any public work established within the district under the authorityof this Act; and in case of non-payment of such dues, the same may be recovered in a summary manner before any Justice of the Peace.

Board to levy Rates.

26. If at the annual meeting in any district it shall be determined to levy a rate for the ensuing year, the Board shall make and levy, in manner hereinafter prrovided, such rate on all lands situated in the district.*

Assessors may be appointed.

27. The Board may, from time to time, by warrant under their hands, or any three of them, appoint one or more fit person or persons to be assessor or assessors, to assess all such lands within the district; and such assessor or assessors shall, within thirty days after the delivery to them of the warrant of his or their appointment, return to the said Board an assessment for the district, or such part thereof as shall be named in such warrant, and the assessment shall specify the full and fair value to sell of all lands and tenements comprised in such assessment, and the names of the owners and occupiers, where known.*

* Repealed by "The Country Roads Amendment Act, 1858," Sess. V., No. 12.

28. When the assessment shall have been made, the Chairman of the Board shall sign the same, and shall cause public notice to be given in some newspaper published or generally circulated in the Province of such assessment, and of the place in the district where the same may be inspected for the period of twenty-one day ; and the person in whose custody such assessment may be shall permit every owner or occupier of property included in such assessment to inspect the same during office hours.

Notice to be given of Place where Assessment may be inspected.

29. If any person shall think himself aggrieved by such assessment, on the ground that such assessment includes any property for which he is not ratable under this Act, or that it assesses his ratable property beyond its full and fair value, or that the name of any person is omitted out of such assessment, or that the property of any person is assessed below its full and fair value, the person so considering himself aggrieved, upon giving seven days' notice to the Board of such his intention, may appeal to a bench of not less than three magistrates, within twenty-eight days after public notice of such assessment shall have been given as aforesaid ; and in case the said Court of Appeal shall think the appellant entitled to relief, it shall order the assessment to be amended in such manner as it may deem necessary ; and in case he shall have appealed on the ground that the name of any person is omitted out of the assessment, the said Court of Appeal may order the name of such person to be inserted in the assessment, and to be therein assessed at such an amount as it shall deem just ; and in case the appellant shall have appealed on the ground that the property of any person is assessed below its full and fair value, the said Court of Appeal may order the amount at which such person is assessed to be altered in such manner as it shall deem just ; and the said Court of Appeal shall, in each of the cases aforesaid, forthwith cause the assessment to be amended accordingly, but the assessment shall not be questioned or altered with respect to any other person named therein ; and the said Court shall have power to order the costs of such appeal to be paid by either party ; and the determination of the said Court of Appeal shall be final and conclusive.

Persons aggrieved may appeal.

30. The rate shall be paid by the occupier of the land, or, in case there shall be no occupier, by the owner thereof.

Rate to be paid by Occupier.

31. The said rate shall be paid to some person appointed by the Board for that purpose, by the persons liable to the payment thereof, on a day and at a place to be fixed for that purpose by the Board, by public notice in some newspaper published or generally circulated in the Province, and posted up in some

Rate to be paid as directed by the Board.

conspicuous place in the district, not being less than twenty-one days from the time of giving of such notice; and such notice shall set forth the names of the persons liable for the payment of such rate, and the sums 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.

If Rate in arrear Property may be sold.

32. In case any part of the amount to be recovered as aforesaid shall remain unpaid for the space of twelve calendar months the whole amount due, together with interest thereon, at the rate of ten per centum per annum, from the time at which the same became due, and all expenses incurred and to be incurred in recovering the same, shall be leviable by sale of a sufficient portion of the property upon or in respect of which such amount shall have been imposed, and such sufficient portion shall be set out by the Resident Magistrate or any two Justices of the Peace having jurisdiction within the Province, upon requisition to be made to him or them by the Board: Provided always that before any such property shall be sold, one calendar month's notice of such sale shall be given in the *Government Gazette* of the Province.*

Superintendent may execute Conveyance.

33. Such property shall be sold by the Treasurer of the Province by public auction; and a conveyance thereof, signed by the Superintendent, shall vest the property so conveyed in the purchaser, free from all incumbrances whatsoever.*

Moneys to be paid to the Treasurer of the Board.

34. All moneys levied or received under this Act shall be paid to the Treasurer of the Board for the district for which the same shall be received, to be appropriated by such Board in defraying the expenses of carrying out the provisions of this Act; and the said Board, or any three of them, may from time to time issue their warrants to the said Treasurer for the payment of such moneys.

Superintendent may pay Money appropriated for Roads, &c., to the Board.

35. It shall be lawful for the Superintendent, if he shall think fit, to commit to the said Board the expenditure of any moneys 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 Board, to be appropriated in such manner and for such purposes as the Superintendent shall direct or appoint.

Meetings of Board.

36. The business of the Board shall be transacted at meetings which shall be holden at such times and places, and shall be adjourned in such manner, as the Board shall direct or appoint. Any two of the members shall have power to call a special meeting of the Board, by giving to the other members, or leaving at their places of abode, notice in writing, signed by the members calling the meeting, specifying the time and

* These Clauses are repealed by "The Sale for non-payment of Rates Act, 1862," of the General Assembly of New Zealand. *Vide Appendix.*

place thereof, which notices shall be given three clear days at least before such meeting; and no business shall be done at any meeting unless three members at least be present.

37. All questions which shall come before such meeting shall be decided by a majority of the members who shall be present thereat, and a minute of every resolution agreed to shall be entered in a book to be kept for that purpose, and shall be signed by the Chairman.

Questions to be decided by a majority present, and Minutes to be kept.

38. The Board shall in books, to be kept for that purpose, enter true accounts 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 or balance-sheet thereof, signed by three at least of the members of such Board, 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 that purpose by such meeting.

Accounts to be kept and audited.

39. A copy of such abstract or balance-sheet shall be posted up by such Board, at or before the commencement of such meeting as aforesaid, upon some conspicuous part of the place in which such meeting shall be held.

Copy of Balance Sheet to be published.

40. All moneys found by the Auditors to be due from any retiring Board, together with all such books of account, vouchers, and papers, shall be forthwith paid and delivered over to the Board for the time being.

Money, Books, &c., to be handed over to new Board.

41. The Board may sue and be sued in the name of their Clerk, or any member of such Board for the time being; and legal or equitable proceedings taken by or against the Board, in the name of any one of the Board, or their Clerk, shall not abate or be discontinued by the death or removal of such Clerk or member; but the Clerk for the time being, or any member of such Board, shall always be deemed to be the plaintiff or defendant (as the case may be) in any such proceedings: Provided always, that the said Board and their Clerk respectively shall in no case be personally liable, nor shall the private estate and effects of any of them be liable for the payment of any moneys, or costs, or otherwise, in respect of any contract which shall be made by them or any of them, or for any act, deed, or matter done or executed by them, or any of them, in their or his official capacity and on the public service.

Board may sue and be sued in the name of their Clerk.

42. No member of the Board shall, during the continuance of his office, become a contractor, or hold any paid office in the gift of such Board.

Members of Board not to contract, &c.

Act not to extend to certain Lands.

43. Nothing in this Act shall extend to any lands belonging to the Crown, or any lands belonging to or reserved for the benefit of any aboriginal natives which shall be unoccupied or occupied by natives, or to lands reserved or set apart for public purposes, or places set apart for public worship, or vested in trust for any public object.

No Judge, Resident Magistrate, or Justice of the Peace to be disqualified from acting under this Act

44. No Judge, Resident Magistrate, or Justice of the Peace shall be disqualified from acting in pursuance of any of the provisions of this Act by reason of his being assessed as a ratepayer under this Act.

Proceedings for Penalties.

45. All proceedings under this Act, except as hereinbefore is otherwise provided, shall be regulated by Ordinance No. 5, Session II., of the Legislative Council of New Zealand, for the regulation of summary proceedings before Justices of the Peace; and all fines, forfeitures, and penalties to be had and received under this Act shall be recovered in a summary way before any Justice of the Peace.

Short Title.

46. This Act shall be termed and may be cited as the "Country Roads Act, 1856."

PROVINCE OF NELSON.

COUNTRY ROADS AMENDMENT ACT.

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

SESSION IV., No. 2.

AN ACT TO AMEND "AN ACT FOR THE MAKING AND MAINTAINING OF ROADS AND OTHER PUBLIC WORKS IN THE PROVINCE OF NELSON."

ANALYSIS.

Title.
Preamble.
1. Sections 4, 5, 6, 26, and 27 of recited Act repealed.
2. Board to be elected for each District.
3. If voters fail to elect Board, Superintendent may appoint Board.
4. The Board to cause Estimates to be made.
5. Owners and Occupiers of Land to make Returns of Land, &c., held by them, and the Value thereof.
6. Board may cause Assessment to be made.
7. Board may levy Rate for the maintenance of Trunk Lines, and the Surplus of Rate may be applied to By-Roads, if Occupiers of Land near Road are willing to be included in Rate.
8. Board to levy Annual Rate for maintenance of By-Roads.
9. Certain Sections to be construed as part of recited Act.

THIS Act is repealed by "The Country Roads Amendment Act, 1858," Session V., No. 12.

PROVINCE OF NELSON.

COUNTRY ROADS AMENDMENT ACT.

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

SESSION V., No. 12.

AN ACT TO MAKE BETTER PROVISIONS FOR MAKING AND MAINTAINING ROADS AND OTHER PUBLIC WORKS IN THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Country Roads Amendment Act and certain Sections of Country Roads Act repealed.
2. Board to be elected for each District.
3. How Members of Board to go out of office.
4. Lowest on Poll to go out first, or by Lot, if no Poll.
5. Election of Board.
6. When and how Vacancies in Board to be filled up.
7. Superintendent may appoint Voting Places, and make other arrangements.
8. If Members of Board reduced below Five, new Members to be elected.
9. If Voters fail to elect Board, Superintendent may appoint Board.
10. Owners and Occupiers of Land to make Returns of Land, &c., held by them, and the Value thereof.
11. Board may cause Assessment to be made.
12. Board to levy Rate for the maintenance of Trunk Lines, and the Surplus of Rate may be applied to By-Roads.
13. Board may levy Rates for maintenance of By-Roads.
14. Toll-gates may be erected.
15. Tolls not to exceed Scale set forth in Schedule.
16. Table of Tolls to be erected at each Gate, and Tickets to be provided.
17. Collector taking improper Toll, or obstructing Passengers, &c., liable to penalty.
18. Persons evading Payment of Toll, &c., liable to Penalty.
10. Tolls to be expended on Trunk Lines in the District.
20. Certain Sections to be construed as part of "Country Roads Act, 1856."
21. Short Title.
Schedule.

"*An Act to make better provisions for making and maintaining Roads and other Public Works in the Province of Nelson.*" Title.

[Assented to 13th May, 1858.]

WHEREAS an Act was passed by the Superintendent and Provincial Council of the Province of Nelson, in Session III., No. 4, intituled the "Country Roads Act, 1856," and a certain other Act was passed by the Superintendent and Provincial Council of the said Province in Session IV., No. 2, intituled "An Act to amend an Act for the making and maintaining of Roads and other Public Works in the Province of Nelson;" and whereas it is expedient that the first recited Act should be amended, and that the second recited Act should be repealed and other provisions made in lieu thereof: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. The said recited Act, No. 2 of Session IV., and sections numbered respectively 4, 5, 6, 7, 9, 26, and 27 of the "Country Roads Act, 1856," shall be and the same are hereby repealed: Provided always, that nothing herein contained shall extend or be deemed to extend to prevent the collecting, suing for, and recovery of any rates already imposed under the authority of the said recited Acts or either of them, but that such rates, or so much thereof as are due and unpaid, may be collected, sued for, and recovered in the same manner as if this Act had not been passed: Provided also, that the present Board for each district shall continue in office until the first Monday in the month of July, One thousand eight hundred and fifty-eight, and shall have and exercise the powers conferred upon them by the firstly hereinbefore recited Act. Country Roads Amendment Act, and certain Sections of Country Roads Act repealed.

2. For carrying into effect the provisions of this Act, there shall be a Board for each district, which shall consist of five members, to be elected as hereinafter provided, any three of whom shall form a quorum. Board to be elected for each District.

3. Three of the five members to be first elected shall go out of office on the first Monday in the month of July, in the year One thousand eight hundred and fifty-nine, and the remaining two on the first Monday in the month of July, in the year One thousand eight hundred and sixty; and in every subsequent year, those members, whether three or two, as the case may be, who shall have been two years in office, shall go out of office on the first Monday in the month of July. Any members going out of office may be reelected, if then qualified. How Members of Board to go out of office.

Lowest on Poll to go out first, or by lot, if no Poll.

4. If a poll shall have taken place, the three members who shall go out of office in the year One thousand eight hundred and fifty-nine, shall be those who were lowest on the poll; and if no poll shall have taken place, then the three members to go out of office shall be determined by lot.

Election of Board.

5. On the first Monday in the month of July, in the year One thousand eight hundred and fifty-eight, at noon, and at a convenient place within each district to be fixed by the Superintendent, the voters shall assemble, and having appointed a chairman, shall proceed to elect, from amongst the persons qualified to vote at such meeting, five persons to be a Board for the district: Provided, that if there be more candidates proposed than the number to be elected, the chairman shall call for a show of hands separately in favour of each candidate, and and after such show of hands shall declare the person or persons on whom the election has fallen. If, however, any candidate or elector shall demand a poll, a polling shall commence forthwith and close at five o'clock on the same day; and the mode of voting shall, in all other respects, be conducted in the same manner as is provided for the election of members of the Provincial Council; and the chairman of such meeting, or some person to be appointed by him, shall preside at such polling, and shall report, in writing, to the Superintendent the names of the persons so elected.

When and how Vacancies in Board to be filled up.

6. At noon, on the first Monday in the month of July in every subsequent year, and at a convenient place within each district, to be fixed by the Board, or if there be no Board then by the Superintendent, the voters shall, in manner herein provided, elect such number of persons to be members of the Board as shall be needed to supply the places of those who shall then go out of office; and the chairman of every such meeting shall report in writing to the Superintendent the names of the persons so elected.

Superintendent may appoint Voting Places, and make other arrangements.

7. Provided that if, in consequence of the size of the district, or from any other cause, it shall appear desirable to give the electors an opportunity to record their votes in more than one part of the district, it shall be lawful for the Superintendent, until a Board for the district shall have been elected, and afterwards for the Board, at the time of giving notice of such election, to appoint a subsequent day for the polling and to make other arrangements similar to those now provided for the election of members for the Provincial Council.

8. If at any time, by reason of death, absence, resignation, bankruptcy, or otherwise, the number of the Board shall be reduced below five, and a poll shall have taken place at the annual election of members, then the vacancy or vacancies so existing shall be supplied by the person or persons next highest on the poll, and so on (if he or they be willing to act); but if there shall have been no poll, or if such person or persons shall be unwilling to act, or if there shall not have been sufficient candidates to supply all the vacancies, then the Board shall forthwith appoint a meeting of the voters for the district, at the hour aforesaid, at such place as the Board shall think expedient; and such voters shall at such meeting, after electing a chairman, elect from amongst the persons qualified to vote at such meeting, in manner hereinbefore provided, a number of new members equal to the number of vacancies, and the chairman shall report in writing to the Superintendent the names of the members so elected; and every member so elected shall hold office until the time at which the person in room of whom he was elected would regularly have gone out of office.

If Members of Board reduced below five, new Members to be elected.

9. In case the voters in any district shall, at any meeting called for that purpose, fail or neglect to elect a Board, or to fill up the vacancies therein, as the case may be, it shall be lawful for the Superintendent to appoint a Board for the district, or to fill up the vacancies therein from the voters of the district; and such Board shall have the same powers and authorities as if they had been elected by the voters of the district.

If Voters fail to elect Board Superintendent may appoint Board.

10. Every occupier of any land or tenement, and every owner of any unoccupied land or tenement, within any district constituted under the authority of this Act, or his agent, shall in each year within one calendar month after notice to that effect shall have been given by the Board in some local newspaper, forward to the Board for the district, or to some person appointed by the Board to receive the same, a statement in writing of the quantity and nature of the lands and tenements owned or occupied by such person within the district, together with the names of the owners and occupiers (if any) thereof, and the estimated value thereof to sell: and no person who shall neglect or fail to make such return at the time appointed for that purpose shall be entitled to appeal against the assessment of such district.

Owners and Occupiers of Land to make Returns of Land, &c. held by them, and the Value thereof.

11. It shall be lawful for the Board for each district from time to time to cause an assessment to be made of all lands and tenements within the district for which no satisfactory assessment shall have been received, and to employ such person or

Board may cause Assessment to be made.

persons for that purpose as it may deem expedient; and every such assessment shall be made upon the estimated value to sell of the lands and tenements comprised therein.

Board to levy Rate for the maintenance of Trunk Lines, and the surplus of Rate may be applied to By-Roads.

12. The Board of each district shall levy, in aid of the sum (if any) voted by the Provincial Council for the maintenance of the trunk roads of the district, a yearly rate upon all lands and tenements within such district not less than one halfpenny and not exceeding twopence in the pound upon the estimated value thereof to sell, and shall lay out and expend the same, together with any moneys voted as aforesaid, in making and maintaining the roads within the district which shall from time to time be proclaimed by the Superintendent as trunk roads: Provided always, that it shall be lawful for the Superintendent, at any time when he shall be satisfied that the trunk roads within the district are in good and substantial state of repair, to authorise the Board to expend any portion of such rate upon such other roads within the district as it may deem expedient.

Board may levy Rates for maintenance of By-Roads.

13. Whenever the majority of occupiers of land contiguous to any line of by-road shall represent to the District Board their willingness to be rated for the repairs of such road, the Board shall cause a rate, at the estimated value to sell, to be levied upon the occupiers of all lands and tenements contiguous to such line of road, and also on such other occupiers of neighboring lands as the Board shall deem particularly interested therein; such rate to be levied at so much in the pound as the said majority of occupiers may deem necessary for the purpose: Provided always, that no occupier shall be included in such rate, who shall not, in the opinion of the Board, be benefited by its outlay; provided also, that the Board shall have power to exempt, as far as it shall see fit, any occupier from the payment of such rate.

Toll-gates may be erected

14. The Board shall have power within the district to erect toll-gates or bars on any road within the same.

Tolls not to exceed Scale set forth in Schedule.

15. The tolls to be imposed by the Board shall not be levied more than once on the same day, in any one district constituted under the authority of this Act, except where any person shall fail to produce a ticket, as hereinafter provided, nor shall exceed the scale set forth in the Schedule hereunto annexed; and in all carriages wherein oxen or neat cattle shall be used, two oxen or neat cattle shall be considered as one horse, for all the purposes mentioned in this Act, with respect to tolls.

16. Before any toll shall be demanded at any toll-gate to be erected as aforesaid, the Board shall put up or cause to be put up, and afterwards to be continued at every toll-gate within their respective districts, a table painted in legible black letters on a board with a white ground containing at the top the name of the gate, distinguishing the several tolls, and also a list of the several gates (if any) which shall be cleared by the payment of toll at the toll-gate or bar where such table of tolls shall be affixed; and the said Board shall also, where more than one gate shall be erected in the district, provide tickets denoting the payment of toll, and on such several tickets shall be named and specified the name of the gate at which the same respectively shall be delivered and also the names of the several gates freed by such payment; one of which tickets shall be delivered gratis to the person paying the toll, and on production of such ticket at any gate or gates therein mentioned as being cleared as aforesaid by payment of the toll at the gate where such ticket was delivered, the person producing the same shall on the day of the issue thereof pass through the gate or gates therein mentioned without paying any further or additional toll for the same animal or vehicle.

Table of Tolls to be erected at each Gate, and Tickets to be provided.

17. Every Toll Collector who shall take more or less toll than authorised as aforesaid, or who shall refuse to give his name to any person demanding the same after having paid the toll, or who shall unnecessarily detain or wilfully obstruct or hinder any passenger from passing through any toll-gate, or who shall use any abusive language to any traveller or passenger, shall for every such offence forfeit and pay any sum not exceeding Five pounds.

Collector taking improper Toll or obstructing Passengers, &c., liable to a Penalty.

18. Any person forcing his way through any toll-gate or bar, or evading the payment of any toll for passing through the same, shall forfeit and pay for every such offence any sum not exceeding Forty shillings.

Persons evading payment of Toll, &c., liable to Penalty.

19. All tolls levied under the authority of this Act shall, after deducting the expenses of collecting the same, be expended in making and maintaining the roads within the district, which shall from time to time be proclaimed by the Superintendent as trunk roads.

Toll to be expended on Trunk Lines in the District.

20. All the sections hereinbefore contained, except Section No. 1, shall be read and construed as part of the said recited Act, intituled "The Country Roads Act, 1856."

Certain Sections to be construed as part of "Country Roads Act, 1856."

Short Title.

21. This Act shall be termed and may be cited as "The Country Roads Amendment Act, 1858."

SCHEDULE.

The following Tolls may be demanded under this Act:—

		s.	d.
For every	Sheep, Lamb, Pig, or Goat . . .	0	0½
„	Ox, or Head of Neat Cattle . . .	0	2
„	Horse, Mare, Gelding, Ass, or Mule . .	0	4
„	Gig, Cart, Dray, or other Vehicle, drawn by one Horse	0	8
„	other Horse above one, drawing any one Vehicle	0	6

PROVINCE OF NELSON.

COUNTRY ROADS AMENDMENT ACT.

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

SESSION X., No. 2.

AN ACT TO AMEND "THE COUNTRY ROADS ACT."

ANALYSIS.

Title.
Preamble.
1. Short Title.
2. Trees or Hedges shading or obstructing any Public Road to be cut or trimmed.
3. Penalty for not removing Nuisance.
4. Road Boards may make By-laws.
5. By-laws not to take effect until confirmed by Superintendent.
6. By-laws may fix penalties not exceeding Forty shillings.
7. Constables or Inspectors to lay information.
8. Nuisances, what.
9. When come into operation.

"An Act to Amend 'The Country Roads Act.'"

[Assented to 7th August, 1863.]

Preamble.

WHEREAS, an Act was passed by the Superintendent and Provincial Council of the Province of Nelson, in Session III., No. 4, intituled "The Country Roads Act, 1856," and a certain other Act was passed by the Superintendent and the Provincial Council of the said Province, in Session V., No. 12, intituled "The Country Roads Amendment Act, 1858," and

whereas it is expedient the said Acts should be amended in manner hereinafter provided: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof as follows:—

Short Title.

1. The Short Title of this Act shall be "The Country Roads Amendment Act, 1863.

Trees or Hedges shading or obstructing any public road to be cut or trimmed,

2. If it appears to the Road Board of any district elected under the provisions of the above recited Acts, or either of them, that any road within the said district is injured by the shade of any hedges or trees, and that the sun and wind are thereby excluded from such highway to the damage thereof, or if any obstruction is caused in any road by any hedge or tree it shall be lawful for the Road Board, after giving fourteen days notice to the owner and occupier of land, to summon the owner or occupier of the land on which such hedges or trees are growing before any two Justices of the Peace, to show cause why the said hedges or trees are not cut or trimmed in such manner that the road shall not be injured or obstructed thereby, and such Justices may at their discretion order such trees to be cut or trimmed, and if such Justices shall order that such hedges or trees shall be cut or trimmed, the said owner or occupier, as the case may be, shall comply therewith within ten days after a copy of such order has been left at his usual place of abode, and if he shall fail to do so the Road Board, or any person acting on their behalf, may cut or trim such trees or hedges, and recover the cost of doing so in a summary manner before any two Justices of the Peace: Provided always that fruit trees of every description shall be exempted from the operation of this clause.

Penalty for not removing Nuisance.

3. Any person who shall permit any nuisance to exist upon any premises in his occupation after the expiration of ten days notice from the Road Board of the district for the removal of any such nuisance, shall be liable to a penalty not exceeding Five pounds, to be recovered in a summary manner before a Resident Magistrate or any two Justices of the Peace.

Roads Boards may make By-laws.

4. The Road Board of every district shall have power to make, ordain, and constitute such by-laws as may be necessary for the protection and preservation of the roads of the district and also for insuring the public health, safety, comfort, and recreation of the inhabitants of the district, and for the more speedy and effectual abatement of public nuisances, and from time to time to repeal, alter, and amend such by-laws, and such by-laws shall have the same force and effect as if they were incorporated in this present Act.

5. Provided, that excepting cases where delay would be likely to be seriously injurious to the public health, no such by-law and no alteration or repeal thereof shall take effect until one month after the same shall have been confirmed by the Superintendent and Executive Council, and such confirmation published in the *Gazette* of the Province, and in some newspaper circulated in the district to which it refers: Provided further, that no such by-law and no alteration or repeal thereof shall be so confirmed until one month after the same shall have been published in some such newspaper circulated as aforesaid.

By-laws not to take effect until confirmed by Superintendent.

6. It shall be lawful for every such Board to fix in such by-laws any penalty not exceeding Forty shillings for every breach or non-performance thereof, which may be recovered in a summary manner before a Resident Magistrate or any two Justices of the Peace.

By-laws may fix Penalties not exceeding forty shillings.

7. It shall be the duty of the Constable or Inspector of Nuisances in any such district, either on his own knowledge or on credible evidence, to lay such information and summon such witnesses as may be necessary for carrying out any by-law made under the provisions of this Act.

Constables or Inspectors to lay information.

8. The word "nuisance" under this Act shall include—

Any premises in such a state as to be injurious to public health.

Any pool, ditch, gutter, water-course, privy, urinal, cess-pool, drain, or ash-pit, in such a state as to be injurious to public health.

Any animal so kept or any accumulation or deposit, as shall be injurious to public health.

Nuisances, what.

9. This Act shall come into operation on the First day of January, 1864.

When come into operation.

PROVINCE OF NELSON.

COMPENSATION ACT.

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

SESSION IV., No. 1.

AN ACT TO AUTHORISE THE SUPERINTENDENT TO ISSUE A COMMISSION TO INQUIRE INTO CERTAIN CLAIMS UNDER CERTAIN CONTRACTS OF THE NEW ZEALAND COMPANY.

ANALYSIS.

Title.
Preamble.
1. Superintendent may issue a Commission to inquire into and report upon Claims for Compensation.
2. If Commissioner resign, &c., Superintendent may appoint another.
3. Record of Claims, &c., to be kept, and Report made to Superintendent.
4. Limitation of Time for receiving Claims.

Title. "*An Act to authorise the Superintendent to issue a Commission to inquire into certain Claims for Compensation under certain Contracts of the New Zealand Company.*"

[Assented to 18th June, 1857.]

Preamble. WHEREAS certain persons within the Province of Nelson have alleged that they are entitled to compensation for losses and

damages sustained by them in consequence of the non-fulfilment, by a certain Company called the New Zealand Company, of certain contracts entered into with them : And whereas it is expedient that the Superintendent should be empowered to issue a commission to inquire into such alleged claims: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Superintendent may issue a Commission to inquire into and report upon Claims for Compensation.

1. It shall be lawful for the Superintendent, with the advice and consent of his Executive Council, to issue a Commission to any number of persons, not exceeding three, to inquire into and report to him upon certain claims for compensation which divers persons resident in the Province allege that they possess in respect of losses and damages sustained by them in respect of the non-fulfilment, by the New Zealand Company of their contracts; such Commissioners shall conduct their investigations and make their report on such general principles as the Superintendent shall furnish for their guidance.

If Commissioner resign, &c., Superintendent may appoint another.

2. If any Commissioner shall die, resign, or refuse to act, or become incapable of acting in the Commission, the Superintendent may appoint another in his place.

Record of Claims, &c., to be kept, and report made to Superintendent.

3. The Commissioners shall keep a true and faithful record, in a book, of every claim brought before them and the minutes of the evidence taken by them in each case, and of every decision to which they shall come, and shall report the same to the Superintendent.

Limitation of Time for receiving claims.

4. No claims shall be entertained by the Commissioners unless the same shall be sent in to them within six months from the publication of a notice by the Commissioners that they are ready to receive and inquire into claims under this Act.

PROVINCE OF NELSON.

CATTLE BRANDING ACT.

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

SESSION V., No. 6.

AN ACT TO PROVIDE FOR THE EFFICIENT BRANDING AND MARKING OF CATTLE.

ANALYSIS.

Title.
Preamble.
1. Superintendent to appoint Registrar and Deputy-Registrars of Brands.
2. Superintendent to notify that the Registrar is prepared to proceed to the discharge of his duties.
3. Within four months, the Owner of Cattle to supply the Registrar with description of Cattle and Brands.
4. After eight months, the registered Brand alone to be used.
5. Registrar to supply Pattern of Brand, and an accurate impression thereof to be taken.
6. And kept in the Office.
7. Registers to be open at office hours.
8. Fee to be charged for Pattern of Brand or Mark supplied or authorised.
9. After certain time owners of Cattle not branded as required liable to Penalty.
10. Penalties upon Cattle and Sheep not branded as required.
11. Cattle unbranded may be driven to the Pound; how produce of Sales of Cattle shall be disposed of.
12. Cattle Impounded may be released by order of Magistrate.
13. Penalty for using unauthorised Brands, and for effacing or defacing Brands.
14. Penalty for using Private Marks on Sheep without consent of Registrar.
15. Penalty for driving away Cattle without notice.
16. Certain portion of Penalties to go to Informer.
17. Interpretation.
18. When and where Act to come into operation.
19. Short Title.

"*An Act to provide for the efficient branding and marking of Cattle.* Title.

[Assented to 30th April, 1858.]

WHEREAS it is desirable to establish a system of branding and marking cattle within the Province of Nelson : Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows :— Preamble.

1. It shall be lawful for the Superintendent to appoint some fitting persons to be a Registrar and Deputy-Registrars of brands and marks upon cattle within the Province of Nelson ; and by and with the advice of the Executive Council, to make rules and regulations for the conduct of such officers and the management of their offices. Superintendent to appoint Registrar and Deputy-Registrars of Brands

2. As soon as conveniently may be after a Registrar has been appointed, the Superintendent shall cause to be published in the *Government Gazette*, and in some newspaper in circulation within the Province, a notice that such officer has been appointed, and is ready to proceed to the discharge of his duties. Superintendent to notify that the Registrar is prepared to proceed to the discharge of his Duties.

3. Within the four months next ensuing after the date of such publication, it shall be the duty of every owner of cattle within the Province, or his duly authorised agent (such cattle not being depastured upon enclosed land), to forward to the Registrar a description of the cattle owned by him, stating their numbers, and, as far as possible, the marks or brands upon them, and at the same time a fac-simile, or accurate description, of the mark or brand which he has been in the habit of using, and, in case of more than one mark or brand having been used, an accurate description of each of them. Within four months, the Owner of Cattle to supply the Registrar with description of Cattle and Brands.

4. After the expiration of eight calendar months from the date of such publication, it shall not be lawful for any person to brand or mark any cattle, save with such mark or brand as shall be approved of and authorised by the Registrar of Brands, as hereinafter provided. After eight months, the Registered Brand alone to be used.

5. Every owner of cattle, or his duly authorised agent, shall, upon application to the Registrar of Brands, be supplied by that officer with a pattern of a mark or brand ; and in the event of the brand or mark assigned being a new one, as soon as it has been made and before it is used, it shall be the duty of the owner thereof, or his duly authorised agent, to deliver it to the Registrar, who shall cause an accurate impression to be taken either in printers' ink or by burning on wood, or in some other suitable and permanent manner ; and in case of the branding Registrar to supply Pattern of Brand, and an accurate impression thereof to be taken.

or marking instrument already used by the owner being assigned to him, it shall be the duty of the owner thereof, or his duly authorised agent, to deliver it to the Registrar for the aforesaid purpose ; and in assigning brands or marks to the owners of stock, the Registrar shall, in all cases where no inconvenience or confusion would appear likely to ensue, consult their convenience and assign to them such marks or brands as they have been in the habit of using.

And kept in the Office.

6. Every impression made as above provided, shall be retained and registered in the office of Registrar of Brands.

Registers to be open at office hours.

7. Every such Register shall be open to public inspection at the usual office hours.

Fee to be charged for Pattern of Brand or Mark supplied or authorised.

8. Every Registrar or Deputy-Registrar shall charge a fee of Ten shillings for the pattern of every brand or mark supplied or authorised by him.

After certain time, Owners of Cattle not branded as required, liable to Penalty.

9. After the expiration of nine calendar months from the time when the publication required by clause 2 shall have taken place, the owner of any cattle not depastured upon enclosed lands, and not branded or marked with a registered brand or mark, shall be liable to a penalty.

Penalties upon Cattle and Sheep not branded as required.

10. Such penalty shall be, for each head of cattle above six months old, except sheep, for the first offence, a sum not less than Five shillings, nor more than One pound; for the second offence, not less than Ten shillings nor more than Two pounds; and for the third and subsequent offences, not less than One pound, nor more than Five pounds. For sheep and lambs the penalty shall be, for every sheep and lamb above six months old, for the first offence, not less than Sixpence, nor more than Two shillings; for the second offence, not less than One shilling, nor more than Four shillings; and for the third offence, not less than Two shillings, nor more than Ten shillings: Provided always, that no offence shall be deemed to be a repetition of a previous offence, unless conviction shall ensue within three months after that immediately preceding.

Cattle unbranded may be driven to the Pound; how Produce of Sales of Cattle shall be disposed of.

11. After the expiration of the period fixed by clause 9, it shall be lawful for any person or persons to drive cattle, which shall be at large and not marked or branded with a registered mark or brand, to the nearest pound ; and any cattle so impounded may be sold according to the provisions of the Impounding Ordinance, Session VIII., No. 6,* unless the cattle be released as hereinafter provided; and the proceeds of any such sale shall be applied, first in payment of all lawful fees and

* Session VIII., No. 6, of the Legislative Council of New Zealand.

charges due to the poundkeeper, and the residue shall be paid to the Provincial Treasurer, to be applied to the public uses of the Province : Provided always, that the period of publication required to be made in the *Government Gazette* of such notice of intention to sell, shall be fourteen days instead of twenty-one days.

Cattle impounded may be released by order of Magistrate.

12. All cattle impounded under the authority of this Act, shall be released at any time before the sale of such cattle, by the authority of any Justice of the Peace, upon payment of the penalties authorised to be inflicted under the 9th and 10th clauses of this Act; the amount of such penalties to be fixed by such Justice of the Peace, together with the lawful fees and charges due to the poundkeeper.

Penalty for using anauthorised Brands, and for effacing or defacing Brands.

13. If, after the expiration of the period fixed by clause 9, any person shall use any other mark or brand save that furnished to him by the Registrar, or shall deface or efface any brand or mark upon any cattle, without the authority of the owner thereof or his duly authorised agent, he shall be liable to a penalty of not less then Twenty pounds, nor more then Fifty pounds: Provided that nothing in this clause shall be construed to authorise the effacing or disfiguring of a registered brand when once put upon cattle.

Penalty for using Private Marks on Sheep without consent of Registrar.

14. After the expiration of the last-mentioned period, any person making use of any face-brand or ear-mark upon sheep, without the consent of the Registrar, shall be liable to a penalty of not less than Five pounds, nor more than Twenty pounds.

Penalty for driving away Cattle without notice.

15. And whereas great inconvenience and loss have been occasioned by reason of persons, whose cattle have strayed upon the land or into the herds of others, driving off the cattle of other persons together with their own, Be it enacted, that any person or persons who shall drive away any cattle other than his or their own, or his or their masters or employers, from the lands and out of the herds of any other person, without the authority of such last-mentioned person, or his agent, overseer, or bailiff, shall, on conviction of any such offence, forfeit and pay any sum not more than Twenty pounds.

Certain portion of Penalties to go to Informer.

16. All penalties imposed under this Act shall be recovered in a summary manner before any Justice of the Peace ; and one-fourth of such penalties shall be paid to the informer, and the residue to the Provincial Treasurer, to be applied to the public uses of the Province.

Interpretation.

17. In the interpretation of this Act, the word "cattle" shall be taken to include horned or neat cattle, and horses and sheep and lambs above six months old ; and whenever in this

Ordinance in describing or referring to any person or party, matter or thing, the word importing the singular number or masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.

When and where Act to come into operation.

18. Clauses 9, 10, 11, and 12, of this Act shall come into operation from and after the passing hereof, in the districts of the Wairau, Amuri, and Massacre Bay, as defined by the Provincial Council Enlargement Ordinance, and in such other districts of the said Province as the Superintendent thereof shall from time to time proclaim to be subject to the provisions of the said clauses, on receiving a memorial for that purpose signed by one-half of the registered electors of any such district requesting him so to do, on a day to be fixed in such proclamation.

Short Title.

19. This Act shall be termed and may be cited as "The Cattle Branding Act, 1858."

PROVINCE OF NELSON.

CATTLE BRANDING AMENDMENT ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 1.

AN ACT TO AMEND THE "CATTLE BRANDING ACT, 1858."

ANALYSIS.

Title.
Preamble.
1. Penalties not to exceed £100 in any case.
2. Short Title.

"*An Act to amend the 'Cattle Branding, Act,* 1858.'" Title.

[Assented to 21st June, 1859.]

WHEREAS, by an Act passed by the Superintendent and Provincial Council of the Province of Nelson, in Session V., No. 6, intituled "The Cattle Branding Act, 1858," certain penalties are authorised to be imposed, which might, in the aggregate, amount to upwards of One hundred pounds: And whereas it is expedient to limit the amount of penalties to be Preamble.

imposed under that Act: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof:—

Penalties not to exceed £100 in any case.

1. That no penalty or penalties, to be imposed in any one case under the authority of the said recited Act, shall exceed the sum of One hundred pounds.

Short Title.

2. This Act shall be termed and may be cited as "The Cattle Branding Amendment Act, 1859."

PROVINCE OF NELSON.

CATTLE BRANDING AMENDMENT ACT.

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

SESSION VIII., No. 8.

AN ACT TO FURTHER AMEND "THE CATTLE BRANDING ACT, 1858."

ANALYSIS.

Title.
Preamble.
1. Not to diminish Length of Ears of Sheep.
2. New Pattern to be supplied in certain cases without Fee.
3. Short Title.

"*An Act to further amend 'The Cattle Branding Act*, 1858.'" Title.

[Assented to 21st June, 1861.]

WHEREAS an Act was passed by the Superintendent and Provincial Council of the Province of Nelson, in Session V., No. 6, intituled "The Cattle Branding Act, 1858," and whereas it is expedient that the same should be amended in manner hereinafter provided. Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. From and after the passing of this Act it shall not be lawful for any person to diminish the length of the ear of any Not to diminish Length of Ears of Sheep.

sheep or lamb, and any person who shall diminish the length of the ear of any sheep or lamb, whether in affixing any registered brand or mark, or otherwise, shall for every such offence be liable to a penalty of any sum not exceding Twenty pounds, to be recovered in a summary manner before any two Justices of the Peace.

New Pattern to be supplied in certain cases without Fee.

2. Whenever the Registrar of Brands shall have supplied to any person the pattern of any mark or brand, authorising the diminishing of the length of the ear of any sheep, such person shall be furnished with the pattern of a new mark or brand without payment of any fee.

Short Title.

3. This Act shall be termed "The Cattle Branding Amendment Act, 1861."

PROVINCE OF NELSON.

CATTLE SLAUGHTERING ACT.

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

SESSION X., No. 7.

AN ACT TO PREVENT THE UNLAWFUL SLAUGHTERING OF CATTLE.

ANALYSIS.

Title.
Preamble.
1. Short Title.
2. Persons Slaughtering Cattle in the Country to give notice of having done so.
3. Skins to be preserved and may be inspected.
4. Persons shooting Cattle in paddocks, &c., liable to penalty.
5. Not to prevent shooting with small shot.
6. Penalties recovered summarily.
7. Recovery of a Penalty not to stop suit or prosecution.

"*An Act to prevent the unlawful Slaughtering of Cattle.*" Title.

[Assented to 7th August, 1863.]

WHEREAS the practice of slaughtering cattle at places remote from any dwelling or slaughterhouse is increasing, and it is expedient to give additional protection to the owners of stock against the unlawful slaughtering thereof: And whereas it is also expedient to prevent the practice of shooting cattle in Preamble.

settled districts, whereby human life is endangered: Be it enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Short Title.

1. The Short Title of this Act shall be "The Cattle Slaughtering Act, 1863."

Persons slaughtering Cattle in the Country to give notice of having done so

2. Any person who shall slaughter any cattle at any other place than land in his own occupation, or in the occupation of the person by whom he is employed, or at some public or ordinary slaughterhouse, shall, within seven days thereafter, give notice of his having done so to the constable residing nearest to the place where such animal shall have been killed, and any person who shall neglect to give such notice shall forfeit and pay any sum not less than Two pounds, nor more than Twenty pounds.

Skins to be preserved and may be inspected.

3. Every person who shall slaughter any cattle at any place other than upon land in his own occupation, or in the occupation of the person by whom he is employed, or at a public or ordinary slaughterhouse, shall preserve the skin thereof at his homestead, or at some other convenient place, to be named to the District Constable as aforesaid, for the space of fourteen days after such cattle shall have been slaughtered: and shall allow any person, accompanied by a constable, to inspect such skin, and any person who shall neglect or refuse to preserve or produce any such skin as aforesaid, shall forfeit and pay any sum not less than Two pounds, and not more than Twenty pounds.

Persons shooting Cattle in paddocks, &c., liable to Penalty.

4. Any person who shall shoot at any cattle running at large in any field, paddock, or other enclosed ground, or in the immediate vicinity thereof, or on or near to any highway, so as to endanger human life, shall, on proof thereof before any two Justices of the Peace, be liable to a penalty not exceeding Five pounds: Provided always that when it is shown to the satisfaction of any two Justices of the Peace that any dangerous animal is at large and can in no other way be destroyed, it shall be lawful for such Justices, by writing under their hands, to authorise the person or persons named therein to shoot such animal, and such person or persons so authorised shall be exempt from the penalty under this Act for so doing.

Not to prevent shooting with small shot.

5. Nothing in this Act shall be construed to render any person liable to any penalty for using a gun in a stock-yard, slaughterhouse, or any place of confinement for the purpose of

slaughtering cattle, provided the gun be loaded with shot and not with ball, and every proper precaution used to prevent danger to human life.

6. All penalties incurred under this Act, shall be recoverable in a summary way before any Justice of the Peace.

Penalties recoverable summarily.

7. The recovery of a penalty under this Act shall not stop any suit for damages, or any prosecution for felony, arising out of any Act in respect of which such penalty shall have been incurred.

Recovery of a Penalty not to stop suit or prosecution.

PROVINCE OF NELSON.

PUBLIC CEMETERIES ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 7.

AN ACT TO PROVIDE PUBLIC CEMETERIES, AND FOR THE MANAGEMENT THEREOF.

ANALYSIS.

Title.
Preamble.
1. Superintendent may purchase Land for Cemeteries outside Town.
2. Boards to be appointed for Management of Cemeteries.
3. Superintendent to appoint other Boards for Management of Cemeteries.
4. Term of Office of Boards.
5. Superintendent to fill up Vacancies in Boards.
6. Property to be vested in Boards.
7. Boards to appoint Officers.
8. And to pay Salaries of Officers, &c.
9 Boards to lay out Cemeteries.
10. Boards may borrow Money.
11. Boards may sell exclusive right of Burial, &c.
12. Boards may fix Fees to be received.
13. Table of Fees to be published.
14. Cemeteries to be open to Public for Interment.
15. How Moneys received by Boards to be appropriated.
16. How business of Boards to be conducted.
17. Questions to be decided by majority of Board at Meeting.
18. Minute-Books, &c., to be kept.
19. Balance-sheet to be prepared, and accounts audited.
20. Penalty for injuring Monuments, &c.
21. Penalty for disturbing Persons at Funerals, &c.
22. Certain old Cemeteries in Nelson to be closed on a day to be fixed by Superintendent.
23. Persons burying in Old Cemeteries, except in certain cases, liable to Penalty.
24. Superintendent may convey part of Land purchased to bodies holding Land in Old Cemetery.
25. Parts of Old Cemeteries used for Burials to be fenced, and not to be used for any other purpose.
26. Fines to be recovered before Justices of the Peace.
27. Short Title.

"*An Act to provide Public Cemeteries, and for the Management thereof.*" Title.

[Assented to 21st June, 1859.]

WHEREAS it is expedient to provide a Public Cemetery outside the boundary of the Town of Nelson, and to make provision for the management of Public Cemeteries in the Province of Nelson: Be it therefore, enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. It shall be lawful for the Superintendent to purchase one or more blocks of land situated near and not within the Town of Nelson, as a site or sites for a public Cemetery or public Cemeteries, and to pay the purchase-money thereof, and for improving the same, not exceeding, in the whole, the sum of One thousand pounds, out of the public revenue of the Province. Superintendent may purchase Land for Cemeteries outside Town.

2. The management of every such Cemetery, except such part thereof as shall be conveyed under the authority hereinafter contained, shall be vested in a Board of five Trustees, to be appointed by the Superintendent, by writing under his hand. Boards to be appointed for management of Cemeteries.

3. It shall also be lawful for the Superintendent, from time to time in like manner, to appoint any other Board, and to vest in such Board the management of any land which shall have been conveyed to the Superintendent as a site for a Public Cemetery. Superintendent to appoint other Boards for management of Cemeteries.

4. Every Board to be appointed under this Act shall hold office for seven years, and any three members thereof shall form a quorum. Term of office of Boards.

5. It shall be lawfull for the Superintendent, from time to time, to fill up any vacancy in any Board, which may be occasioned by the death, resignation, or absence from the Colony for six calendar months, of any member thereof, or otherwise. Superintendent to fill up Vacancies in Boards.

6. The legal estate in the land, except such part thereof as shall have been conveyed under the authority hereinafter contained, and all moneys, goods, chattels, and effects whatsoever, of or belonging to or connected with any such cemetery, shall become vested in the Board of Trustees for the time being under whose management such cemetery shall be placed immediately upon their appointment; and a notice of such appointment in the *Government Gazette* of the Province shall be sufficient evidence of their title. Property to be vested in Boards.

Boards to appoint Officers.

7. It shall be lawful for each Board, from time to time to appoint and to remove clerks, sextons, and such other subordinate officers as they shall think necessary.

And to pay Salaries of Officers, &c.

8. It shall also be lawful for every such Board, out of the moneys to be received by them under the authority of this Act to pay the salaries of the clerks, sextons, and other subordinate officers and also the necessary incidental charges of management of the cemetery under their control.

Boards to lay out Cemetery.

9. It shall be lawful for every such Board, from time to time, to inclose all or any part of any cemetery under their control, and prepare a general plan for laying out the same and arranging the places in which interments shall take place, and also to erect a chapel or other building for the performance of funeral service.

Boards may borrow Money

10. It shall be lawful for the Board, from time to time, to borrow, by way of loan, any sum or sums of money not exceeding in the whole the sum of Five hundred pounds, for any cemetery situated within four miles of the Town of Nelson, and not exceeding Two hundred pounds for any cemetery situated elsewhere, for the purpose of defraying the expenses of the preliminary works, at any rate of interest not exceeding Twelve pounds Ten shillings per centum per annum; which loan or loans, together with the interest accruing therefrom, shall be a first charge on the funds received under the authority of this Act by the Board under whose management the cemetery for which the same shall have been borrowed shall be placed, after defraying the expenses of management.

Boards may sell exclusive Right of Burial, &c.

11. The Board shall have power, under such conditions and restrictions as they may think proper, and which shall have been approved by the Superintendent and his Executive Council, to sell the exclusive right of burial either in perpetuity or for a limited period in any part of any cemetery under their control, and also the right of constructing any vault or place of burial, with the exclusive right of burial therein, and also the right of erecting and placing any monument, grave-stone, tablet, or monumental inscription in the said cemetery.

Boards may fix Fees to be received.

12. The Board shall also, subject to such approval as aforesaid, fix and settle and receive such fees and payment in respect of interment in any cemetery under their control as they shall think fit; and also the sums to be paid for the exclusive right of burial, either in perpetuity or for a limited period; and also the right of erecting and placing any monument, tablet, gravestone, or monumental inscription in such

cemetery; and may, from time to time, subject as aforesaid, revise and alter such fees, payments, and sums aforesaid.

Table of Fees to be published.

13. A table, showing such fees and payments, and all other fees and payments in respect of interment in such cemetery, shall be published in the *Government Gazette*, or some newspaper published or generally circulated in the Province.

Cemetery to be open to Public for interment.

14. Subject to such rules and regulations as shall be necessary for the preservation of decency and order, every Public Cemetery shall be open for the interment of all deceased persons, to be buried with such religious or other ceremonial, if any, as the friends of such deceased persons shall provide.

How Moneys received by Boards to be appropriated.

15. The moneys to be received by the Board shall be applied, in the first place, to the payment of current necessary expenses, and interest on loans, if any, and subject thereto, and to the payment of such loans as shall be laid out in the permanent improvement of any Cemetery under their control, and for no other purpose whatsoever.

How Business of Boards to be conducted.

16. The business of each Board shall be transacted at meetings, which shall be holden at such times and places and shall be adjourned in such manner as the Board shall direct or appoint. Any two members shall have power to call a special meeting of the Board by giving to the other members or leaving at their usual places of abode notices in writing, signed by the members calling the meeting, specifying the time and place thereof, which notices shall be given three clear days at least before such meeting; and no business shall be done at any meeting unless three members at least be present.

Questions to be decided by majority of Board at Meeting.

17. All questions which shall come before the Board at any meeting shall be decided by the majority of the members who shall be present thereat; and the names of the members who shall attend each meeting, and a minute of every resolution agreed to, shall be entered in a book, to be kept for that purpose, and shall be signed by the chairman.

Minute-books, &c., to be kept

18. Every such Board shall provide and keep books, in which shall be entered true and regular accounts of all sums of money received and paid for or on account of the purposes of this Act, and of all liabilities incurred by them for such purposes, and of the several purposes for which such sums are paid and liabilities incurred.

Balance-sheet to be prepared, and Accounts audited.

19. Every such Board shall, in the month of July in each year, cause a balance-sheet to be prepared, containing a true statement of the receipts and payments on account of the Cemetery under their control during the past year, and of all sums of money which may be due to or by the Board, and shall

cause such balance-sheet, with all necessary vouchers, to be forwarded to the Superintendent, to be audited with the public accounts of the Province, and published in the *Government Gazette*.

Penalty for injuring Monuments, &c.

20. Every person who shall wilfully destroy or injure any building, wall, or fence, belonging to any Public Cemetery, or destroy or injure any plant or tree therein, or who shall daub or disfigure any wall or fence thereof, or wilfully destroy, injure or deface any monument, tablet, inscription, or grave-stone within such cemetery, or do any other wilful damage therein shall forfeit a sum not exceeding Five pounds, and make good the damage done.

Penalty for disturbing Persons at Funeral, &c.

21. Every person who shall wilfully and unlawfully disturb any persons assembled in any such cemetery for the purpose of burying any body therein, or who shall commit any nuisance within such cemetery, shall forfeit for every such offence a sum not exceeding Five pounds.

Certain Old Cemeteries in Nelson to be closed on a day to be fixed by Superintendent.

22 And whereas certain reserves situated in the Town of Nelson and marked respectively B and D in the plan of the said town, now are or heretofore have been used as Public Cemeteries: And whereas it is expedient that burials should be discontinued within such reserves: And whereas certain portions of the reserve marked D are held by certain religious and other bodies in trust and to be used as cemeteries: And whereas it is expedient that other land should be given to such bodies in exchange for the lands now held by them: Be it, therefore further enacted, that, from and after a day to be fixed by the Superintendent for that purpose, by notice in the *Government Gazette* of the said Province, no burial shall take place in either of the above-mentioned reserves, except as hereinafter mentioned.

Persons burying in Old Cemeteries, except in certain cases, liable to Penalty.

23. Any person who shall dig any grave, or bury any body, or assist therein, in either of the said reserves, after the day to be fixed as aforesaid, except where any child, parent, husband, wife, brother, or sister of the person to be buried shall have been buried in such reserve previously to the day so fixed shall forfeit and pay for every such offence any sum not exceeding Twenty pounds.

Superintendent may convey part of Land purchased to bodies holding Lands in Old Cemetery.

24. It shall be lawful for the Superintendent to convey to such religious or other bodies portions of the land to be purchased by him under the authority of this Act, in exchange for the land now held by them in the aforesaid reserve, not exceeding two acres for every acre now held by any such body.

25. No part of either of the said reserves in which any body shall have been buried shall be appropriated to or used for any other purpose whatsoever, and until other provisions be made in that behalf, it shall be lawful for the Superintendent to appropriate out of the public revenue of the Province in every year a sum sufficient to keep such portions of the said reserves properly fenced.

Parts of Old Cemeteries used for Burials to be fenced, and not to be used for any other purpose.

26. All fines and penalties authorised to be imposed by this Act may be recovered in a summary manner before any two Justices of the Peace.

Fines to be recovered before Justices of the Peace.

27. This Act shall be termed and may be cited as "The Public Cemeteries Act, 1859."

Short Title.

PROVINCE OF NELSON.

CEMETERY ACT.

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

SESSION X., No. 11.

AN ACT TO AUTHORISE CERTAIN PERSONS TO WHOM PORTIONS OF THE CEMETERY IN THE CITY OF NELSON HAVE BEEN GRANTED TO CONVEY THE SAME TO THE SUPERINTENDENT, AND TO AUTHORISE THE SUPERINTENDENT TO CONVEY CERTAIN LANDS TO RELIGIOUS BODIES, TO BE USED AS CEMETERIES.

ANALYSIS.

Title.
Preamble.
1. Short Title.
2. Trustees under first mentioned Grant may convey the Land to the Superintendent.
3. Trustees under the last mentioned Grant may convey the Land to the Superintendent.
4. Superintendent may convey Land to Religious Bodies, to be used as a Cemetery.

"*An Act to authorise certain persons to whom portions of the Cemetery in the City of Nelson have been granted to convey the same to the Superintendent, and to authorise the Superintendent to convey certain Lands to Religious Bodies, to be used as Cemeteries.*" Title.

WHEREAS by a certain Deed of Grant bearing date on or about the Sixth day of September, 1851, issued under the seal of the Province of New Munster in the Colony of New Zealand, All that piece or parcel of land situate, lying, and being in the Town of Nelson in the said Colony, containing two acres and one rood more or less, bounded on the north by land granted as a Burial Ground for the use of the Roman Catholics of Nelson, on the east by Trafalgar-street-south, on the south by Van Dieman-street, and on the west partly by a reserve and partly by land granted as a Burial Ground for the use of the members of the Church of England, with all the rights and appurtenances thereto belonging, was granted to Matthew Richmond, then Resident Magistrate for the District of Nelson, Samuel Ironside, Minister in the Connection established by the late John Wesley, then resident at Nelson, Thomas Dickson Nicholson, Minister of the Free Church of Scotland, then resident at Nelson, and Decimus Dolamore, Baptist Minister, then resident at Nelson, and their successors for the time being, holding the offices above mentioned within the said District of Nelson, in trust and to be used as and for a general Public Cemetery for the burial of persons of all classes and denominations without the imposition of any sectarian creed, and to, for, and upon no other use, trust, intent, or purpose whatsoever. Preamble.

And whereas by a certain other Deed of Grant also bearing date on or about the Sixth day of September, 1851, and issued under the seal of the said Province of New Munster, All that piece or parcel of land situate, lying, and being in the said Town of Nelson, containing three roods more or less, bounded on the north by Brougham-street, on the east by Trafalgar-street-south, on the south by land granted for a Public Cemetery, and on the west by land also granted for a Burial Ground to the Church of England, with the rights and appurtenances thereunto belonging, was granted to Henry Redwood the elder, of Waimea West, in the Settlement of Nelson, farmer, Francis Otterson, of Waimea East, in the said Settlement, Esquire, Joseph Ward, of Waimea West aforesaid surveyor, Henry Redwood the younger, of Waimea West aforesaid, farmer, and John

Armstrong, of the Town of Nelson, carter, and the survivors of them and the heirs and assigns of such survivors, in trust and to be used as and for a Cemetery for the burial of members of the Roman Catholic Religion exclusively, and with power to the Trustees for the time being to appoint new Trustees pursuant to the provisions of the Conveyancing Ordinance, Session II., number 10: And whereas by an Act made and passed by the Superintendent and Provincial Council of the Province of Nelson, in Session VI., number 7, intituled "The Public Cemeteries Act, 1859," it is amongst other things enacted that from and after a day to be fixed by the Superintendent for that purpose, no burial should take place in certain Cemeteries in the said City of Nelson, of one of which said Cemeteries the said pieces or parcels of land hereinbefore described form part. And whereas it is expedient that the said several persons should be empowered to convey the said lands so granted to them as aforesaid to the Superintendent of the said Province, and that the Superintendent should be empowered to apportion a certain part of the land purchased by him under the authority of the said Act amongst the various religious denominations and to convey the same to Trustees on behalf of such religious denominations. And whereas the said Samuel Ironside has left the said Colony and is unable to act in the Trusts of the said first mentioned Deed of Grant. And whereas the said Francis Otterson departed this life in or about the year 1854.

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

Short Title.

1. The Short Title of this Act shall be "The Nelson Cemeteries Act, 1863."

Trustees under first mentioned Grant may convey the Land to the Superintendent.

2. It shall be lawful for the said Matthew Richmond, Thomas Dickson Nicholson, and Decimus Dolamore to convey and assure the said land comprised in the said first mentioned Deed of Grant and the fee simple and inheritance thereof unto the Superintendent of the said Province for the time being, his successors and assigns, absolutely.

Trustee under the last mentioned Grant may convey the land to the Superintendent.

3. It shall also be lawful for the said Henry Redwood the elder, Henry Redwood the younger, Joseph Ward, and John Armstrong to convey and assure the said land comprised in the said last mentioned Deed of Grant, and the fee simple and inheritance thereof, unto the Superintendent of the said Province for the time being, his successors, and assigns absolutely.

4. It shall be lawful for the Superintendent from time to time to convey any portion of the land purchased by him under the authority of the said recited Act not exceeding in the whole ten acres to Trustees for and on behalf of any religious denomination, to be used as a Cemetery for the burial of persons belonging to such religious denomination.

Superintendent may convey Land to Religious bodies, to be used as a Cemetery.

PROVINCE OF NELSON.

CUSTOM HOUSE SITE ACT.

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

SESSION VIII., No. 9.

AN ACT TO AUTHORISE THE SUPERINTENDET TO CONVEY TO HER MAJESTY CERTAIN LAND GRANTED FOR PUBLIC PURPOSES IN THE CITY OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Superintendent may convey part of reserve to her Majesty.

Title. "*An Act to authorise the Superintendent to convey to Her Majesty certain Land granted for public purposes in the City of Nelson.*"

Preamble. WHEREAS, by an Act passed in the Second Session of the General Assembly of New Zealand, intituled "The Public Reserves Act, 1854," it is amongst other things enacted, that it should be lawful for the Governor of New Zealand, with the advice of his Executive Council, at any time, and from time to time, after the passing of that Act, in the name and on the behalf of her Majesty, to grant to the Superintendent of each

Province in New Zealand, and his successors, all such estate and interest as her Majesty then had or might have in all or any of the lands within such Province, forming part of the demesne lands of the Crown, which should have been at any time theretofore, and then were, or might thereafter, be reserved or set apart for purposes of public utility within the said Province, except as therein mentioned: And it was further enacted that it should be lawful for the Governor of the said Colony, with the advice of his Executive Council, to grant and dispose of any land reclaimed from the sea, and of any land below high-water mark, in any harbor, arm, or creek of the sea, or in any navigable river, or on the sea-coast within the said colony, either to the Superintendent of the Province and his successors in or to which such land is situate or adjacent, or in such other manner, to such other persons and upon such terms as shall be thought fit: And it is also enacted that every Superintendent of a Province, in whom any such lands shall become vested, should hold the same upon trust for the Public Service of each Province, for the purposes specified in such grant, with as full power to dispose of and manage the same for such purposes as if the same were vested absolutely in such Superintendent, subject nevertheless to the provisions thereinafter contained: And it is further enacted, that no lands so to be granted as aforesaid within any Province to the Superintendent thereof 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 a certain Deed of Grant, bearing date on or about the 9th day of February, 1856, under the hand of Colonel Thomas Gore Brown, C.B., Governor of the Colony of New Zealand, and sealed with the public seal of the Colony, the said Governor in the name and on behalf of her Majesty, with the advice of the Executive Council, did grant unto the Superintendent of the Province of Nelson and his successors, all that piece or parcel of land in the said Colony situated below high-water mark in the Harbor of Nelson in the said Province; bounded on the northward by land in the Suburban North District granted to James Mackay; on the eastward, partly by Sections numbered respectively 16, 17, and 19 on the plan of the Suburban North District, partly by the Paru Paru Road, and partly by Wakefield Quay to Section numbered 1 on the plan of the City of Nelson; on the southward, partly by Sections numbered respectively 9, 6, 13, and 14, of Block marked H on the said plan of the City of Nelson, partly by Sections num-

bered respectively 148 and 1,126 on the said plan of the City of Nelson, and partly by the Haven Road; and on the westward partly by Town Sections on Fifeshire Island, and from thence along the Boulder Bank to where the northern boundary commences, as the same is more particularly delineated in the plan drawn in the margin thereof; to hold the same in trust for the public service of the said Province of Nelson: And whereas part of the said reserve is required as a site for a Custom House: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof as follows:—

Superintendent may convey part of reserve to Her Majesty.

1. It shall be lawful for the Superintendent of the said Province with the advice of his Executive Council for any nominal or other consideration to convey and assure unto Her said Majesty All that piece or parcel of land situated below high-water mark in the City of Nelson, being part of the piece or parcel of land hereinbefore described having a frontage of eighty-seven feet next Haven Road in the said City situated on the east side of other part thereof leased to Frederick Stock, and which said piece or parcel of land is more particularly delineated and described on the plan hereunto annexed.

PROVINCE OF NELSON.

COAL-FIELD LEASES (MOKIHINUI) ACT.

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

SESSION X., No. 10.

AN ACT TO EMPOWER THE SUPERINTENDENT TO GRANT LEASES OF PART OF THE COAL-FIELD RESERVE AT THE BULLER, TO CERTAIN PERSONS.

ANALYSIS.

Title.
Preamble.
1. Superintendent may appoint Commissioner to enquire into expenditure of Applicants for Leases.
2. Superintendent may grant Leases upon Report of Commissioner.
3. Land leased to be determined by Superintendent.
4. Lease to contain proper covenants.
5. Term of Lease.
6. Dead rent.
7. Royalty.
8. Short Title.

"*An Act to empower the Superintendent to grant Leases of part of the Coal-field Reserve at the Buller, to certain persons.*" Title.

WHEREAS the applications, named in the Schedule to this Act, for leases of certain land in the Coal-field near the River Buller, were made under the regulations for the disposal of the Preamble.

Waste Lands of the Crown in force within the Province, and whereas the persons making the said applications, or some of them, have in anticipation of obtaining leases expended money upon the land so applied for, or in roads to obtain access thereto. And whereas since the date of the said applications, the said land with other land adjoining has been granted to the Superintendent under the Public Reserves, Act, 1854, and whereas it is expedient and equitable to grant leases to such of the applicants as may have made such expenditure as aforesaid. Be it therefore enacted by the Superintendent of the Province of Nelson with the advice and consent of the Provincial Council thereof, as follows:—

Superintendent may appoint Commissioner to enquire into expenditure of applicants for Leases.

1. It shall be lawful for the Superintendent to appoint a Commissioner to examine into and report upon the expenditure make by the said applicants in respect of the said applications severally.

Superintendent may grant Leases upon report of Commissioner.

2. Upon the report of such Commissioner, it shall be lawful for the Superintendent, with the advice and consent of his Executive Council, to grant a lease under each of the said applications of land within the said reserve, in the proportion of one acre for every five shillings proved to the satisfaction of the said Commissioner to have been so expended as aforesaid: Provided that no lease to be granted in respect of any one of the applications shall include an area of more than one hundred acres.

Land leased to be determined by Superintendent.

3. The land to be leased under this Act shall be determined by the Superintendent, with the advice and consent of his Executive Council, and shall be laid off on the ground by some surveyor appointed by the Superintendent so as not to cut off access to other parts of the said Reserve or otherwise injuriously affect the sale or letting thereof.

Lease to contain proper covenants.

4. Every lease under this Act shall contain all proper covenants for securing the effectual working of the beds or seams of Coal within the land thereby demised, and for the surrender of the said land at the end or earlier determination of the lease.

Term of Lease.

5. Every lease under this Act shall be for a term not exceeding twenty-one years.

Dead Rent.

6. Every lease shall impose a dead rent of Five shillings per acre.

7. Every lease shall reserve a royalty of Sixpence per ton on all coal raised under the powers thereof, and of one-twentieth part of all other minerals so raised: Provided the dead rent paid in one year shall be a deduction from all royalties payable for such year. Royalty.

8. The Short Title to this Act, shall be "The Coal-field Leases (Mokihinui) Act, 1863." Short Title.

SCHEDULE.

Date. 1862.		Applicant.		Extent of Claim.
July 14	...	W. Akersten, W. Hooper, J. R. Hooper, Captain J. Inglis,	...	640 Acres.
July 14	...	T. Cawthron	...	1280 Acres.
September 23	...	T. R. Hacket and others	...	1280 Acres.
" "	...	" "	...	1280 Acres.
September 24	...	J. Lewthwaite, for Phœnix Coal Mining Company		640 Acres.
September 24	...	J. Lewthwaite	...	1280 Acres.

PROVINCE OF NELSON.

DEBENTURE ACT.

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

SESSION V., No. 1.

AN ACT TO AUTHORISE THE SUPERINTENDENT OF THE PROVINCE OF NELSON TO RAISE A LOAN NOT EXCEEDING TWENTY-NINE THOUSAND POUNDS, BY THE ISSUE OF DEBENTURES.

ANALYSIS.

Title.
Preamble.
1. Superintendent may borrow not exceeding Twenty-nine thousand pounds on Debentures.
2. Debentures to be in form set forth in Schedule.
3. To bear Interest not exceeding Ten pounds per cent. per annum.
4. To be charged on Provincial Revenue.
5. No priority amongst Holders.
6. Time of Payment.
7. Interest to cease after time fixed for payment of Principal.
8. Debentures not to be sold for a less price than the principal sum they bear on the face thereof.
9. Short Title.

"*An Act to authorise the Superintendent of the Province of Nelson to raise a Loan not exceeding Twenty-nine thousand pounds, by the issue of Debentures.*" Title.

[Assented to 22nd February, 1858.]

WHEREAS it is expedient to raise a temporary Loan for the Public Service of the Province: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof as follows:— Preamble.

1. It shall be lawful for the Superintendent of the Province of Nelson, with the advice and consent of his Executive Council, to borrow any sum or sums of money not exceeding in the whole the sum of Twenty-nine thousand pounds, for the purpose of defraying the costs of the several Public Works of the Province, and other purposes specified in Schedule B hereunto annexed, and to take up the same on Debentures from time to time, as may be deemed expedient. Superintendent may borrow not exceeding Twenty-nine thousand pounds on Debentures.

2. Such Debentures shall be in form or to the effect set forth in Schedule A hereunto annexed, and shall on the face thereof bear the signatures of the Superintendent, the Provincial Secretary, and the Provincial Treasurer: Provided always, that no Debenture shall be issued for a less sum than Ten pounds, nor for any fractional part of Ten pounds. Debentures to be in form set forth in Schedule.

3. Every Debenture shall be dated on the day on which the same shall be issued, and shall bear interest from that day, not exceeding the rate of Ten pounds for every One hundred pounds by the year, payable half-yearly, on the First day of January and the first day of July in every year, at the Treasury of the Province, or such other place as shall be named therein. To bear Interest not exceeding Ten pounds per cent. per annum.

4. The principal and interest of such Debentures are hereby charged upon and made payable out of the Public Revenue of the Province which may be subject to the direction and appropriation of the Superintendent and Provincial Council thereof. To be charged on Provincial Revenue.

5. The holder of any Debenture issued under the authority of this Act shall not have any preference over any other such holder by reason of the priority of the date of such Debenture or otherwise. No priority amongst Holders.

6. The principal sum secured by any such Debenture shall be payable on some day certain to be named in such Debenture, not sooner than the First day of July, One thousand eight hundred and sixty, nor later than the First day of July, One thousand eight hundred and seventy. Time of payment.

Interest to cease after time fixed for payment of Principal.

7. Interest shall cease to be payable on any Debenture issued under this Act, on the day next after the day fixed for the payment of such Debenture.

Debentures not to be sold for a less price than the principal sum they bear on the face thereof.

8. The Superintendent shall cause every such Debenture issued under this Act to be sold in the said Province or elsewhere, by public competition or otherwise, for the best price that can be obtained for the same; but no Debenture issued under the authority of this Act shall be sold for a less price than the principal sum which it bears on the face thereof: Provided always, that it shall be lawful for the Superintendent to pay out of the proceeds of any such Debentures, all costs, charges, and expenses, for commission or agency in negotiating such sale, or for the remittance of the proceeds thereof, not exceeding in the whole the sum of Five pounds per cent.

Short Title.

9. This Act may be cited as "The Nelson Debenture Act, 1858."

SCHEDULE A.

NELSON DEBENTURE.

Number in words and figures.	Date	Amount in words and figures.

DEBENTURE for the sum of Pounds sterling issued under the authority of an Act of the Provincial Legislature of the Province of Nelson, in the Colony of New Zealand.

On presentation at the Superintendent's office, in the Province of Nelson, in New Zealand, on the day of One thousand eight hundred and , the bearer of this Debenture will be entitled to receive the sum of Pounds sterling.

Interest in the meantime after the rate of per centum per annum will be payable to the bearer of this Debenture, on the first day of and in every year, at the (Provincial Treasury at Nelson, or elsewhere, as the case may be).

Dated at Nelson, this day of One thousand eight hundred and

A.B.,
Superintendent.

C.D.,
Provincial Secretary.

Entered at the Provincial Treasury, at Nelson, and issued this day of One thousand eight hundred and

E.F.,
Provincial Treasurer.

NOTE.—The principal and interest of this Debenture are charged upon, and payable out of the Public Revenue of the Province of Nelson in New Zealand which may be subject to the direction and appropriation of the Superintendent and Provincial Council thereof.

No interest will be payable on this Debenture after the day therein fixed for the payment of the same.

SCHEDULE B.

	£
Surveys	5,000
Waitohi Road	6,000
Nelson Port Road	1,000
Erection of Public Offices	2,350
Lunatic Asylum	500
Roads, Bridges, and Ferries (at Massacre Bay)	2,000
Motueka Jetty and Road	750
Landing Place and Road (Riwaka)	350
Moutere Roads	300
Waimea East Roads	600
Waimea West Roads	500
Waimea South Roads	1,000
Suburban North Roads	500
Suburban South Roads	400
Road from Wakefield to Wairau	500
Road to Gold Diggings	1,000
Bridle Track to Pelorus and Wairau	1,500
Awatere Roads	500
Amuri Roads, also for Moorings and Buoy	650
Stoke Bridge	250
Other Public Works	3,350
	£29,000

PROVINCE OF NELSON.

DOG NUISANCE ACT.

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

SESSION V., No. 7.

AN ACT TO PROVIDE FOR THE ABATEMENT OF THE DOG NUISANCE.

ANALYSIS.

Title.
Preamble.
1. Recited Ordinance repealed.
2. Dog Tickets to be provided.
3. Tickets to be kept at Police Office.
4. Names, &c., of Persons procuring Tickets to be entered in Books.
5. Owner of Dog at large without Ticket liable to Penalty.
6. Penalty for counterfeiting Tickets.
7. Dog found at large without Ticket may be seized.
8. If claimed, to be delivered to Owner, on Payment of Fine; and, if not claimed, to be destroyed.
9. Description, &c., of Dog seized to be entered in a Book.
10. Penalty for permitting dangerous Dogs to be at large without Muzzles.
11. Penalty for removing Dog Ticket.
12. Penalty for Dogs attacking Persons, &c.
13. Penalty on Constable neglecting to lay information, or seize Dogs, &c.
14. Penalty for improperly seizing Dogs.
15. Fees, &c., to be paid to Provincial Treasurer.
16. Interpretation of "Owner."
17. Commencement of Act, and where in operation.
18. Short Title.

THIS Act is repealed by the "Dog Nuisance Act, 1862," Session IX., No. 7.

PROVINCE OF NELSON.

DOG NUISANCE AMENDMENT ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 6.

AN ACT TO AMEND "THE DOG NUISANCE ACT, 1858."

ANALYSIS.

Title.
Preamble.
1. Half Fee only to be paid after 30th June in each Year.
2. New Tickets may be issued in lieu of lost Tickets, on payment of One shilling.
3. Persons using old Tickets liable to a Penalty.
4. Dogs having old Tickets affixed may be seized, &c.
5. How Proceeds arising from Sale of Tickets to be applied.
6. This Act to be read in conjunction with former Act.
7. Short Title.

THIS Act is repealed by the "Dog Nuisance Act, 1862," Session IX., No. 7.

PROVINCE OF NELSON.

DOG NUISANCE ACT.

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

SESSION IX., No. 7.

AN ACT TO MAKE PROVISION FOR THE ABATEMENT OF THE DOG NUISANCE.

ANALYSIS.

Title.
Preamble.
1. Recited Ordinance and Acts repealed.
2. Dog Tickets to be provided.
3. Tickets to be issued.
4. Register to be kept.
5. New Tickets may be issued in lieu of lost Tickets on payment of One shilling.
6. Persons using old Tickets liable to a Penalty.
7. Dogs having old Tickets affixed may be seized, &c.
8. Penalty for affixing Ticket to Dog not registered for same.
9. Penalty for counterfeiting Tickets.
10. Owner of Dog without Ticket liable to Penalty.
11. Dogs found without Ticket may be seized.
12. If claimed, to be delivered to Owner, on payment of Fine, and if not claimed to be destroyed.
13. Description, &c., of Dog seized to be entered in a book.
14. Penalty for removing Dog Ticket.
15. Penalty for permitting dangerous Dogs to be at large without Muzzles.
16. Dogs worrying Cattle may be destroyed.
17. Penalty for Dogs attacking Persons, &c.
18. In cases for Damages not necessary to prove Defendant's knowledge of Dog's propensity to injure.
19. Penalty on Constable neglecting to lay Information, or seize Dogs, &c.
20. Penalty for improperly seizing Dogs.
21. Interpretation of "Owner."
22. Fees, &c., to be paid to Provincial Treasurer.
23. Commencement of Act, and where in operation.
24. Short Title.

THIS Act is repealed by the "Dog Nuisance Act, 1863," Session X., No. 5.

PROVINCE OF NELSON.

DOG NUISANCE ACT.

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

SESSION X., No. 5.

AN ACT TO PROVIDE FOR THE ABATEMENT OF THE DOG NUISANCE.

ANALYSIS.

Title.
Preamble.
1. Recited Act repealed.
2. Dog Tickets to be provided.
3. Tickets to be issued.
4. Register to be kept.
5. New Tickets may be issued in lieu of lost Tickets, on payment of One shilling.
6. Persons using old Tickets liable to a penalty.
7. Dogs having old Tickets affixed may be seized, &c.
8. Penalty for affixing Ticket to Dog not registered for same.
9. Penalty for counterfeiting Tickets.
10. Owner of Dog without Ticket liable to Penalty.
11. Strangers not liable to full Penalties.
12. Dogs found without Ticket may be seized.
13. If claimed, to be delivered to Owner on payment of Fine, and if not claimed, to be destroyed.
14. Description, &c., of Dog seized to be entered in a book.
15. Penalty for removing Dog Ticket.
16. Penalty for permitting dangerous Dogs to be at large without Muzzles.
17. Dogs worrying Cattle may be destroyed.
18. Penalty for Dogs attacking Persons, &c.
19. In cases for damages, not necessary to prove Defendant's knowledge of Dog's propensity to injure.
20. Penalty on Constable neglecting to lay Information, or seize Dogs, &c.
21. Penalty for improperly seizing Dogs.
22. Interpretation of "Owner."
23. Fees, &c., to be paid to Provincial Treasurer.
24. How proceeds arising from sale of Tickets to be applied.
25. Commencement of Act, and where in operation.
26. Short Title.

Title. "*An Act to provide for the abatement of the Dog Nuisance.*"

[Assented to 7th August, 1863.]

Preamble. WHEREAS an Act was passed by the Superintendent and Provincial Council of the Province of Nelson, in Session IX., number 7, intituled "The Dog Nuisance Act, 1862," And whereas it is expedient that the said Act should be repealed, and other provisions made in lieu thereof: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof as follows:—

Recited Act repealed. 1. The said recited Act, except so much thereof as repeals any former Act or Ordinance, shall be, and the same is hereby repealed.

Dog Tickets to be provided. 2. For every year, the Superintendent shall provide dog tickets of a convenient description, which shall be marked in some distinctive manner; and the tickets issued shall be numbered consecutively from one upwards for each year, and shall also have the year for which they are issued marked thereon.

Tickets to be issued. 3. A supply of dog tickets shall be kept at the Police Office, at Nelson, and at such other offices as the Superintendent shall from time to time direct, on the recommendation of the Road Board of each District, and any person shall be entitled to receive any number of such tickets upon payment of a fee of Ten shillings each, if issued between the First day of January and the Thirtieth day of June inclusive in any year, and a fee of Five shillings each when issued after that day: Provided always that before any such ticket shall be issued the person applying for the same shall furnish a description in writing of the breed, sex, and descriptive marks and name, if any, of the dog in respect of which each such ticket shall be required.

Register to be kept. 4. The names of all persons who shall procure such tickets shall be entered in a book, to be kept for that purpose at each office, and opposite the names shall be stated the numbers of the tickets purchased by such person, together with the particulars of the description of the dog in respect of which each such ticket shall have been issued, and such book may be examined by any person during office hours on payment of a fee of Sixpence.

New Tickets may be issued in lieu of lost Tickets, on payment of One shilling. 5. Whenever it shall be proved to the satisfaction of the person issuing dog tickets for any district, that any ticket issued under the said Act in such district for the then current year has been lost, it shall be lawful for such person to issue a new ticket for the same dog in lieu of the one so lost, on pay-

ment of a fee of One shilling ; and such new ticket shall have the same force and effect as the ticket first issued.

Persons using old Tickets liable to a Penalty.

6. Any person who shall make use of any ticket in lieu of which a new ticket shall have been issued under the authority of this Act shall be liable to a penalty of any sum not exceeding Twenty pounds, nor less than Five pounds, to be recovered in a summary way before any Justice of the Peace.

Dogs having old Tickets affixed may be seized, &c.

7. Every dog found with any such lost ticket affixed to it may be seized and dealt with in the same manner as if such dog had been found without a ticket.

Penalty for affixing Ticket to Dog not registered for same.

8. Any person who shall affix any dog ticket to any dog other than the one in respect of which such ticket shall have been issued shall be liable to a penalty of not less than Twenty shillings nor more than Five pounds, unless the dog for which the said ticket was issued shall be dead in which case the owner thereof, by applying at the office of the person appointed to issue dog tickets in the district where such dog was registered shall be at liberty to transfer the said ticket to any other dog not being more than three months old at the time.

Penalty for counterfeiting Tickets.

9. In case any person shall falsely make or counterfeit, or knowing the same to be false or counterfeit, use or have in his possession any ticket resembling or apparently intended to resemble or pass for, any ticket provided or issued as aforesaid, such person shall forfeit and pay for every such offence any sum not exceeding Twenty pounds nor less then Five pounds.

Owner of Dog without Ticket liable to Penalty.

10. Any person who shall have in his or her possession one or more dogs upwards of three months old, whether on the chain, confined, or at large, without a ticket issued for the then current year affixed to it, such person shall forfeit for every such offence any sum not exceeding Forty shillings: the proof that any dog is less than three months old shall, in any proceeding under this Act, lie upon the owner of such dog.

Strangers not liable to full Penalties.

11. No person shall be liable to any penalties under this Act unless such person shall have resided in the Province for ten days.

Dogs found without Ticket may be seized.

12. Every dog upwards of three months old without a ticket affixed to it, and every dog having a ticket attached to it which shall not correspond with the description furnished of the dog, in respect of which such ticket was issued, may be seized by any constable, or by any other person and conveyed to the nearest constable, and shall be kept exposed to view in some public place to be appropriated for the purpose, in the district in which such dog shall be seized, for the space of at least forty-eight hours, if not sooner claimed.

If claimed to be delivered to Owner on payment of Fine, and if not claimed to be destroyed.

13. In case any person shall claim such dog, the person in charge of such dog shall (upon being satisfied that the person making such claim is the owner thereof, or is authorised by him,) deliver such dog to the person so claiming the same, upon payment of the fee of Forty shillings, and a charge at the rate of Sixpence a day for each day the dog has been kept; and in case no such claim and payment shall have been made in respect of any dog so seized and kept as aforesaid, the person having the custody of such dog shall destroy the same, unless some other person not the owner be willing to pay the full penalty of Forty shillings and costs to redeem the dog, in which case, the person so doing, after the expiration of forty-eight hours from the time of the dog been seized, shall become the owner thereof, and be entitled to keep the said dog, the original owner's claim to the contrary notwithstanding: Provided always that when it shall be shown to the satisfaction of the Resident Magistrate or any two Justices of the Peace that any dog so seized as aforesaid has accidentally slipped its collar, or has otherwise escaped, or lost its ticket, it shall be lawful for such Resident Magistrate or two Justices to order that such dog may be redeemed upon payment of the penalty of Two shillings and sixpence.

Description, &c. of Dog seized to be entered in a book.

14. When any dog shall have been seized under the authority of this Act, the constable seizing the same or to whom any such dog shall have been delivered, or some person by his authority, shall, as soon as conveniently may be, enter in a book, to be kept for that purpose, a description of the dog so seized, and the time and place of seizure, and shall state whether the dog shall have been redeemed, and if so, by whom, or whether the same shall have been destroyed.

Penalty for removing Dog Ticket.

15. If any person shall remove from any dog of which he is not the owner, without the consent of the owner thereof, any dog ticket supplied under the provisions of this Act, such person shall for every such offence forfeit and pay any sum not exceeding Five pounds, nor less than Two pounds.

Penalty for permitting dangerous Dogs to be at large without Muzzles.

16. Any person who shall permit any dog which shall be known to be dangerous (whether such dog shall have a dog ticket affixed to it or not) to go at large large without a muzzle securely fixed upon the mouth of such dog, shall forfeit and pay for every such offence any sum not exceeding Forty shillings; and any such dog so at large may, by the direction of any Justice of the Peace, be forthwith killed by any constable.

Dogs worrying cattle may be destroyed.

17. Whenever it shall be found impracticable to capture any dog found biting or worrying any cattle, sheep, pigs, or other live stock, it shall be lawful for the owner or keeper of the

same to destroy such dog, provided the owner of such dog shall be unknown to him ; and he shall give notice of the description of dog destroyed to the constable of the district within three days ; provided such cattle or other live stock be at the time on the property of the owner of the same or on some place lawfully occupied by him.

Penalty for Dogs attacking Persons, &c.

18. In case any dog shall on any highway rush at or attack any person or any horse or 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 for every such offence any sum not exceeding Five pounds, without prejudice to any claim for the damage done by such dog.

In cases for Damages not necessary to prove Defendant's knowledge of Dog's propensity to injure.

19. In all cases tried before the Resident Magistrate or by any two Justices of the Peace where damages not exceeding Twenty pounds for injury done by a dog are sought to be recovered from the owner, it shall not be necessary for the plaintiff to prove that the owner knew of the dog's propensity to commit the injury complained of, but the defendant may bring evidence to show that he had reason to believe that his dog was not likely to commit such injury, and the evidence shall go in mitigation of damages.

Penalty on Constable neglecting to lay Information, or seize Dogs, &c.

20. Any constable who shall knowingly neglect to lay any information against the owner of any dog which shall not have a proper dog ticket affixed to it, as hereinbefore provided, or who shall neglect when possible to seize, or neglect to destroy any dog, as hereinbefore provided, shall forfeit and pay for every such offence any sum not exceeding Forty shillings.

Penalty for improperly seizing Dogs.

21. Any constable who shall knowingly seize any dog contrary to the provisions of this Act, shall forfeit and pay for every such offence any sum not exceeding Forty shillings ; and if such dog shall be destroyed shall pay to the owner of the same the full value thereof, to be determined by the Justice or Justices before whom the case is heard.

Interpretation of "Owner."

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

Fees, &c., to be paid to Provincial Treasurer.

23. All fees, fines, penalties, and other sums of money received or recovered under the authority of this Act, except such as under any Act of the General Assembly of New Zealand shall be made payable otherwise, shall, after deducting the sum of Sixpence per day for the food (to be provided by the constable) for every such dog seized, be paid to the Treasurer of the Province.

How proceeds arising from sale of Tickets to be applied.

24. The proceeds arising from the sale of dog tickets shall, after deducting the expenses incurred in carrying out the provisions of this Act, be paid by the Superintendent to the Road Board for the district in which this Act shall be in operation, in proportion to the amount received from such districts respectively, and shall be applied by them towards the maintenance of the roads in such districts.

Commencement of Act, and where in operation.

25. This Act shall come into operation in the City of Nelson, and in the districts of Suburban North, Waimea East, Waimea West, Waimea South, and Motueka (as the same are respectively defined in the Provincial Council Enlargement Act, Session II., number 7), from and after the passing hereof, and in such other districts as shall be proclaimed by the Superintendent, upon the request of a majority of the resident electors in such district, on a day to be fixed for that purpose by the Superintendent by notice in the *Government Gazette.*

Short Title.

26. This Act shall be termed and may be cited as the "Dog Nuisance Act, 1863."

PROVINCE OF NELSON.

EXECUTIVE GOVERNMENT.

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

SESSION I., No. 1.

AN ORDINANCE TO ESTABLISH AN EXECUTIVE POWER FOR THE GOVERNMENT OF THE PROVINCE.

ANALYSIS.

Title.
Preamble.
1. Superintendent to conduct administration of the Province.
2. And keep and use the Public Seal.
3. Present Superintendent to provide Seal.
4. Superintendent to issue Gazettes
5. To be a Solicitor for the Province.
6. And Treasurer.
7. Treasurer to give Security.
8. Treasurer's Accounts to be open to inspection of Superintendent and Councillors, and to be submitted to Auditors half-yearly, and Abstracts published.
9. Two offices may be held by the same person.
10. Solicitor and Treasurer to be appointed by Superintendent.
11. Members accepting offices under the Government to resign seats in the Council.
12. Superintendent to appoint Officers.
13. Superintendent to have power to remove or suspend Officers.
14. Officers removed may present Petition to Executive Council to investigate cause of removal.
15. Superintendent to prescribe Rules for transacting the business of offices.
16. Executive Council established.
17. Solicitor and Treasurer to be *ex-officio* Members thereof.
18. Superintendent may appoint other persons to be Members
19. Members of the Executive Council may propose questions for discussion, and record their opinions thereon.
20. Superintendent to prescribe Rules, &c., for holding Meetings of the Executive Council
21. Auditors to be appointed.
22. Disqualification of Auditors.
23. Auditors to examine Accounts, and to certify the same.
24. Commencement of Ordinance.

Title. "*An Ordinance to establish an Executive Power for the Government of the Province.*"

Preamble. BE it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Superintendent to conduct Administration of the Province; 1. The Superintendent of the Province shall conduct, in all necessary details, the Administration of the Government of the Province.

and keep and use the Public Seal. 2. He shall keep and use the Public Seal appointed for the sealing of all things which shall pass the seal of the Province.

Present Superintendent to provide Seal. 3. The present Superintendent shall provide a Public Seal for the Province, with such device and inscription as he may think fit; and the same shall not be subject to change except by an Act of the Provincial Legislature. Until such seal shall be procured, he may adopt and use such temporary seal as he may deem fit.

Superintendent to issue *Gazettes.* 4. The Superintendent shalt be empowered to issue *Government Gazettes*, and all notifications published therein with any Official Signature thereunto annexed shall be considered as Official Communications made to those person to whom they may relate, and shall be obeyed accordingly.

To be a Solicitor for the Province; 5. There shall be a Solicitor for the Province, who shall advise the Superintendent on all matters of law, and shall also (when required by the Superintendent, Resident Magistrate, or any two Justices of the Peace for the said Province) conduct all Criminal Prosecutions on behalf of the Crown; and shall also, until otherwise provided, keep a record of and attest all official acts and proceedings of the Superintendent.

and Treasurer. 6. There shall be a Treasurer for the Province, who shall receive and pay all moneys payable for the Public Uses of the Province and support of the Government thereof. No public money shall be paid by him unless the warrant for the payment thereof shall have been signed by the Superintendent.

Treasurer to give Security. 7. The Treasurer shall, before entering on the duties of his office, give bond with a sufficient penalty, or other security, for the faithful discharge of his trust, to, and to the satisfaction of the Superintendent.

Treasurer's Accounts to be open to inspection of Superintendent and Councillors, and to be submitted 8. The Treasurer shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums shall have been received and paid; and the books containing the accounts shall at all seasonable times be open to the inspection of the Superintendent and any of the Councillors of the Province; and all

the accounts, with all vouchers and papers relating thereto, shall in every year, at such times in the months of February and August as shall be appointed by the Superintendent, be submitted by the Treasurer of the Province to the Auditors appointed as hereinafter provided, for the purpose of being examined and audited, from the First day of January to the Thirtieth day of June, and from the First day July to the Thirty-first day of December, in each year; and, if the said accounts shall be found to be correct, the auditors shall sign the same; and after such accounts shall have been so examined and audited, the treasurer shall forthwith make out in writing and shall cause to be printed and published in the *Government Gazette* and in some newspaper having general circulation within the said Province, a full abstract of his accounts for the half year, and a copy thereof shall be open to the inspection of all the Electors of such Province, and extracts therefrom and copies thereof, shall be delivered to all Electors of the said Province applying for the same, on payment of a reasonable price for each copy.*

to Auditors half-yearly, and Abstract to be published

9. The above-mentioned offices of Solicitor and Treasurer may be held by the same person, if the Superintendent shall at any time think fit.

Two offices may be held by the same person.

10. The Solicitor and Treasurer shall be appointed by, and hold office during the pleasure of the Superintendent.

Solicitor and Treasurer to be appointed by Superintendent.

11. Any member of the Provincial Council who shall accept any office of emolument under the Provincial Government, and who shall not, before the next Session of Council, resign his seat as a member thereof, shall be disqualified from holding such office during the time he shall continue to be a member of the Council.

Members accepting offices under the Government to resign seats in the Council.

12. The Superintendent shall be empowered to appoint the officers necessary for conducting the business of the departments under his control, and to fill up vacancies therein with fit and proper persons.

Superintendent to appoint Officers.

13. He shall also have full power to suspend and remove any officer from his employment for neglect of, or inattention to, his duty, or for other just or sufficient cause.

Superintendent to have power to remove or suspend Officers.

14. If any person, other than the Solicitor and Treasurer of the Province, shall deem himself aggrieved by his suspension or removal from office, he may present a petition to the Execu-

Officers removed may present Peti-

* *Vide* "The Provincial Audit Act, 1861," of the General Assembly.

tion to Executive Council to investigate cause of removal.

tive Council, showing that he has been suspended or removed from office without just or sufficient cause, and praying for an investigation into the grounds or charge on which he may have been suspended or removed.

Superintendent to prescribe Rules for transacting the business of the offices.

15. The Superintendent shall prescribe rules for transacting the business of the several offices of the Province, and from time to time alter the same as to him may seem meet.

Executive Council established.

16. There shall be an Executive Council for the Province, whose duty it shall be to advise the Superintendent on all questions which may be by him referred to it for consideration.

Solicitor and Treasurer to be *ex-officio* Members.

17. The Solicitor and Treasurer of the Province shall be *ex-officio* members of the Executive Council.

Superintendent may appoint other persons to be Members.

18. The Superintendent may also appoint any other person or persons, not exceeding two, to be members of his Executive Council during his pleasure.

Members of Executive Council may propose questions for discussion, and record their opinions.

19. 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 such Council his opinion and advice on such questions.

Superintendent to prescribe Rules for holding Meetings of Executive Council.

20. The Superintendent shall prescribe all such rules as may appear to him necessary to establish for the holding of meetings of the said Council, and for conducting the business thereof.

Auditors to be appointed.

21. For the purpose of auditing the accounts of receipts and expenditure of the public moneys of the Province, there shall be constituted a Board of Audit, to be composed of three persons, of whom one shall be from time to time appointed by the Superintendent, and two shall be elected by the Provincial Council from amongst its members, for such period (not exceeding the duration of the Council by which they shall be elected) as may be declared at the time of any such election: Provided that at the time of any such election they shall not be persons holding any office under the Government.*

Disqualification of Auditor

22. Any Auditor elected by the Provincial Council, who shall accept office under the Superintendent, shall forthwith cease to be and discharge the duties of such Auditor of the Public Revenue of the Province.

* *Vide* "The Provincial Audit Act, 1861."

23. It shall be the duty of the Auditors, at the half-yearly periods hereinbefore specified, to examine and audit the accounts of all sums of money received and paid by the Treasurer of the Province, and to signify whether they shall find the same to be correct, or otherwise.

Auditors to examine Accounts, and to certify same.

24. This Ordinance shall come into operation from and after the passing thereof.

Commencement of Ordinance.

E. W. STAFFORD,

Superintendent.

Passed the Provincial Council, on the Ninth day of December, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Tenth day of December, in the Year of our Lord One thousand eight hundred and fifty-three.

DONALD SINCLAIR,

Speaker.

GEORGE WHITE,

Clerk of the Council.

PROVINCE OF NELSON.

PROVINCIAL SECRETARY.

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

SESSION III., No. 1.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SECRETARY FOR THE PROVINCE.

ANALYSIS.

Title.
Preamble.
1. Part of Ordinance recited repealed.
2. To be a Secretary for the Province.
3. Secretary to be appointed by Superintendent, and to be an *ex-officio* Member of Executive Council.
4. Secretary may hold office of Solicitor or Treasurer.
5. Commencement of Act.

Title. "*An Act to provide for the Appointment of a Secretary for the Province.*"

[25th March, 1856.]

Preamble. WHEREAS it is expedient that there should be a Secretary for the Province: And whereas, by an Ordinance, enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, in Session I., No. 1, intituled "An Ordinance to establish an Executive Power for

the Government of the Province," it was enacted that the Solicitor for the Province should, until otherwise provided, keep a record of and attest all official acts and proceedings of the Superintendent: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. So much of the said Ordinance as is hereinbefore recited shall be and the same is hereby repealed.

Part of Ordinance recited repealed.

2. There shall be a Secretary for the Province, who shall keep a record of and attest all official acts and proceedings of the Superintendent.

To be a Secretary for the Province.

3. The Secretary shall be appointed by and hold office during the pleasure of the Superintendent, and shall be an *ex-officio* member of the Executive Council.

Secretary to be appointed by Superintendent, and to be an ex-officio Member of Executive Council.

4. The office of Secretary may be held by the same person who shall hold the office either of Solicitor or of Treasurer for the Province, if the Superintendent shall at any time think fit.

Secretary may hold Office of Solicitor or Treasurer.

5. This Act shall come into operation from and after the passing thereof.

Commencement of Act.

DONALD SINCLAIR,
Speaker.

Passed the Provincial Council, this Twentieth day of March, 1856.

GEORGE WHITE, *Clerk of the Council.*

I assent to this Ordinance on behalf of the Governor of New Zealand, this Twenty-fifth day of March, in the year of our Lord One thousand eight hundred and fifty-six.

E. W. STAFFORD,
Superintendent.

PROVINCE OF NELSON.

EMPOWERING.

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

SESSION I., No. 2.

AN ORDINANCE TO VEST IN THE SUPERINTENDENT OF THE PROVINCE OF NELSON CERTAIN POWERS HERETOFORE VESTED IN THE GOVERNOR AND LIEUTENANT-GOVERNOR OF THE PROVINCE OF NEW MUNSTER.

ANALYSIS.

Title.
Preamble.
1. The same powers heretofore vested in the Governor or Lieutenant-Governor or other officer administering the Government of the late Province of New Munster, conferred on the Superintendent of Nelson.
Schedule.

Title. "*An Ordinance to vest in the Superintendent of the Province of Nelson certain Powers heretofore vested in the Governor and Lieutenant-Governor of the Province of New Munster.*

Preamble. WHEREAS, under an Act of the Imperial Parliament, passed in the Session holden in the fifteenth and sixteenth years of the reign of her present Majesty, intituled "An Act to grant a Representative Constitution to the Colony of New Zealand,"

the Islands of New Zealand have been divided into six Provinces, and a Superintendent and Provincial Council have been established in each Province for the government thereof, and the late division of the Islands into the two Provinces of New Ulster and New Munster, and the Governorship and Lieutenant-Governorship thereof respectively have thereby been superseded: And whereas it is expedient that all the powers and authorities heretofore by any Ordinances of the Legislative Council of New Zealand, or of the Provincial Council of New Munster, enumerated in the Schedule hereunto annexed, vested in the Governor or Lieutenant-Governor of the late Province of New Munster, or in him and his Executive Council, should, so far as the same relate to the Province of Nelson, be vested in and exercised by the Superintendent thereof, and in and by him and his Executive Council respectively: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof:

The same powers heretofore vested in the Governor, Lieutenant-Governor, or other Officer administering the Government of the late Province of New Munster, conferred on the Superintendent of Nelson.

1. That all the powers and authority which by any Ordinance of the Legislative Council of New Zealand, or of the Provincial Council of New Munster, enumerated in the Schedule hereunto annexed, were heretofore vested in the Governor and Lieutenant-Governor, or other officer administering the government of the late Province of New Munster, and all proclamations, acts, matters, and things which by any such Ordinance were required to be, or might have been, issued or done by him or with his sanction or approval, or by him and his Executive Council, shall and may henceforth, within and so far as the same may relate to the Province of Nelson, be vested in and exercised, issued, and done by the Superintendent of the Province of Nelson, or with his sanction and approval, or in or by him and his Executive Council respectively, as fully in all respects as they were vested in, and might have been exercised, issued, and done by the Governor and Lieutenant-Governor or other officer administering the government of the said late Province of New Munster, or in or by him and his Executive Council.

E. W. STAFFORD,
Superintendent.

Passed the Provincial Council, on the Ninth day of December, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twelfth day of December, in the year of our Lord One thousand eight hundred and fifty-three.

DONALD SINCLAIR,
Speaker.

GEORGE WHITE,
Clerk of the Council.

SCHEDULE.

Legislative Council of New Zealand.

Sess. 2, No. 13.	Auctioneers' Ordinance.
Sess. 2, No. 17.	Raupo House Ordinance.
Sess. 7, No. 2.	Constabulary Force Ordinance.
Sess. 7, No. 4.	Sheriffs' Ordinance.
Sess. 7, No. 5.	Coroners' Ordinance.
Sess. 7, No. 7.	Prison Ordinance
Sess. 7, No. 17.	Cattle Trespass Ordinance.
Sess. 7, No. 18.	Arms Ordinance.
Sess. 7, No. 21.	Lunatics' Ordinance.
Sess. 8, No. 2.	Gunpowder Ordnance.
Sess. 8, No. 3.	Sale of Spirits Ordinance
Sess. 8, No. 5.	Slaughter House, Ordinance.
Sess. 8, No. 6.	Impounding Ordinance.
Sess. 8, No. 9.	Registration Ordinance.
Sess. 8, No. 12.	Footpath Ordinance.

Provincial Council of New Munster.

Sess. 1, No. 4.	Scab Ordinance.
Sess. 1, No. 7.	Town Roads and Streets Ordinance.
Sess. 1, No. 9.	Constabulary Force Ordinance.
Sess. 1, No. 10.	Country Roads Ordinance.
Sess. 1, No. 11.	Dog Nuisance Ordinance.

PROVINCE OF NELSON.

EDUCATION.

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

SESSION II., No. 6.

AN ORDINANCE TO AUTHORISE THE SUPERINTENDENT TO APPOINT A COMMISSION, TO INQUIRE INTO AND CONSIDER WHAT SYSTEM OF EDUCATION SHOULD BE ADOPTED FOR THE PROVINCE.

ANALYSIS.

Title.
Preamble.
1. Power to Superintendent to appoint an Education Commission.
2. In case of death or removal of a Commissioner, Superintendent may appoint another in his stead.

"*An Ordinance to authorise the Superintendent to appoint a Commission, to inquire into and consider what system of Education should be adopted for the Province.*" Title.

WHEREAS it is expedient that an inquiry should be instituted, as to the system of education best adapted to the requirements of the Province, and for that purpose that a commission should be appointed: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows: Preamble.

Power to Superintendent to appoint an Education Commission.

1. The Superintendent shall appoint any number of persons, not being less than three, nor more than five, to be a Commission for the purpose of inquiring into and considering the several systems of education pursued in various countries, and reporting, before the next Session of the Provincial Council, upon such a system as they may consider it expedient to establish within the Province, as best adapted to promote the intellectual development of the rising generation of the Province, and to secure its prosperity and progress.

In case of death or removal of a Commissioner, Superintendent may appoint another in his stead.

2. If any of the Commissioners shall die, resign, or become (from absence or any other cause) incapable of acting in the Commission, the Superintendent shall appoint another or others in his or their stead.

DONALD SINCLAIR,

Speaker.

Passed the Provincial Council, this Nineteenth day of January, 1855.

GEORGE WHITE, *Clerk of the Council.*

I assent to this Ordinance on behalf of the Governor of New Zealand, this Fifth day of February, in the year of our Lord One thousand eight hundred and fifty-five.

E. W. STAFFORD,

Superintendent.

PROVINCE OF NELSON.

EDUCATION.

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

SESSION III., No. 2.

AN ACT TO PROMOTE EDUCATION IN THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. The Superintendent may constitute Educational Districts.
2. Rates to be levied.
3. Rate-payers to pay their Rates at Places appointed for that purpose.
4. Local Committees to be elected.
5. Local Committees to appoint Teachers, &c.
6. Central Board of Education.
7. Central Board may constitute New Districts.
8. Central Board to distribute Moneys, &c., and to superintend proceedings of Local Committees.
9. Central Board may erect Schools, &c.
10. Teachers may be appointed.
11. Central Board may examine Candidates for the office of Master or Teacher.
12. Secretary and Collectors to be appointed.
13. Central Board may make By-laws.
14. Schools to be open to all Children.
15. Religious Instruction not to be of controversial character.
16. Evening Schools may be established for young persons above Twelve Years of Age.
17. Schools to be open to Inspectors.
18. All Moneys to be paid to Provincial Treasurer, and appropriated by Central Board.
19. Central Board may sue and be sued in the Name of the Secretary, &c.
20. Accounts to be kept and audited
21. Central Board to transmit Half-Yearly Reports to Superintendent.
22. Exemption of Natives from the payment of Rates.
23. Short Title.

THIS Act is repealed by "The Education Act, 1863," Session X., No. 6.

PROVINCE OF NELSON.

EDUCATION AMENDMENT ACT.

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

SESSION V., No. 9.

AN ACT TO AMEND "AN ACT TO PROMOTE EDUCATION IN THE PROVINCE OF NELSON."

ANALYSIS.

Title.
Preamble.
1. Sections 2, 3, 6, 12, and 19 of recited Act repealed.
2. Rates to be levied.
3. Ratepayers to pay their Rates at places appointed for that purpose by the Superintendent.
4. Formation of Central Board.
5. How Vacancies occur, and in what manner the same to be filled up in Local Committees
6. Rates may be sued for in the name of the Central Board.
7. Appointment and payment of Secretary.
8. Ratepayers of any one District contributing not less than £50 to the Rates, under certain conditions, capable of forming separate Schools.
9. Sections 2, 3, 4, 5, 6, 7, and 8 to be construed as part of recited Act.
10. Central Board to be a Body Corporate.
11. Lands vested in Central Board not to be alienated for more than fourteen years, except as herein provided.
12. Short Title.

THIS Act is repealed by "The Education Act, 1863," Session X., No. 6.

PROVINCE OF NELSON.

EDUCATION AMENDMENT ACT.

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

SESSION IX., No. 3.

AN ACT TO FURTHER AMEND "THE EDUCATION ACT, 1856."

ANALYSIS.

Title.
Preamble.
1. Superintendent may appoint Local Boards for Districts omitting to elect Boards, &c.
2. Act construed as part of the recited Act.
3. Short Title.

THIS Act is repealed by "The Education Act, 1863," Session X., No. 6.

PROVINCE OF NELSON.

EDUCATION ACT.

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

SESSION X., No. 6.

AN ACT TO REPEAL THE EDUCATION ACTS AND TO MAKE OTHER PROVISIONS IN LIEU THEREOF.

ANALYSIS.

Title.
Preamble.
1. Former Acts repealed.
2. Educational Districts to be constituted.
3. Local Committees to be elected.
4. First election of Committee.
5. Election of Local Committees for new Districts.
6. Half of Local Committee to retire annually.
7. Members not attending, seats to become vacant.
8. Election to fill Vacancies.
9. Vacancies to be filled up.
10. Superintendent may appoint Committees for Districts omitting to elect Committees.
11. Accounts to be sent to Central Board.
12. Rates to be levied.
13. Rate Collectors to be appointed.
14. Local Committees may excuse persons unable to pay Rates.
15. Rates may be sued for in the name of the Central Board.
16. Special Rates may be levied in certain cases.
17. Special Rates may be recovered or excused in the same manner as ordinary Rates.
18. Special rates to be expended by Local Committees of the district.
19. All Monies to be paid to Provincial Treasurer and appropriated by Central Board.
20. To be a Central Board.
21. How long Central Board to continue in office.

22. Local Committees may revoke appointments of Members of Central Board.
23. Central Board to be a body corporate.
24. Lands vested in Board not to be alienated for more than fourteen years except as herein provided.
25. Property to be vested in new Central Board when constituted.
26. Accounts to be kept and audited
27. CentralBoard to transmit yearly reports to Superintendent.
28. Secretary and Inspector may be appointed.
29. Central Board may constitute new Districts.
30. Central Board to distribute Moneys among District Schools.
31. Central Board may erect Schools, &c.
32. Teachers may be appointed.
33. Central Board may examine Candidate for the office of Master or Teacher.
34. Teachers may be removed.
35. Central Board may make By-laws.
36. Schools to be open to all Children.
37. Religious Instruction not to be of controversial character.
38. Rates to be paid over to Committee appointed by Ratepayers in certain cases.
39. Evening Schools may be established for persons above Twelve Years of Age.
40. Schools to be open to Inspector.
41. Exemption of Natives from payment of Rates.
42. When to come into operation.
43. Short Title.

"*An Act to repeal the Education Acts and to make other provisions in lieu thereof.*" Title.

[Assented to 7th August, 1863.]

WHEREAS an Act was passed by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, in Session III., No. 2, intituled "The Education Act, 1856," and another Act was also passed in Session V., No. 9, intituled "The Education Amendment Act, 1858," and another Act was also passed in Session IX., No. 3, intituled "The Education Amendment Act, 1862:" And whereas it is expedient that the said Acts should be repealed, and other provisions made in lieu thereof: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. The said recited Acts shall be and the same are repealed: Provided always that nothing herein contained shall prevent the collecting or recovering of any rates imposed under the authority of the said recited Acts, or either of them, but that such rates, or so much thereof as are in arrear, may be collected and recovered in the same manner as if this Act had not been passed. Former Acts repealed.

Educational Districts to be constituted.

2. For the purposes of this Act, Educational Districts shall be constituted within this Province, and all Educational Districts already established shall be deemed to be constituted under this Act.

Local Committees to be elected.

3. In every Educational District constituted under this Act, there shall be a Local Committee consisting of six householders, any three of whom shall be a quorum, with power to appoint teachers, prescribe the general course of instruction, discipline, and to superintend the working of the schools in the district: Provided always, that it shall be lawful for the Central Board to increase the number of the Local Committee in any district to eight, if it shall think it expedient so to do.

First election of Committee.

4. The householders in each Educational District, established before the passing of this Act, shall on a day in the month of June, One thousand eight hundred and sixty-four, at a time and place in each district, to be fixed for that purpose by the Superintendent, elect six householders, to form the Local Committee for such district.

Election of Local Committees for new Districts.

5. Whenever any new district shall be established after the passing of this Act, the householders in every such district shall, on a day and at a place to be fixed for that purpose by the Superintendent, elect six householders to form the Local Committee for such district.

Half of Local Committee to retire annually

6. One-half of the members of every Local Committee shall retire annually; the members retiring at the end of the first year shall be determined by each Committee by ballot, and in every subsequent year the members shall retire who shall have served longest upon such Committee without re-election; and all retiring members shall be eligible for re-election.

Members not attending, Seats to become vacant.

7. Any member of the Local Committee who shall absent himself from the meetings of such Committee without leave, for three successive months, shall cease to be a member of the Committee.

Election to fill Vacancies.

8. An election of members to fill up the vacancies in the Local Committee shall take place during the second week of the month of June in each year, at a time and place to be fixed by the Superintendent as aforesaid.

Vacancies to be filled up.

9. Whenever two vacancies shall occur in any Local Committee, such Committee shall signify the same to the Superintendent, who shall, as soon as conveniently may be, summon a meeting of the ratepayers of the district for the purpose of electing persons to fill such vacancies, and any member who shall be so elected shall hold office so long only as the person in whose stead he shall have been elected, would have been entitled to retain such office.

10. In case the voters in any district shall at any meeting called for that purpose neglect or omit to elect a Local Committee, or to fill up the vacancies therein, as the case may be, or in case no meeting shall be held, it shall be lawful for the Superintendent to appoint a Committee for the district, or to fill up the vacancies therein from the voters of the district and such Committee shall have the same powers and authorities as if it had been elected by the voters of the district.

Superintendent may appoint Committees for Districts omitting to elect Committees.

11. Accounts in detail of the expenditure of all moneys received by the Local Committee for each district, certified as correct by the chairman and two members of the Local Committee for the district, shall be annually sent to the Central Board of Education, and a copy of such account shall at each annual election be fixed in some conspicuous part of the room or place in which such election shall take place.

Accounts to be sent to Central Board.

12. For raising the necessary funds for establishing and maintaining districts schools and for otherwise carrying out the provisions of this Act, there shall be levied yearly upon every householder in each district constituted under the authority of this Act, a uniform rate of Twenty shillings and a further sum of Five shillings for every child of such householder between the ages of five and fourteen years: Provided always that no person shall be liable to pay for more than four children, nor for any child residing more than three miles from any school established under this Act, nor for any child attending any school not so established in respect of whom such person shall produce to the Collector, a certificate signed by the teacher of such last mentioned school, showing that such child has attended such school for three months previous to the levying of the rate.

Rates to be levied.

13. The rate shall be paid by the person liable to the payment thereof to some person or persons appointed by the Superintendent for that purpose, on a day and at a place to be fixed by the Superintendent, by public notice in some newspaper published or generally circulated in the Province, not being less than twenty-one days from the time of giving such notice, nor less than nine months from the previous day so appointed for the collection of the rate, 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 or Justices of the Peace.

Rate Collectors to be appointed.

14. Provided always that it shall be lawful for the Local Committees for the district to excuse any person from the payment of such rate who may be deemed unable through poverty to pay the same, by furnishing the Superintendent with a list

Local Committees may excuse persons unable to pay Rates.

of persons so excused, before any legal proceedings are taken for compelling payment of the same.

Rates may be sued for in the name of the Central Board.

15. All rates in arrear may be sued for in the name of the Central Board of Education, and it shall be lawful where the amount for which any householder may be liable is unknown to the Collector to sue for the full sum of Two pounds, and the proof that any person is not liable to pay the same shall rest with such person.

Special Rates may be levied in certain cases

16. Whenever two-thirds of the householders in any district or part of a district liable to be rated as hereinbefore provided, shall by memorial request the Superintendent to cause to be levied in such district, or part of a district, a special rate for the purposes of erecting a school or paying teachers, it shall be lawful for the Superintendent to cause to be levied a special rate upon all householders being parents of children between the age of five and fourteen in the district or part of a district, as the case may be, not exceeding in amount the rate hereinbefore authorised to be levied, such special rate shall be levied only upon those persons who are liable to the ordinary rate for children, and shall be paid at the same time and to the same person as the ordinary rates. And whenever any such special rate shall be specified to be for the payment of the salary of any teacher the same shall be levied annually, until two-thirds of the ratepayers in such district or part of a district shall present a memorial to the Superintendent requesting him to discontinue such special rate.

Special Rates may be recovered or excused in the same manner as ordinary Rates.

17. Any such special rates in arrear may be recovered in the same manner, and the Local Committee for each district shall have the same power of excusing persons from the payment of such special rates as hereinbefore provided for ordinary rates.

Special Rates to be expended by Local Committee of the District.

18. All moneys raised by special rates shall be expended by the Local Committees for the district in which the same shall be levied upon the objects specified in the memorial, in accordance with the principles and provisions of this Act: Provided always that if it shall at any time appear to the Central Board of Education that any such Committee is about to expend or has expended any of the said moneys in a manner inconsistent with the principles and provisions of this Act, it shall be lawful for the Central Board to withhold from such Committee any sum or sums of money at its disposal which it would otherwise have paid to such Committee.

19. All moneys levied or received under the authority of this Act shall be paid to the Treasurer of the Province, to be appropriated by the Central Board in carrying out the provision of this Act except as is otherwise hereinafter provided, and the said Board may issue their warrants, to be signed by the Chairman for the time being and any two members thereof, and countersigned by the Secretary) for any sum not exceeding the sum liable at the time to be appropriated by the Central Board.

All moneys to be paid to Provincial Treasurer, and appropriated by Central Board.

20. There shall be a Central Board of Education for the Province, which shall consist of one person to be elected annually by each of the Local Committees, and one person to be appointed by the Superintendent who shall be a member of the Executive Council of the Province, any four of whom shall be a quorum and such Board shall continue in office until a new Board shall be elected.

To be a Central Board.

21. The Central Board shall continue in office until the first Thursday in July in each year, on which day, at noon, the newly elected Board shall meet and the old Board shall then deliver over to its successor all books, papers, accounts, and balances of money in its possession.

How long Central Board to continue in office.

22. Every Local Committee shall have power at any time to revoke the appointment made by such Board, of the member of a Central Board, and to appoint another member in his place.

Local Committees may revoke appointments of Members of Central Board

23. The Central Board of Education established under the authority of this Act and their successors, shall be deemed and taken to be a body corporate, and shall take and bear the name of "The Central Board of Education for the Province of Nelson," and by that name shall have perpetual succession, and shall have power to purchase and hold such lands and tenements as may be deemed necessary for the purposes of this Act.

Central Board to be a Body Corporate.

24. All lands and tenements purchased by the Central Board of Education, or which may become vested in them, shall be held upon trust with full power and authority to dispose of and manage the same for the purposes of this Act: Provided always that no such lands or tenements shall be alienated by way of sale or mortgage, nor by lease for any longer term than fourteen years, except under the authority of an Act of the Provincial Council of the said Province to be passed in that behalf, nor except by deed signed by at least four members of the Central Board, and sealed with the seal of the Board.

Lands vested in Board not to to be alienated for more than Fourteen Years, except as herein provided.

Property to be vested in new Central Board when constituted.

25. All lands, tenements, and other property now vested in the Central Board of Education already established, shall become vested in the Central Board of Education to be constituted under the authority of this Act, as soon as such last mentioned Board shall be constituted.

Accounts to be kept and audited.

26. The Central Board shall, in books to be kept for that purpose, enter true accounts 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, and all accounts with all vouchers and papers relating thereto, together with a full abstract or balance-sheet thereof, signed by three at least of the members of the Board, shall at the end of each year be audited by the Provincial Auditor, and a copy of such abstract or balance-sheet, shall, when audited be published by the Central Board in some newspaper circulated within the Province.

Central Board to transmit Yearly Reports to Superintendent.

27. It shall be the duty of the Central Board to prepare yearly reports showing the condition of the Province as regards education, setting forth the number of existing schools, the number of scholars attending these, the course of instruction pursued by them, and all other such matters as may seem to be of interest and desirable to communicate. And such reports shall be transmitted to the Superintendent of the Province as soon as conveniently may be, and also to the Speaker of the Provincial Council to be by him laid on the table of the Council at the Session next ensuing.

Secretary and Inspector may be appointed.

28. The Central Board shall have power from time to time to appoint a Secretary and an Inspector of Schools, and to pay such Secretary and Inspector such reasonable remuneration as as they may think fit, and at any time to remove such Secretary and Inspector.

Central Board may constitute new Districts.

29. The Central Board shall have power from time to time to constitute new Educational Districts, and to alter the boundaries of any Educational Districts.

Central Board to distribute moneys, among District Schools.

30. The Central Board shall have power to distribute among the district schools all ordinary rates levied under the authority of this Act, and moneys voted by the Provincial Council for educational purposes (unless it shall be otherwise specified in such vote), and also any sums which may from time to time accrue from any lands reserved for the purposes of general education.

Central Board may erect Schools, &c.

31. The Central Board shall also have power to erect and maintain schools and to provide books for the scholars gratuitously, or at cost price, and also maps and other requisites for

the use of the schools, and to erect and keep in repair dwelling-houses for the teachers, and to pay the teachers such salaries as the Board shall deem fit, and in the event of any Local Committee neglecting or refusing to appoint a teacher in any Educational District the said Board may appoint such teacher, and make such other provisions as they may think necessary for the maintainance of such schools, but the Central Board shall in no case be required to supply funds or to pay the salary of any teacher or teachers that may not be discharging their duties in strict compliance with the provisions of this Act.

Teachers may be appointed.

32. It shall be lawful for the said Board upon such terms and conditions as they shall think fit to provide teachers for any parts of the Province not included within Educational Districts.

Central Board may examine Candidate for the office of Master or Teacher.

33. The Central Board or their Inspector shall have power to examine any person who shall be a candidate for the office of master or teacher of any school established under this Act, and to grant a certificate of competency to any person whom they shall deem competent to fill such office : Provided always that no person shall receive such certificate against whose moral character there shall be any proved cause of complaint, and no person shall be appointed or act as master or teacher of any school established under this Act unless he shall hold such certificate.

Teachers may be removed.

34. The Central Board shall also have power to cancel teachers' certificates, or remove any teacher against whose moral character any complaint shall be proved.

Central Board may make By-laws.

35. It shall be lawful for the Central Board to make rules for regulating the meetings and proceedings of the Board not inconsistent with the provisions of this Act.

Schools to be open to all Children.

36. All schools maintained wholly or in part by rates levied under this Act shall be open to all children not being under five years of age, but it shall be lawful for the teachers of such schools to expel or forbid the attendance of any child for want of cleanliness, or who may be likely to communicate any contagious disease, or who from gross misconduct or incorrigible disobedience may be considered an injurious or dangerous example to the other scholars, the parents of such child having a right to appeal first to the Local Committee and finally to the Central Board.

Religious Instruction not to be of controversial character.

37. Any religious instruction given in such schools shall be free from all controversial character, and shall be imparted at such fixed and previously stated hours, that any parents objecting thereto may be able to withdraw their children from the school at the time when it is given.

Rates to be paid over to Committee appointed by Ratepayers in certain cases.

38. Whenever any school shall have been established in any Educational District, and any number of ratepayers resident in such district, contributing not less than Fifty pounds per annum to the rates levied under this Act in such district, shall have appointed a Committee of five persons for the management of a school, and provided a sufficient school-room to the satisfaction of the Central Board, and shall signify in writing to the Central Board their desire to be constituted into a separate body for educational purposes, it shall be the duty of the Central Board from time to time to pay over to the Committee for the time being the amount to be thereafter contributed by such ratepayers in such district, after deducting the expenses incurred in collecting the same, and it shall be lawful for the Central Board to grant such additional aid in books, school apparatus, and money as to the Central Board shall seem expedient: Provided always, that every such school shall be open to all children between the ages of five and fourteen years without fee or payment, and to inspection in the same manner as other schools established under this Act, and any religious instruction given in such school shall be imparted at such hours that parents objecting thereto may be able to withdraw their children from the school at the time when it is given, and no such rates or grants shall be paid over to the Committee as aforesaid unless secular instruction shall be imparted in such school to the satisfaction of the Central Board.

Evening Schools may be established for young persons above Twelve Years of age.

39. To provide for the education of young people of more advanced age every master shall be required to open an evening school, whenever not fewer than six pupils above twelve years offer themselves. But at such evening schools it shall be lawful for the master to charge a moderate fee for his attention to such pupils, subject to the approval of the Local Committee.

Schools to be open to Inspectors.

40. All schools supported wholly or in part by rates levied under this Act, or receiving pecuniary aid from the Provincial Government, or from the proceeds of lands reserved as aforesaid, shall be open at all times to the visits of parents of children attending the same, and to the inspection of any member of the Local Committee, or Central Board, or Inspector of Schools.

Exemption of Natives from the payment of Rates.

41. Nothing in this Act shall apply to any aboriginal native of New Zealand

When to come into operation.

42. This Act shall come into operation on the First day of June, 1864.

Short Title.

43. This Act shall be intituled and may be cited as "The Education Act, 1863."

PROVINCE OF NELSON.

EDUCATION LOAN ACT.

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

SESSION V., No. 2.

AN ACT TO AUTHORISE THE SUPERINTENDENT TO BORROW THE SUM OF THREE THOUSAND POUNDS, TO BE APPROPRIATED BY THE CENTRAL BOARD OF EDUCATION TO THE ERECTION OF SCHOOLS AND SCHOOL-HOUSES.

ANALYSIS.

Title.
Preamble.
1. Superintendent may borrow Three thousand pounds, upon Public Revenue of the Province.
2. Money borrowed to be paid to the Central Board of Education, for erecting Schools, &c.
3. Short Title.

Title. "*An Act to authorise the Superintendent to borrow the sum of Three thousand pounds, to be appropriated by the Central Board of Education to the erection of Schools and School-houses.*"

[Assented to 22nd February, 1858.]

Preamble. WHEREAS a Central Board of Education has been established under the authority of an Act passed by the Superintendent

and Provincial Council of the Province of Nelson, in Session III., Number 2, intituled the "Education Act, 1856:" And whereas, to enable the said Central Board to carry out the provisions of the said Act, it is desirable that a sum of Three thousand pounds should be placed at its disposal, for the purpose of erecting schools and school-houses: And whereas the Trustees elected under the provisions of an Act passed by the General Assembly of New Zealand, in Session II., Number 4, intituled "The Nelson Trust Funds Act, 1854," have consented to advance and lend to the Superintendent, for the purposes aforesaid, the sum of Three thousand pounds, upon having the repayment thereof secured upon the public revenue of the Province: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:

Superintendent may borrow Three thousand pounds upon Public Revenue of the Province.

1. It shall be lawful for the Superintendent of the Province of Nelson to borrow from the Trustees of the Nelson Trust Funds any sum or sums of money not exceeding in the whole the sum of Three thousand pounds; and the money so advanced shall be repaid by twenty equal annual instalments without interest, and shall be charged upon the public revenue of the Province which may be subject to the direction and appropriation of the Provincial Council thereof.

Money borrowed to be paid to the Central Board of Education for erecting Schools, &c.

2. Every sum of money borrowed under the authority of this Act shall be secured by an instrument in the form set forth in the Schedule hereunto annexed, or to the like effect, and shall be signed by the Superintendent, and by at least two members of his Executive Council; and every sum of money so borrowed shall be paid by the Superintendent to the Central Board of Education, and shall be appropriated by them to the erection of schools and school-houses, and to the purchase of sites for the same.

Short Title.

3. This Act shall be termed and may be cited as "The Education Loan Act, 1858."

SCHEDULE.

I, Superintendent of the Province of Nelson, in the Colony of New Zealand, acting under and by virtue of the provisions of an Act passed the Provincial Council of the said Province, in Session V., number 2, intituled "The Education Loan Act, 1858," have borrowed and taken up for the purposes mentioned in the said Act the sum of pounds, which the Trustees

of the Nelson Trust Funds have advanced and lent; and I do hereby charge the public revenue of the Province of Nelson which may be subject to the direction and appropriation of the Provincial Council thereof with the payment of the said sum of pounds unto the said Trustees, their Successors, or Assigns, by twenty equal instalments, on the day of in each year; the first of such instalments, amounting to the sum of to be paid on the day of One thousand eight hundred and

In Witness whereof I have hereunto subscribed my name and affixed the seal of the said Province, this day of One thousand eight hundred and Fifty

PROVINCE OF NELSON.

FENCING.

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

SESSION I., No. 7.

AN ORDINANCE TO REPEAL "THE FENCING ORDINANCE," AND TO MAKE OTHER PROVISIONS IN LIEU THEREOF.

ANALYSIS.

Title.
Preamble.
1. Recited Ordinance repealed.
2. Persons making dividing Fence may make Ditch, &c., on adjoining land.
3. Half the cost of dividing Fence to be paid by Occupier of adjoining land.
4. And to be recoverable in a summary way.
5. Half the cost of repairing dividing Fence, &c., to be paid by adjoining Occupier.
6. Limitation of amount to be recovered.
7. Fences described in the Schedule to be deemed sufficient Fences.

THIS Act is repealed by "The Fencing Act, 1862," Session IX., No. 6.

PROVINCE OF NELSON.

FENCING AMENDMENT ACT.

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

SESSION IX., No. 6.

AN ACT TO REPEAL "THE FENCING ORDINANCE," AND TO MAKE OTHER PROVISIONS IN LIEU THEREOF.

ANALYSIS.

Title.
Preamble.
1. Recited Ordinance repealed.
2. Persons making dividing Fence may make Ditch, &c., upon adjoining land.
3. No Ditch to be taken out of Road in certain cases.
4. Half the cost of dividing Fence to be paid by Occupier of adjoining land.
5. And to be recoverable in a summary manner.
6. Half cost of repairing dividing Fence to be paid by Occupier of adjoining land.
7. Limitation of amount to be recovered.
8. Occupier may go upon adjoining land to trim Fences.
9. Act not to affect agreements between Owners, &c., relative to maintaining Fences, &c.
10. What are to be deemed sufficient Fences.
11. Short Title.
Schedule.

"*An Act to repeal 'The Fencing Ordinance,' and to make other provisions in lieu thereof.*" Title.

[Assented to 15th July, 1862.]

WHEREAS an Ordinance was passed by the Superintendent and Provincial Council of the Province of Nelson, in Session I., Preamble.

No. 7, intituled "An Ordinance to repeal the Fencing Ordinance, and to make other provisions in lieu thereof." And whereas it is expedient that the said Ordinance should be repealed, and other provisions made in that behalf: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Recited Ordinance repealed

1. The said recited Ordinance shall be and the same is hereby repealed.

Persons making dividing Fence may make Ditch, &c., upon adjoining land.

2. It shall be lawful for the owner or occupier of any land not being within the limits of any city or town, in making a fence dividing his land from the land adjoining thereto, to make a ditch not exceeding four feet in width, except where such ditch shall pass through land of a swampy character, then not exceeding six feet in width, in such adjoining land, and to throw the soil taken therefrom upon his own land to form a bank; and if the person making such dividing fence shall make the ditch upon his own land it shall be lawful for such person to make the bank and to erect posts and rails and to plant a live fence upon such adjoining land: Provided always that it shall not be lawful to disturb or injure any live white thorn hedge growing upon such adjoining land without the consent of the owner or occupier thereof first had and obtained: Provided also that the ditch shall always be taken out of that land which is highest in point of level, unless with the consent of the owner and occupier of the adjoining land.

No Ditch to be taken out of Road in certain cases.

3. Provided always that no ditch shall be taken out of any public road nor any bank erected thereon, unless such road shall be at least fifty feet in width, nor unless the Road Board in any district where there shall be a Road Board, and where there shall be no Road Board then the Provincial Engineer, shall have first authorised the same.

Half the cost of dividing Fence to be paid by Occupier of adjoining land.

4. If any person shall heretofore have erected and made, or shall hereafter erect or make any ditch, bank, or other sufficient fence, dividing his land from the land adjoining thereto, and the occupier of the adjoining land shall in any way avail himself of such dividing fence or any part thereof, whether in enclosing the land occupied by him or otherwise, he shall be liable to pay to the person by whom such dividing fence was erected or made, one-half of the then value of so much of such dividing fence as shall be available as a fence to such adjoining land.

And to be recoverable in a summary manner.

5. If any person liable to pay half of the value of such fence as aforesaid shall fail to pay the same within fourteen days after demand in writing by the person to whom the same shall

be payable, the amount payable in respect of such fence may be recovered in a summary manner before any two Justices of the Peace.

Half cost of repairing dividing Fence to be paid by Occupier of adjoining land

6. When any such dividing ditch, bank, or other fence shall require cleansing or repairing, or shall become insufficient, any occupier of land adjoining thereto (having given notice in writing to the other occupier of the land divided by such fence, or his or her agent in the said Province), may, on refusal or neglect of such last mentioned occupier for the space of one month to contribute to the repair thereof, cause the same to be cleared or repaired and made a sufficient fence, and shall thereupon be entitled to recover from such adjoining occupier one-half of the costs of cleansing or repairing such fence in a summary manner as aforesaid.

Limitation of amount to be recovered.

7. Provided always that no greater sum shall be recovered under the provisions of this Act in respect of the half cost of making or repairing of any such fence than the sum of Sixteen shillings per chain in country districts and Twenty shillings per chain in any city or town for the whole length of fence so made or repaired: Provided also, that no such sum shall be recovered in any case for the making of any fence unless the person making the same shall have given one calendar month's notice, in writing, to the occupier of the adjoining land of such his intention, when the adjoining land shall be occupied.

Occupier may go upon adjoining land to trim Fences

8. Whenever the occupier of any land adjoining any dividing live fence shall neglect to keep his side of the same properly trimmed, to the obvious injury of the adjoining occupier, it shall be lawful for the occupier of the other land adjoining thereto, at proper seasons for that purpose (not to exceed twice in the year), after having given ten days' notice in writing to the other occupier, to go upon such adjoining land for the purpose of trimming such dividing fence without being deemed a trespasser. The expenses incurred to be recovered before any two Justices of the Peace.

Act not to affect agreements between Owners &c., relative to maintaining Fences,&c.

9. Nothing in this Act shall affect or interfere with any agreement in writing made between the owners or occupiers of adjoining lands relative to the making or maintaining of any fence or to the digging or keeping clean any ditch dividing such lands.

What are to be deemed sufficient Fences.

10. In the construction of this Act the term "sufficient fence" shall be taken to include all substantial fences of the description specified in the schedule hereunto annexed, and any fence, whether quick or otherwise, or any barrier of any description which from its height, strength, and character,

shall be proved to be as effective as any of the fences specified in the schedule; and the word "occupier" shall be taken to include any person actually occupying any land whether under or by virtue of a legal title thereunto or otherwise.

Short Title. 11. This Act may be cited as "The Fencing Act, 1862."

SCHEDULE.

1. A ditch not less than four feet wide at the top and two feet deep, with bank, posts, and one rail not less than four feet in height from the top of the ditch: the rail not to be more than one foot from the top of the bank.
2. A ditch three feet wide at top by two in depth, with bank, posts, and two rails four feet high from the surface of the ground, the rails not to be more than ten inches apart.
3. Posts and three rails, the top of the upper rail to be four feet from the ground.
4. Paling fence four feet high.
5. Posts and two rails on the banks of streams, where the bank shall not be less than two feet high.

The Posts in the above mentioned fences are not to be more than nine feet apart, and the rails to be at least four inches wide.

PROVINCE OF NELSON.

FENCING ACT.

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

SESSION X., No. 3.

AN ACT TO MAKE PROVISION FOR FENCING LAND IN PASTORAL DISTRICTS.

ANALYSIS.

Title.
Preamble.
1. Recited Act repealed in proclaimed Districts.
2. Superintendent may constitute Districts.
3. Owners of adjoining lands to pay half expense of Fence.
4. Occupier of adjoining Land to contribute towards cost of maintaining Fence in certain cases.
5. Limit of amount.
6. Occupiers of lands separated by Roads, &c., to contribute in certain cases.
7. Owner or Occupier of Land not within limits of City or Town, making Fences, to enter adjoining Land, &c.
8. Half expense of boundary Fence to be paid by Occupier on each side.
9. Gates may be erected across Roads in certain cases.
10. When boundary of occupied land coincides with District boundary, present Act applicable to Fence erected along such boundary.
11. Short Title.

Title. "*An Act to make provision for Fencing Land in Pastoral Districts.*"

[Assented to 7th August, 1863.]

Preamble. WHEREAS, an Ordinance was passed by the Superintendent and Provincial Council of the Province of Nelson, in Session I., No. 7, intituled "An Ordinance to repeal the Fencing Ordinance, and to make other provisions in lieu thereof."

And whereas it is expedient that other provisions should be made for the fencing of land in Pastoral Districts.

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

Recited Act repealed in proclaimed Districts.

1. The above recited Act shall be and the same is hereby repealed so far as relates to any district to be constituted as hereinafter provided.

Superintendent may constitute Districts.

2. It shall be lawful for the Superintendent, with the advice and consent of his Executive Council, upon the request of a majority of the joint number of owners and occupiers of land in any district, by proclamation in the *Government Gazette*, from time to time to constitute and appoint one or more districts, consisting of the whole or any part or parts of the said Province in which this Act shall come into operation, and the limits of such district or districts from time to time to alter as occasion may require, and also, if he shall think fit, to revoke any such proclamation, and make such other provisions as he may think necessary for carrying into effect the provisions of this Act.

Owners of adjoining Lands to pay half expense of Fence.

3. Whenever the owner or occupier of any land in any district constituted under this Act, shall erect and make any sheep-proof fence dividing any part of such land from freehold land belonging to any other person, the owner of such freehold land shall contribute one-half of the cost of erecting such fence : Provided always, that any person intending to erect such fence, shall give the owner or occupier of the adjoining land three calendar months' notice in writing of such his intention.

Occupier of adjoining Land to contribute towards cost of maintaining Fence in certain cases.

4. Whenever the owner or occupier of any land in any such district as aforesaid, shall erect and make any sheep-proof fence dividing any part of such land from any adjoining land, not being freehold land, the occupier of such adjoining land shall pay annually, by way of interest, to the person erecting such fence, his heirs, executors, administrators, or assigns, a sum equal to Seven pounds, Ten shillings per cent. upon the cost of erecting such fence, until such adjoining land or some

portion thereof shall be sold; when he shall cease to pay interest upon the cost of the erection of that portion of the fence adjoining such sold land, and the purchaser thereof shall pay one-half the then value of the fence adjoining the land purchased by him, to the person erecting such fence, his heirs, executors, administrators, or assigns: Provided always that it shall be lawful for the occupier of the adjoining land to pay at any time the half of the then value of the fence.

Limit of amount.

5. No greater sum shall be recovered under this Act in respect of the half cost of making any fence, than the sum of Twenty-five shillings per chain, nor interest upon any larger sum.

Occupiers of Lands separated by Roads &c., to contribute in certain cases.

6. Whenever the owner or occupier of any land divided from any other occupied land by a public road or stream not being a sheep-proof boundary, shall have erected a sheep-proof fence along such road or stream, the occupier of such last mentioned land for the time being shall, so long as he shall make use of such fence, pay annually to the person erecting such fence, his heirs, executors, administrators, or assigns, a sum equal to Seven pounds ten shillings per cent. upon the cost of erecting such fence, or so much thereof as he shall make use of for the time being.

Owner or Occupier of Land not within limits of City or Town, making Fences, to enter adjoining Lands, &c.

7. It shall be lawful for the owner or occupier of any land not being within the limits of any city or town, in making a fence dividing his land from the land adjoining thereto, to enter with all necessary workmen and assistants upon the adjoining land, and to do all such acts there as are necessary for the erection of the fence, and to dig a ditch upon the adjoining land not exceeding four feet in width, except when such ditch shall pass through land of a swampy character, then not exceeding six feet, and to throw the soil therefrom upon his own land, or to dig the ditch out of his own land and throw the soil upon the adjoining land: Provided always that the ditch shall always be taken out of that land which is highest in point of level, unless with the consent of the owner and occupier of the adjoining land.

Half expense of boundary Fence to be paid by occupier on each side.

8. Whenever any boundary fence shall be out of repair, it shall be lawful for the owner or occupier of the land on either side of such fence to repair the same, and one-half of the expense so incurred shall be paid by the occupier of the adjoining land, where such land shall be occupied, and where there shall be no occupier, then by the owner thereof.

Gates may be erected across Roads in certain cases.

9. It shall be lawful for the owner or occupier of land within any district to be proclaimed under this Act, with the consent of the Road Board for the district where there shall be a Road

Board, and where there shall be no Road Board then with the consent in writing of the Commissioner of Crown Lands for the Province, to erect a proper gate across any road running through such land: Provided that such gate be not less than ten feet wide, and be hung upon hinges in a proper manner, and shall not be kept locked, and either the Commissioner or Road Board for the district shall have power at any time to withdraw such permission and to require such gate to be removed.

When boundary of occupied land coincides with district boundary present Act applicable &c.

10. In any district constituted under this Act whenever the boundary of any occupied land shall coincide with the boundary of the district, the provisions of the present Act shall apply to any fence which may be erected along the line of such boundary.

Short Title.

11. The Short Title of this Act shall be "The Pastoral Districts Fencing Act, 1863."

PROVINCE OF NELSON.

FINES AND FORFEITURES.

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

SESSION I., No. 4.

AN ORDINANCE TO MAKE ALL FINES, FORFEITURES, AND PENALTIES RECOVERABLE BY SUMMARY PROCEEDINGS WITHIN THE PROVINCE, PAYABLE TO THE TREASURER FOR THE PUBLIC USES OF THE PROVINCE.

ANALYSIS.

Title.
Preamble.
1. All Fines, &c., recovered under Summary Proceedings before Justices of the Peace, to be paid to the Provincial Treasurer.
2. Except Penalties to be sued for by any Commissioners of Customs, or directed to be paid to any Prosecutor, &c.

Title. "*An Ordinance to make all Fines, Forfeitures, and Penalties recoverable by Summary Proceedings within the Province, payable to the Treasurer for the public uses of the Province.*"

Preamble. WHEREAS, by various Ordinances passed by the Legislative Council of New Zealand and the Provincial Council of New Munster, certain fines, forfeitures, and penalties, are imposed for offences therein mentioned: And whereas, by an Ordinance passed in the Second Session of the Legislative Council, No. 5, intituled "An Ordinance to regulate Summary Proceedings before Justices of the Peace," it is enacted that all fines, forfeitures, and penalties should, unless provision be made to the contrary by the Ordinance imposing or authorising the same, be recovered in a summary way in manner thereinbefore prescribed, and be paid to the use of her Majesty, her heirs and successors, for the public uses of the Colony and the support of the Government thereof: And whereas it is expedient that all such fines, forfeitures, and penalties to be levied or received under any summary proceeding before Justices of the Peace or Resident Magistrates within the Province of Nelson, should be applied to the public uses of the Province and the support of the Government thereof: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof:—

All Fines, &c., recovered under Summary Proceedings before Justices of the Peace to be paid to Provincial Treasurer.

1. That all fines, forfeitures, and penalties to be henceforth levied, recovered, or received, in pursuance of any adjudication, conviction, or otherwise under any summary proceeding before any Justice or Justices of the Peace or Resident Magistrate within the Province of Nelson, shall be paid over to the Treasurer of the Province for the use of her Majesty, her heirs and successors, for the public uses of the said Province of Nelson and the support of the Government thereof.*

Except Penalties sued for by Commissioners of Customs, or directed to be paid to any Prosecutor.

2. Provided always, that nothing herein contained shall extend to any penalties or forfeitures recovered under any Act or Ordinance relating to the Customs or to Trade or Navigation, and sued for by the direction of the Commissioners of her Majesty's Customs, or to such part of any fines, penalties, or forfeitures as shall under or by virtue of any Ordinance, be directed to be paid to any Constable, Informer, or Prosecutor, or other person assisting in procuring any conviction.

* This Clause is materially qualified and affected by "The Ordinary Revenue Act, 1858," No. 33, of the General Assembly of New Zealand.

3. This Ordinance shall come into operation from and after the passing thereof.

Commencement of Ordinance.

E. W. STAFFORD,

Superintendent.

Passed the Provincial Council, on the Twenty-fourth day of December, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-seventh day of December, in the Year of our Lord One thousand eight hundred and fifty-three.

DONALD SINCLAIR,
Speaker.

GEORGE WHITE,
Clerk of the Council.

PROVINCE OF NELSON.

GORSE HEDGES ACT.

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

SESSION VIII., No. 2.

AN ACT TO PREVENT THE PLANTING OF GORSE HEDGES IN THE CITY OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Persons planting Gorse Hedges nextStreets liable to Penalty.
2. Gorse Hedges planted next Streets to be removed.
3. Gorse Hedges to be properly trimmed.
4. Penalty for not trimming same.
5. Nelson Board of Works to cause Hedges to be cut which may be growing on unoccupied Land, and recover expense of same.
6. Penalties to be recovered in a summary manner.
7. Short Title.

Title. "*An Act to prevent the planting of Gorse Hedges in the City of Nelson.*"

[Assented to 18th June, 1861.]

Preamble. BE it enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. Any person who, after the passing of this Act, shall plant or assist in planting any gorse or furze hedge adjoining to any road or street in the City of Nelson, shall for every such offence forfeit and pay any sum not exceeding Five pounds.

Persons planting Gorse Hedges next Streets liable to penalty.

2. If the occupier, or in case there shall be no occupier, then if the owner of any land upon which any such gorse or furze hedge shall have been planted after the passing of this Act shall fail or neglect to remove and destroy the same, after notice in writing so to do shall have been given to him or her, or his or her agent, or left at his or her place of abode by the Board of Works for the said City, for the space of fourteen days after service or delivery of such notice, it shall be lawful for the said Board to cause the same to be removed and destroyed, and the cost and expense of such removal shall be paid by such occupier or owner, as the case may be, or recovered in a summary manner.

Gorse Hedges planted next Streets to be removed.

3. The occupier for the time being of any land upon which any furze or gorse hedge shall be growing, at the time of the passing of this Act, adjoining any road or street in the City of Nelson, or in case there shall be no occupier, then the owner of such land shall once at least between the First day of January and the Thirtieth day of June, and once at least between the First day of July and the Thirty-first day of December in each year, cause every such hedge to be properly trimmed.

Gorse Hedges to be properly trimmed.

4. And in case any such occupier or owner, as the case may be, shall refuse or neglect to cause such hedge to be trimmed as aforesaid, such occupier or owner, as the case may be, shall for every such offence forfeit and pay any sum not exceeding Five pounds.

Penalty for not trimming same.

5. Whenever any gorse hedge growing upon any unoccupied land adjoining any road or street shall not be cut as hereinbefore provided, and the owner of such land shall be absent from the Province, it shall be lawful for the Board of Works for the said City to cause such hedge to be properly cut, and the expense of so doing may be recovered at any future time within six years from the owner or occupier of such land in a summary manner before any Resident Magistrate or two Justices of the Peace.

Nelson Board of Works to cause Hedges to be cut which may be growing on unoccupied land, and recover expense of same.

5. All penalties incurred under this Act may be recovered in a summary manner before any Resident Magistrate or any two Justices of the Peace.

Penalties to be recovered in a summary manner.

7. This Act shall be called and may be cited as the "Nelson Gorse Hedges Act, 1861."

Short Title.

PROVINCE OF NELSON.

GOVERNMENT WHARF ACT.

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

SESSION IX., No. 2.

AN ACT TO AUTHORISE THE SUPERINTENDENT TO LET THE GOVERNMENT WHARF AT THE PORT OF NELSON, AND TO MAKE PROVISION FOR THE MANAGEMENT OF THE SAME.

ANALYSIS.

Title.
Preamble.
1. Superintendent may make Rules, &c., for the management of Government Wharf.
2. Rules already issued authorised by this Act.
3. Penalties may be imposed for breach of Rules.
4. Rules to be posted up at Wharf,
5. Wharf may be Leased.
6. Penalties may be recovered in a summary manner.
7. Short Title.

Title. "*An Act to authorise the Superintendent to let the Government Wharf at the Port of Nelson, and to make provision for the management of the same.*"

[Assented to 28th June, 1862.]

Preamble. WHEREAS, a Wharf has recently been erected at the Port of Nelson by the Provincial Government, and it is expedient to authorise the Superintendent to let the same, and to make

rules and regulations for the management thereof: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. It shall be lawful for the Superintendent with the advice of his Executive Council, from time to time, to make all such rules and regulations as may be expedient for managing and protecting the said wharf, and the buildings and appurtenances thereto belonging, and fixing and levying the amount of tolls and dues to be taken thereat, the conducting of business and traffic thereon and on the approach thereto, and from time to time such rules and regulations to alter.

Superintendent may make Rules, &c., for the management of Government Wharf.

2. The rules and regulations already issued by the Superintendent shall be deemed to have been issued under the authority of this Act.

Rules already issued authorised by this Act.

3. It shall be lawful for the Superintendent, with such advice as aforesaid by any such regulations as aforesaid, to impose reasonable penalties not exceeding Five pounds for each breach of such regulations.

Penalties may be imposed for breach of rules

4. All regulations imposing any penalty for the breach thereof shall be painted or printed in legible characters, and posted in some conspicuous place at the approach to such wharf.

Rules to be posted up at Wharf.

5. It shall be lawful for the Superintendent, with such advice as aforesaid, from time to time to lease the said wharf, and tolls to be taken thereat, by public auction for any term not exceeding three years at one time, and at such rent, and on such conditions as he may think fit.

Wharf may be leased.

6. All penalties incurred under the authority of this Act may be recovered in a summary manner before any Justice of the Peace.

Penalties may be recovered in a summary manner.

7. This Act shall be termed and may be cited as the "Government Wharf Act, 1862."

Short Title.

PROVINCE OF NELSON.

HOSPITAL RESERVES ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 2.

AN ACT TO AUTHORISE THE SUPERINTENDENT TO SELL CERTAIN LANDS IN THE TOWN OF NELSON, HELD AS AN ENDOWMENT FOR HOSPITALS AND LUNATIC ASYLUMS, AND TO PURCHASE OTHER LANDS IN LIEU THEREOF.

ANALYSIS.

Title.
Preamble.
1. Superintendent may sell certain Lands granted as an Endowment for Hospitals and Lunatic Asylums.
2. And purchase other Lands.
3. Time when Act to come into operation.
4. Short Title.

Title. "*An Act to authorise the Superintendent to sell certain Lands in the Town of Nelson, held as an Endowment for Hospitals and Lunatic Asylums, and to purchase other Lands in lieu thereof.*"

[Assented to 21st June, 1859.]

Preamble. WHEREAS, by an Act passed by the General Assembly of New Zealand, intituled the "Public Reserves Act, 1854," it is, amongst other things, enacted that it should be lawful for the

Governor of New Zealand, with the advice of his Executive Council, at any time, and from time to time, after the passing of that Act, in the name and on behalf of her Majesty, to grant to the Superintendent of each Province in New Zealand, and his successors, all such estate and interest as her Majesty then had, or might have, in all or any of the lands within such Province, forming part of the demesne lands of the Crown, which should have been at any time theretofore, and then were, or might thereafter be, reserved or set apart for purposes of public utility within the said Province, except as therein mentioned: And it was further enacted, that every Superintendent of a Province in whom any such lands should become vested should hold the same upon trust for the public service of each Province, for the purposes specified in such grant, with as full power to dispose of and manage the same for such purposes as if the same were vested absolutely in such Superintendent, subject to the provisions thereinafter contained: And it was further enacted, that no lands so to be granted should be alienated by way of sale, 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 a certain Deed of Grant, bearing date on or about the Eleventh day of February, One thousand eight hundred and fifty-six, under the hand of Colonel Thomas Gore Brown, C.B., Governor of the Colony of New Zealand, and sealed with the public seal of the Colony, the said Governor, in the name and on behalf of her Majesty, with the advice of the Executive Council, did grant unto the Superintendent of the Province of Nelson, and his successors, all that piece or parcel of land, containing two acres, more or less, situated in the Town of Nelson, marked J on the plan drawn in the margin thereof, to hold the same in trust as an endowment for hospitals and lunatic asylums: And whereas, by an Act passed by the Provincial Council of the Province of Nelson, in Session III., number 5, intituled "An Act to authorise the Superintendent to sell and lease certain lands granted for public purposes in the town of Nelson," it is, amongst other things, enacted that it should be lawful for the Superintendent of the said Province, with the advice of his Executive Council, to sell and dispose of the piece or parcel of land hereinbefore described, and so granted to him as aforesaid, for such price or sum of money as to the said Superintendent and his Executive Council should seem proper, and to lay out and expend the money so to be received for the said land in the purchase of other lands in the said Province, to be conveyed to the Superintendent and his successors upon the same trusts and condi-

tions as the land thereinbefore authorised to be sold was vested in him: And whereas the Superintendent of the said Province, acting with the advice of his Executive Council, sold and disposed of the said piece or parcel of land hereinbefore described for the sum of Six hundred and twenty pounds: And whereas, by a certain deed, bearing date the Ninth day of September, One thousand eight hundred and fifty-six, made between Henry Seymour, of the Town of Nelson, Esquire, of the one part, and Edward William Stafford, Esquire, the Superintendent of the said Province, of the other part, in consideration of the sum of Six hundred and twenty pounds paid by the said Superintendent to the said Henry Seymour, he, the said Henry Seymour, did convey and assure unto the said Edward William Stafford and his successors, as Superintendents of the said Province of Nelson, all that allotment or parcel of land situated within the said Town of Nelson, containing two acres, more or less, being town sections numbered respectively 1,030 and 1,032 on the plan of the said Town; and also all that piece or parcel of land also situated within the said Town of Nelson, containing one acre, more or less, being town section numbered 1,028 on the plan of the said Town, and which said allotment and piece or parcel of land are more particularly delineated and described on the plan drawn in the margin thereof, to hold the same upon the same trusts and conditions as the land granted by the above-recited deed of grant was vested in the Superintendent of the said Province: Be it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof—

Superintendent may sell certain Lands granted as an Endowment for Hospitals and Lunatic Asylums;

1. That it shall be lawful for the Superintendent of the said Province, with the advice of his Executive Council, to sell and dispose of the allotments, pieces, or parcels of land lastly hereinbefore described, and so conveyed to him by the said Henry Seymour as aforesaid, for such price or sum of money as to the said Superintendent and his Executive Council shall seem proper.

and purchase other Lands.

2. It shall also be lawful for the Superintendent, with the advice of his Executive Council, to lay out and expend all or any part of the money so to be received for the said land hereinbefore authorised to be sold in the purchase of other lands in the said Province, to be conveyed to the Superintendent of the said Province and his successors, upon the same trusts and conditions as the land hereinbefore authorised to be sold was vested in him.

Time when Act to come into operation.

3. This Act shall not come into operation until the time in which it may be disallowed by the Governor shall have expired.

Short Title.

4. This Act shall be termed and may be cited as the "Hospital Reserves Act, 1859."

PROVINCE OF NELSON.

NELSON HOSPITAL ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 10.

AN ACT TO PROVIDE FOR THE MANAGEMENT OF THE NELSON HOSPITAL.

ANALYSIS.

Title.
Preamble.
1. Committee to be appointed for management of the Hospital.
2. New Committee to be appointed at first Session of Council.
3. Members of Committee removeable.
4. Causes by which Seat may be vacated.
5. When and how Vacancy to be filled up.
6. Committee to appoint and remove Officers.
7. Committee to control Expenditure and make Rules.
8. How Business of Committee to be transacted, &c.
9. Accounts to be examined, &c.

"*An Act to provide for the management of the Nelson Hospital.*" Title.

[Assented to 27th September, 1859.]

WHEREAS it is expedient to make provision for the management of the Hospital in the City of Nelson: Be it, therefore, enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

Committee to be appointed for management of the Hospital.

1. The management of the Hospital shall be vested in a Committee of three persons, one of whom shall from time to time be appointed by the Superintendent, and two by the Provincial Council, any two of whom shall be a quorum ; and every member of such Committee shall continue in office until his successor be appointed: Provided always, that any person so to be appointed, who shall practise as a medical practitioner, shall cease to be a member of the Committee.

New Committee to be appointed at first Session of Council.

2. Provided always, that, at the first Session of every Provincial Council, a Committee shall be appointed in manner hereinbefore provided; and every member of such Committee shall be eligible for re-appointment.

Members of Committee removable.

3. Provided also, that it shall be lawful for the Provincial Council at any time, by resolution to that effect, to remove any of the members of the Committee appointed by the Council.

Causes by which Seat may be vacated.

4. If any member shall refuse to act, or be absent from the Province for 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 member of the Committee.

When and how Vacancy to be filled up.

5. Should the death, absence, resignation, or otherwise, of either or both of the members of the Committee appointed by the Provincial Council take place during the period when the Council is not in Session, such vacancy or vacancies shall be filled up by the Speaker.

Committee to appoint and remove Officers.

6. It shall be lawful for the Committee, from time to time, to appoint and remove all medical officers, nurses, and other attendants at the Hospital.

Committee to control Expenditure and make Rules.

7. The Committee shall also control the expenditure of all sums of money applicable to the support of the Hospital, and may make such rules and regulations for the management of the Hospital as they may deem expedient.

How Business of Committee to be transacted, &c.

8. The business of the Committee shall be transacted at meetings, to be holden at such times, and may be adjourned in such manner, as the Committee shall appoint ; and a minute of every resolution agreed to at any such meeting shall be entered in a book to be kept for that purpose, and shall be signed by every member present.

Accounts to be examined, &c.

9. All accounts shall be examined and signed, by at least one member of the Committee, before the same are paid.

PROVINCE OF NELSON.

HACKNEY CARRIAGES ACT.

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

SESSION VII., No. 2.

AN ACT TO PROVIDE FOR LICENSING THE DRIVERS OF HACKNEY CARRIAGES IN THE CITY OF NELSON.

ANALYSIS.

Title.
Enacting Clause.
1. Drivers of Hackney Carriages to be Licensed.
2. Resident Magistrate to issue Licenses.
3. Licenses may be transferred.
4. When License to expire.
5. Carriages to have Name and Number thereon.
6. List of Names of Licensed Persons to be kept.
7. Hackney Carriages to carry Lights at Night.
8. Penalties, how recovered.
9. Interpretation.
10. Short Title.

"*An Act to provide for licensing the Drivers of Hackney Carriages in the City of Nelson.*" Title.

[Assented to 4th May, 1860.]

BE it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows :— Enacting Clause.

1. It shall not be lawful for any person to act as driver of any hackney carriage, within the City of Nelson, after the First day of July, in the year One thousand eight hundred and Drivers of Hackney Carriages to be licensed.

sixty, whether such person shall or shall not be the proprietor of such carriage, unless such person shall have a license so to do, issued under the authority of this Act, remaining in force; and every person who shall act as such driver without such license, shall, for every such offence, forfeit a sum not exceeding Five pounds: Provided always, that nothing herein contained shall subject to any penalty any unlicensed person who shall act as such driver as aforesaid for any time not exceeding twenty-four hours, upon proof being adduced to the satisfaction of the Justice before whom such driver shall be required to attend to answer for such offence, that the same was occasioned by unavoidable necessity.

Resident Magistrate to issue Licenses.

2. All licenses issued under this Act shall be issued by the Resident Magistrate, on payment of a fee of One pound: Provided that it shall be lawful for the Resident Magistrate, if he shall think proper, to refuse to grant such license, or to revoke any such license, in case it shall appear to him that the person applying for or in possession of such license is an unfit person to hold the same, by reason of his having been convicted of any theft or felony, or of his having been convicted of any assault or of drunkenness, or of any breach of the provisions of this Act.

Licenses may be transferred.

3. Whenever the owner of any hackney carriage shall have taken out any such license in the name of his servant, and such servant shall leave his service, it shall be lawful for the Resident Magistrate, if he shall think fit, on payment of a fee of One shilling, to transfer such license to some other person in the employ of such owner.

When License to expire.

4. Any license issued under the authority of this Act shall expire on the Thirtieth day of June in each year, and shall be deemed to be an authority only to the person named therein.

Carriages to have Name and Number thereon.

5. Every hackney carriage plying for hire shall have the name in full of the owner thereof, together with the number of such hackney carriage, in some conspicuous place thereon.

List of Names of Licensed Persons to be kept.

6. A list of the names of persons to whom licenses shall be issued under this Act for the then current year, shall be kept at the Police Office in the said City, and shall be open to inspection at any time within office hours.

Hackney Carriages to carry Lights at Night.

7. Any person who shall drive any such hackney carriage used for the conveyance of passengers by night, in the City of Nelson, without a proper light, shall for every such offence forfeit and pay a sum not exceeding Five pounds.

Penalties, how recovered.

8. All penalties incurred under this Act may be recovered in a summary manner before any Justice of the Peace.

9. For the purposes of this Act, the "night" shall be considered to commence at the expiration of the first hour after sunset and to conclude at the begining of the last hour before sunrise; and the words "hackney carriages" shall be interpreted to include every carriage or other vehicle which shall be used for the purpose of conveying passengers or goods for hire, from or to any place within the City of Nelson, to or from any place within or without the boundary of the said City, as defined as the Town of Nelson by "The Provincial Council Enlargement Act." Interpretation

10. This shall be termed and may be cited as the "Hackney Carriages Act, 1860." Short Title.

PROVINCE OF NELSON.

IMMIGRATION.

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

SESSION I., No. 8.

AN ORDINANCE TO APPOINT A BOARD OF COMMISSIONERS FOR THE MANAGEMENT OF IMMIGRATION.

ANALYSIS.

Title.
Preamble.
1. Board of Commissioners appointed.
2. Commissioners to apply Moneys for Immigration.
3. Superintendent to be Chairman of Board.
4. Questions to be decided by a Majority of Votes.
5. Commissioners to hold Monthly Meetings, &c.
6. Statement of Expenditure and Liabilities to be prepared for information of Provincial Council.
7. Commissioners may appoint Agents, &c.
8. And Secretary within the Province, &c.
9. Commissioners may borrow Money, &c.
10. All Money borrowed to be secured by Instruments in the form of the Schedule annexed.
11. Moneys to be paid into the hands of Treasurer.
12. Commissioners to issue Warrants.
13. Commissioners to enter Accounts in Books, &c., to be audited.
14. Seal to be used by Commissioners.
15. Commissioners may sue and be sued in the name of their Secretary.
16. Moneys advanced from Trust Funds to be a first charge on Revenue.
17. Commencement of Ordinance.

"*An Ordinance to appoint a Board of Commissioners for the management of Immigration.*"

WHEREAS it is desirable that an efficient system should be established for the introduction of laboring persons and their families into the Province of Nelson, and that a Board of Commissioners should be formed for the management of all matters pertaining to immigration: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. For the purpose of effecting the objects hereinbefore mentioned, the persons hereinafter specified shall be and are hereby appointed a Board of Commissioners, that is to say, his Honor the Superintendent of the said Province for the time being and the Executive Council of the Province for the time being, a majority of whom shall at any time form a quorum for the despatch of business. Board of Commissioners appointed.

2. All and every sum or sums of money voted by the Council of the Province for immigration purposes shall be applied from time to time in such manner as to the said Board of Commissioners shall seem most expedient. Commissioners to apply Moneys for Immigration.

3. The Superintendent of the Province shall be the Chairman of the said Board, and shall, when present, preside at all meetings of the Commissioners, and in his absence one of the other Commissioners, according to his precedence as a member of the Executive Council, shall preside. Superintendent to be Chairman of Board.

4. All questions proposed for the decision of any meeting shall be decided by a majority of votes of the Commissioners then present, provided that the Commissioner presiding at such meeting shall, in addition to his original vote, have also a casting vote, if upon any question the votes shall be equally divided. Questions to be decided by a majority of Votes.

5. The said Commissioners, or a quorum of them, shall once at least in every month hold a meeting for the despatch of business. Commissioners to hold Monthly Meetings, &c.

6. At the meeting held next before the commencement of any Session of the Provincial Council, there shall be framed a statement of the expenditure and liabilities made and entered into by the said Commissioners for the purpose of emigration, accompanied by any remarks which to the Commissioners may seem requisite; which said statement, signed by the Superintendent, shall be forwarded to the Speaker, to be laid before the said Council; and the said Commissioners shall publish the same in the *Government Gazette* of the Province. Statement of Expenditure and Liabilites to be prepared for information of the Provincial Council.

Commissioners may appoint Agents, &c.

7. The said Commissioners are hereby empowered from time to time to appoint such persons as they may think fit to be Emigration Agents, and to remove such Agents or any of them at their discretion, and to invest such Agents for the time being with such powers and authority as they may deem necessary for the purpose of carrying out the objects of this Ordinance.

And Secretary within the Province.

8. The said Commissioners are also hereby empowered to appoint from time to time some fit person to act as Secretary or Agent within the said Province, and to remove any such person at their discretion, and to allow to such Secretary or Agent such reasonable remuneration for his services as to the said Commissioners may seem fit.

Commissioners may borrow Money, &c.

9. It shall also be lawful for the said Commissioners from time to time, and they are hereby empowered, to borrow and take up, with or without interest, any sum or sums of money not exceeding the sum of Four thousand pounds (£4,000) in the whole as to the said Commissioners shall appear necessary and expedient for promoting immigration, and every such sum of money so borrowed shall be chargeable upon and payable out of the Public Revenue of the said Province which may be subject to the direction and appropriation of the Provincial Council: Provided always, that no agreement for the loan of any sum or sums of money to be borrowed under the authority of this Ordinance shall be made or binding, unless the Superintendent shall consent to the same.

All Money borrowed to be secured by Instruments in the form of the Schedule annexed.

10. All and every sum or sums of money borrowed under the authority of this Ordinance, and the interest thereof, shall be secured by an instrument in the form set forth in the Schedule to this Ordinance annexed, or to the like effect, and every such instrument (executed as hereinafter mentioned) shall be and the same is hereby declared to be effectual for securing the money therein expressed to be advanced, with interest thereon, to the person or persons advancing the same, on such terms as in and by such instrument shall be stipulated; and a copy of any such instrument shall be kept by the Secretary for the time being of the said Commissioners. And it shall be lawful any person or persons who shall be entitled to the money thereby secured, and for his, her, or their executors or administrators, or any subsequent holders, to transfer the same by endorsement on the back of any such instrument or instruments, upon giving notice in writing to the Secretary of the said Commissioners.

Moneys to be paid into the

11. The Treasurer of the Province for the time being shall be the Treasurer of the said Commissioners; and all moneys

received under the authority of this Ordinance shall be paid to to such Treasurer, to be appropriated by the said Commissioners in defraying the cost and expenses incurred in the exercise of the powers hereinbefore given to the said Board of Commissioners.

hands of Treasurer to be appropriated by Commissioners.

12. It shall be lawful for the said Commissioners or any three of them from time to time to issue their warrants for any sum or sums of money not exceeding the sum liable to be appropriated by the said Commissioners.

Commissioners to issue Warrants.

13. The said Commissioners shall, in books to be kept for that purpose, enter true accounts 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; and all accounts, with all vouchers and papers relating thereto, shall be audited in the same way as the public accounts of the Province.

Commissioners to enter Accounts, &c. in Books, to be audited.

14. The said Commissioners shall have and use a common seal, and all instruments to be made by them shall be sealed therewith, in the presence of three Commissioners at the least; and every instrument so sealed shall be as good and valid in all respects as if it had been executed and attested as by law required.

Seal to be used by Commissioners.

15. The said Commissioners for the time being may sue and be sued in the name of their Secretary, or of any one of such Commissioners for the time being, and Legal or Equitable Proceedings taken by or against the said Commissioners in the name of any one of them or their Secretary shall not abate or be discontinued by the death or removal of such Secretary or Commissioners, but the Secretary for the time being or any one of such Commissioners shall always be deemed to be the plaintiff or defendant, as the case may be, in any such proceedings: Provided always that the said Commissioners and their Secretary respectively shall in no case be personally liable, nor shall the private estate and effects of any of them be liable, for the payment of any moneys or costs or otherwise in respect of any contract which shall be made by them or any of them, or for any act, deed, or matter done or executed by them or any of them, in their or his official capacity, and on the public service.

Commissioners may sue and be sued in the name of their Secretary.

16. And whereas the Trustees appointed for the administration of certain Trust Funds, under and by virtue of an Act of the Imperial Parliament, intituled "An Act to regulate the affairs of certain Settlements established by the New Zealand Company," have proposed to advance and lend to the said Commissioners to be appointed under this Ordinance, the sum of Two thousand pounds (£2,000) sterling: Be it therefore

Moneys advanced from Trust Funds to be a first charge on Revenue.

enacted, that in case of such advance being made by the said Trustees of the said sum of Two thousand pounds (£2,000) sterling, the same shall be a first charge upon the Public Revenue of the Province which may be subject to the direction and appropriation of the Provincial Council thereof, and be payable by the Treasurer of the said Province, with or without interest, as the case may be, according to any terms that may be set forth in the security for the same to be executed under the provisions of this Ordinance.

Commencement of Ordinance.

17. This Ordinance shall come into operation on the passing thereof.

E. W. STAFFORD,
Superintendent.

Passed the Provincial Council, on the Twenty-fourth day of January, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twentieth day of February, in the year of our Lord One thousand eight hundred and fifty-four.

DONALD SINCLAIR,
Speaker.

GEORGE WHITE,
Clerk of the Council.

SCHEDULE.

I, Superintendent of the Province of Nelson, and Chairman of the Commissioners of Immigration appointed by and acting under the provisions of an Ordinance passed by the Provincial Council of the said Province, in Session I., No. 8, intituled "An Ordinance to appointed a Board of Commissioners for the Management of Immigration," in pursuance of the powers given me in that behalf, have borrowed and taken up for the purposes mentioned in the said Ordinance the sum of which hath (or have) advanced and lent, and I do hereby charge the Public Revenue of the Province of Nelson which may be subject to the direction and appropriation of the Provincial Council thereof with the payment of the said sum of unto the said his (or their) executors, administrators, or assigns, on the day of together with interest for the same in the meantime after the rate of pounds per centum per annum: And I do hereby authorise the Treasurer for the said Province to pay the interest of the said sum of after the rate aforesaid, half-yearly as the same shall become due, until the principal shall be discharged. IN WITNESS whereof, I have hereunto subscribed my name and affixed the Seal of the said Commissioners, this day of One thousand eight hundred and

PROVINCE OF NELSON.

IMPOUNDING ACT.

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

SESSION VIII., No. 5.

AN ACT TO REPEAL "AN ORDINANCE TO AUTHORISE AND REGULATE THE IMPOUNDING OF CATTLE," AND TO MAKE OTHER PROVISIONS IN LIEU THEREOF.

ANALYSIS.

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2. Superintendent may establish Pounds.
3. And to appoint Pound-keepers.
4. Notice of appointment to be inserted in *Government Gazette*.
5. Pounds to be securely fenced and divided, &c.
6. Pound Fees and Charges.
7. Rates of ordinary Damages.
8. Superintendent may fix other Fees.
9. Pound Fees and Charges may be received by Pound-keeper.
10. And other Fees.
11. Penalty for taking Fees not authorised.
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13. Or to be taken to the Pound.
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18. Place of Sale.
19. How to be Sold.
20. Proceeds of Sale how to be applied.
21. If proceeds of Sale insufficient to satisfy Damages, &c., Owners of Cattle to pay difference.

22. Instead of Impounding Cattle, party aggrieved may make complaint to Justices.
23. Or may waive assessed Damages and proceed for special Damages.
24. Penalty for rescuing Cattle from Pound, &c.
25. Power to Justices to determine causes of action arising out of the Impounding of Cattle.
26. And to order Cattle to be liberated.
27. And to enforce their orders in a summary way.
28. Pound-keeper to keep table of Fees and Pound Book, &c.
29. And to produce same for inspection.
30. Penalty for default.
31. And to be responsible for the safe keeping of Cattle and their delivery to Owners.
32. Pound-keeper may use any adjoining place for securing Cattle.
33. Penalty for default.
34. Form of security.
35. Keeper to post on Pound description of Cattle Impounded.
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Title.

An Act to Repeal 'An Ordinance to authorise and regulate the Impounding of Cattle,' and to make other provisions in lieu thereof."

[Assented to 18th June, 1861.]

Preamble.

WHEREAS an Ordinance was passed by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, in Session VIII., No. 6, intituled "An Ordinance to authorise and regulate the Impounding of Cattle:" And whereas it is expedient that the said Ordinance should be repealed and other provisions made in lieu thereof: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows :—

Recited Ordinance repealed.

1. The said recited Ordinance, shall be, and the same is, hereby repealed.

Pounds and Pound-keepers.

Superintendent may establish Pounds.

2. It shall be lawful for the Superintendent, when and as often as he may think necessary, and at such places and for such districts as may appear convenient, to erect and maintain, or to authorise any private person to erect and maintain suitable premises, or to appoint any suitable premises already erected, adjoining to some public highway to be established and

maintained as public pounds for the purposes of this Act, and from time to time to cause any such pound to be removed to and erected at any other place.

3. It shall also be lawful for the Superintendent to appoint fit and proper persons to be pound-keepers of any such pounds, and from time to time to displace and remove any such pound-keeper, and to appoint a fit and proper person in his place: Provided that until such appointments respectively, all pounds and pound-keepers established or appointed at the time of the passing of this Act shall be deemed to be pounds and pound-keepers established and appointed under this Act and subject to the provisions hereof.

And to appoint Pound-keepers.

4. A notification of the appointment or removal of any pound-keeper, signed by the Superintendent, shall be inserted in the *Government Gazette;* and such notification shall be taken to be sufficient evidence of such pound having been established, and of such pound-keeper having been legally appointed or removed as in the said notification shall be contained.

Notice of appointment to be inserted in *Government Gazette.*

5. Every such pound shall be properly fenced, and adapted as far as may be for keeping cattle infected with any contagious disease separate from those in health; and if any pound-keeper shall knowingly keep or permit to be kept, any cattle infected with any contagious disease in the same enclosure with cattle not so infected, or shall fail to keep the said pound clean, or in good order, or the cattle which shall from time to time be impounded therein, supplied with sufficient wholesome food and water, every such pound-keeper shall for every such neglect forfeit and pay any sum not exceeding Five pounds.

Pounds to be securely fenced and divided, &c.

Pound Fees, Damages, and Charges.

6. The fees to be taken and charged by any pound-keeper as and for pound fees, and the price to be charged and paid for the sustenance of cattle impounded, shall be those specified in Schedule A hereunto annexed: Provided always that it shall be lawful for the Superintendent from time to time to increase, reduce, or otherwise vary the said fees and charges as occasion may require.

Pound Fees. and Charges.

7. The rates specified in Schedule B hereunto annexed shall and may be demanded in a summary way, by the owner or occupier of any lands for the trespass of any cattle thereon, without proof of special damage.

Rates of ordinary damages.

8. It shall be lawful for the Superintendent from time to time, by notification in the *Government Gazette,* to fix all such reasonable fees as shall be taken and charged by any pound-

Superintendent may fix other fees.

keeper, for any matter or thing required to be done by him under or by virtue of this Act and not herein specially provided for.

Pound Fees and Charges may be received by Pound-keeper

9. It shall be lawful for the keeper of any Public Pound to demand and receive as pound fees and charges for the cattle of the several descriptions which shall be impounded therein, the several and respective sums herein provided: And if the owner of any cattle impounded shall release the same upon payment to the keeper of the said pound of the sum of money for which the said cattle were impounded, the said pound-keeper shall pay the same to the party who impounded such cattle on his demand thereof, and if such pound-keeper shall fail so to do, he shall for every such default forfeit and pay any sum not exceeding Five pounds.

And other Fees.

10. It shall also be lawful for any such keeper to demand, have, and receive for the impounding of any cattle, and for feeding and maintaining the same whilst impounded, and for giving notice thereof to the owner, and for all other matters and things which are by this Ordinance required to be done by him, all such fees and charges as are hereby authorised or which shall at any time be authorised to be taken and charged as herein provided: such fees and charges so to be taken as aforesaid shall be duly and faithfully accounted for and paid over by such pound-keeper, once in every quarter of a year on or before the First days of January, April, July, and October respectively, to the Provincial Treasurer, to be applied to the public uses of the Province, and support of the Government thereof: Provided always, that it shall be lawful for the Superintendent from time to time to appoint and declare that such fees and charges, or any proportion thereof, shall go to and be applied by any such pound-keeper as aforesaid, in full payment or on account of salary and remuneration.

Penalty for taking fees not authorised.

11. If any pound-keeper shall demand or take any greater sum for the impounding of any cattle, or for doing any act, matter, or thing than such pound-keeper shall be so authorised to demand or take, or shall fail duly to account and pay as aforesaid, every such pound-keeper shall forfeit and pay for every such offence a sum not exceeding Five pounds, nor less than One pound.

The impounding of Cattle.

Cattle trespassing may be impounded on his own

12. It shall be lawful for any person or agent, bailiff, or servant of any person, upon whose land enclosed by a substantial fence, and within any such district as aforesaid, 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 as soon as possible, and always 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 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 or most convenient 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 or servant, shall not be entitled to demand or receive any compensation for damage done by the said cattle, save and except for such damage as was done before the 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 the same.

ground by the Owner or Occupier of the land trespassed upon.

13. It shall also be lawful for any person, or the agent, bailiff, or servant of any person upon whose land so enclosed, and being within any such district as aforesaid, any cattle shall be found trespassing, to drive or lodge, or cause to be driven or lodged in the Public Pound nearest or most accessible to the said land, and the person impounding any such cattle shall specify in writing to the keeper of the said pound the number and kinds of the cattle impounded, and the name of the owner if he be known, or supposed owner, or that he is wholly unknown, the place where the said cattle were trespassing, and the amount of damages claimed for the trespass.

Or to be taken to the Pound.

14. If any owner or occupier of any land, or his agent, bailiff, or servant, shall impound any cattle in any pound or place not authorised by this Act, or in any manner contrary to the provisions thereof, every person so offending shall forfeit and pay for every such offence a fine not exceeding Five pounds.

Penalty for otherwise impounding.

15. If any impounded cattle shall not be followed to the pound or claimed by the owner thereof, or by some one on his behalf, within twenty-four hours after the same shall have been impounded, the keeper of the said pound shall as soon as possible after the expiration of the twenty-four hours, send notice in writing to the said owner if he be known to him and shall reside within five miles of the said pound, or to his agent or

Notice to be given to owner of cattle impounded.

bailiff, if the said owner shall reside at a greater distance, and have a known agent or bailiff residing within five miles, which notice shall contain the same particulars as are required to be given to the pound-keeper by the person impounding the same, and also shall contain notice of the time and place where the said cattle will be sold, if not sooner released from the said pound by the owner or some one on his behalf, and also the sum of money for which the same were impounded, and the said notice shall within the distance aforesaid be delivered personally to the said owner, agent, or bailiff, or left for him at his usual place of abode. And if the said owner, agent, or bailiff, be known and reside at a greater distance than five miles from the said pound, then the said pound-keeper shall send the like notice addressed to the owner, agent, or bailiff, by post as soon as possible after the expiration of twenty-four hours from the time of impounding, and if neither owner, nor agent, nor bailiff, be known to the said pound-keeper then he shall cause the like notice to be posted at the nearest police station, and the notice in the Schedule marked E hereunto annexed to be inserted in some newspaper published or generally circulated in the Province, which shall be published next after the expiration of the said twenty-four hours, and in which it shall be possible to cause the same to be inserted: Provided always that when the cattle impounded under the provisions of this Act shall consist of sheep, goats, swine, or calves, and be not more than two in number it shall not be necessary to give any other notice of such impounding, than by affixing a notice thereof on the pound and at the nearest police office in manner herein directed.

Cattle to be sold if not released.

16. If any impounded cattle shall not be released from the pound by the owner thereof, or by some person on his behalf, within four 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 fourteen days after the notice shall have been despatched through the post, or inserted in some newspaper published or generally circulated in the Province, as the case may require, which periods of four days and fourteen days respectively, shall be reckoned exclusive of the day upon which the said notice shall have been delivered or despatched or inserted, it shall be lawful for the said pound-keeper to apply to any Justice of the Peace not being a party interested in the said matter, for an order for the sale of the said cattle; and the pound-keeper shall at the time of such application produce and show to the said Justice, the pound-book kept by him as hereby directed, or an extract of so much thereof as may apply to the

case, and also such other proofs, by the oath of the said pound-keeper or others as the said Justice may require, that such pound-keeper has complied with the terms and provisions hereof; and thereupon such Justice shall if he be satisfied that such terms and conditions have been complied with, make an order under his hand, authorising the sale of such cattle, or otherwise shall direct such acts to be done as shall have been omitted, and in the meantime shall suspend the order for the said sale, until a future day to be appointed by him, and until the terms shall have been complied with; the notice of which suspension and future time of sale shall be given by the said pound-keeper to the owner, his agent, or bailiff, personally or at his usual place of abode, or through the general post, or by insertion in some newspaper published or generally circulated in the Province, as the case may require, and in the same manner respectively as herein provided for giving the original notice of impounding: Provided always that when any such delay and suspension of sale shall be necessary in consequence of the neglect of the said pound-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 the said pound-keeper.

Time of Sale.

17. All sales of impounded cattle shall take place on the seventh day after the same shall have been impounded, in all cases where notice of impounding shall have been given to the owner or his agent or bailiff, by delivering the same to him personally, or by leaving the same at his usual place of abode, or where the cattle impounded shall consist of sheep, goats, swine, or calves, and not exceed two in number; and in all other cases on the seventeenth day after such notice shall have been despatched through the post, or inserted in some newspaper as aforesaid, unless the said seventh or seventeenth day, as the case may be, shall happen to be a Sunday, or Christmas-day, or Good Friday, and then on the following day.

Place of Sale.

18. All such sales shall take place at the Public Pound where the said cattle shall have been impounded, and commence at the hour of noon, and not more than ten head of sheep or goats, or five pigs shall be put up in any one lot, and not more than one horse or one head of any other cattle, 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, shall either personally or by any other, purchase the said cattle nor any part thereof, upon pain that every person offending therein 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 animals so purchased.

How to be Sold.

19. All impounded cattle directed to be sold under the provisions of this Act shall and may be sold by the pound-keeper by public auction to the highest bidder, notwithstanding that he shall not have taken out a license as an auctioneer.

Proceeds of Sale how to be applied.

20. It shall be lawful for every such pound-keeper 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 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, where 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 pound-keeper shall within one calendar month after the sale pay the amount into the hands of the Provincial Treasurer in trust for the party entitled thereto, and the receipt of the said Treasurer shall be the legal discharge of the said pound-keeper for the amount named therein: 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 Provincial Treasurer, the same shall be applied to the public uses of the Province and to the support of the Government thereof.

If proceeds of Sale insufficient to satisfy Damages, &c., Owners of Cattle to pay difference.

21. Provided always, that if the proceeds of any cattle impounded and sold under the authority of this Act shall be insufficient to satisfy the lawful fees and charges of the pound-keeper respecting the same, the residue of such fees and charges shall be paid to the said pound-keeper by the proprietor of the said cattle, if known.

Instead of Impounding cattle the party aggrieved may make complaint to Justices.

22. For the purpose of avoiding as far as may be the impounding of cattle, it shall be lawful for any person upon whose land, substantially fenced as aforesaid, any cattle shall be found so trespassing or doing damage within any such district as aforesaid, to take, drive, or send such cattle to their owner, or his known agent or bailiff, and he is hereby required to pay the rates of damages specified in Schedule B, as and for a satisfaction of the said damages and trespass: And if the owner of such cattle, or some person on his behalf, shall not pay the amount of such rates 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 any Justice of the Peace, and such Justice shall summon the owner of any cattle so having trespassed, or if he be absent his known agent or bailiff, to appear before any Resident Magistrate or two Justices of the Peace, 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 inquire 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 such rate of damage, to issue his or their warrant to levy the same together with such costs as to the said Resident Magistrate or justices shall appear fair and reasonable.

Or may waive assessed damages and proceed for special damages.

23. Provided always that nothing herein contained shall extend or be construed to prevent the owner or occupier of any land trespassed upon, and being substantially fenced, and situated within any such district as aforesaid, from waiving the ordinary damage herein provided, and claiming in any competent court full satisfaction for any special damage sustained by him in consequence of any trespass, but if the plaintiff in any such suit or action shall not, after waiving the ordinary damages, recover more than the amout of such ordinary damages, then he shall not be entitled to, or receive the costs of such suit or action from the defendant in the same, but such defendant shall be entitled to and receive from the plaintiff the costs incurred by the said defendant ; and if the plaintiff in any such suit or action become nonsuit, or discontinue his said suit or action, or a judgment be given against him therein, the defendant shall be entitled to and recive double costs from such plaintiff.

Penalty for rescuing cattle from Pound &c.

24. If any person shall rescue any cattle which shall have been lawfully seized for the purpose of being impounded, or shall break down, injure, or destroy any pound, whether any cattle shall be impounded therein or not, or shall commit any pound breach or rescue, whereby any cattle shall escape or be enlarged from such pound, every such person shall forfeit and pay for every such offence any sum not exceeding Fifty pounds, nor less than Five pounds.

Power to justices to determine causes of action arising out of the impounding of cattle.

25. It shall be lawful for the Resident Magistrate or any two or more 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 party claims any greater amount of damages than Twenty pounds.

And to order cattle to be liberated.

26. If the party whose cattle shall be impounded shall take out a summons in prosecution of his suit, and shall enter into security to the satisfaction of any Justices of the Peace to prosecute his suit, it shall be lawful for such justice to direct the

pound-keeper in whose custody the cattle shall be to liberate the same, and thereupon the poundkeeper upon payment to him of his lawful fees and charges due in respect of such cattle shall liberate the same in like manner, as if the said cattle had been replevied.

And to enforce their orders in a summary way.

27. Upon hearing the parties present and upon examination of the merits of the case, it shall be lawful for such Resident Magistrate or justices to make such order as to damages and costs to be paid by either party, and as to the detention of 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 such cattle as shall be just, and to enforce the payment of such damages and costs in a summary way.

Duty, &c., of Pound-keepers.

Pound-keepers to keep table of fees and pound-book, &c.

28. The keeper of every Public Pound shall have and preserve at or near to the said Pound a copy of this Act, and a table of all such fees and charges as he may be authorised to demand, have, and receive, together with all rates of ordinary damages hereby allowed, and also a pound-book ruled and divided into columns as near as may be in the form in Schedule C 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 when and in what manner the same were released, and by whose order and to whom delivered, the particulars of sales and the proceeds thereof, and by whose order the same were made, and the said entries shall be made at the time the said acts were respectively done or as soon as possible, but not after any dispute concerning such entry shall have arisen.

And to produce same for inpection.

29. A copy of this Act and of the said table of fees and rates of ordinary damage and of the said pound-book 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 without fee, and the said pound-keeper shall grant extracts (signed by himself) from the said pound-book upon payment of one shilling for every such extract not exceeding one hundred words, and for every subsequent number of words not exceeding one hundred, sixpence: And shall preserve and keep for twelve calendar months all orders made by justices concerning any cattle impounded.

30. If any pound-keeper shall keep any cattle more than twelve hours without food or water or neglect or refuse to produce a copy of this Act, or the said table of fees or rates of ordinary damage, or of the said pound-book, for the inspection of any person desirous to see the same, he shall forfeit and pay for every such default a sum not exceeding Five pounds: And if any pound-keeper shall wilfully omit or delay making any entry, or shall knowingly make any false entry in the said pound-book, or shall wrongfully erase or destroy any entry previously made therein, he shall forfeit and pay for every such offence a sum not exceeding Ten pounds.

Penalty for default.

31. The keeper of every such pound shall at all reasonable hours 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 pound-keeper or his servants but not otherwise: And the said pound-keeper shall and may detain all 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 have received the written order of the person impounding 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 hereinafter provided, or such order being received from the person impounding, together with his fees and charges as aforesaid, the said pound-keeper shall at all reasonable hours 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.

And to be responsible for the safe keeping of cattle and their delivery to owners.

32. Whenever any pound shall be too small to conveniently hold the number of cattle required to be impounded therein, it shall be lawful for the pound-keeper to place such of the cattle as the owners thereof shall be known to him in some paddock or other convenient place near to such pound, and such pound-keeper shall be responsible for the custody of such cattle in the same manner, and entitled to the same fees as if such cattle had been lodged in the pound.

Pound-keeper may use any adjoining place for securing cattle.

33. Every pound-keeper who shall fail to deliver such cattle as hereinbefore directed, shall forfeit and pay for every such offence a sum of not less than Forty shillings nor more than Five pounds.

Penalty for default.

34. The security hereinbefore mentioned shall be an undertaking in writing, and shall be in the form and to the effect mentioned in Schedule D hereunto annexed, and shall be signed by

Form of security.

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 thereof: And every such security or undertaking shall be paid at all events at the time and place therein 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 before any Justice of the Peace upon the production of such undertaking or security before such justice, and the oath of the pound-keeper, that the same is still due and unsatisfied.

Keeper to post on Pound description of Cattle impounded.

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

Penalty for default.

36. Every such keeper who shall neglect to post such notice as aforesaid, shall for every such neglect forfeit and pay any sum not exceeding Forty shillings.

Penalty for removal of notice.

37. Every person who shall remove any such notice without the authority of the pound-keeper shall forfeit and pay any sum not exceeding Forty shillings.

Miscellaneous Provisions.

Fines to be recoverable in a summary way.

38. All fines and penalties imposed under the authority of of this Act shall be recoverable in a summary way before any Resident Magistrate or two Justices of the Peace.

Conviction may be pleaded in bar.

39. A judgment of conviction duly made under the authority hereof shall and may be pleaded in bar of any suit, action or information, which shall be commenced, instituted or prosecuted for such and the same cause or offence in any court whatsoever.

Interpretation Clause.

40. In the construction of this Act, the word cattle shall be deemed and taken to mean and include horses, mares, fillies, asses, mules, bulls, cows, oxen, heifers, steers, calves, rams, ewes, sheep, lambs, goats, and swine, and shall be deemed and taken to mean and include and apply to any one animal of the said several kinds, and that when any word or words is or are used denoting the singular number, or the masculine gender only, yet the same shall be understood to include and apply to several persons as well as to one person, and to females as well as to males.

41. This Act shall be termed and may be cited as the Impounding Act, 1861." Short Title.

SCHEDULE A.

POUNDAGE FEES.

	s.	d.
For each Entire Horse, above the age of 12 months	2	6
„ Mare, Gelding, Colt, Filly, Foal, Mule, Ass, Goat, or Pig	1	0
„ Bull, above the age of 12 months	2	6
„ Ox, Cow, Steer, Heifer, or Calf, for the first ten	0	6
„ do. do. the next ten	0	4
„ do. do. the next thirty	0	3
„ do. do. all others above fifty	0	2
„ Ram, above the age of 9 months	1	0
„ Ewe, Wether, or Lamb, for the first twenty	0	2
„ do. do. the next thirty	0	1½
„ do. do. the next fifty	0	1
„ do. do. all others above 100	0	0½

The above Fees to be paid for each day, or part of a day, during which the animal is kept in Pound.

CHARGES FOR FOOD.

For every Horse, Mare, Gelding, Mule, Ass, Colt, Filly, or Foal	1	0
„ Bull, Cow, Ox, Steer, or Heifer	0	6
„ Calf, under 6 months	0	2
„ Sheep, or Lamb	0	1
„ Goat	0	2
„ Boar, Sow, or other Pig	0	6

The above charges to be paid for each day of twenty-four hours, or part of a day, during which the animal is supplied with food and water by the pound-keeper, but the owner may supply food and water, in which case these charges are not to be made.*

SCHEDULE B.

RATES OF ORDINARY DAMAGES TO BE CHARGED FOR CATTLE TRESPASSING.

Description of Cattle, &c., trespassing.	In any Paddock of Grass or Stubble enclosed by a Substantial fence.		In any Garden Uncut Meadow, growing crop of any kind, enclosed by a substantial fence.	
	s.	d.	s.	d.
For every Entire Horse, Mule, Ass, or Bull	2	6	5	0
„ Mare, Gelding, Filly, Cow	1	0	2	0
„ Sheep or Lamb	0	2	0	4
„ Pig	1	0	2	0
„ Goat	0	6	1	0
„ Calf	0	6	1	0

* Charges for food pursuant to provisions of clause 6 amended by Superintendent, see extract from "Government Gazette," page 279.

SCHEDULE C.

FORM OF POUND-KEEPER'S BOOK.

Date.	Time.	Particulars of Cattle Impounded.	Brands, 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.

SCHEDULE D.

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.) [the pound-keeper], at [naming either the pound, or place of residence of the pound-keeper, as may be required], the sum of £ [specifying the full amount of poundage as well as fees and charges herein], without any deduction whatever. And in default thereof, I consent that the said sum, together with the costs necessarily incurred by the said default, shall be levied by distress and sale of my goods and effects wheresoever found.

Dated at this day of 18

[Signed] A.B.

or for A.B. C.D.

Agent of the said A.B.

SCHEDULE E.

FORM OF ADVERTISEMENT IN THE "GOVERNMENT GAZETTE."

Impounded at (here state the place and kind of cattle, and where and how branded), if not claimed, to be sold on

A.B.

Pound-keeper.

(Where there is no brand, the animals are to be shortly described by stating age, color, and any particular mark.)

Extract from the Government Gazette, No. 9, *August* 9, 1861.

Provincial Secretary's Office, Nelson,
August 16, 1861.

His Honor the Superintendent directs it to be notified, for general information, that the following charges for food, in respect of Cattle impounded in the respective public pounds within the Province of Nelson, will be taken and charged by each pound-keeper, from and after this date:—

For every Horse, Mare, Gelding, Mule, Ass, Colt, Filly, or Foal...	2	0
Bull, Cow, Ox, Steer, or Heifer	1	0
Calf, under 6 months old	0	6
Sheep or Lamb	0	3
Goat	0	3
Boar, Sow, or other Pig	0	9

The above charges to be paid for each day or part of a day, during which the animal is supplied with food and water by the Pound-keeper; but the Owner may supply food and water, in which case these charges are not to be made.

ALFRED GREENFIELD,
Chief Clerk.

PROVINCE OF NELSON.

LICENSES AND FEES.

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

SESSION I., No. 3.

AN ORDINANCE TO DECLARE THAT CERTAIN DUTIES HERETOFORE REQUIRED TO BE PERFORMED BY THE COLONIAL TREASURER, OR TREASURER OF A COUNTY OR DISTRICT, SHALL HENCEFORTH BE PERFORMED BY THE TREASURER OF THE PROVINCE.

ANALYSIS.

Title.
Preamble.
1. Treasurer to issue Licenses for the Sale of Spirits, and to authorise Persons to act as Auctioneers, and to receive Fees for the same.
2. Fees received under certain Ordinances enumerated in the Schedule to be paid to the Treasurer of the Province.

"An Ordinance to declare that certain duties heretofore required to be performed by the Colonial Treasurer, or Treasurer of a County or District, shall henceforth be performed by the Treasurer of the Province." Title.

WHEREAS, by an Ordinance passed in the Second Session of the Legislative Council of New Zealand, No 12, intituled "An Ordinance for regulating the Sale of Fermented and Spirituous Liquors," Licenses authorizing persons to sell such Liquors in less quantities than Two Gallons are required to be issued by the Colonial Treasurer, or by the Treasurer of the County or District, upon certain Certificates being lodged with and certain Sums of money paid to him: And whereas, by an Ordinance passed in the same Session of the Legislative Council No. 13, intituled "An Ordinance for Licensing Auctioneers," and an Ordinance passed in the Third Session of the Legislative Council, No. 10, to amend the same, Licenses authorizing persons to act as Auctioneers are required to be issued by the Colonial Treasurer, or Treasurer of the County or District, to any person applying for the same, on payment of the sum of Forty Pounds for every such License: And whereas, by the several Ordinances enumerated in the Schedule hereto annexed certain Fees are therein authorised to be demanded and received for the Services, Licenses, and Purposes therein mentioned respectively, which Fees the several Officers authorised to demand and receive the same are required to account for and pay to the Colonial Treasurer or Treasurer of the county or district: And whereas it is expedient to obviate any doubt which may arise as to the proper officer under the present Constitution of the Province, to issue the licenses to sell fermented and spirituous liquors, or to authorise persons to act as auctioneers within the Province of Nelson, or to whom the fees payable for such licenses and the other fees hereinbefore mentioned or referred to should be paid or accounted for, or as to the purposes to which such fees should be applied: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble, reciting Session ii., No. 12. Session ii., No. 13. Session iii., No. 10.

1. That all Licenses for the Sale of Fermented and Spirituous Liquors, or to authorise persons to act as auctioneers within the Province of Nelson, shall henceforth be issued by the Treasurer for the said Province of Nelson, upon the deposit with and payment to him of the certificates or applications and sums of money by the Ordinances hereinbefore recited or referred to respectively required to be lodged with and paid to the Colonial Treasurer or Treasurer of the County or District. Treasurer of the Province to issue Licenses for the Sale of Spirits, and to authorise persons to act as Auctioneers, and to receive Fees, &c., for same.

Fees received under certain Ordinances enumerated in the Schedule to be paid to the Treasurer of the Province.

2. That all Fees for the issue of Summonses, Process, Licenses, Registration, or other Services, required or authorised to be demanded, taken, or received by any Clerk of Petty Sessions, Clerks of Justices, Registrars, or other Officers under the several Ordinances enumerated in the Schedule hereto annexed, which shall be taken and received by any Clerk of Petty Sessions, Clerks of Justices, Registrars, or other officers within the Province of Nelson, shall be accounted for and paid over to the Treasurer of the said Province, and be applied, as shall also the fees or sums of money to be received by him for publicans' or auctioneers' Licenses to the public uses of the said Province and support of the Government thereof, subject, however, to the payment of the salaries or other expenses which by any ordinance authorising the demanding and taking such fees may be charged thereon respectively.*

E. W. STAFFORD,

Superintendent.

Passed the Provincial Council, on the Fourteenth day of December, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Twenty-seventh day of February, in the year of our Lord One thousand eight hundred and fifty-three.

DONALD SINCLAIR,

Speaker.

GEORGE WHITE,

Clerk of the Council.

* This clause is materially qualified and affected by "The Ordinary Revenue Act, 1858," No. 35, of the General Assembly of New Zealand.

SCHEDULE.

Legislative Council of New Zealand.

Sess. 2, No. 5.—An Ordinance to regulate Summary Proceedings before Justices of the Peace.

Sess. 2, No. 12.—An Ordinance for regulating the Sale of Fermented and Spirituous Liquors.

Sess. 2, No. 13.—An Ordinance for Licensing Auctioneers.

Sess. 7, No. 16.—An Ordinance to provide for the Establishment of Resident Magistrates' Courts, and to make special Provisions for the Administration of Justice in certain cases.

Sess. 8, No. 5.—An Ordinance for regulating the Slaughtering of Cattle in certain Places.

Sess. 8, No. 6.—An Ordinance to authorise and regulate the Impounding of Cattle.

Sess. 8, No. 7.—An Ordinance for regulating Marriages, in the Colony of New Zealand.

Sess. 8, No. 9.—An Ordinance for registering Births, Deaths, and Marriages, in the Colony of New Zealand.

Provvincial Council of New Munster.

Sess. 1, No. 2.—An Ordinance to define the Qualifications, and to provide for the Remuneration, in certain cases, of Medical Practitioners within the Province of New Munster.

PROVINCE OF NELSON.

LICENSING.

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

SESSION I., No. 5.

AN ORDINANCE TO REPEAL THE LICENSING AMENDMENT ORDINANCE, AND TO MAKE OTHER PROVISIONS IN LIEU THEREOF, AND TO MAKE PROVISIONS FOR PREVENTING DRUNKENNESS AND DISORDERLY CONDUCT IN HOUSES LICENSED TO SELL FERMENTED AND SPIRITUOUS LIQUOURS.

ANALYSIS.

Title.
Preamble.
1. Recited Ordinance repealed.
2. Superintendent may license Houses not being within Seven Miles of the Town of Nelson.
3. Fees for Licenses to be paid to Provincial Treasurer.
4. Punishment for allowing Drunkenness, &c. in Licensed Houses,
5. Construction of Clause 4 in the Ordinance.
6. Commencement of Ordinance.

"*An Ordinance to repeal the Licensing Amendment Ordinance, and to make other Provisions in lieu thereof, and to make Provisions for preventing Drunkenness and Disorderly Conduct in Houses licensed to sell Fermented and Spirituous Liquors.*"

WHEREAS an Ordinance was passed in the Third Session of the Legislative Council of New Zealand, No. 21, intituled "An Ordinance to amend an Ordinance for regulating the Sale of Fermented and Spirituous Liquors:" And whereas it is expedient that the said recited Ordinance should be repealed, so far as regards the Province of Nelson, and other provisions made for licensing houses in the interior of the country, as well as on the sea coast: And whereas it is also expedient to make provisions for preventing drunkenness and disorderly conduct in houses licensed to sell fermented and spirituous liquors within the said Province, under or by virtue of this Ordinance, or of any existing Ordinance: *Be it therefore enacted*, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof as follows:— Preamble, reciting Sess. iii., No. 21.

1. The said recited Ordinance, so far as regards the Province of Nelson, shall be and the same is hereby repealed. Recited Ordinance repealed.

2. It shall be lawful for the Superintendent, with the advice of his Executive Council, to license any house in the Province of Nelson for the sale of fermented and spirituous liquors, upon such terms and conditions, and at such times and in such manner, and either with or without any annual payment, as to the said Superintendent and Council may seem meet: *Provided* that no house to be licensed under the authority of this Ordinance shall be within seven miles from the nearest limit of the Town of Nelson. Superintendent may license, houses not being within seven miles of the town of Nelson.

3. All fees and sums of money payable on account of any such license shall be received by the Treasurer of the Province and shall be applied to the public uses of the province and the support of the Government thereof. Fees for Licenses to be paid to Provincial Treasurer.

4. Any person having a license for the sale of fermented and spirituous liquors within the said province, who shall wilfully or knowingly permit drunkenness or disorderly conduct, or knowingly suffer gambling, or any unlawful games, in the house or premises mentioned in such license, shall for every such offence forfeit the respective sums following, to be recovered in a summary way before any two Justices of the Peace that is to say, for the first offence, any sum not less than Twenty Punishment for allowing Drunkenness, &c., in Licensed Houses.

Shillings, nor more than Five Pounds, as the Justices before whom such person shall be convicted of such offence shall adjudge; and for the second such offence, any sum not less than Five Pounds, nor more than Ten pounds; and for the third such offence, any sum not less than Ten pounds, nor more than Twenty Pounds: and it shall be lawful for the Justices before whom any such conviction for such third offence shall take place, to adjudge, if they shall so think fit, that such offender shall be disqualified from holding any such License for the space of two years next ensuing such conviction.

Construction of Clause 4 in the Ordinance.

5. That in the construction of this ordinance, any person holding any license granted under the authority of the Licensing Ordinance, Session II., No. 12, shall be deemed to be guilty of a second offence against the provisions of this Ordinance only in case he shall, within the period of three years next preceding such last-mentioned conviction, have been convicted of a first offence against the provisions of this Ordinance; and shall be deemed to be guilty of a third offence against the provisions of this Ordinance only in case he shall, within the period of three years next preceding such third conviction, have been convicted of two separate offences against the provisions of this Ordinance.

Commencement of Ordinance.

6. This Ordinance shall come into operation from and after the day of passing hereof.

E. W. STAFFORD,

Superintendent.

Passed the Provincial Council, on the Thirtieth day of December, in the year of our Lord One thousand eight hundred and fifty-three, and assented to by his Honor the Superintendent, on behalf of his Excellency the Governor, on the Nineteenth day of January, in the year of our Lord One thousand eight hundred and fifty-four.

DONALD SINCLAIR,

Speaker.

GEORGE WHITE,

Clerk of the Council.

PROVINCE OF NELSON.

LEGAL ESTATE.

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

SESSION II., No. 2.

AN ORDINANCE TO REMOVE DOUBTS RESPECTING THE LEGAL ESTATE IN LANDS PURCHASED FROM THE NEW ZEALAFD COMPANY OR FROM THE CROWN.

ANALYSIS.

Title.
Preamble.
1. Legal Estate in certain Lands deemed to be in Grantee from Date of Commissioners' Report.
2. Superintendent may indorse on Crown Grant the Date of such Report; and Legal Estate to be in Grantee from the Date so indorsed.
3. Deeds executed by Purchasers of Crown Lands subsequently to Purchase, but prior to Date of Crown Grant, to have same effect as if the Crown Grant had been issued at the Time of Purchase.
4. Deeds may be registered.

"*An Ordinance to remove Doubts respecting the Legal Estate in Lands purchased from the New Zealand Company or from the Crown.* Title.

WHEREAS, by an Ordinance passed by the Legislative Council of New Zealand, in Session XI., No 15, intituled "An Ordinance to ascertain the Contracts and Engagements entered into Preamble.

by the New Zealand Company for the Disposal of certain Lands in the Islands of New Zealand, and to provide for the completion of such Contracts and Engagements by the Colonial Government," provision was made for appointing Commissioners for hearing and deciding Claims to Land by persons claiming title thereto, from, through, or under the New Zealand Company : And whereas the Commissioners acting within the said province, appointed under and by virtue of the said recited Ordinance, have from time to time reported upon claims to land within the said province, made by persons claiming under the said New Zealand Company, and doubts have arisen as to the nature of the estate or interest of the said claimants in the lands comprised in such Reports of the said Commissioners, in the interval between the date of the said Reports and the date of the date of the Crown Grant or Crown Grants to such claimants: And whereas, for the purpose of preventing serious injury and inconvenience to persons who have dealt during the aforesaid interval with such claimants in respect of the lands so claimed by them, it is expedient that the legal estate in all lands so granted as aforesaid shall be deemed to have been in such grantee or grantees from the dates of the Reports of the said Commissioners respectively : *Be it therefore enacted*, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof :—

Legal Estate in certain Lands deemed to be in Grantee from date of Commissioners' Report.

1. That in all cases above referred to, where any claim to land hath been or may be confirmed by a Grant from the Crown the legal estate in such land shall be deemed to have been in the grantee thereof from the date of the Report of the said Commissioners.*

Superintendent may indorse on Crown Grant the date of such Report, and Legal Estate to be in Grantee from the date so indorsed.

2. It shall be lawful for the Superintendent, after the issuing of any Crown Grant or Crown Grants in fulfilment of any Report or Reports, upon the application of the person or persons entitled to such Crown Grant or Crown Grants, on being satisfied of the date of the Report or Reports in pursuance of which such Crown Grant or Crown Grants was or were issusd, to endorse upon the same the date of such Report ; and the legal estate in the land comprised in such Crown Grant or Crown Grants shall be deemed to be in the grantee or grantees thereof from the date so to be indorsed as aforesaid : provided always that the said Commissioners shall not have reported that such legal estate should be deemed to have been in such grantee prior to the date of their Report.

* Vide "The Land Claimants Ordinance Amendment Act, 1855," of the General Assembly, Session III., No. 2.

3. And whereas much delay has frequently taken place subsequently to the sale of Crown Lands, in the issue of Grants for the lands so purchased; and between the period of such sales and the dates of such Crown Grants many conveyances and other dispositions of the said lands have been made: and whereas, to prevent loss and inconvenience to many persons, it is expedient to cure the defects in the titles to such lands in manner hereinafter provided: *Be it therefore further enacted* that all deeds executed by purchasers of Crown Lands, their heirs and assigns, subsequently to such purchases but prior to the dates of the Crown Grants by which the same have been subsequently granted, shall, for the purpose of completing the titles of parties to such deeds, be deemed to have the same force and effect as though the Crown Grants respectively in which such lands are comprised had been executed immediately upon payment to the Crown of the purchase-money for the same.

Deeds executed by Purchasers of Crown Lands subsequently to purchase, but prior to date of Crown Grant, to have same effect as if the Crown Grant had been issued at the Time of Purchase.

4. All Deeds relating to such property executed after the dates of such reports or payment of the purchase-money (as the case may be,) may be registered under the Land Registration Ordinance of the Governor and Legislative Council of New Zealand, No. 9, Session II., anything in the said Ordinance contained to the contrary notwithstanding.

Deeds may be registered.

Passed the Provincial Council, on Thursday, the twenty-first day of December, 1854.

DONALD SINCLAIR,
Speaker.

GEORGE WHITE,
Clerk of the Council.

I assent to this Ordinance on behalf of the Governor of New Zealand, this Thirtieth day of December, in the year of our Lord One thousand eight hundred and fifty-four.

E. W. STAFFORD,
Superintendent.

PROVINCE OF NELSON.

LUNATIC ASYLUM ACT.

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

SESSION IX., No. 10.

AN ACT TO AUTHORISE THE SUPERINTENDENT OF THE PROVINCE OF NELSON TO RAISE A LOAN NOT EXCEEDING FIVE THOUSAND POUNDS, FOR THE PURPOSE OF ERECTING AND FURNISHING A LUNATIC ASYLUM, AND TO AUTHORISE THE APPOINTMENT OF THE NECESSARY OFFICERS FOR THE MANAGEMENT THEREOF.

ANALYSIS.

Title.
Preamble.
1. Superintendent may borrow not exceeding Five thousand pounds on Debentures.
2. Debentures to be in form set forth in Schedule.
3. To bear Interest not exceeding eight pounds per centum per annum.
4. To be charged on Provincial Revenue.
5. *No priority amongst Holders.*
6. Time of Payment.
7. Interest to cease after time fixed for payment of Principal.
8. Debentures not to be sold for a less price than the principal sum they bear on the face thereof.
9. Superintendent may appoint Officers and Servants to Asylum.
10. Short Title.
Schedule.

"*An Act to authorise the Superintendent of the Province of Nelson to raise a Loan not exceeding Five thousand pounds, for the purpose of erecting and furnishing a Lunatic Asylum, and to authorise the appointment of the necessary Officers for the management thereof.*" Title.

WHEREAS it is expedient to raise a Fund by way of Loan for the erection and furnishing of a Lunatic Asylum in the Province of Nelson, and to confer on the Superintendent power to appoint the necessary officers for the same: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. It shall be lawful for the Superintendent of the Province of Nelson, with the advice and consent of his Executive Council, to borrow any sum or sums of money not exceeding in the whole the sum of Five thousand pounds, for the purpose of defraying the costs of the aforesaid work, and to take up the same on Debentures from time to time as may be deemed expedient. Superintendent may borrow not exceeding Five thousand pounds on Debentures.

2. Such Debentures shall be in form or to the effect set forth in Schedule A hereunto annexed, and shall on the face thereof bear the signatures of the Superintendent, the Provincial Secretary, and the Provincial Treasurer: Provided always that no Debenture shall be issued for a less sum than Ten pounds, nor for any sum not being a multiple of Ten pounds. Debentures to be in form set forth in Schedule.

3. Every Debenture shall be dated on the day on which the same shall be issued, and shall bear interest from that day not exceeding the rate of Eight pounds for every One hundred pounds by the year, payable half-yearly, on the First day of January and the First day of July in every year, at the Treasury of the Province, or such other place as shall be named therein. To bear Interest not exceeding Eight pounds per centum per annum.

4. The principal and interest of such Debentures are hereby charged upon and made payable out of the Public Revenue of the Province which may be subject to the direction of the Superintendent and Provincial Council thereof. To be charged on Provincial Revenue.

5. The holder of any Debenture issued under the authority of this Act shall not have any preference over any other such holder by reason of the priority of the date of such Debenture or otherwise. No priority amongst Holders.

Time of payment.

6. The principal sum secured by such Debenture shall be payable on some day certain to be named in such Debenture, not sooner than the First day of July, One thousand eight hundred and sixty-five, nor later than the First day of July, One thousand eight hundred and eighty.

Interest to cease after time fixed for payment of Principal.

7. Interest shall cease to be payable on any Debenture, issued under this Act, on the day next after the day fixed for the payment of such Debenture.

Debentures not to be sold for a less price than the principal sum they bear on the face thereof.

8. The Superintendent shall cause every such Debenture issued under this Act to be sold in the said Province or elsewhere, by public competition or otherwise, for the best price that can be obtained for the same ; but no Debenture issued under the authority of this Act shall be sold for a less price than the principal sum which it bears on the face thereof : Provided always that it shall be lawful for the Superintendent to pay out of the proceeds of any such Debentures, all costs, charges, expenses, for commission or agency in negotiating such sale, or for the remittance of the proceeds thereof, not exceeding in the whole the sum of Five pounds per cent.

Superintendent may appoint Officers and Servants to Asylum.

9. It shall be lawful for the Superintendent from time to time to appoint all necessary medical and other officers and servants requisite for the management of such Asylum, and the care of and attendance upon the patients therein.

Short Title.

10. This Act may be cited as "The Lunatic Asylum Act, 1862."

SCHEDULE A.

NELSON DEBENTURE.

Number in words and figures. } Date. { Amount in words and figures.

DEBENTURE for the sum of Pounds sterling, issued under the authority of an Act of the Provincial Legislature of the Province of Nelson, in the colony of New Zealand.

On presentation at the Superintendent's Office, in the Province of Nelson, in New Zealand, on the day of One thousand eight hundred and , the bearer of this Debenture, will be entitled to receive the sum of pounds sterling.

Interest in the meantime after the rate of per centum per annum, will be payable to the bearer of this Debenture, on the first day of and in every year, at the (Provincial Treasury at Nelson, or elsewhere, as the case may be.)

Dated at Nelson this day of One thousand eight hundred and

A. B.,
Superintendent.

C. D.,
Provincial Secretary.

Entered at the Provincial Treasury, at Nelson, and issued this day of One thousand eight hundred and

E. F.,
Provincial Treasurer.

NOTE. The principal and interest of this Debenture are charged upon and payable out of the Public Revenue of the Province of Nelson in New Zealand, which may be subject to the direction and appropriation of the Superintendent and Provincial Council thereof.

No interest will be payable on this Debenture after the day therein fixed for the payment of the same.

PROVINCE OF NELSON.

MOTUPIKO PUBLIC RESERVE ACT.

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

SESSION V., No. 3.

AN ACT TO ENABLE THE SUPERINTENDENT OF THE PROVINCE OF NELSON TO SELL A CERTAIN PORTION OF THE PUBLIC RESERVE IN THE MOTUPIKO VALLEY.

ANALYSIS.

Title.
Preamble.
1. Superintendent may sell Eighty Acres to Mr. John Kerr.
2. Land to be taken in manner authorised by the Commissioner of Waste Lands.
3. Commencement of Act.
4. Short Title.

Title. "*An Act to enable the Superintendent of the Province of Nelson to sell a certain portion of the Public Reserve in the Motupiko Valley.*

[Assented to 15th April, 1858.]

Preamble. WHEREAS, by a notification in the *Government Gazette* of the Province of Nelson, dated May Fifth, One thousand eight hundred and fifty-four, a block of land in the Motupiko Valley, being so much of Rural Sections numbered 30, 31, 32, 33, 34,

35, and 36, as lies between a stream running out of the wood and falling into the Motupiko River and the Motupiko River, containing about five hundred acres, was reserved by the then Superintendent of the Province for public purposes: And whereas, under the provisions of an "Act for regulating the management of certain Lands reserved for Public Purposes in the several Provinces of New Zealand," dated Fourteenth of September, One thousand eight hundred and fifty-four, the said block of land was granted by the Governor of the Colony to the Superintendent of the Province of Nelson: And whereas, prior to the date of such notification as aforesaid, and also prior to the date of the said recited Act, John Kerr, senior, of Waimea West, had, under clause 2 of the Rules and Regulations for the issue of Pasture and Timber Licenses for the occupation of Waste Land of the Crown outside hundreds, applied to be allowed to purchase eighty acres, including his homestead, being part and parcel of a run held by him under a pastoral license, and had received permission from the Commissioner of Waste Lands to do so, but, owing to the absence of the said Commissioner from the Province, the purchase was not completed before the issue of the aforesaid notification: And whereas the aforesaid homestead of the said John Kerr, senior, is now included within the boundaries of the aforesaid reserve, together with the building and appurtenances thereunto belonging; and whereas it is just and reasonable that the aforesaid John Kerr, senior, should be allowed to purchase his homestead and eighty acres in the form and manner originally granted and prescribed by the said Commissioner of Waste Lands; and whereas such purchase can only be effected by the powers and provisions of an Act of the Provincial Council, authorising the Superintendent of the Province of Nelson, by and with the advice and consent of the Provincial Council thereof, as follows:—

Superintendent may sell Eighty Acres to Mr. John Kerr.

1. It shall be lawful for the Superintendent of the Province of Nelson to sell and convey to John Kerr, senior, of Waimea-west, a block of land not exceeding eighty acres, being part of the Public Reserve in the Motupiko Valley.

Land to be taken in manner authorised by the Commissioner of Waste Lands.

2. The aforesaid block shall be taken as nearly as conveniently may be in the form and sold at the price originally authorised by the late Commissioner of Waste Lands.

Commencement of Act.

3. This Act shall not come into operation till the time in which it may be disallowed by the Governor shall have expired.

Short Title.

4. This Act shall be intituled "The Motupiko Public Reserve Act, One thousand eight hundred and fifty-eight."

PROVINCE OF NELSON.

MARINE BOARD ACT.

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

SESSION X., No. 12.

AN ACT TO CONSTITUTE A MARINE BOARD FOR THE PORT OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Short Title.
2. Marine Board constituted for the Port of Nelson.
3. Board to consist of three Wardens, to be appointed and removeable by the Superintendent.
4. Superintendent may define limits of Jurisdiction.
5. Master-Warden and Treasurer to be appointed.
6. When Wardens seats to become vacant.
7. Board to be a Corporate Body.
8. Powers of Board.
9. Buoys, &c., to belong to the Superintendent.

THIS Act was never in operation, and was repealed by "The Marine Board Act, 1863," of the General Assembly of New Zealand.

PROVINCE OF NELSON.

NELSON IMPROVEMENT ACT.

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

SESSION III., No. 3.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE TOWN OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Recited Ordinance repealed.
2. Interpretation of the words "Board" and "Town of Nelson."
3. Qualification of Electors.
4. Meeting of Electors to decide what rate, if any, shall be levied.
5. Rate to be made upon estimated value of Lands to sell.
6. Board to be elected.
7. Board to continue in office one Year.
8. Members of Board to be disqualified in certain cases.
9. If Members of Board reduced below Five, new Members to be elected.
10. All Disputes relating to election of Members of the Board, or making Rate, to be determined by Superintendent and Executive Council.
11. Board to have power to make Roads, &c.
12. Board to have power to make Drains, &c.
13. If Owners and Occupiers do not consent to Drains, &c., being made, Notice to be given of Application to Justices, and Plan to be deposited with Clerk to Justices.
14. Justices may order Drains to be made.
15. Board may make Contracts and appoint Surveyors, &c.
16. Persons obstructing Works liable to Penalty.
17. Penalty for making unauthorised Sewers, and building over Sewers, and erecting

Wind-mills, Lime-kilns, &c., in certain cases.
18. Disputed Compensation to be settled by Arbitration.
19. If either Party neglect to appoint Arbitrator, or if Owner absent, Resident Magistrate to appoint Arbitrator.
20. Arbitrators to appoint Umpire, and if Arbitrators do not make Award within Three Months, Umpire to make Award.
21. Cost of Reference in discretion of Arbitrators, and Submission may be made a Rule of Court.
22. Board to have power to construct Reservoirs, &c.; Persons injuring same liable to Penalty.
23. New Streets not to be less than 20 feet.
24. Power to order Chimneys to be heightened, &c.
25. Dangerous Buildings to be taken down.
26. Expenses of pulling down dangerous Buildings to be paid by the Owner.
27. Persons permitting Nuisance liable to Penalty.
28. Board may impose Dues for use of Market-places, &c.
29. Board to levy Rates.
30. Assessors may be appointed.
31. Notice of Place where Assessment may be inspected to be given.
32. Persons aggrieved may appeal.
33. Rate to be paid by Occupier.
34. Rate to be paid as directed by the Board.
35. If Rate in arrear for Twelve Months, Property may be sold.
36. Superintendent may execute Conveyance.
37. Special Rate may be levied upon Lands materially benefited by Drainage.
38. Moneys to be paid to the Treasurer of the Province.
39. Superintendent may pay Money appropriated for Roads, &c., to the Board.
40. Meetings of Board.
41. Questions to be decided by a Majority present, and Minutes to be kept.
42. Accounts to be kept and audited.
43. Copy of Balance-sheet to be published.
44. Money, Books, &c., to be handed over to new Board.
45. Board may sue and be sued in the name of their Clerk, &c.
46. Members of Board not to become Contractors, &c.
47. No Judge, Resident Magistrate, or Justice of the Peace to be disqualified from acting under this Act.
48. Proceedings for Penalties.
49. Short Title.

Title. "*An Act to provide for the Improvement of the Town of Nelson.*"

[31st March, 1856.]

Preamble. WHEREAS an Ordinance was passed by the Lieutenant-Governor of New Munster, with the advice and consent of the Legislative Council thereof, Session I., No. 7, intituled "An Ordinance to authorise the levying and collecting of Rates for the making and repairing of Roads, Streets, &c., in any Town in the Province of New Munster:" And whereas it is expedient that the said Ordinance be repealed, and other provisions made for making and repairing roads and streets, and other public

works, and for draining and otherwise improving the Town of Nelson: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Recited Ordinance repealed.

1. The said recited Ordinance, so far as regards the Province of Nelson, shall be and the same is hereby repealed.

Interpretation of the words "Board" and "Town of Nelson."

2. In the construction of this Act, the word "Board" shall be deemed to mean the "Board of Works" elected to carry out the provisions of this Act; and the words "Town of Nelson" shall be deemed to mean the Town of Nelson as defined by the Provincial Council Enlargement Ordinance, Session II., No. 7.

Qualification of Electors.

3. Every person whose name shall appear on the Electoral Roll for the time being in force, as entitled to vote in the election of members of the Provincial Council for the Town of Nelson, shall be qualified to vote and take part in the proceedings at the general meetings which shall take place previous to any rate being levied under this Act; and after any such rate shall have been levied, then every person who shall have paid the last rate so levied shall be entitled to vote and take part at such meeting: Provided always that such person shall have paid all rates for which he shall be then liable.*

Meeting of Electors to decide what Rate, if any, shall be levied.

4. On a day in the month of April, in each year, and at a convenient place within the said town, and hour, to be fixed by the Superintendent, or such other person as he shall appoint, in the first instance, and afterwards by the Board as hereinafter to be constituted, the voters shall assemble, and, having appointed a chairman, shall proceed to consider and determine what rate (if any) upon the lands and hereditaments within the said town shall be made and levied for the ensuing year for the purposes of this Act.*

Rate to be made upon estimated value of Lands to sell.

5. The rate shall be made upon the estimated value to sell of the lands and tenements rated thereto, and shall not exceed Two-pence in the pound.*

Board to be elected.

6. At the first meeting of the voters for the purposes aforesaid, after the passing of this Act, and at the annual meeting in every year thereafter, the meeting, after having determined the amount of rate (if any) to be levied, shall elect by ballot from amongst the persons qualified to vote at such meeting nine persons to be a Board to carry into effect the provisions of this Act, any three of whom shall be a quorum; and such Board shall be styled the Board of Works for the Town of Nelson; and the chairman of such meeting shall report in writing to the Superintendent the names of the persons elected to form the Board.*

Board to continue in office one Year.

7. The Board shall continue in office one year, and until the next election of a Board: any member going out of office may be re-elected if then qualified.*

Members of Board to be disqualified in certain cases.

8. If any member shall refuse to act, or be absent from the Province for four months at one time, or become bankrupt, or an insolvent debtor within the meaning of any laws relating to insolvent deblors, or a public defaulter, or be convicted of felony or any infamous crime, he shall cease to be a member of the Board.

* Repealed by the "Nelson Improvement Amendment Act, 1858."

If Members of Board be reduced below Five, new Members to be elected.

9. If at any time, by reason of death, absence, resignation, bankruptcy, or otherwise, the members of the Board shall be reduced below five, the Board shall appoint a meeting of voters at such time and place as it shall think expedient ; and such voters shall, at such meeting, after electing a chairman, elect from amongst the persons qualified to vote at such meeting, a number of new members equal to the numbers of vacancies; and the chairman shall report in writing to the Superintendent the names of the members so elected : such new members shall hold office until the next general election.*

All disputes relating to election of Members of the Board, or making Rate, to be determined by Superintendent and Executive Council.

10. All questions and disputes which may arise concerning the election of any members of the Board, or the making of any rate, or respecting any other proceeding at a general meeting, shall be referred to the Superintendent and Executive Council by the petition in writing of five or more electors, presented within ten days after the day of meeting at which the disputed proceeding shall have taken place ; and all questions respecting the vacancy of the office of members shall be referred to the Superintendent and Executive Council, whose decision shall be final.

Board to have power to make Roads, &c.,

11. The Board shall have power within the limits of the said town to make and keep in repair roads, streets, causeways, footpaths, bridges, and the like, and to provide for the establishment of markets and construction of market-places, and other works of public utility.*

Board to have power to make Drains, &c.

12. The Board shall also have power from time to time to make all such ditches, drains, sewers, and watercourses, as they may deem necessary for effectually draining or supplying the said town with water, and to carry such ditches, drains, sewers, and watercourses through, across, or under any street, or road or place laid out as or intended for a street, and also into, through, or under any lands whatsoever, and to cleanse, alter or, stop up the same when necessary, paying to the owner and occupier of such lands for the damage he shall sustain thereby; and the Board may from time to time enlarge, lessen, alter, cover over, or otherwise improve all or any of the existing sewers, ditches, drains, and watercourses, and may discontinue, close up, or destroy such of them as may be deemed unnecessary: Provided always, that if by reason thereof any person is deprived of the lawful use of any drain, ditch, or sewer, the Board shall provide some other drain, ditch, or sewer as effectual as the one of which he is so deprived.

If Owners and Occupiers do not consent to Drains, &c., being made, Notice to be given of Application to

13. Before any such drain, sewer, or watercourse shall be made through any private lands, unless the owner, or agent for the owner, and the occupier of such lands, shall signify their consent thereto in writing, the said Board shall cause a written notice to be given to the owners and occupiers of such lands, of their intention to apply to the Justices on a day and

* Repealed by the "Nelson Improvement Amendment Act, 1858."

at a place to be therein named, and which shall not be less than one month nor more than six weeks from the time of giving such notice, for an order for making such drain, sewer, or watercourse, and shall cause a plan showing the drain, sewer, or watercourse so proposed to be made, together with a reference containing the names of the owners and occupiers of such lands, so far as known, to be deposited with the Clerk to the Magistrates previously to giving such notice as aforesaid: Provided always that, in case the owner of any such land shall be unknown, or shall be absent from the Province, or cannot be found, the said Board may cause such notice to be published for two successive weeks in any newspaper published in the Province, instead of being served upon such owner.

Justices, and Plan to be deposited with Clerk to Justices.

14. Any two or more Justices of the Peace having jurisdiction in the Province, may, at a meeting to be held at the time and place mentioned in such notice, hear and determine such application, and any objection thereto; and upon proof duly made to them of such notice having been given, and that it is expedient to make any such drain, sewer, or watercourse through such lands, the said Justices shall make an order directing such drain, sewer, or watercourse to be made according to the said plans.

Justices may order Drains to be made.

15. The Board shall have power from time to time to enter into any contracts for the execution of any work to be done under the authority of this Act; and to appoint and employ such collectors, surveyors, clerks, and workmen as they may deem necessary to enable them to carry into execution the provisions of this Act, and, as they shall think proper and necessary, to remove any such officers or workmen, and appoint others in their stead; and out of the moneys which shall come to their hands, under or by virtue of this Act, to pay such officers and workmen such remuneration as shall be reasonable.

Board may make Contracts and appoint Surveyors, &c.

16. If any person shall obstruct or in any manner interfere with any such drain, sewer, or watercourse, such person, on being convicted thereof before any Justice of the Peace, shall be liable to reimburse all charges and expenses which may be occasioned by reinstating and making good the work so altered, obstructed, or interfered with, and shall also forfeit any sum not exceeding Ten pounds, nor less than Five pounds.

Persons obstructing Works liable to Penalty.

17. It shall not be lawful for any person to cause any drain or sewer to communicate with or be emptied into any drain, sewer, or watercourse to be made as aforesaid, nor to cause any building to be erected over such drain, sewer, or watercourse, nor to cause any vault, arch, or cellar to be built or constructed under any street, without the written consent of

Penalty for making unauthorised Sewers, and building over Sewers, and erecting

Wind-mills, Lime-kilns, &c., in certain cases.

the Board first had and obtained ; nor to erect, or cause to be erected, within fifty yards of any road or street, any steam-engine or wind-mill, unless such steam-engine or wind-mill shall be behind some wall or fence sufficient to screen the same from the road, so that the same may not be dangerous to passengers, horses, or cattle ; nor to make any fire for burning or calcining any limestone, bricks, or clays, or the making of coke or charcoal, within twenty-five yards of any road or street, unless the same shall be within some building, or behind some wall or fence, sufficient to screen the same from such road ; and any person offending against this enactment shall be liable to a penalty for every such offence not exceeding Ten pounds, nor less than Five pounds, and a further penalty, not exceeding Forty shillings, for every day during which the offence is continued after notice in writing from the Board in this behalf: And the Board may cause any sewer, drain, building, vault, arch, or cellar, erected or constructed contrary to this enactment, to be pulled down or otherwise dealt with as they may think fit, and the expenses incurred by them in so doing shall be repaid to them by the offender, or be recoverable in a summary manner before any Justice of the Peace, as hereinafter provided.

Disputed Compensation to be settled by Arbitration.

18. In case of any dispute as to the amount of any compensation to be made under the provisions of this Act, unless both parties concur in the appointment of a single arbitrator, each party on the request of the other shall, by writing under his hand, appoint an arbitrator, to whom the matter shall be referred, and such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same; and, after the making of such appointment, the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation.

If either Party neglect to appoint Arbitrator, or if Owner absent, Resident Magistrate to appoint Arbitrator.

19. In case either of the said parties shall refuse or neglect to appoint an arbitrator for the space of fourteen days after being requested so to do by the other party, or in case the owner of any land through which any drain or sewer shall be made shall be absent from the Province, or cannot be found, the Resident Magistrate shall appoint an arbitrator to act on behalf of such owner or other party as aforesaid.

Arbitrators to appoint Umpire, and if Arbitrators do not make Award within

20. In case there be more than one arbitrator, the arbitrators shall, before they enter upon the reference, appoint by writing under their hands an umpire; and if the person appointed umpire die or become incapable, or refuse to act, the arbitrators shall forthwith appoint another person in his stead ; and in case the arbitrators cannot agree, or shall fail to make their

award within three months from the day on which the last of them was appointed, the matters referred shall be determined by the umpire, and such umpire shall make his award within three months from the day on which the matters in dispute shall be referred to him as aforesaid.

three months, Umpire to make Award.

21. All costs consequent upon the reference shall be in the discretion of the arbitrator, or arbitrators, or umpire, as the case may be; and any submission to arbitration under the provisions of this Act may be made a rule of the Supreme Court of New Zealand.

Costs of Reference in discretion of Arbitrators, and Submission may be made a Rule of Court.

22. The Board shall have power to construct and maintain (except on private lands) such wells, tanks, reservoirs, aqueducts, and other waterworks as they shall think proper for supplying the inhabitants of the town with water; and also to prevent any such well, tank, or other waterwork, or any public spring within the limits of the said town from being fouled or rendered impure or unfit for drinking; and any person or persons who shall by themselves or their agents do or cause to be done any act calculated to pollute or render foul any such wells, tanks, reservoirs, or aqueducts, or who shall throw into the same any rubbish, dirt, filth, or other noisome thing, or who shall wash or cleanse therein any cloth, wool, leather, or skin of any animal, or any clothes, or other thing, shall, on conviction before any Justice of the Peace, forfeit and pay any sum not exceeding Ten pounds, and every such person shall forfeit a further sum of Twenty shillings for each day (if more than one) that such offence shall be continued.

Board to have power to construct Reservoirs, &c.; Persons injuring same liable to Penalty.

23. It shall not be lawful for any person to make or lay out any new street, road, square court, alley, or thoroughfare, in the said town, unless the same, being a carriage-road, be at least thirty feet wide, or not being a carriage-road, be at least twenty feet wide.

New Streets not to be less than 20 feet.

24. If the Board shall consider any chimney, by reason of its being of an insufficient height, or from any other cause, likely to endanger any building near or adjoining, they shall cause a notice in writing, signed by any member of the Board, or their clerk, to be given to the owner of such chimney, or left upon the premises where such chimney shall be standing, requiring such owner, within a time to be specified in such notice, to heighten or repair such chimney, as occasion shall require; and if such owner shall fail or neglect to perform the work so directed to be done, he shall be liable to a penalty of any sum not exceeding Ten pounds, and also a further sum not exceeding Ten shillings for every week he shall neglect to heighten

Power to order Chimneys to be heightened, &c.

or repair such chimney, as the case may be, after the time specified in such notice, to be recovered in the same manner as rates in arrear.

Dangerous Buildings to be taken down.

25. If any building or wall, or anything affixed thereon, within the said town be deemed by the Board to be in a ruinous state, and dangerous to passengers, or the occupiers of the neighboring buildings, the Board shall cause notice in writing to be given to the owners of such building or wall, if he be known and reside within the said town, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof, if any, requiring such owner or occupier forthwith to take down, secure, or repair such building, wall, or other thing, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure such building, wall, or other thing within the space of three days after any such notice, and complete such repairs, or taking down, or securing, as speedily as the nature of the case will admit, the Board may make complaint thereof before two Justices of the Peace; and it shall be lawful for such Justices to order such building, wall, or other thing, or such part thereof as they shall think necessary, to be taken down, rebuilt, repaired, or otherwise secured, within a time to be fixed by such Justices: and in case the same be not taken down within the time so limited, the Board shall, with all convenient speed, cause all or so much of such building, wall, or other thing as shall be in a ruinous condition and dangerous state as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured, in such manner as shall be requisite; and all expenses attending the same shall be paid by the owner thereof, or be recoverable in a summary manner before any Justice of the Peace.

Expenses of pulling down dangerous Buildings to be paid by the Owner.

26. If any building or wall as aforesaid, or any part of the same, be pulled down by virtue of the powers aforesaid, the Board may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such building or wall, and the overplus thereof shall be paid to the owner on demand: nevertheless, the Board, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

Persons permitting Nuisance liable to Penalty.

27. It shall be the duty of the Board to appoint an Inspector of Nuisances: and any person who shall permit any nuisance to exist, in the shape of any noisome or unwholesome trade, or of any privy, sty, or

receptacle for filth of any kind, upon any premises in the occupation of such person, after the expiration of ten days' notice from such Inspector to abate the same, shall be liable to a penalty of any sum not exceeding Ten pounds, to be recovered in a summary manner before any Justice of the Peace.*

Board may impose Dues for use of Market-places &c.

28. It shall also be lawful for the Board to impose such dues as they shall deem reasonable upon all persons making use of any market-place or other public work established under the authority of this Act; and in case of non-payment of such dues, the same may be recovered in a summary manner before any Justice of the Peace.

Board to levy Rates.

29, If at the annual meeting it shall be determined to levy a rate for the ensuing year, the Board shall make and levy, in manner hereinafter provided, such rate on all houses, lands, and tenements situate in the Town of Nelson (except such as belong to the Crown, or are reserved for public purposes, or are places set apart for public worship).†

Assessors may be appointed.

30. The Board may from time to time, by warrant under their hands, or of any three of them, appoint one or more fit person or persons to be assessor or assessors, to assess all such houses, lands, and tenements; and such assessor or assessors shall, within thirty days after the delivery to them of the warrant of their appointment, return to the Board an assessment for the said town, or such part thereof as shall be named in such warrant; and the assessment shall specify the full and fair value to sell of all houses, lands, and tenements comprised in such assessment, and the names of the owners and occupiers, where known.

Notice of Place where Assessment may be inspected to be given.

31. When the assessment shall have been made, the Chairman of the Board shall sign the same, and, in some newspaper published or generally circulated in the Province, shall cause public notice to be given of such assessment, and of the place of the said town where the same may be inspected for the period of twenty-one days; and the person in whose custody such assessment may be shall permit every owner or occupier of property included in such assessment to inspect the same during office hours.*

Persons aggrieved may appeal.

32. If any person shall think himself aggrieved by such assessment, on the ground that such assessment includes any property for which he is not rateable under this Act, or that it assesses his ratable property beyond its full and fair value, and that the name of any person is omitted out of such assessment, or that the property of any person is assessed below its full and fair value, the person so considering himself aggrieved, upon giving seven days' notice to the said Board of such his intention, may appeal to a bench of not less than three Magistrates, within twenty-eight days after public notice of such assessment shall have been given as aforesaid; and in case the said Court of Appeal shall think the appellant entitled to relief, it shall order the assessment to be amended in such manner as it

* Repealed by the "Nelson Improvement Amendment Act, 1862."

† Repealed by the "Nelson Improvement Amendment Act, 1858."

may deem necessary; and in case he shall have appealed on the ground that the name of any person is omitted out of the assessment, the said Court of Appeal may order the name of such person to be inserted in the assessment, and to be therein assessed at such an amount as it shall deem just; and in case the appellant shall have appealed on the ground that the property of any person is assessed below its full and fair value, the said Court of Appeal may order the amount at which such person is assessed to be altered in such manner as it shall deem just; and the said Court of Appeal shall, in each of the cases aforesaid, forthwith cause the assessment to be amended accordingly, but the assessment shall not be questioned or altered with respect to any other person named therein; and the said Court shall have power to order the costs of such appeal to be paid by either party; and the determination of the said Court of Appeal shall be final and conclusive.*

Rate to be paid by Occupier.

33. The rate shall be paid by the occupier of the house, land, or tenement, or in case there shall be no occupier, by the owner thereof.*

Rate to be paid as directed by the Board.

34. The said rate shall be paid to some person appointed by the Board for that purpose, by the persons liable to the payment thereof, on a day and at a place to be fixed for that purpose by the said Board, by public notice in some newspaper published or generally circulated in the Province, not being 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 sums 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.*

If Rate in arrear for 12 Months, Property may be sold.

35. In case any part of the amount to be recovered as aforesaid shall remain unpaid for the space of twelve calendar months, the whole amount due, together with interest thereon, at the rate of ten per centum per annum, from the time at which the same became due, and all expenses incurred and to be incurred in recovering the same, shall be leviable by sale of a sufficient portion of the property upon or in respect of which such amount shall have been imposed, and such sufficient portion shall be set out by the Resident Magistrate or any two Justices of the Peace having jurisdiction within the town, upon requisition to be made to him or them by the said Board: Provided always that, before any such property shall be sold, one calendar month's notice of such sale shall be given in the *Government Gazette* of the Province.*

Superintendent may execute Conveyance.

36. Such property shall be sold by the Treasurer of the Province, by public auction; and a conveyance thereof, signed by the Superintendent, shall vest the property so conveyed in the purchaser, free from all incumbrances whatsoever.†

Special Rate may be levied upon Lands materially benefited by Drainage.

37. In case any lands, at present unavailable in consequence of their being at certain periods flooded or covered with water, shall be materially benefited or rendered available by the formation of any such drain or sewer, a special rate, not exceeding Two shillings in the pound upon the sum at which such

* Repealed by the "Nelson Improvement Amendment Act, 1858."

† Repealed by "The Sale for non-payment of Rates Act, 1862," of the General Assembly of New Zealand. *Vide* Appendix.

improvements shall be assessed, may be levied annually for five years in respect of such lands, in addition to the rate hereinbefore authorised ; and such rate and assessment shall be settled by arbitration, in the same manner as hereinbefore provided in respect of disputed compensation ; and the amount of such rate shall be paid by the owners of such lands, at such times and places and to such person as the Board shall appoint for that purpose ; and if such special 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 the same manner as is hereinbefore provided for rates in arrear.

Moneys to be paid to the Treasurer of the Province

38. All moneys levied or received under this Act shall be paid to the Treasurer of the Province, to be appropriated by the said Board in defraying the expenses of carrying out the provisions of this Act ; and the said Board, or any three of them, may from time to time issue their warrants to the said Treasurer for any sum or sums of money not exceeding the sum liable at the time to be appropriated by the said Board.*

Superintendent may pay Money appropriated for Roads, &c., to the Board.

39. It shall be lawful for the Superintendent, if he shall think fit, to commit to the said Board the expenditure of any moneys appropriated to the construction and maintenance of streets, bridges, drains, or other public works within the said town, and to pay over the same to the account of the said Board, to be appropriated in such manner and for such purposes as the Superintendent shall direct or appoint.

Meetings of Board.

40. The business of the Board shall be transacted at meetings which shall be holden at such times and places, and shall be adjourned in such manner as the Board shall direct or appoint. Any two of the members shall have power to call a special meeting of the Board, by giving to the other members, or leaving at their places of abode, notices in writing, signed by the members calling the meeting, specifying the time and place thereof, which notices shall be given three clear days at least before such meeting ; and no business shall be done at any meeting unless three members at least be present.*

Questions to be decided by a Majority present, and Minutes to be kept.

41. All questions which shall come before such meeting shall be decided by a majority of the members who shall be present thereat, and a minute of every resolution agreed to shall be entered in a book to be kept for that purpose, and shall be signed by the Chairman.

Accounts to be kept and audited.

42. The Board shall, in books to be kept by them for that purpose, enter true accounts 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 or balance-sheet thereof, signed by three at least

* Repealed by "The Nelson Improvement Amendment Act, 1858."

of the members of such Board, 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 that purpose by such meeting.

Copy of Balance-sheet to be published.

43. A copy of such abstract or balance-sheet shall be posted up by such Board, at or before the commencement of such meeting as aforesaid, upon some conspicuous part of the place in which such meeting shall be held.

Money, Books, &c., to be handed over to new Board.

44. All moneys found by the auditors to be due from any retiring Board, together with all such books of account, vouchers, and papers, shall be forthwith paid and delivered over to the Board for the time being.

Board may sue and be sued in the name of their Clerk, &c.

45. The said Board may sue and be sued in the name of their clerk, or any member of such Board for the time being; and legal or equitable proceedings taken by or against the said Board, in the name of any one of the Board, or their clerk, shall not abate or be discontinued by the death or removal of such clerk or member; but the clerk for the time being, or any member of such Board, shall always be deemed to be the plaintiff or defendant (as the case may be) in any such proceedings: Provided always, that the said Board and their clerk respectively shall in no case be personally liable, nor shall the private estate and effects of any of them be liable for the payment of any moneys, or costs, or otherwise, in respect of any contract which shall be made by them, or any of them, or for any act, deed, or matter done or executed by them, or any of them, in their or his official capacity and on the public service.

Members of Board not to become Contractors, &c.

46. No member of the Board shall, during the continuance of his office, become a contractor, or hold any paid office in the gift of the Board.

No Judge, Resident Magistrate, or Justice of the Peace to be disqualified from acting under this Act

47. No Judge, Resident Magistrate, or Justice of the Peace shall be disqualified from acting in pursuance of any of the provisions of this Act by reason of his being assessed as a ratepayer under this Act.

Proceedings for Penalties.

48. All proceedings under this Act, except as hereinbefore is otherwise provided, shall be regulated by Ordinance, No. 5, Session II., of the Council of New Zealand, for the regulation of summary proceedings before Justices of the Peace; and all fines, forfeitures, and penalties to be had and received under

this Act shall be recovered in a summary way, and be paid to the Treasurer of the Province, to be appropriated by the said Board.

49. This Act shall be termed and may be cited as the Short Title "Nelson Improvement Act, 1856."

DONALD SINCLAIR,
Speaker.

Passed the Provincial Council this Twenty-seventh day of March, 1856.

GEORGE WHITE,
Clerk of the Council.

I assent to this Act on behalf of the Governor of New Zealand, this Thirty-first day of March, in the year of our Lord One thousand eight hundred and fifty-six.

E. W. STAFFORD,
Superintendent.

PROVINCE OF NELSON.

NELSON IMPROVEMENT AMENDMENT ACT.

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

SESSION IV., No. 3.

AN ACT TO AMEND "THE NELSON IMPROVEMENT ACT, 1856."

ANALYSIS.

Title.
Preamble.
1. Parts of former Act repealed.
2. Board to be nominated and elected.
3. Rates may be levied.
4. Sections Nos. 2 and 3 of former Act declared part of this Act.

THIS Act is repealed by "The Nelson Improvement Amendment Act, 1858."

PROVINCE OF NELSON.

NELSON IMPROVEMENT AMENDMENT ACT, 1858.

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

SESSION V., No. 11.

AN ACT TO AMEND "THE NELSON IMPROVEMENT ACT, 1856," AND TO REPEAL "THE NELSON IMPROVEMENT AMENDMENT ACT, 1857."

ANALYSIS.

Title.
Preamble.
1. Nelson Improvement Amendment Act repealed.
2. Certain Sections of Nelson Improvement Act repealed.
3. Qualification of Electors.
4. Board to be nominated and elected.
5. If number of Board reduced below Five, new Members to be elected.
6. Only a certain number of the Board to retire annually.
7. Assessment to be open for Public Inspection for twenty-one days.
8. Persons aggrieved may appeal.
9. Rates to be levied.
10. By whom Rates to be paid.
11. Owner of Property on certain day liable to pay Rate.
12. Rate to be paid as directed by the Board.
13. If Rate in arrear for twelve months, Property may remain chargeable for four years before being sold.
14. Money to be paid into Union Bank of Australia, or some other legally constituted Bank
15. Board may make By-laws, &c.
16. No such By-laws to come into operation until confirmed by Superintendent and his Executive Council.
17. Penalties for breach of By-laws may be fixed and recovered in a summary way.
18. Certain powers may be exercised by the Board.

19. Meetings of Board.
20. Board to have charge and control over Streets, Rivers, &c.
21. Board may provide for establishment of Markets.
22. Board may stop up Streets under certain conditions, and purchase Private Land for new Streets.
23. Provisions for width of Streets, &c., on Private Property.
24. Board to have power to borrow Money and construct Waterworks.
25. Provisions for maintaining regularity in the erection of Buildings in the Public Streets.
26. Board, from time to time, may borrow Money on security of Rates.
27. Board may, on application of Ratepayers, make special Improvements, &c.
28. Persons injuring Streets or Public Works liable to Penalty.
29. Animals straying on Public Streets liable to Penalty.
30. Town Constables and Officers of the Board to lay Information.
31. Certain Sections to be construed as part of recited Act.
32. Certain acts done by the Board to be valid.
33. Short Title.

Title. "*An Act to amend 'The Nelson Improvement Act,* 1856,' *and to repeal 'The Nelson Improvement Amendment Act,* 1857.'"

[Assented to 13th May, 1858.]

Preamble. WHEREAS certain Acts were passed by the Superintendent and Provincial Council of the Province of Nelson, intituled respectively "The Nelson Improvement Act, 1856," and "The Nelson Improvement Amendment Act, 1857;" and whereas it is expedient that the said Nelson Improvement Act, 1856, should be amended, and that the said Nelson Improvement Amendment Act, 1857, should be repealed, and other provisions substituted in lieu thereof: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Nelson Improvement Amendment Act repealed.

1. The said Nelson Improvement Amendment Act, 1857, shall be and the same is hereby repealed.

Certain Sections of Nelson Improvement Act repealed.

2. Sections numbered 3, 4, 5, 6, 7, 9, 11, 29, 31, 32, 33, 34, 35, 38, and 40 of the said recited Nelson Improvement Act, 1856, shall be and the same are hereby repealed: Provided that nothing contained in this or the preceding clause shall extend, or be deemed to extend, to prevent the collecting, suing for and recovering any rates already imposed under the authority of the above-recited Acts, or either of them.

Qualification of Electors.

3. Every person who shall have paid the last rate levied by the Board of Works, shall be entitled to vote and take part in

the proceedings at any meeting for the election of members of the said Board of Works: Provided always that such person shall have paid all rates for which he shall be then liable.

Board to be nominated and elected.

4. At noon on the last Monday in the month of July, in the year One thousand eight hundred and fifty-eight and at a convenient place within the said town to be fixed by the Board of Works (who shall continue in office until their successors are elected), the voters shall assemble, and, having appointed a chairman, shall proceed to elect from amongst the persons qualified to vote at such meeting seven persons, to be a Board to carry into effect the provisions of this Act, any three of whom shall be a quorum: Provided that, if there be more candidates proposed than the number to be elected, the chairman shall call for a show of hands separately in favour of each candidate, and after such show of hands shall declare the person or persons on whom the election has fallen: if however, any candidate or three electors shall demand a poll, a polling shall take place on the day following, and the chairman of such meeting, or some person appointed by him, shall preside at such polling; the voting to commence at noon, and close at four o'clock on the same day: and the mode of voting shall in all other respects be conducted in the same manner as is provided for the election of members of the Provincial Council; and such Board shall be styled the Board of Works for the Town of Nelson; and the chairman of such meeting shall report in writing to the Superintendent the names of the persons elected to form the Board, and the same shall be published in the *Government Gazette* of the Province.

If number of Board reduced below five, new Members to be elected.

5. If, at any time, by reason of death, absence, resignation, bankruptcy, or otherwise, the number of the Board shall be reduced below five, the Board shall forthwith appoint a meeting of the voters for the district, at the hour of noon, on such day, and such place, as the Board shall think expedient; and such voters shall, at such meeting, after electing a chairman, elect from amongst the persons qualified to vote at such meeting, in manner hereinbefore provided, a number of new members equal to the number of vacancies; and the chairman shall report, in writing, to the Superintendent the names of the members so elected; and every member so elected shall hold office until the time at which the person in room of whom he was elected would regularly have gone out of office.

Only a certain number of the Board to retire annually.

6. The Board shall continue in office until the next annual meeting, which shall take place at noon, on the last Monday in the month of July in every year, and in accordance with the provisions hereinbefore contained: Provided always, that

only a certain number of the members of the Board shall be required to retire from office annually, and such retirement shall take place in the following manner, that is to say:—At the first annual meeting which shall be held after the election of a Board under this Act, that is to say, at noon of the last Monday in July, One thousand eight hundred and fifty-nine, three members (to be decided by ballot at the previous meeting of the Board) shall retire, and three duly-qualified persons shall be elected to fill up the vacancies; at the second annual meeting, the four members who were elected two years previously shall retire, and four duly-qualified persons shall be elected to fill their places; at the third annual meeting, the three members elected two years previously shall retire, and so on; every member retiring from office at the expiration of two years from the date of his election; any member going out of office may be re-elected if then qualified.

Assessment to be open for Public Inspection for Twenty-one Days.

7. When the assessment of the whole town shall have been made or amended to the satisfaction of the Board, the assessor or assessors shall attach his or their names thereto, together with the date of making or amending such assessment, and a certificate to the effect that such assessment so made or amended is a fair and just assessment, according to the best of his or their judgment; and the chairman of the Board shall sign the same, and in some newspaper, or newspapers published or generally circulated in the Province, shall cause public notice to be given that the said assessment so made or amended may be inspected at the office of the Board of Works for the period of twenty-one days, during the usual office hours, by every owner or occupier of property included in such assessment.

Persons aggrieved may appeal.

8. If any person shall think himself aggrieved by such assessment, on the ground that it includes any property for which he is not ratable under this Act, or that it assesses his ratable property beyond its full and fair value, or that the name or property of any person is omitted out of such assessment, or that the property of any person is assessed below its full and fair value, the person so considering himself aggrieved may, at any time within twenty-eight days after public notice of such assessment shall have been given as aforesaid notify, in writing, to the Board of Works the grounds of his objection to the assessment, and his intention to appeal to a bench of not less than two Magistrates; and shall also send a similar notice to the Clerk to the Bench, who shall thereupon, by advertisement in some newspaper generally circulated in the Town of Nelson, summon a meeting of Magistrates for the consideration of appeals, such meeting to be

held within fourteen days after the expiration of the aforesaid twenty-eight days: and, in case it shall appear that the appellent is entitled to relief on account of being erroneously or too highly assessed, or that the name or property of any person has been omitted out of the assessment, or that the property of any person is assessed below its full and fair value, the said Court of Appeal shall order the assessment to be altered or amended in such manner as it shall deem necessary; but the assessment shall not be questioned or altered with respect to any other person named therein; and the said Court shall have power to order the costs of such appeal to be paid by either the appellant or the Board; and the determination of the said Court of Appeal shall be final and conclusive.

Rates to be levied.

9. For carrying into effect the provisions of this Act, it shall be lawful for the Board from time to time to levy a rate upon all houses, lands, and tenements situate in the said town, except such as belong to the Crown or are reserved for public purposes and unoccupied by private persons, or are places set apart for public worship, or are buildings used as public colleges or schools, or as libraries or museums; and all such rates shall be made upon the estimated value to sell of the houses, lands, and tenements rated thereto, and shall not in any one year exceed twopence in the pound.

By whom Rates to be paid.

10. The rate shall be paid by the occupier of the house, land, or tenement, or, in case there shall be no occupier, by the owner thereof; but the owners of all ratable property within the limits of this Act let by them to weekly or monthly tenants, or in separate apartments, shall be rated to and pay the rates by this Act directed to be made instead of the occupiers thereof; and the Board shall distinctly specify in the assessment of the town whether the rate is charged to the owner or occupier.

Owner or Occupier of Property on certain day liable to pay Rate.

11. The person who owns or is in occupation, as the case may be, of the property on the day when the notice of the assessment having been made first appears in some public newspaper, shall be deemed and held to be liable to pay the rate then becoming due upon the said property.

Rate to be paid as directed by the Board.

12. The said rate shall be paid to some person appointed by the Board to receive the same by the persons liable to the payment thereof, on a day, and at some centrally-situated place in the said town, to be fixed for that purpose by the Board, by public notice in some newspaper or 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.

If rate in arrear for Twelve Months, Property may remain chargeable for Four Years before being sold.

13. In case any part of the amount to be recovered as aforesaid shall remain unpaid for the space of twelve calendar months, the property upon which the rate is in default shall be and remain chargeable with a sum equal to double the amount of the rate then due; and if all or any arrears shall continue to remain unpaid, a double rate shall be annually imposed and remain chargeable upon the property until the expiration of four years from the time when the first portion of the said arrears became due, at which date the whole amount due, together with interest thereon at the rate of Ten pounds per centum per annum from the time at which the same became due, and all expenses incurred and to be incurred in recovering the same, shall be leviable by sale of a portion of the property upon or in respect of which such amount shall have been imposed, and such portion as may be thought sufficient shall, upon requisition made by the Board of Works, be set out by the Resident Magistrate or any two Justices of the Peace having jurisdiction within the said town; and if the portion of property so set out realizes more than sufficient for the payment of the overdue rate and all expenses connected with it, the overplus shall be retained by the Provincial Treasurer until applied for by the rightful owner or until expended in the payment of rates on that portion of the property (if any) remaining unsold: Provided always that before any property shall be sold, six calendar months' notice of such sale shall be given in the *Government Gazette* and in some newspaper published in the said Province and provided further that a copy of such *Gazette* or newspaper shall, within a week of its publication, be forwarded or posted to the address (if known) of the owner of the property so in default.*

Money to be paid into Union Bank of Australia or some other legally constituted Bank.

14. All moneys levied or received under this Act shall be paid into the Union Bank of Australia or some other legally constituted bank at Nelson, on account of the Board of Works, 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 not less than three members of the said Board and 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: Provided always, that every Collector, Secretary, or other person appointed to receive money under this Act on behalf of the Board, shall provide good and sufficient security for the honest custody of the same, and its delivery into the banker's hands.

Board may make By-laws &c.

15. The Board shall have power to make, ordain, and constitute, and from time to time to repeal, alter, and amend all such rules, by-laws, and regulations as may be necessary and

* Repealed by "The Sale for the non-payment of Rates Act, 1862," of the General Assembly of New Zealand. *Vide* Appendix.

expedient for better ensuring the public health, safety, comfort, and recreation of the said Town of Nelson, and for the more speedy and effectual abatement of public nuisances.

No such By-laws to come into operation until confirmed by Superintendent and his Executive Council.

16. Provided always, that no such rule, by-laws, or regulations shall come into operation until one calendar month after the same shall have been confirmed by the Superintendent of the Province and his Executive Council, and published as confirmed in the Nelson *Government Gazette* and also in some newspaper or newspapers generally circulated in the said town; and on and after the day on which such regulations, by-laws, and rules, shall come into operation, they shall have the same power and effect as any of the provisions of this present Act: Provided always, that no such rules, by-laws, or regulations shall be so confirmed until one calendar month after the same shall have been published in some newspaper generally circulated in the said town.

Penalties for breach of By-laws may be fixed and recovered in a summary way.

17. It shall be lawful for the said Board to fix and establish in such rules, by-laws, and regulations, any penalty or penalties for the breach or non-performance thereof, not exceeding Forty shillings for any such offence, which may be recovered in a summary way before any Justice of the Peace, upon complaint of any member of the said Board, or any person whom they may appoint: Provided always, that no rules, by-laws or regulations so made or constituted as aforesaid shall be deemed to interfere with or prevent the operation of the Constabulary Force Ordinance, Session I., No. 9, of the Legislative Council of the Province of New Munster.

Certain powers may be exercised by the Board.

18. All the powers given to the Commissioners for the repairs of streets by the before-mentioned Constabulary Force Ordinance, may be exercised by the Nelson Board of Works, so far as regards the Town of Nelson.

Meetings of Board.

19. The business of the Board shall be transacted at meetings, which shall be holden at such times and places and shall be adjourned in such manner as the Board shall direct or appoint. Any two of the members shall have power to call a special meeting of the Board, by causing the Secretary or Clerk to write a notice to the whole of the members of the Board, which notice shall be signed by the said Secretary or Clerk, and by the two members so calling the special meeting; and the business to be transacted at such special meeting shall be stated in such notice, which shall be given to the members, or left at their place of abode, at least twenty-four hours before such special meeting takes place: Provided always, that no business shall be transacted at such meeting, unless three members at least be present.

Board to have charge and control over Streets, Rivers, &c.

20. The said Board shall have charge and control over all the streets, roads, squares, alleys, pathways, lanes, bridges, and thoroughfares, and all rivers, streams, water-courses, drains, ponds, ditches, and the like, not being private property, and comprised within the aforesaid boundary of the Town of Nelson: Provided always, that nothing herein contained shall interfere with the powers, rights, or privileges appertaining to or exercised by either the Provincial or General Governments.

Board may provide for establishment of Markets.

21. It shall also be lawful for the said Board to provide for the establishment of markets, and the construction of market-places, and other works of public utility or convenience.

Board may stop up Streets under certain conditions, and purchase Private Land for new Streets.

22. The Board shall have power, subject to the provisions of the "Alteration of Roads Ordinance, Session II., No. 4," to stop up, divert, or alter any streets or roads in the said town, and to purchase from any private individual such land as may be requisite for the formation of any new road, street, or other thoroughfare.

Provisions for width of Streets, &c., on Private Property.

23. If any street, road, court, alley, or thoroughfare be made on private property, of a less width than is required by the twenty-third clause of the "Nelson Improvement Act, 1856," it shall be lawful for the Board, on giving seven days' notice to the offending party, to apply to the Resident Magistrate, or to a bench of not less than two Magistrates, on whose order the said offending party shall be compelled either to stop up, or to make of the requisite width, such street, road, court, alley, or thoroughfare, and in default thereof to pay a fine not exceeding Forty shillings for every week the order of such bench of Magistrates is not complied with.

Board to have power to borrow Money and construct Waterworks.

24. For the purpose of effectually draining the said town, and of supplying the inhabitants thereof with pure water, it shall be lawful for the said Board to raise money by the issue of debentures, or by the contraction of a loan, on the security of the rate or otherwise; and the said Board shall have power to lease or purchase ground, construct such works as may be necessary, and to charge the inhabitants of the said town with such sums of money, either by rating or otherwise, as shall be considered sufficient to provide for the repayment of the aforesaid loan and interest, and for the payment of expenses necessarily incurred in providing such supply of water: Provided always, that no loan shall be raised for any such purpose until a special Act authorising the same shall have been passed by the Superintendent and Provincial Council of the said Province.

Provisions for maintaining

25. In order to maintain a proper regularity in the erection of buildings within the said Town of Nelson, it shall be lawful

for the Board, whenever the correct boundaries of any public road or street cannot be ascertained by means of existing plans or records, to appoint some competent surveyor or surveyors to resurvey and set out upon the ground such public road or street, and make a plan of the same; and such plan shall be kept at the office of the said Board, and public notice shall be given that the said plan is open to public inspection, and that any person considering himself or herself aggrieved by such new survey, may, within twenty-one days from the date of such public notice, appeal to a bench of not less than two Magistrates, who shall have power to order the said plan to be amended as they may think fit, in respect of the matter appealed against; and the Board shall forthwith transmit a copy of every such plan to the Commissioner of Crown Lands; and the owner of any building that may be found to have encroached on any of the said public roads or streets shall, until the removal of such encroachment, pay an annual rent of One shilling to the Board, in respect of such building, or, in default thereof, shall be liable to have the same removed at his or her expense; and any person hereafter erecting any building, so as to encroach on any of the said public roads, or streets, shall be liable to a penalty not exceeding Twenty pounds; and the Board shall have power to remove (without doing any unnecessary damage) such encroachment at the expense of the person so offending.

regularity in the erection of Buildings in the Public Streets.

26. In shall be lawful for the said Board, from time to time, to borrow, at interest on the credit of the several rates or assessments by this Act granted, any sum of money which, together with any sum previously borrowed, shall not exceed the sum of One thousand pounds: and in the event of any part of such sum of money being repaid by the Board, to re-borrow the same, and so *toties quoties*, but so, nevertheless, that there shall not be owing on the security aforesaid any more than the sum of One thousand pounds in the whole at any one time; and that the money so borrowed be expended on the town improvements contemplated by this Act; and for securing the repayment of the moneys so borrowed with interest, the Board, or any five of them, may assign over the said rates, assessments, or any part thereof, to the person who shall advance or lend such money, or his trustees, as a security for the payment of the money so to be borrowed, together with interest not exceeding Ten pounds per centum per annum for the same, to be paid half-yearly, unless otherwise provided.

Board, from time to time, may borrow Money on security of Rates.

27. Whenever two-thirds of the ratepayers occupying property contiguous to any street or road shall represent to the Board their willingness to be specially rated for any public

Board may on application of Ratepayers,

make special Improvements &c.

work, for the particular improvement of the said street or road, such as the 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, the Board may, if they see fit, cause such improvement to be effected, and the cost thereof shall be paid by the persons liable to be rated in respect of the property contiguous to such street or road, in six annual payments, by a special rate to be levied in each year upon the value of such property, according to the last assessment there of made under the provisions of this Act: Provided always, that such rate shall not in any one year exceed one-sixth of the total cost of such improvement, nor exceed Threepence in the pound upon such assessment; provided also, that no owner or occupier shall be included in such assessment, who shall not, in the opinion of the Board, be benefited by the outlay: and the Board shall have power to exempt wholly or in part, as they shall see fit, any occupier from the payment of the rate.

Persons injuring Streets or Public Works liable to Penalty.

28. Any person digging any ditch, drain, or hole upon any road or street within the said town, without the consent of the Board of Works, or other person duly authorised by it, and any person causing any injury to any bridge, ditch, drain, fence, road, or street, or placing timber, firewood, or any other thing, on any road, street, or pathway, so as to cause any obstruction, shall, for each such offence, be liable to a penalty of not more than Forty shillings, to be recovered in a summary manner before any Justice of the Peace; and, in addition, such person shall reimburse all charges and expenses which may be occasioned by reinstating and making good the road, street, bridge, or other work so injured or interfered with.

Animals straying on Public Streets liable to Penalty.

29. If any horse, ass, mule, cattle, sheep, pig, or goat be found wandering at large, or straying, or tethered upon any road or street within the Town of Nelson, the owner thereof shall forfeit and pay for every animal so wandering, straying, or tethered, any sum not exceeding Ten shillings, to be recovered in a summary manner; and in case the owner's name cannot be ascertained of any such animal so offending, the same may be driven to the nearest Pound and be subject to the enactments of an Ordinance passed in Session VIII. of the Legislative Council of New Zealand, intituled "An Ordinance to authorise and regulate the Impounding of Cattle," in respect of cattle trespassing upon inclosed lands.

Town Constables and Officers of the Board to lay Information.

30. It shall be the duty of the Constables of the said town, or of the Inspector of Nuisances or other duly appointed servant to the Board, either on his or their own knowledge, or on credible evidence, to lay such information and to summon such witnesses as may appear to him or them necessary for carrying out the provisions of the two preceding clauses of this Act.

31. All the sections hereinbefore contained, except sections numbered 1 and 2, shall be read and construed as part of the said recited Act, No. 3, Session III.

Certain Sections to be construed as part of recited Act.

32. And whereas doubts have arisen touching the validity of the assessment made, and also the validity of certain acts done by the said Board, under the authority of the said recited Acts, be it further enacted, that the said assessment shall be taken and deemed, to all intents and purposes, to be and to have been a valid assessment of the said Town of Nelson, and that all acts *bona fide* done by the said Board under the authority of the said Acts or either of them, and in pursuance of the said assessment, shall be taken and deemed to be and to have been lawfully done by the said Board.

Certain Acts done by the Board to be valid.

33. This Act shall be termed and may be cited as the "Nelson Improvement Amendment Act, 1858."

Short Title.

PROVINCE OF NELSON.

NELSON IMPROVEMENT AMENDMENT ACT.

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

SESSION IX., No. 8.

AN ACT TO AMEND "THE NELSON IMPROVEMENT ACT, 1856."

ANALYSIS.

Title.
Preamble.
1. Section 27 of recited Act repealed.
2. Penalty for permitting Nuisance.
3. Section 2 to be read as part of recited Act.
4. Short Title.

Title. *An Act to amend "The Nelson Improvement Act,* 1856."

[Assented to 15th July, 1862.]

Preamble. WHEREAS an Act was passed by the Superintendent and Provincial Council of the Province of Nelson, in Session III., No. 3, intituled "The Nelson Improvement Act, 1856," and whereas it is expedient that the said Act should be amended: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows :—

1. Section 27 of the said recited Act shall be and the same is hereby repealed. Section 27 of recited Act repealed.

2. It shall be the duty of the Board to appoint an Inspector of Nuisances, and any person who shall permit any nuisance to exist in the shape of any noisome or unwholesome trade, or of any privy, sty, or receptacle for filth of any kind upon any premises in the occupation of such person, after the expiration of three clear days' notice from such Inspector to abate the same, shall be liable to a penalty of any sum not exceeding Ten pounds, to be recovered in a summary manner before any Justice of the Peace. Penalty for permitting nuisance.

3. The Section lastly hereinbefore contained shall be read and construed as part of the said recited Act. Section 2 to be read as part of recited Act.

4. This Act shall be intituled and may be cited as the "Nelson Improvement Amendment Act, 1862." Short Title.

PROVINCE OF NELSON.

NELSON BOARD OF WORKS DEBENTURE ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 9.

AN ACT TO ENABLE THE NELSON BOARD OF WORKS TO RAISE THE SUM OF FIFTEEN HUNDRED POUNDS BY THE ISSUE OF DEBENTURES.

ANALYSIS.

Title.
Preamble.
1. Board of Works may issue Debentures.
2. Debentures to be in form set forth in Schedule.
3. To bear Interest not exceeding Ten pounds per centum per annum.
4. Period of Payment.
5. To be chargeable on City Rates.
6. Debentures not to be sold for less Price than the principal Sum they bear on the face thereof.
7. Payment of Debentures to be guaranteed by the Superintendent of the Province.
8. Moneys paid by the Province to be repaid with Interest, and to be a charge upon special and other Rates.
9. Annual Special Rate to be levied.
10. Annual Rate for further Security to be levied.
11. Short Title.
Schedule.

"*An Act to enable the Nelson Board of Works to raise the Sum of Fifteen hundred pounds by the issue of Debentures.*" Title.

[Assented to 15th August, 1859.]

WHEREAS a Board of Works has been established under the authority of certain Acts passed by the Superintendent and Provincial Council of the Province of Nelson, intituled respectively the "Nelson Improvement Act, 1856:" and the "Nelson Improvement Amendment Act, 1858:" And whereas, by the twenty-seventh clause of the last-mentioned Act, it is enacted, that, whenever two-thirds of the ratepayers occupying property contiguous to any street shall express their willingness to be specially rated for the purpose of effecting any special improvement in such street, the Board may cause such special improvement to be effected, and levy a special rate in respect thereof: And whereas the inhabitants of Trafalgar-street, in the City of Nelson, have so expressed their willingness to be rated for the purpose of having a brick culvert or sewer laid down in the said street: And whereas it is desirable that the Board of Works should be authorized to borrow the money for the purpose of effecting such work: Be it, therefore, enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. For the purpose of defraying the cost of the construction and laying down of a brick culvert or sewer in Trafalgar-street North, in the city of Nelson, it shall be lawful for the Nelson Board of Works to raise by the issue of Debentures any sum or sums of money not exceeding in the whole the sum of Fifteen hundred pounds. Board of Works may issue Debentures.

2. Such Debentures shall be in form or to the effect set forth in the schedule hereunto annexed, and shall on the face thereof bear the signatures of the Chairman and Secretary of the Board of Works. Debentures to be in form set forth in Schedule.

3. Every Debenture shall be dated on the day on which the same shall be issued, and shall bear interest from that day, not exceeding the rate of Ten pounds for every One hundred pounds by the year, payable half-yearly, on the First day of January and the First day of July, in every year, at the Board of Works Office, Nelson, or such other place as shall be named in such Debenture. To bear Interest not exceeding Ten pounds per centum per annum.

4. The aforesaid principal sum of Fifteen hundred pounds, or so much thereof as may be raised, shall be repaid by six annual instalments, as follows; that is to say, Debentures re- Period of Payment.

presenting one-sixth of the principal sum, together with all interest then due thereon, shall be payable at the expiration respectively of one, two, three, four, five, and six years, from the date on which such debentures were issued: Provided always, that interest shall cease to be payable on any Debenture issued under this Act, on the day next after the day fixed for the payment of such Debenture, unless payment of any such Debenture when due shall be refused by the Board of Works, in which case interest shall continue to attach to such Debenture until it be paid.

To be chargable upon City Rates.

5. The principal and interest of such Debenture shall be paid by the aforesaid Nelson Board of Works, and shall be a first charge on rates levied by the said Board, and on all other sums of money subject to their appropriation.

Debentures not to be sold for a less Price than the principalSum they bear on the face thereof.

6. Every Debenture issued under this Act shall be sold for the best price that can be obtained for the same by public competition or otherwise; but no Debenture shall be sold for a less price than the principal sum which it bears on the face thereof.

Payment of Debentures to be guaranteed by the Superintendent of the Province.

7. The liquidation of all such sums (not exceeding in the whole the sum of Fifteen hundred pounds) as shall be raised and borrowed as aforesaid, with the approbation of the Superintendent of the said Province, together with interest thereon not exceeding the rate of Ten pounds per centum per annum, shall be guaranteed under this Act; and for giving effect to such guarantee, it shall be lawful for the Superintendent of the said Province to direct and cause to be issued and paid out of the revenue of the said Province, subject to the appropriation of the Superintendent and Provincial Council thereof, such sums as shall be required to make good any deficiency which shall happen in the regular payment by the Board of Works of the interest accruing due upon such sums as shall be borrowed as aforesaid, or in liquidation of the principal sums when the same shall become payable.

Moneys paid by the Province to be repaid, with Interest, and to be a Charge upon Special and other Rates.

8. All sums of money so issued and paid out of the revenues of the said Province shall, with interest upon the sums so issued after the rate of Twelve pounds per centum per annum, be repaid by the said Board, and shall be a first charge upon the several special or other rates which may be raised and levied by the said Board and upon all other sums of money which shall be subject to the appropriation of the said Board.

Annual Special Rate to be levied.

9. The Board shall, for six successive years, levy annually, by special rate, upon all houses, lands, and tenements contiguous to the said street and benefited by the making of such culvert

or sewer, a sum of money equal to one-sixth of the sum or sums to be borrowed under the authority of this Act.

Annual Rate for further Security to be levied.

10. For the further security to the holders of these Debentures, it is hereby enacted, that, until the whole of the aforesaid principal sum of Fifteen hundred pounds (or so much thereof as may be raised) and interest thereon be repaid, the Board of Works shall levy an annual rate of at least one half-penny in the pound.

Short Title.

11. This Act may be cited as the "Nelson Board of Works Debenture Act, 1859."

SCHEDULE.

NELSON BOARD OF WORKS DEBENTURE.

Number in words and figures. } Date. { Amount in words and figures.

DEBENTURE for the sum of Pounds sterling, issued by the Nelson Board of Works, under the authority of an Act of the Provincial Legislature of the Province of Nelson, in the Colony of New Zealand, and intituled "An Act to authorise the Nelson Board of Works to raise the sum of Fifteen hundred pounds by the issue of Debentures."

On presentation at the Board of Works Office, in the City of Nelson, New Zealand, on the day of One thousand eight hundred and , the bearer of this Debenture, will be entitled to receive the sum of pounds sterling.

Interest in the meantime after the rate of per centum per annum, will be payable to the bearer of this Debenture, on the first day of and the first day of in every year, at the Board of Works Office, Nelson.

Dated at Nelson, this day of One thousand eight hundred and

A. B.,
Chairman of the Board of Works.

Entered at the Board of Works Office, Nelson, and issued this day of One thousand eight hundred and

C. D.,
Secretary to the Board.

NOTE.—No interest will be payable on this Debenture after the day therein fixed for the payment of the same.

PROVINCE OF NELSON.

NELSON BOARD OF WORKS DEBENTURE AMENDMENT ACT.

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

SESSION VIII., No. 3.

AN ACT TO AMEND "THE NELSON BOARD OF WORKS DEBENTURE ACT, 1859."

ANALYSIS.

Title.
Preamble.
1. Board may expend part of Sum authorised to be borrowed in constructing Sewer in other Streets.
2. Special Rate to be levied upon Lands, &c., contiguous to new Sewers.
3. This Act to be deemed part of recited Act.

Title. "*An Act to amend 'The Nelson Board of Works Debenture Act,* 1859.'"

[Assented to 18th June, 1861.]

Preamble. WHEREAS by an Act made and passed by the Superintendent and Provincial Council of the Province of Nelson in Session VI., No. 9, intituled "The Nelson Board of Works Debenture Act, 1859," it is amongst other things enacted that it should be lawful for the Board of Works to raise by the issue of

Debentures any sum or sums of money not exceeding in the whole the sum of One thousand five hundred pounds to be expended in the construction of a brick culvert or sewer in Trafalgar-street North in the City of Nelson: And whereas it is expedient that the said Board should be authorised to expend a portion of the said sum in continuing the said culvert or sewer along Hardy-street and Trafalgar-square: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Board may expend part of Sum authorised to be borrowed in constructing Sewer in other Streets.

1. It shall be lawful for the Board of Works to expend any portion of the said sum of One thousand five hundred pounds not required for the construction of the culvert or sewer in Trafalgar-street North, in continuing the said culvert or branches thereof along Hardy-street and Trafalgar-square.

Special Rate to be levied upon Lands, &c., contiguous to new Sewers.

2. The provisions of clause 9 of the said recited Act shall extend to all houses, lands, and tenements contiguous to the culverts or branches hereby authorised to be made in Hardy-street and Trafalgar-square, and benefited by the making thereof.

This Act to be deemed part of recited Act.

3. This Act shall be read and construed as part of the said recited Act.

PROVINCE OF NELSON.

NELSON INSTITUTE ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 4.

AN ACT TO AUTHORISE THE SUPERINTENDENT TO CONVEY A PIECE OF LAND IN THE TOWN OF NELSON TO TRUSTEES, AS A SITE FOR THE NELSON INSTITUTE.

ANALYSIS.

Title.
Preamble.
1. Superintendent may convey certain Land to Trustees, as a Site for the Nelson Institute.
2. Mode of appointing new Trustees.
3. Short Title.
Schedule.

Title. "*An Act to authorise the Superintendent to convey a piece of Land in the Town of Nelson to Trustees, as a Site for the Nelson Institute.*"

[Assented to 21st June, 1859.]

Preamble. WHEREAS, by an Act passed by the General Assembly of New Zealand, intituled "The Public Reserves Act, 1854," it is, amongst other things, enacted, that it should be lawful for the Governor of New Zealand, with the advice of his Executive Council, at any time and from time to time, after the passing of that Act, in the name and on behalf of her Majesty, to grant

to the Superintendent of each Province of New Zealand, and his successors, all such estate and interest as her Majesty, then had or might have in all or any of the lands within such Province, forming part of the demesne lands of the Crown, which should have been at any time theretofore and then were or might thereafter be reserved or set apart for purposes of public utility within the said Province, except as therein mentioned: And it was further enacted, that every Superintendent of a Province in whom any such lands should become vested, should hold the same upon trust for the public service of each Province for the purposes specified in such grant, with as full power to dispose of and manage the same for such purposes as if the same were vested absolutely in such Superintendent, subject to the provisions thereinafter contained: And it was further enacted, that no lands so to be granted 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 a certain deed of grant, bearing date on or about the seventh day of June, One thousand eight hundred and fifty-six, under the hand of Colonel Thomas Gore Browne, C.B., Governor of the Colony of New Zealand, and sealed with the public seal of the Colony, the said Governor, in the name and on behalf of her Majesty, did grant unto the Superintendent of the Province of Nelson and his successors, *inter alia*, All that piece or parcel of land, containing by admeasurement three roods and twenty perches, more or less, situated in the Town of Nelson, in the said Province, being section numbered 178 on the plan of the said town, and marked S on the plan drawn in the margin thereof, to hold the same upon trust, as sites for the erection of public offices: And whereas an Institution has been established in the Town of Nelson aforesaid, for the diffusion of useful information in literature, science, and the arts, called the Nelson Institute, be it enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council, thereof:—

Superintendent may convey certain Land to Trustees as a site for the Nelson Institute.

1. That it shall be lawful for the Superintendent of the said Province, with the advice of his Executive Council, for any nominal or other consideration, to convey and assure unto five Trustees, to be nominated for that purpose by the members of the Nelson Institute, All that piece or parcel of land, situated in the Town of Nelson aforesaid, being part of the piece or parcel of land hereinbefore described, and situated at the south-west corner thereof, having a frontage of sixty-one feet next

Hardy-street, and extending back, at right angles with the front, one hundred and fifty feet, to hold the same upon trust, as a site for the erection of buildings for the aforesaid Institution.

Mode of appointing new Trustees.

2. Whenever, by reason of death, resignation, bankruptcy, or absence from the Province for the space of six successive calendar months, the number of Trustees shall be reduced below three, a meeting of the members of the Institution shall be called by advertisement in some local newspaper, at least fourteen days previous to such meeting; and the members present at such meeting shall elect a number of new Trustees equal to the number of vacancies; and every such choice or appointment of new Trustees shall be made to appear by some deed under the hand of the chairman of the meeting at which such choice or appointment shall be made, which deed shall be executed in the presence of such meeting, and attested by two or more credible witnesses, and may be in the form or to the effect of the Schedule to this Act annexed, or as near thereto as circumstances will allow, and may be given as evidence in the same manner and on like proof as deeds, and shall be evidence of the truth of the several matters and things therein contained.

Short Title.

3. This Act shall be termed and may be cited as "The Nelson Institution Act, 1859."

SCHEDULE.

Memorandum of the choice and appointment of new Trustees of the following property, viz. [*Description of Property.*] situate at a meeting of the members of the Nelson Institute, duly convened and held at (or in) on [*Date.*] and of which was Chairman.

Names and description of all the Trustees in whom the said property now becomes vested:—

First, old continuing Trustees—
[*Names.*]

Second, new Trustees now chosen—
[*Names.*]

Dated this day of

(Signed) A.B.,
Chairman of the said Meeting.

Signed by the said as Chairman of the said Meeting, at and in the presence of the said meeting, on the day and year aforesaid in the presence of

C.D.,
E.F.,

PROVINCE OF NELSON.

NELSON INSTITUTE LOAN ACT.

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

SESSION VII., No. 5.

AN ACT TO AUTHORISE THE TRUSTEES OF THE NELSON INSTITUTE TO BORROW MONEY UPON SECURITY OF PROPERTY OF THE INSTITUTE.

ANALYSIS.

Title.
Preamble.
1. Trustees may borrow Money upon Mortgage of Property of the Institute.
2. Short Title.

"*An Act to authorise the Trustees of the Nelson Institute to borrow Money upon security of Property of the Institute.*" Title.

[Assented to 5th July, 1860.]

WHEREAS, by an Act passed by the Superintendent and Provincial Council of the Province of Nelson, in Session VI., intituled "The Nelson Institute Act, 1859," it is, amongst other things, enacted, that it should be lawful for the Superintendent of the said Province, with the advice of his Executive Council, for any nominal or other consideration, to convey and assure unto five Trustees, to be appointed as therein mentioned, all Preamble.

that piece of land, situated in the Town of Nelson, being part of section numbered 178 on the plan of the said town, and situated at the south-west corner thereof, having a frontage of sixty-one feet next Hardy-street, and extending back at right angles with the front one hundred and fifty feet; to hold the same upon trust as a site for the erection of buildings for the Nelson Institute: And whereas, by a certain Deed bearing date on or about the Thirty-first day of October, One thousand eight hundred and fifty-nine, the said Superintendent, acting with the advice of his Executive Council, conveyed and assured the aforesaid piece or parcel of land unto five Trustees duly appointed for that purpose, to hold the same upon the trust mentioned in the said recited Act: And whereas it is expedient that the said Trustees should have power to borrow money for the purposes of the Institution, upon the security of the aforesaid piece or parcel of land and premises: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice of the Provincial Council thereof:—

Trustees may borrow Money upon Mortgage of Property of the Institute.

1. That it shall be lawful for the said Trustees from time to time to borrow any sum or sums of money, not exceeding in the whole the sum of One thousand pounds, for the purposes of the said Institute, and to execute such mortgages of the said piece or parcel of land, together with the buildings now erected or hereafter to be erected and built thereon, as may be deemed necessary for securing the repayment thereof.

Short Title.

2. This Act shall be termed and may be cited as "The Nelson Institute Loan Act."

PROVINCE OF NELSON.

PROTECTION OF ROADS.

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

SESSION II., No. 5.

AN ORDINANCE TO PROVIDE FOR THE PROTECTION OF ROADS.

ANALYSIS.

Title.
1. Persons damaging Roads, &c., or causing Obstruction, liable to Penalty of Forty shillings
2. Owners of Cattle, &c., wandering upon enclosed Road or Street, liable to Penalty of Ten shillings per head.
3. Owners of Cattle, &c., wandering upon Road or Street in Town of Nelson, or proclaimed Districts, liable to Penalty of Ten shillings per head.
4. Superintendent may proclaim Districts in certain cases.
5. Constables to lay Informations.

"*An Ordinance to provide for the protection of Roads.*" Title.

BE it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. Any person digging any ditch or drain upon any road or street, without the consent of the Commissioner of Public Works or other duly authorised person, and any person caus- Persons damaging Roads, &c., or caus-

ing Obstruction, liable to Penalty of Forty shillings.

ing injury to any bridge, hedge, ditch, drain, fence, road, or street, or placing timber or any other thing on any road or street so as to cause any obstruction, shall for each such offence be liable to a penalty of not more than Forty shillings, to be recovered in a summary manner before any two Justices of the Peace.

Owners of Cattle, &c., wandering upon enclosed Road or Street, liable to Penalty of Ten shillings per Head.

2. The owner of any horse, ass, mule, cattle, sheep, pig, or goat found wandering or straying upon any road or street, or the sides thereof (except on such parts of any road or street as lead or pass through or over any waste or unenclosed ground), and thereby causing or being likely to cause any damage to any road, street, bridge, hedge, ditch, bank, or fence, or any obstruction, shall be liable to a fine for each animal so wandering or straying, for each offence, of not more than Ten shillings, to be recovered in a summary manner; and in case of any horse, ass, mule, cattle, sheep, pig, or goat being found wandering or straying as aforesaid, and causing any damage or being likely to cause any damage as aforesaid, and where the owner cannot be found, the same may, by any person seeing the damage done, or having reason to believe that such damage will be done, be driven to the nearest pound, and be subject to the enactments of an Ordinance passed in Session VIII. of the Legislative Council of New Zealand, intituled "An Ordinance to authorise and regulate the impounding of Cattle," in respect of cattle trespassing upon enclosed land.

Owners of Cattle, &c., wandering upon Road or Street in the Town of Nelson or proclaimed Districts, liable to Penalty of Ten shillings per head.

3. If any animal of the description above enumerated shall be found wandering at large or straying upon any road or street within the Town of Nelson, or within any district or village to be proclaimed as hereinafter mentioned, the owner thereof shall forfeit and pay for every animal so wandering or straying, any sum not exceeding Ten shillings, to be recovered in a summary manner; and any person finding such animal wandering or straying as aforesaid, may drive such animal, or cause it to be driven, to the nearest pound, to be there detained, subject to the provisions of the aforesaid Impounding Ordinance, in respect of cattle trespassing upon enclosed land.

Superintendent may proclaim Districts in certain cases.

4. And whereas it is expedient that the provision of the third clause of this Ordinance should not come into operation in any district until a large proportion of the land in such district shall have been cultivated: Be it therefore further enacted, that the provisions of the above-mentioned clause shall come into operation in the Town of Nelson from and after the passing hereof, and in such other towns, villages, or districts as may from time to time be proclaimed for that purpose by the Superintendent of the Province, with the advice and consent of his

Executive Council, from and after the publication of such proclamation in the *Government Gazette;* provided always, that before any such proclamation shall be issued, the Superintendent shall give one calendar month's notice of such his intention in some newspaper published in the Province.

Constables to lay Informations.

5. It shall be the duty of the Constable or Constables of any such town, village, or district proclaimed as aforesaid, or of the nearest District Constable, either on their own knowledge or on credible evidence, to lay such information and to summon such witnesses as may appear to him or them necessary for carrying out the provisions of this Ordinance.

DONALD SINCLAIR,
Speaker.

Passed the Provincial Council this Thirteenth day of January, 1855.

GEORGE WHITE,
Clerk of the Council.

I assent to this Ordinance on behalf of the Governor of New Zealand, this Third day of February, in the year of our Lord One thousand eight hundred and fifty-five.

E. W. STAFFORD,
Superintendent.

PROVINCE OF NELSON.

SALE AND LEASE OF LAND.

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

SESSION III., No. 5.

AN ACT TO AUTHORISE THE SUPERINTENDENT TO SELL AND LEASE CERTAIN LANDS GRANTED FOR PUBLIC PURPOSES IN THE TOWN OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Superintendent may lease Land below high-water mark for 21 Years.
2. Superintendent empowered to sell certain Land granted as endowment for Hospitals and Lunatic Asylums.
3. And to expend Purchase-money in the purchase of other Lands.
4. Act not to come into operation until the time in which it may be disallowed by the Governor shall have expired.

Title. "*An Act to authorise the Superintendent to sell and lease certain Lands granted for Public Purposes in the Town of Nelson.*"

[28th March, 1856.]

Preamble. WHEREAS, by an Act passed in the second Session of the General Assembly of New Zealand, intituled "The Public

Reserves Act, 1854," it is amongst other things enacted, that it should be lawful for the Governor of New Zealand, with the advice of his Executive Council, at any time, and from time to time, after the passing of that Act, in the name and on the the behalf of her Majesty, to grant to the Superintendent of each Province in New Zealand, and his successors, all such estate and interest as her Majesty then had or might have in all or any of the lands within such Province, forming part of the demesne lands of the Crown, which should have been at any time theretofore, and then were or might thereafter, be reserved or set apart for purposes of public utility within the said Province, except as therein mentioned: And it was further enacted that it should be lawful for the Governor of the said Colony, with the advice of his Executive Council, to grant and dispose of any land reclaimed from the sea and of any land below high-water mark, in any harbour, arm, or creek of the sea, or in any navigable river, or on the sea-coast within the said Colony, either to the Superintendent of the Province and his successors in or to which such land is situate or adjacent, or in such other manner to such other persons and upon such terms as shall be thought fit: And it is also enacted that every Superintendent of a Province, in whom any such lands shall become vested, should hold the same upon trust for the public service of each Province for the purposes specified in such grant, with as full power to dispose of and manage the same for such purposes as if the same were vested absolutely in such Superintendent, subject nevertheless to the provisions thereinafter contained: And it is further enacted, that no lands so to be granted as aforesaid within any Province to the Superintendent thereof 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 a certain Deed of Grant bearing date on or about the 9th day of February, 1856, under the hand of Colonel Thomas Gore Browne, C.B., Governor of the Colony of New Zealand, and sealed with the public seal of the Colony, the said Governor, in the name and on the behalf of her Majesty, with the advice of the Executive Council, did thereby grant unto the Superintendent of the Province of Nelson and his successors, all that piece or parcel of land in the said Colony situated below high-water mark in the Harbor of Nelson in the said Province; bounded on the northward by land in the Suburban North District granted to James Mackay; on the eastward, partly by Sections numbered respectively 16, 17, and 19 on the plan of the Suburban North District, partly by the Paru Paru Road,

and partly by Wakefield Quay to section numbered 1 on the plan of the Town of Nelson; on the southward, partly by sections numbered respectively 9, 6, 13, and 14 of block marked H on the said plan of the Town of Nelson, partly by sections numbered respectively 148 and 1,126 on the said plan of the Town of Nelson, and partly by the Haven-road; and on the westward partly by the town sections on Fifeshire Island, and from thence along the Boulder Bank to where the northern boundary commences, as the same is more particularly delineated in the plan drawn in the margin thereof; to hold the same in trust for the public service of the said Province of Nelson: Be it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

Superintendent may lease Land below high-water mark for 21 Years.

1. It shall be lawful for the Superintendent of the Province of Nelson, with the advice of his Executive Council, at any time, and from time to time, to demise and lease all or any part of the land hereinbefore described and so granted to him as aforesaid, for any term not exceeding twenty-one years from the date of such lease, upon such terms and conditions as the said Superintendent and his Executive Council shall deem expedient.

Superintendent empowered to sell certain Land granted as endowment for Hospitals and Lunatic Asylums.

2. And whereas, by a certain other Deed of Grant, bearing date on or about the 11th day of February, 1856, also under the hand of Colonel Thomas Gore Browne, C.B., Governor of the Colony of New Zealand, and sealed with the public seal of the Colony, the said Governor, in the name and on the behalf of her Majesty, with the advice of the Executive Council, did thereby grant unto the Superintendent of the Province of Nelson, and his successors, all that piece or parcel of land in the said Colony, containing, by admeasurement, two acres, more or less, situated in the Town of Nelson, aforesaid, marked J on the plan drawn in the margin thereof; bounded on the north by Brougham-street, 460 links; on the east by land granted to Henry Seymour, 440 links; on the south by land granted to Samuel Stephens, 460 links; and on the west by land granted to the said Samuel Stephens, 440 links; to hold the same in trust as an endowment for Hospitals and Lunatic Asylums: Be it therefore enacted, that it shall be lawful for the Superintendent of the said Province, with the advice of his Executive Council, to sell and dispose of all that piece or parcel of land lastly hereinbefore described, and so granted to him as aforesaid, for such price or sum of money as to the said Superintendent and his Executive Council shall seem proper.

3. It shall also be lawful for the Superintendent, with the advice of his Executive Council, to lay out and expend the money so to be received for the said land hereinbefore authorised to be sold in the purchase of other lands in the said Province, to be conveyed to the Superintendent and his successors, upon the same trusts and conditions as the land hereinbefore authorised to be sold was vested in him.

And to expend Purchase Money in the purchase of other Lands.

4. This Act shall not come into operation until the time in which it may be disallowed by the Governor shall have expired.

Act not to come into operation until the time in which it may be disallowed by the Governor shall have expired.

PROVINCE OF NELSON.

PUBLIC RESERVES ACT.

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

SESSION V., No. 4.

AN ACT TO AUTHORISE THE SUPERINTENDENT TO LEASE CERTAIN LANDS GRANTED FOR PUBLIC PURPOSES IN THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Superintendent may lease certain Public Lands for Fourteen and Twenty-one Years.
2. Commencement of Act.

Title. "*An Act to authorise the Superintendent to lease certain Lands granted for Public Purposes in the Province of Nelson.*"

[Assented to 21st April, 1858.]

Preamble. WHEREAS, by an Act passed in the second Session of the General Assembly of New Zealand, intituled "The Public Reserves Act, 1854," it is, amongst other things, enacted, that it should be lawful for the Governor of New Zealand, with the advice of his Executive Council, at any time and from time to after the passing of that Act, in the name and on behalf of her

Majesty, to grant to the Superintendent of each Province in New Zealand, and his successors, all such estate and interest as her Majesty then had, or might have, in all or any lands within such Province, forming part of the demesne lands of the Crown, which should have been at any time theretofore and then were or might thereafter be reserved or set apart for purposes of public utility within the said Province, except as therein mentioned: And it is also enacted, that every Superintendent of a Province, in whom any such lands should become vested, should hold the same upon trust, for the public service of such Province, for the purposes specified in such grant, with as full power to dispose of and manage the same, for such purposes, as if the same were vested absolutely in such Superintendent; subject nevertheless to the provisions thereinafter contained: And it is further enacted, that no lands so to be granted as aforesaid, within any Province, to the Superintendent thereof 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 a certain Deed of Grant, bearing date on or about the Eleventh day of February, One thousand eight hundred and fifty-six, under the hand of Colonel Thomas Gore Browne, C.B., Governor of the Colony of New Zealand, and sealed with the public seal of the Colony, the said Governor, in the name and on behalf of her Majesty, with the advice of the Executive Council, did grant unto the Superintendent of the Province of Nelson, and his successors, all that piece and parcel of land, containing two acres, more or less, situate in the Town of Nelson, in the Province of Nelson, bounded on the north-east by town sections numbered 1,116 and 1,117; on the south-west by Hampden-street; on the north-west by town section numbered 1,095; and on the south-east by a Native Reserve: Also, all that piece or parcel of land containing one acre, more or less, bounded on the south by Examiner-street; on the east by Waimea-street; on the west by Wellington-street; and on the north by a line parallel to Examiner-street: Also, all that piece or parcel of land, containing seven acres, more or less, situate in the Town of Nelson aforesaid, bounded on the south-west by Motueka-street; on the south-east by Ngatiawa-street; on the north-west by Waimea-road; and on the north-east by a line parallel to Motueka-street: Also, all that piece or parcel of land, containing six acres, situate in the Town of Nelson aforesaid, bounded on the north-west by Vanguard-street; on the north-east by a reserve for a Grammar School; on the south-west by

GRANTS TO SUPERINTENDENT.

Hospital and Lunatic Asylums.

Town of Nelson.

1. 2 acres, Hampden-street.

2. 1 acre, Examiner-st.

3. 7 acres, Waimea-road.

4. 6 acres, Vanguard-st.

Northesk-street; and on the south-east by a line parallel to Vanguard-street: Also, all that piece or parcel of land, containing three hundred and thirty acres, more or less, situate in in the district of Motueka, in the Province of Nelson, bounded on the north by Crown Land and by sections numbered 44 and 40; on the east by a public road and by section numbered 15; on the south by sections numbered 15 and 13 and by Crown Land; and on the west by Crown Land and by section numbered 44: And also, all that piece or parcel of land containing three hundred and eleven acres, more or less, situate at Motupipi, in the District of Massacre Bay, in the Province of Nelson, bounded on the north-east by a road; on the south-west by country section numbered 160 and by a public road; on the north-west by a road and also by the Motupipi Mud-flat; and on the south-east by Crown Land: And also, all that piece or parcel of land, containing six hundred acres, more or less, situate at the Wairau, in the Province of Nelson, bounded on the south by a tide-creek and also by country section numbered 1; on the east by a road: on the north-east by an irregular line north-westerly to the tide-creek; on the north-west by the tide-creek; and on the west by a mud-flat; the boundaries of which said pieces or parcels of land thereby granted are delineated in the plan drawn in the margin thereof: to hold the same as an endowment for Hospitals and Lunatic Asylums: And whereas, by a certain other Deed of Grant, bearing date the Third day of April, One thousand eight hundred and fifty-seven, under the hand of the said Colonel Thomas Gore Browne, C.B., Governor of the Colony of New Zealand, and sealed with the public seal of the Colony, the said Governor, in the name and on behalf of her Majesty, with the advice of the Executive Council, did grant unto the said Superintendent of the Province of Nelson and his successors, all that allotment or parcel of land, containing by admeasurement twenty-one acres, more or less, situate in the Town of Nelson in the Province of Nelson aforesaid, bounded on the northward partly by land granted to John Sharp, and partly by the Hooker-road; on the eastward, by sections numbered respectively 3 and 10, Block A, on the plan of the said Town of Nelson; on the southward, by Hardy-street; and on the westward, partly by Milton-street and partly by section numbered 2, Block A, on the said plan of the town; to hold the same upon trust for a Botanical Garden: And whereas, by a certain other Deed of Grant, bearing date the Seventh day of June, One thousand eight hundred and fifty-six, under the hand of the said Colonel Thomas Gore Browne, C.B., Governor of the Colony of New Zealand, and sealed with the public seal of the Colony, the said Governor, in the name and on

5. Motueka, 330 acres.

6. Motupipi, 311 acres.

7. Wairau, 600 acres.

Botanical Garden.

8. Town of Nelson, 21 acres.

Resting-places

behalf of her Majesty, with the advice of the Executive Council, did grant unto the said Superintendent of the Province of Nelson and his successors, all that allotment or parcel of land, containing by admeasurement five thousand five hundred acres, more or less, situate in the District of the Wairau, and marked D on the plan drawn in the margin of the said deed, bounded on the north by section numbered 15 on the plan of the Lower Traverse District; on the east by the Wairau River, running, on the eastern side of the Manuka Island; on the south by an irregular line running along the side of the wood at the top of of the Wairau Valley; and towards the west and north-west by an irregular line along the base of the hills to where the northern boundary commences: Also, all that allotment or parcel of land, containing six hundred and fifty acres, more or less, situate in the District of Motueka Valley, in the said Province of Nelson, being block marked B on the plan drawn in the margin of the said deed, bounded on the north by rural section numbered 4 and by a stream falling into the Motueka River from Gordon's Valley; on the east by Crown Land; on the south by rural section numbered 11: and on the west by Crown Land: To hold the same upon trust as resting-places for the accommodation of travellers and stock: And whereas, by a certain other Deed of Grant, bearing date the Second day of December, One thousand eight hundred and fifty-seven, under the hand of the said Colonel Thomas Gore Browne, C.B., Governor of the Colony of New Zealand, and sealed with the public seal of the Colony, the said Governor, in the name and on behalf of her Majesty, with the advice of the Executive Council, did grant unto the Superintendent of the Province of Nelson and his successors, all that allotment or parcel of land, containing three hundred acres, more or less, situate in the District of Waihopai, in the said Province, bounded on the northward by the river Wairau; on the eastward by the river Waihopai; on the southward by Waste Lands of the Crown held under license by David Monro; and on the westward partly by the aforesaid Waste Lands and partly by section numbered 14 on the plan of the District of the Narrows; the boundaries of which said piece or parcel of land are more particularly delineated in the plan drawn in the margin thereof: to hold the same upon trust as a resting-place for stock: Be it enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. Wairau, 5,500 acres.

2. Motueka Valley, 650 acres.

3. Waihopai, 300 acres.

Superintendent may lease certain Public Lands

1. It shall be lawful for the Superintendent of the Province of Nelson, with the advice of his Executive Council, at any time, and from time to time, to demise and lease all or any part or parts of the pieces or parcels of land hereinbefore

for Fourteen and Twenty-one Years.

described and so granted to him as aforesaid, upon such terms and conditions as the Superintendent and his Executive Council shall deem expedient: Provided always, that no lease shall be granted of any town lands, for a longer term than fourteen years, nor of any country land, for any longer term than twenty-one years, from the time of granting the same.

Commencement of Act.

2. This Act shall not come into operation until the time in which it may be disallowed by the Governor shall have expired.

PROVINCE OF NELSON.

PROVINCIAL COUNCIL ENLARGEMENT ORDINANCE.

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

SESSION II., No. 7.

AN ORDINANCE TO INCREASE THE NUMBER OF MEMBERS OF THE PROVINCIAL COUNCIL, AND TO ALTER THE ELECTORAL DISTRICTS OF THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Provisions made by Proclamation of Governor, where repugnant to this Ordinance, to be void.
2. Number of Members.
3. Superintendent to issue Writs for the election of additional Members.
4. Boundaries of Districts until next Dissolution of Council.
5. After dissolution of Council, Province to be divided into new Districts.
6. Number of Members to be returned for each District.
7. Persons claiming right to vote to deliver Claim at Clerk of the Magistrates' Office, or at such other place as the Superintendent shall appoint
8. Claims and Roll to be published, as provided by Proclamation
9. Interpretation of "Governor."

Title.

"*An Ordinance to increase the Number of Members of the Provincial Council, and to alter the Electoral Districts of the Province of Nelson.*"

[Assented to 17th March, 1855.]

Preamble.

WHEREAS, by an Act of the Session of the Imperial Parliament, holden in the fifteenth and sixteenth years of the reign of her Majesty Queen Victoria, entitled "An Act to grant a Representative Constitution to the Colony of New Zealand," it is, amongst other things, enacted that it should be lawful for the Governor of New Zealand, by proclamation, to constitute within each of the Provinces by the said Act established, convenient Electoral Districts for the election of the Superintendent and Members of the Provincial Council, and to appoint and declare the number of members to be elected for each such district for the Provincial Council: and whereas the Governor did accordingly, by proclamation dated the Fifth day of March, One thousand eight hundred and fifty-three, constitute certain districts for the election of the Superintendent and members of the Provincial Council of the Province of Nelson, and did appoint and declare the number of members to be elected for each such district for the Provincial Council: and whereas it is expedient that the number of members of the Provincial Council for the Province of Nelson should be increased, and that the Province should be divided into new and additional Electoral Districts, and that the provisions made by the Governor under the authority of the said recited Act, so far as they are inconsistent with the provisions of this Ordinance, should be amended: Be it therefore enacted, by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows :—

Provisions made by Proclamation of Governor, where repugnant to this Ordinance, to be void.

1. The provisions made by the Governor of New Zealand, under the authority of the said recited Act of the Imperial Parliament, so far as the same are repugnant to or would interfere with the operation of this Ordinance, shall be and they are hereby declared to be void and of no effect.

Number of Members.

2. The Provincial Council of the Province of Nelson shall, until the next dissolution thereof, consist of twenty-four members.

Superintendent to issue Writs for the Election of additional Members.

3. The Superintendent shall, as soon as conveniently may be after he shall have received notice that the Governor has assented to this Ordinance (provided the Electoral Roll for the year One thousand eight hundred and fifty-five shall have been completed, and if such Roll shall not have been completed, then as soon as conveniently can be after the completion of such

Roll), cause writs to be issued for the election of nine members to serve in the present Provincial Council, who shall be elected for the undermentioned Electoral Districts respectively, as follows:—

For the	Town of Nelson District...	1	member.
„	Suburban District ...	2	„
„	Waimea East District ...	2	„
„	Waimea South District ...	1	„
„	Motueka District ...	1	„
„	Massacre Bay District ...	1	„
„	Amuri District ...	1	„

Boundaries of Districts until next dissolution of Council.

4. Until the next dissolution of the Provincial Council, the Districts of the Town of Nelson, Suburban, Waimea East, and Waimea West, shall continue as constituted by the aforesaid proclamation, and the boundaries of the Districts of Waimea South, Motueka, Massacre Bay, Wairau, and Amuri, shall be those particularly described and set forth in the Schedule hereunto annexed.

After dissolution of Council, Province to be divided into New Districts.

5. The Province of Nelson, for the purposes of the election of Superintendent and the members of the Provincial Council thereof, shall, after the next dissolution of the Provincial Council, be divided into nine Electoral Districts, to be named as follows:—

1. The Town of Nelson.
2. Suburban North.
3. Waimea East.
4. Waimea South.
5. Waimea West.
6. Motueka.*
7. Massacre Bay.
8. Wairau.
9. Amuri.

and the boundaries of the said districts shall be those particularly set forth and described in the Schedule hereunto annexed: Provided always that at the election of Superintendent no elector shall be required to vote in the district for which he is registered.

Number of Members to be returned for each District.

6. The number of members to be elected to serve in the Provincial Council after the next dissolution thereof shall be twenty-five, who shall be elected for the said several Electoral Districts, as follows:—

* This District was again subdivided into the Motueka District and Moutere District by Act of Provincial Council, Session VIII., No. 10.

1.	For the	Town of Nelson	Six members.
2.	,,	Suburban North District ...	Two members.
3.	,,	Waimea East District ...	Five members.
4.	,,	Waimea South District ...	Three members.
5.	,,	Waimea West District ...	One member.
6.	,,	Motueka District ...	Three members.*
7.	,,	Massacre Bay District ...	One member.
8.	,,	Wairau District	Three members.
9.	,,	Amuri District	One member.

Persons claiming right to Vote to deliver Claim at the Clerk of the Magistrate's Office, or at such other place as the Superintendent shall appoint.

7. Every person claiming a right to vote for the election of the Superintendent, or of members of the Provincial Council, shall deliver his claim, or cause the same to be delivered, at the Clerk of the Magistrates' Office, Nelson, or at such other place as the Superintendent shall by public notice direct or appoint.

Claims and Roll to be published as provided by Proclamation.

8. The Lists of Claims and Electoral Roll shall be made up and published at the times and in manner provided by the said recited proclamation.

Interpretation of "Governor."

9. The word "Governor" shall be taken to include the person for the time being lawfully administering the Government of New Zealand.

DONALD SINCLAIR,
Speaker.

Passed the Provincial Council, this Seventh day of February, 1855.

GEORGE WHITE,
Clerk of the Council.

I reserve this Bill for the signification of the Governor's pleasure thereon, this Thirteenth day of February, 1855.

E. W. STAFFORD,
Superintendent.

On this Seventeenth day of March, 1855, I hereby signify my assent to this Bill.

R. H. WYNYARD,
Officer administering the Government.

* This District was again subdivided into the Motueka District and Moutere District by Act of Provincial Council, Session VIII., No. 10.

NOTE.—Under the provisions of "The New Provinces Act, 1858," the whole of the *Wairau* and portion of the *Amuri* was constituted into the new Province of Marlborough.

SCHEDULE.

1. The Town of Nelson comprises the site of the Town and the Wakatu District.
2. The Suburban North District comprises the Suburban North, Maitai, and Brook-street Valley Districts.
3. The Waimea East District comprises the Surburban South, Waimea East, and Aniseed Valley Districts.
4. The Waimea South District comprises the Waimea South, Wai-iti, Upper Motueka, Motupiko, and Lake Arthur Districts.
5. The Waimea West District comprises the Waimea West District.
6. The Motueka District comprises the Moutere, Motueka, Riwaka, Sandy Bay, and Astrolabe Districts.*
7. The Massacre Bay District comprises the Taitapu, Motupipi, Takaka, Aorere, Pakawau, and West Wanganui Districts.
8. The Wairau District comprises the Pelorus, Queen Charlotte's Sound, Waitohi, Kaituna, Wairau, and Awatere Districts.
9. The Amuri District comprises all that portion of the Province south of the Clarence River, being the Waipapa, Kaikora, Kautere, Amuri, Conway, Waiau-ua, and Hurunui Districts.

All which districts are more particularly defined and delineated on the plan hereunto annexed.

* This District was again subdivided into the Motueka District and Moutere District by Act of Provincial Council, Session VIII., No. 10.

PROVINCE OF NELSON.

ELECTORAL DISTRICTS ACT.

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

SESSION VIII., No. 10.

AN ACT TO AMEND "AN ORDINANCE TO INCREASE THE NUMBER OF MEMBERS OF THE PROVINCIAL COUNCIL, AND TO ALTER THE ELECTORAL DISTRICTS OF THE PROVINCE OF NELSON."

ANALYSIS.

Title.
Preamble.
1. Motueka District to be divided.
2. Boundaries of Districts.
3. Number of Members to be returned for each District.

Title. "*An Act to amend 'An Ordinance to increase the number of Members of the Provincial Council, and to alter the Electoral Districts of the Province of Nelson.'*"

[Assented to 25th July, 1861.]

Preamble. WHEREAS by an Ordinance made and passed by the Superintendent and Provincial Council of the Province of Nelson, intituled "An Ordinance to Increase the Number of Members of the Provincial Council, and to alter the Electoral Districts of the Province of Nelson," certain Electoral Districts are constituted for the election of members of the Provincial Council: And

whereas it is expedient that the District of Motueka constituted by the said Ordinance should be divided into two districts as hereinafter provided: Be it therefore enacted by the Superintendent of the Province of Nelson, as follows:—

Motueka District to be divided.

1. The Electoral District of Motueka constituted by the said Ordinance shall be divided into two districts for the election of Members of the Provincial Council, to be called respectively the Motueka and Moutere Districts.

Boundaries of Districts.

2. The Motueka District shall comprise the Motueka, Riwaka, Sandy Bay, and Astrolabe Districts; and the Moutere District shall comprise the Moutere District, as the said districts are more particularly defined and delineated in the plan hereunto annexed.

Number of Members to be returned for each District.

3. After the next dissolution of the Provincial Council the Motueka District shall return two members, and the Moutere shall return one member.

PROVINCE OF NELSON.

PROTECTION OF ANIMALS ACT.

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

SESSION VIII., No. 6.

AN ACT TO PROVIDE FOR THE PROTECTION OF CERTAIN ANIMALS, BIRDS, AND FISHES IMPORTED INTO THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Superintendent may proclaim any Animals, Birds, or Fishes under operation of Act.
2. Certain Animals, Birds, and Fishes not to be killed, &c.
3. Penalty for killing such Animals, &c.
4. Penalty for selling same.
5. Penalty for destroying Eggs or Spawn.
6. Act not to extend to Animals, &c., kept in confinement.
7. Fines, how to be recovered.

Title. "*An Act to provide for the protection of certain Animals, Birds, and Fishes imported into the Province of Nelson.*"

[Assented to 18th June, 1861.]

Preamble. WHEREAS, certain animals and birds have been lately imported into the Province of Nelson, And whereas it is expedient to provide for the protection thereof, and of other animals, birds, and fishes, which may at any time be imported into the said Province, and the increase arising therefrom: Be it therefore

enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof :—

1. That it shall be lawful for the Superintendent of the said Province for the time being, from time to time, by proclamation in the *Government Gazette*, to proclaim and declare that any animals, birds, and fishes, already imported into the said Province, or which at any time hereafter shall be imported, or such of them, as he shall think fit, and the increase arising therefrom shall come under the operation of this Act, and from time to time to revoke or amend such proclamation.

Superintendent may proclaim any Animals, Birds, or Fishes under operation of Act.

2. It shall not be lawful for any person to kill, take, or destroy, any animal, bird, or fish, of either of the kind or description which shall at any time, or times, be proclaimed by the Superintendent to come under the operation of this Act.

Certain Animals, Birds, and Fishes not to be killed, &c.

3. Every person who shall kill, take, or destroy any such animal, bird or fish, shall for every such offence forfeit and pay any sum not exceeding Fifty pounds : Provided always that it shall be lawful for the Superintendent, from time to time, to authorise any person or persons to catch or take any such animals, birds, or fishes, for the purpose of distributing and turning out the same in some other part of the said Province.

Penalty for killing such Animals, &c.

4. Every person who shall sell, or offer for sale, any such animal, bird, or fish, shall for every such offence forfeit and pay any sum not exceeding Fifty pounds.

Penalty for selling same.

5. Any person who shall take or wilfully destroy any egg of any bird, or spawn of any fish, proclaimed to come under the operation of this Act, shall, for every such offence, forfeit and pay any sum not exceeding Ten pounds.

Penalty for destroying Eggs or Spawn

6. Provided always that nothing in this Act shall extend to any animals, birds, or fishes which shall be kept in confinement by the owner thereof.

Act not to extend to Animals, &c., kept in confinement

7. All fines and penalties incurred under this Act may be reovered in a summary manner before any Resident Magistrate, or any two Justices of the Peace.

Fines, how to be recovered.

Vide the "Protection of certain Animals Act, 1861," and "The Birds Protection Act, 1862," of the General Assembly of New Zealand.

PROVINCE OF NELSON.

PATENT SLIP AND DRY DOCK ACT.

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

SESSION VIII., No. 11.

AN ACT TO AUTHORISE THE SUPERINTENDENT TO GUARANTEE CERTAIN INTEREST UPON THE CAPITAL TO BE EXPENDED IN CONSTRUCTING A DRY DOCK OR PATENT SLIP AT THE PORT OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Superintendent may guarantee interest upon Capital expended in constructing Dry Dock or Patent Slip.

Title. "*An Act to authorise the Superintendent to guarantee certain Interest upon the Capital to be expended in constructing a Dry Dock or Patent Slip at the Port of Nelson.*"

[Assented to 25th July, 1861.]

Preamble. WHEREAS by a Report of a Select Committee of the Provincial Council, duly appointed by the said Council, it has been deemed desirable that a Dry Dock or Patent Slip should be constructed at the Port of Nelson, and that for the purpose of encouraging persons to construct such Dry Dock or Patent Slip, the Superintendent should be authorised to guarantee a certain rate of interest upon capital expended for that purpose: Be

it, therefore, enacted by the Superintendent of the Province of of Nelson with the advice and consent of the Provincial Council thereof:—

1. It shall be lawful for the Superintendent of the Province of Nelson for the time being, at any time within three years after the passing of this Act, by writing under his hand, to guarantee to pay out of the Provincial Revenue of the said Province to any person or persons who shall construct such Dry Dock or Patent Slip as may be determined upon at the Port of Nelson, such sum of money annually, for a period not exceeding ten years, as with the nett proceeds derived from such Dry Dock or Slip shall be equivalent to interest at a rate to be agreed upon not exceeding Ten pounds per centum per annum upon the amount of capital expended in the construction thereof: Provided always that the amount of capital upon which interest shall be guaranteed shall not exceed the sum of Ten thousand pounds.

Superintendent may guaranteeInterest upon Capital expended in constructing Dry Dock or Patent Slip.

PROVINCE OF NELSON.

THE POISON ACT.

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

SESSION IX., No. 5.

AN ACT TO PROHIBIT THE LAYING OF POISON IN THE POPULATED DISTRICTS OF THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Persons laying Poison liable to Penalty.
2. Persons selling Poison to keep Register.
3. Penalties to be recovered in a summary manner.
4. Short Title.

Title. "*An Act to prohibit the laying of Poison in the populated Districts of the Province of Nelson.*"

[Assented to 15th July, 1862.]

Preamble. WHEREAS it has become necessary to prohibit the laying of strychnine, arsenic, and other poisonous substances in any town or village, or within a certain distance thereof, or within a certain distance of any trunk line of road within the said Province. Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:—

1. Any person who shall lay or cause to be laid strychnine, arsenic, or other poisonous substances within three miles of the City of Nelson, or within one mile of any town or village, or within a distance of ten chains from any trunk line of road in the Province within the limits of any Road Board District, or within a distance of one mile from any such trunk line outside of such limits, shall forfeit and pay for the first offence the sum of Five pounds, and for any subsequent offence a sum not exceeding Twenty pounds.

Persons laying Poison liable to Penalty.

2. Every person who shall sell strychnine, arsenic, or other poisonous substances within the said Province shall keep a book, wherein shall be inserted the name, residence, and occupation of any person purchasing any strychnine, arsenic, or other poisonous substances, and the quantity purchased by each such person, and the date of such purchase. Any applicant to purchase poison shall be accompanied by at least one witness, whose name and address shall also be registered. And any person so selling any strychnine, arsenic, or other poisonous substances who shall neglect to enter all such particulars as aforesaid shall forfeit and pay for every such offence any sum not less than Five pounds nor more than Fifty pounds.

Persons selling Poison to keep Register.

3. All penalties under this Act may be recovered in a summary manner before any Resident Magistrate or any two Justices of the Peace.

Penalties to be recovered in a summary manner.

4. This Act shall be intituled and may be cited as "The Poison Act, 1862."

Short Title.

PROVINCE OF NELSON.

QUARANTINE.

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

SESSION I., No. 6.

AN ORDINANCE TO ESTABLISH QUARANTINE REGULATIONS FOR THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Superintendent to appoint Quarantine Stations, &c.
2. Masters to cause Vessels to be anchored in Quarantine Ground, if required.
3. Masters not to quit Vessel.
4. Superintendent, with the advice of the Executive Council, to make Regulations respecting Quarantine.
5. Penalties may be imposed and be recovered in a summary way.
6. Commencement of Ordinance.

THIS Act is superseded by "The Marine Board Act, 1863," of the General Assembly of New Zealand.

PROVINCE OF NELSON.

RIFLE PRIZE ACT.

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

SESSION VII., No. 3.

AN ACT TO PROMOTE THE USE OF THE RIFLE IN THE PROVINCE OF NELSON.

ANALYSIS.

Title.
Preamble.
1. Money to be invested in purchase of Rifles for Prizes.
2. Superintendent to make necessary arrangements for competition for the same.
3. Competitors may be required to produce Certificate of Service and Good Conduct as Volunteers or Militiamen.
4. Prizes to be given only for positive degree of Proficiency.

"*An Act to promote the use of the Rifle in the Province of Nelson.*" Title.

[Assented to 4th May, 1860.]

WHEREAS, it is expedient to promote the use of the Rifle by the inhabitants of the Province of Nelson, as a means of defence against invasion: Be it enacted by the Superintendent of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

Money to be invested in Purchase of Rifles for Prizes.

1. It shall be lawful for the Superintendent to invest any sum or sums that may be voted for that purpose in Government or real securities, and to lay out the annual interest thereof in the purchase of rifles, or other weapons, to be given as prizes for superior proficiency in the use of such weapons respectively, in manner hereinafter mentioned.

Superintendent to make necessary arrangements for Competition for the same.

2. The Superintendent shall, in each year, give notice of a day and place, or days and places, for competition for the said prizes, and make all necessary rules and arrangements respecting the persons to compete, the mode of competition, the appointment of persons to adjudge and award the prizes, and generally for carrying into effect the provisions of this Act.

Competitors may be required to produce Certificate of Service and good Conduct as Volunteers or Militiamen.

3. Provided always, that it shall be lawful for the Superintendent, if he shall think fit, to exclude from such competition, by any such general rule as aforesaid, any person who shall not belong to some Volunteer or Militia Corps established in the Province of Nelson, and who shall not have previously received from the Captain of the Company to which he belongs, and the chief officer in command of such corps, a certificate to the effect that such competitor has regularly attended all requisite drills for at least six months previously, and has a good character for zeal for the service, steadiness, and observance of discipline.

Prizes to be given only for positive Degree of Proficiency.

4. Provided also, that no prize shall in any case be given for mere relative superiority to other competitors in shooting, unless a certain positive degree of proficiency, to be previously defined by the Superintendent in the notice aforesaid, and altered, if advisable, from time to time, shall be proved to have been attained.

PROVINCE OF NELSON.

SCAB ACT.

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

SESSION X., No. 4.

AN ACT TO PREVENT THE SPREAD OF THE SCAB IN SHEEP.

ANALYSIS.

Title.
Preamble.
1. Recited Ordinance repealed.
2. Inspectors, &c., may be appointed.
3. Penalty for Inspectors making false reports, &c.
4. Inspector may require Owners of Sheep to make declaration, &c.
5. Inspector to publish Quarterly Reports.
6. Notice of Flock being Diseased to be given to Inspector.
7. Penalty for landing Sheep without Certificate.
8. Inspector may require Owner to make Declaration.
9. Penalty for landing Sheep without permission of Inspector.
10. Penalty for introducing Sheep by land.
11. Inspector may grant Certificate on declaration of Owner.
12. Inspector may require Sheep to be dipped.
13. Penalty for Inspector granting Certificate in certain cases.
14. Inspector may require persons in charge of Sheep to give evidence.
15. Notice to be given of intention to drive Sheep across Run, &c.
16. Occupiers, &c., of Runs may provide Yards and require Sheep travelling through Runs to be yarded at night.
17. Notice of mustering Sheep to be given.
18. Penalty for driving or suffering diseased Sheep to stray upon Run, &c.

19. Penalty for allowing Scabby Sheep to stray upon Land of Flock-owner holding Certificate.
20. Infected Sheep found trespassing may be sold in certain cases.
21. Sheep to be branded with Inspector's Brand before being introduced into the Province.
22. Sheep to be deemed infected unless Owner holds a clean Certificate from Inspector.
23. Penalty for obstructing Inspector, &c.
24. Penalty for slaughtering, &c., Diseased Sheep.
25. Penalty for driving Sheep from Run without consent of Occupiers.
26. Persons wilfully communicating Disease to be imprisoned.
27. Penalty for setting at large Diseased Sheep.
28. This Act not to effect remedy at Law.
29. Occupiers of Land to make return of Sheep depasturing upon such Land.
30. How Moneys raised by Assessment on Sheep to be applied.
31. Penalties, how recovered.
32. Limitation of Penalty.
33. Fees to be paid to Inspector.
34. Fees, &c., to be paid to Treasurer.
35. Interpretation.
36. When to come into operation.
37. Short Title.

Title. "*An Act to prevent the spread of the Scab in Sheep.*"

[Assented to 7th August, 1863.]

Preamble. WHEREAS, an Ordinance was passed by the Legislative Council of New Munster, in Session I., No. 4, intituled "An Ordinance to prevent the extension of the Infectious Disease called the Scab, as well the Disease called the Influenza or Catarrh in Sheep or Lambs:" And whereas it is expedient that the said recited Ordinance should be repealed, and other provision made in lieu thereof.

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

Recited Ordinance repealed. 1. The above recited Ordinance shall be and the same is hereby repealed so far as relates to the Province of Nelson.

Inspectors, &c., may be appointed. 2. It shall be lawful for the Superintendent from time to time to appoint fit persons to be Inspectors of Sheep, and also Deputy-Inspectors, for the purposes of this Act, and from time to time to remove such persons, and appoint others in their stead, and to make such regulations as he may think fit for the guidance of all such Inspectors and Deputy-Inspectors in the execution of their duty, and for the carrying of this Act into effect: Provided always, that no such regulations shall have any force until one calendar month after they shall have been published in the *Government Gazette.*

3. If any Inspector of Sheep or Deputy-Inspector shall wilfully make any false report, or deliver any false certificate as to the condition of any sheep examined by him, he shall be liable to a penalty of not less than Twenty pounds, nor exceeding One hundred pounds, or to be imprisoned for any term not exceeding six months. And if any Inspector of Sheep or Deputy-Inspector shall, under color of his office or employment, exact or accept any fee or reward whatsoever, other than those authorised by this Act, his office shall, on his conviction of such offence before any two Justices of the Peace, become *ipso facto* vacant, and he shall be liable to a penalty not exceeding Fifty pounds.

Penalty for Inspectors making false reports, &c.

4. It shall be lawful for any Inspector of Sheep or Deputy-Inspector, when it shall appear to him necessary for the purpose of enabling him to decide satisfactorily upon the condition of any sheep, to call upon the owner of such sheep to make a declaration in the form or to the effect specified in Schedule A to this Act, and if any person shall make any such declaration knowing the same to be false, he shall, on conviction thereof before any two Justices of the Peace, be liable to a penalty of One hundred pounds, and to be imprisoned for a period not exceeding six months.

Inspector may require Owners of Sheep to make Declaration, &c.

5. It shall be the duty of every Inspector of Sheep to publish quarterly, in some newspaper generally circulated in the district, an account of the condition of every flock in the district over which he is Inspector, showing which of them are clean and which are infected with scab, and such returns shall be regularly entered and recorded in a book to be kept by the Inspector for the purpose, which shall be open at all reasonable times to inspection upon the payment of a fee of One shilling, and a copy of such returns shall also be forwarded by the Inspector to the Superintendent of the Province.

Inspector to publish Quarterly Reports.

6. Whenever the owner of any sheep shall become aware, or shall have reasonable ground to suspect, that the same are infected with scab, he shall within ten days thereof, give notice in writing to the Inspector of Sheep, and every person who shall fail to give such notice shall, for each offence, be subject to a penalty not exceeding Fifty pounds.

Notice of Flock being Diseased to be given to Inspector.

7. If any person shall himself, or by means of any agent or servant, land, or cause to be landed from any ship or boat any sheep without having received within seven days previous to such landing, from the Inspector of Sheep, or Deputy-Inspector a certificate in the form or to the effect specified in schedule C to this Act, in respect of such sheep, he shall be liable to a penalty of not less than Five shillings, nor more than Five

Penalty for landing Sheep without Certificate.

pounds for every sheep so landed: Provided, that if such sheep so landed shall not amount to twenty in number he may nevertheless be liable to a penalty of One hundred pounds: And provided also that it shall be lawful for the Inspector of Sheep or Deputy-Inspector, by writing under his hand, to permit such sheep, although scabby to be landed, on receiving from the owner thereof a bond, with two sufficient sureties, for payment to the Superintendent of the said Province a penalty of One hundred pounds for every hundred sheep landed, or fractional portion of that number of sheep landed, or to make the aforesaid sheep clean within one month to the satisfaction of the Inspector or Deputy-Inspector, and in the meantime to keep the sheep securely herded by day on some place approved of by the Inspector or Deputy-Inspector, and enclosed by night, to the satisfaction of the Inspector or Deputy-Inspector; and in the event of the aforesaid sheep, or any portion thereof, straying or becoming mixed with any other sheep, the aforesaid bond shall become forfeited; but the penalty may be reduced to such amount as shall be thought reasonable by a Bench of not less than two Justices of the Peace, if it shall be made to appear to them that the sheep in question so strayed, or became mixed with others through no act or neglect or default of the owner thereof.

Inspector may require Owner to make Declaration.

8. Any Inspector of Sheep or Deputy-Inspector may, before granting the certificate referred to in the preceding section, require the owner of the sheep to make a declaration, in the form or to the effect specified in Schedule B to this Act; and if any person shall make any such declaration, knowing the same to be false he shall be liable to a penalty of One hundred pounds.

Penalty for landing Sheep without permission of Inspector.

9. Any master, owner, or supercargo of any ship or boat, who shall permit any sheep to be landed therefrom before they shall have been inspected by an Inspector or Deputy-Inspector of Sheep, or before either a certificate of freedom from scab, or a permission to land them shall have been given, shall be liable to a penalty of not less than Twenty pounds, nor more than One hundred pounds.

Penalty for introducing Sheep by land.

10. If any person shall himself, or by means of any agent or servant introduce, or cause to introduced, by land, into the Province of Nelson any sheep, which shall not within fourteen days previous to such introduction, have been inspected by an Inspector or Deputy-Inspector of Sheep; unless such person shall have received from such Inspector or Deputy-Inspector a certificate, in the form or to the effect specified in Schedule C to this Act, that such sheep are entirely free from scab, he shall be liable for every sheep so introduced, to a penalty of not less

than One shilling, nor more than One pound: Provided that, if the number of sheep so introduced be less than one hundred, he shall nevertheless be liable to a penalty of One hundred pounds.

Inspector may grant Certificate on declaration of Owner.

11. The Inspector of Sheep or Deputy-Inspector, may, at his discretion, grant such certificate upon receiving from the owner of any sheep about to be introduced into the district a declaration, in the form or to the effect specified in Schedule B to this Act; and any person who shall make any such declaration, knowing the same to be false, shall, on conviction thereof before any two Justices of the Peace, be liable to a penalty of One hundred pounds, or to be imprisoned for a period not exceeding six calendar months.

Inspector may require Sheep to be Dipped.

12. In the event of the owner or other person in charge of the sheep not being able to make the declaration required as aforesaid, or if the sheep shall appear to the Inspector or Deputy-Inspector to be infected, it shall be the duty of the Inspector or Deputy-Inspector, before granting any such certificate, to cause the sheep to be dipped in a proper decoction of tobacco or some scab-destroying preparation, and as often and at such intervals of time as shall appear to him to be reasonable and sufficient for the cure of the disease, and the expense of such dipping shall be paid by the owner of the sheep, and may be recovered in a summary manner before any two Justices of the Peace.

Penalty for Inspector granting Certificate in certain cases.

13. Any Inspector or Deputy-Inspector who shall grant such certificate before such infected sheep shall have been well and sufficiently dipped, shall be liable to a penalty of not more than Fifty pounds for every one hundred sheep in the flock, any portion of which shall not have been carefully and sufficiently dipped.

Inspector may require persons in charge of Sheep to give evidence.

14. It shall be lawful for any Inspector of Sheep or Deputy-Inspector to call upon all persons concerned in the charge, control, or management of sheep, to give evidence before him as to the facts within their knowledge relating to such sheep; and if any person, after being so called upon, shall refuse or neglect to answer any inquiries put to him by such Inspector or Deputy-Inspector respecting such sheep, under the authority of this Act, he shall be liable to a penalty not exceeding Twenty pounds; and if any person, in giving such evidence or in answering such inquiries, shall make any statement knowing the same to be false, he shall, on conviction thereof before any two Justices of the Peace, be liable to a penalty not exceeding One hundred pounds.

Notice to be given of intention to drive Sheep across Run, &c.

15. Any person about to drive any sheep across any lawfully occupied land or run without the consent of the occupier thereof, or along any public highway passing through such run, unless the same be bounded on both sides by a sheep-proof fence, shall give to the owner or occupier thereof at least twenty-four hours' previous notice, in writing, of the day upon which he intends to drive such sheep across the run in question; and every person offending against the provisions of this section shall be liable to a penalty of not less than Sixpence, nor more then One shilling, for every sheep so driven.

Occupiers, &c, of Runs may provide Yards and require Sheep travelling through Runs to be yarded at Night.

16. It shall be lawful for any owner or occupier of a sheep run through which there is a public highway un-enclosed, or across which sheep may be driven, to construct in convenient situations yards or paddocks for the reception of sheep being driven across his run, and to require the owners of sheep passing through his run and resting upon it for a night, to place them within such enclosure or yard during the night: Provided always, that it shall not be lawful for any owner or occupier of a run to require sheep passing through his run to be yarded within any such enclosure if within three months immediately preceding any sheep infected with scab shall have been placed within it: Provided also, that any such yard or enclosure shall not be at a less distance than six miles, nor at a greater distance than ten miles from the last resting place of the sheep.

Notice of mustering Sheep to be given.

17. Every owner of sheep running on land not properly fenced who shall muster his flock for the purpose of either shearing or cutting and tailing, or who shall make any general muster of his flock, shall give notice in writing to the owners or occupiers of the immediately adjoining runs, twenty-four hours at least before yarding the same, of his intention so to do; such notice being given by either leaving it with some adult inmate of the principal house of the adjoining run, or, if no such inmate can be found by leaving the same affixed to some conspicuous part of such house or station, and every person neglecting to give such notice, shall be liable to a penalty for each case, not exceeding Twenty pounds. When the sheep are mustered and yarded as aforesaid, the owner of the run shall give every reasonable facility for the drafting out of neighbors' sheep by the owners thereof, or their servants. In the event of stray sheep being found upon the run of a neighboring flock-owner, if the owner of such stray sheep neither himself comes to claim his sheep, nor send for the same, it shall be lawful for the owner of the mustered flock, at his discretion, to draft out such stray sheep, and to send them to their owner within any reasonable time: and such owner shall repay to the owner of the mustered flock the costs and

expenses incured in sending the stray sheep to their owner, with an additional charge of fifty per cent. above the actual cost so incurred; and such amount may be recovered in a summary way before any two Justices of the Peace.

Penalty for driving or suffering Diseased Sheep to stray upon Run, &c.

18. If any person shall by himself, his agent, or servant, drive, depasture, or suffer to stray any sheep infected with scab across or upon any land not being the property of such person, and not being land over which he shall have the right of pasturage, or shall, without a certificate from the Inspector or Deputy-Inspector that the sheep are free from scab, drive any sheep upon or along any public highway not passing through or adjoining any land held or occupied by him he shall for every day during which such sheep shall be so driven, depastured, or suffered to stray, be subject to a penalty of not less than Five pounds, nor more than Fifty pounds: Provided always, that nothing herein contained shall prevent the occupier of any land or run, upon which shall be found trespassing any sheep infected as aforesaid, and owned by the occupier of adjoining land or an adjoining run, from driving such sheep to the station upon such adjoining land or run; and the expenses incurred in so driving the infected sheep shall be borne by the owner thereof.

Penalty for allowing Scabby Sheep to stray upon Land of Flockowner holding Certificate.

19. If the owner of any sheep infected with scab, or his agent or servant, shall suffer the same to stray upon any run or land occupied by any other flock-owner who shall hold from the Inspector of the district a certificate that his sheep are free from scab, he shall be liable, for every day during which such infected sheep shall stray upon any such clean run as aforesaid, to a penalty of not less than One pound nor more than One hundred pounds.

Infected Sheep found trespassing may be sold in certain cases.

20. If any sheep infected with scab shall be found on any land or run not in the lawful occupation of the owner of such sheep, it shall be lawful for the owner or occupier of such land to drive the same to any convenient place on his run, where they may be safely enclosed, and to detain them there; and if the owner of such sheep, after receiving forty-eight hours' notice, shall not remove the same and pay all costs, expenses, and damages, or if the owner cannot, after reasonable inquiry, be found it shall be lawful for the Inspector of Sheep to take possession of the same, and, after giving a week's notice by public advertisement in some local newspaper, to sell the aforesaid sheep by public auction for the best price that can be obtained, and the proceeds of such sale shall be applied in the first instance towards the payment of the costs and expenses, incurred about the aforesaid sheep and the sale thereof, and the balance shall be paid to the Treasurer of the Province.

Sheep to be branded with Inspector's brand before being introduced into the Province.

21. When any Inspector of Sheep or Deputy-Inspector shall have examined any sheep, with the view to their passing either by sea or land into the Province, and shall be prepared to grant a certificate in the form of Schedule C to this Act, he shall, before granting such certificate, cause such sheep to be distinctly branded on the fleece thereof, at the costs and charges of the owner of such sheep, with some brand which for that purpose shall be assigned to him by the Registrar of Brands for the Province of Nelson, and the absence of any such brand from any sheep so introduced, shall be *prima facie* evidence that they have not been certified for importation as provided in this Act, unless it shall be proved that such sheep have been shorn since they entered the Province. If any person shall without authority use the brand of any Inspector of Sheep or Deputy-Inspector, registered as aforesaid, or one so similar as not to be readily distinguishable therefrom, he shall for every such offence be liable to a penalty of not less than Twenty-five pounds, nor more than One hundred pounds.

Sheep to be deemed infected unless Owner holds a clean Certificate from Inspector.

22. All sheep shall, for the purposes of this Act, be *prima facie* deemed to be infected with scab, unless the owner thereof shall hold a certificate from the Inspector or Deputy-Inspector of their actual freedom from such disease, but such certificate shall not exempt the owner of any sheep proved to be actually infected with scab from any penalties incurred under this Act.

Penalty for obstructing Inspector, &c.

23. Every owner of sheep or servant of such owner, who shall refuse to give every reasonable facility to an Inspector of Sheep or Deputy-Inspector, or shall obstruct him in the discharge of his duty, shall be subject to a penalty not exceeding One hundred pounds.

Penalty for slaughtering &c., Diseased Sheep.

24. If any person shall, slaughter, or have in his possession for the purpose of slaughtering for sale, any sheep infected with scab, or shall sell or expose for sale the carcase of any sheep or any part thereof so infected, he shall be liable for each such offence to a fine of not less than Twenty shillings, nor more than Five pounds.

Penalty for driving Sheep from Run without consent of Occupiers.

25. Every person who shall, except as hereinbefore provided, knowingly drive or remove any sheep from any land or run in the occupation of any other person, without the consent of the owner or occupier of such land or run, shall be liable to a penalty not exceeding Twenty pounds.

Persons wilfully communicating Disease to be imprisoned.

26. If any person shall wilfully communicate or cause to be communicated to any sheep the disease called scab, he shall, on conviction thereof before any two or more Justices of the Peace, be imprisoned for a term not exceeding six calendar months.

27. If any person shall knowingly and wilfully set at large or abandon any sheep infected with scab, he shall be liable, on conviction thereof before any two Justices of the Peace, to a penalty not exceeding Fifty pounds.

Penalty for setting at large Diseased Sheep.

28. Nothing in this Act shall be construed to limit or deprive any person suffering loss or damage from the driving, depasturing, or suffering to stray, of any sheep infected with scab, of any remedy which he might have at law or otherwise for recovering the same, if this Act had not been passed.

This Act not to effect remedy at law.

29. Every owner of sheep shall in the month of January in each year, make a return to the Inspector for the district of the number of sheep and lambs in his charge, in the said Province, on the First of January in such year; and any person failing to make such return, or knowingly making any false return, shall for each such offence be liable to a penalty of any sum not exceeding Fifty pounds. And every such owner shall, in the month of February in each year, pay or cause to be paid to the Treasurer of the Province the sum of One half-penny per head for every sheep in his charge upon the First day of January in such year, and in default thereof the same may be sued for in the name of any Inspector of Sheep, and recovered in a summary manner before any two Justices of the Peace, and the proof of the number of such sheep shall rest with the defendant.

Occupiers of land to make return of Sheep depasturing upon such Land.

30. All monies raised by the assessment on sheep in any district proclaimed to come under the operation of this Act shall be applied in the first instance to the payment of the salaries of the Inspectors and Deputy-Inspectors, and the other expenses of carrying out this Act, and the surplus, if any, shall be handed over to the Road Board of the district if there be a Road Board, or if there be no Road Board shall be applied by the Government to the execution of some works of public utility within the district.

How Moneys raised by assessment on Sheep applied.

31. All penalties incurred under this Act may be recovered in a summary manner before two or more Justices of the Peace.

Penalties, how recovered.

32. No penalty to be imposed on any one conviction under the provisions of this Act shall exceed the sum of One hundred pounds.

Limitation of Penalty.

33. There shall be paid to every Inspector of Sheep or Deputy-Inspector who shall be required to inspect any sheep about to enter the Province, the sum of Twopence a head for each sheep examined by him where the number of sheep is

Fees to be paid to Inspector.

under five hundred, Three-halfpence a head where the number is over five hundred and under one thousand, and One penny a head on every sheep in the flock when the number exceeds one thousand, and such fees shall be paid before any certificate shall be given in respect of such sheep as hereinbefore provided.

Fees, &c, to be paid to Treasurer.

34. All fees and other sums of money received by any Inspector of sheep or Deputy-Inspector under this Act, except his fixed salary, shall be paid over to the Treasurer of the Province quarterly: and every such Inspector or Deputy-Inspector shall make a quarterly return to the Superintendent of all fees or other sums received by him.

Interpretation

35. In the interpretation of this Act, the words "owner of any sheep" shall be taken to mean the person having the charge, control, or management of such sheep, as well as the owner thereof. The word "sheep" shall mean sheep and lambs of any age and sex.

When to come into operation.

36. This Act shall come into operation on and after the First day of January, One thousand eight hundred and sixty-four.

Short Title.

37. The Short Title of this Act shall be "The Nelson Scab Act, 1863."

SCHEDULE A.

Declaration to be made before Inspector as to Sheep examined by him.

I , of , do hereby solemnly declare that, to the best of my ability, I have mustered all the sheep on my run or farm, and that I believe them to be free from scab.

SCHEDULE. B.

Declaration as to imported Sheep.

I, , of , do hereby solemnly declare that the sheep, in number, marked , now being depastured by me at [on board of the vessel , commander now lying at , in the said Province], have not within three months last past had applied to any of them any scab-destroying preparation, nor been mixed with any sheep infected by scab; and I make this solemn declaration, conscientiously believing the same to be true.

SCHEDULE C.

I, A.B., Inspector of sheep, (or Deputy-Inspector) hereby certify that I have carefully examined sheep, brand , the property of C.D., now being depastured , [on board the , at], and that I find such sheep to be entirely free from scab.

PROVINCE OF NELSON.

THE THISTLE ACT.

IN THE TWENTY-SECOND AND TWENTY-THIRD YEARS OF THE REIGN OF HER MAJESTY QUEEN VICTORIA.

SESSION VI., No. 3.

AN ACT TO PREVENT THE INCREASE OF THISTLES.

ANALYSIS.

Title.
Preamble.
1. Occupiers of Land failing to destroy Thistles, liable to Penalty.
2. How Notice to be served.
3. Where Ownership of Land cannot be ascertained, Notice to be published.
4. Persons entitled to possession of unoccupied Land failing to destroy Thistles, liable to Penalty.
5. Constable, or other authorised Person, may enter upon unoccupied Land after Notice having been given, and cut down Thistles. Expense so to be incurred to be determined by two Justices, and to be a charge upon the Land, recoverable by Distress so soon as the Land is occupied.
6. In cases of Dispute as to Liability, Land may be treated as Land the Ownership of which cannot be ascertained.
7. Road Board to destroy Thistles growing upon Roads under their charge; and in case of their neglecting to do so, the same may be treated as unoccupied Land.
8. Superintendent to applyMoneys voted for the purpose to destruction of Thistles on Crown Lands.
9. Constable not to be liable to Action of Trespass.
10. Penalties recoverable summarily.
11. Short Title.
Schedule.

THIS Act is repealed by "The Thistle Act, 1861."

PROVINCE OF NELSON.

THE THISTLE ACT, 1861.

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

SESSION VIII., No. 4.

AN ACT TO REPEAL "AN ACT TO PREVENT THE INCREASE OF THISTLES," AND TO MAKE OTHER PROVISIONS IN LIEU THEREOF.

ANALYSIS.

Title.
Preamble.
1. Repeal of previous Act.
2. Occupier of Land failing to destroy Thistles liable to Penalty.
3. How Notice to be served.
4. Where Ownership of Land cannot be ascertained, Notice to be published.
5. Persons entitled to possession of unoccupied Land failing to destroy Thistles, liable to Penalty.
6. Any authorised person may enter upon unoccupied Land after Notice having been given, and cut down Thistles, Expense so incurred to be determined by two Justices, and to be a charge upon the Land, recoverable by Distress so soon as the Land is occupied.
7. In case of dispute as to liability Land may be treated as Land the Ownership of which cannot be ascertained.
8. Road Board to destroy Thistles growing upon Roads under their charge; and in case of their neglecting to do so, the same may be treated as unoccupied Land.
9. Superintendent to apply Moneys voted for the purpose to destruction of Thistles.
10. Constable not to be liable to Action of Trespass.
11. Superintendent to appoint Inspectors for enforcing provisions of Act.
12. Penalties recoverable summarily.
13. Districts to be proclaimed.
14. Short Title.
Schedule.

"*An Act to repeal 'An Act to prevent the increase of Thistles,' and to make other provisions in lieu thereof.*" Title.

[Assented to 18th June, 1861.]

WHEREAS an Act was passed by the Superintendent and Provincial Council of the Province of Nelson in Session VI., No. 3, intituled "The Thistle Act, 1859:" And whereas it is expedient that the said Act should be repealed and other provisions made in lieu thereof: Be it therefore enacted by the Superintendent of the Province of Nelson, with the advice and consent of the Provincial Council thereof, as follows:— Preamble.

1. The said recited Act shall be and the same is hereby repealed. Repeal of previous Act.

2. Any person who after having received notice in writing shall have failed within fourteen days after the receipt of such notice as hereinafter provided to destroy any thistles bearing flower stems upon land in his occupation shall forfeit any sum not exceeding Five pounds; and it shall be lawful for any one authorised on that behalf by writing under the hand of any Justice of the Peace, or for the Constable of the district without such authority, at any time after such default to destroy or cause to be destroyed the thistles growing on such land, and the expense of so doing shall be recovered by action in a summary way from the occupier of such land. Occupiers of land failing to destroy Thistles liable to Penalty.

3. Such notice may be personally served or left at the usual place of abode by the Constable of the district or by the person giving such notice, and it shall be the duty of all Constables to assist in carrying out the provisions of this Act. How notice to be served.

4. Where thistles are permitted to grow upon unoccupied land the ownership of which cannot be ascertained after reasonable inquiry any one wishing to take proceedings under this Act shall publish twice in one of the newspapers published in the Province a notice in form or to the effect set forth in the Schedule hereto annexed; and such publication in the newspapers shall be considered a lawful and sufficient notice, and the expense of such advertisement shall upon conviction of the offender be repaid by the owner of such land to the party complaining. When ownership of Land cannot be ascertained Notice to be published.

5. Every person entitled to the possession of unoccupied land upon which thistles bearing flower stems shall be found growing, who shall not cut down or destroy such thistles, after notice so to do as required by this Act, shall be liable to a fine of not more than Five pounds. Persons entitled to possession of unoccupied land failing to destroy Thistles liable to Penalty.

Any authorised person may enter upon unoccupied Land after Notice having been given, and cut down Thistles, Expense so incurred to be determined by two Justices, and to be a charge upon the Land, recoverable by Distress so soon as the Land is occupied.

6. It shall be lawful for anyone duly authorised in that behalf by authority in writing of any Justice of the Peace, or for any constable without such authority to enter upon any unoccupied land, or land the ownership of which cannot be ascertained, the required notice having first been given, and cut down or cause to be cut down, employing for that purpose such labor as he may find necessary, any thistles growing thereon, and the expenses of doing so shall be paid by the Superintendent out of the Provincial Treasury from funds voted for that purpose; and the same may be recovered by distress upon the premises so soon as, and at any time after, the same may be occupied: Provided always that the expense incurred as aforesaid may be determined by any two Justices of the Peace; and that in all cases in which the land is private property or is held in trust, a description of the land so becoming liable, and the amount of money due, shall at the earliest convenient opportunity be published in the *Government Gazette*, and thereafter annually until all arrears due shall have been paid.

In case of dispute as to liability, Land may be treated as Land the ownership of which cannot be ascertained.

7. Where any dispute or question shall arise between parties interested in any land as to who is the proper party to destroy thistles, or where the party responsible shall not reside within the Province, the land may, for the purposes of this Act, be dealt with as land the ownership of which cannot be ascertained.

Road Board to destroy Thistles growing upon Roads under their charge; and in case of their neglecting to do so, the same may be treated as unoccupied Land.

8. It shall be the duty of the Road Board of any district to destroy all flowering thistles growing upon any road which is under the charge of any such Road Board; and in any case in which a Road Board shall neglect to do so, those parts of the road on which flowering thistles are allowed to grow shall be considered, for the purposes of this Act, as unoccupied land, and after fourteen days' notice any flowering thistles growing on the roads may be destroyed by the constable of the district, or any other person duly authorised in that behalf; and the amount of the expenses so incurred and ascertained, as provided for in Clause 6, may be withheld by the Superintendent from any amount which may have been voted by the Provincial Council for the maintenance of the roads in the district, or may be recovered from the Road Board by summary process, at the suit of the Constable or any other person authorised as aforesaid.

duperintendent to apply Moneys voted for the purpose to destruction of Thistles.

9. Out of any sums of money which may be voted for the purposes of this Act the Superintendent may appropriate such sums as may seem to him expedient to the destruction of any Thistles growing on Crown Lands, or advance any sums that may be required to pay the expense of the destruction of Thistles on any other land, until the cost can be recovered from the parties liable to pay the same.

10. For the purposes of carrying out this Act, the Constable of the district, or any person authorised in that behalf by any Justice of the Peace, may enter upon any land, and shall not by so doing be liable to any action of trespass.

Constable not to be liable to action of trespass.

11. It shall be lawful for the Superintendent to appoint a competent person for such portion of each year as he may deem fit to act as Inspector in any district proclaimed as hereinafter provided, for the purpose of enforcing the provisions of this Act, whose duty it shall be to visit and inspect all lands within such district; and any such Inspector by so doing shall not be liable to any action of trespass.

Superintendent to appoint Inspectors for enforcing provisions of Act.

12. All penalties imposed under the authority of this Act shall be recoverable in a summary way before any Justice of the Peace.

Penalties recoverable summarily.

13. This Act shall come into operation in such districts as the Superintendent shall from time to time proclaim in the *Government Gazette*.

Districts to be proclaimed.

14. The Short Title of this Act shall be "The Thistle Act, 1861."

Short Title.

SCHEDULE.

Whereas certain thistles bearing flower stems are growing on unoccupied land on Section No. in the district of the owner of which land cannot be ascertained by me after reasonable inquiry, this is to give notice, that if the thistles on such unoccupied land are not cut down or destroyed within seven days from the date hereof, the said thistles shall be destroyed at the expense of the owner or occupier of such land, as the law directs.

Dated this day of 186

(Signed) A.B.

PROVINCE OF NELSON.

WATERWORKS ACT.

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

SESSION X., No. 1.

AN ACT TO MAKE PROVISION FOR THE MAKING AND MAINTAINING WATERWORKS FOR SUPPLYING THE CITY OF NELSON WITH WATER.

ANALYSIS.

Title.
Preamble.
1. Short Title.
2. Interpretation.
3 Waterworks may be constructed.
4. Power to take Lands, &c.
5. Other Watering Places to be provided.
6. Compensation to be made for Lands taken, &c.
7. Amount of Compensation, how ascertained.
8. Limit of time for making claims.
9. Service Pipes to be laid on at expense of Occupier.
10. Power to break up Streets and open Drains, &c.
11. Streets, &c., broken up to be reinstated.
12. Penalty for obstructing construction of Works.
13. Penalty for diverting Water, &c.
14. Assessment to be made.
15. Notice of Assessment to be given.
16. Parties aggrieved may appeal.
17. Rate to be levied.
18. Certain Buildings to pay extra Rate.
19. Breweries, &c., to pay extra Rates.
20. Water not to be used for working Machinery without consent of Superintendent.
21. Superintendent may supply Water for other purposes.
22. Exemptions from Rates.
23. Rate to be paid by Occupier.

24. Rate to be paid to person appointed to receive the same.
25. If Rates not paid Water may be stopped.
26. Penalty for permitting Water to be taken from premises.
27. Penalty for wasting Water.
28. Penalty for fouling Water.
29. Penalties, how recovered.
30. Limitation of Penalty.
31. Moneys to be paid to Provincial Treasurer, and appropriated by Superintendent for purposes of Act.

"*An Act to make provision for the making and maintaining Waterworks for supplying the City of Nelson with Water.* Title.

[Assented to 7th August, 1863.]

WHEREAS it is expedient that waterworks should be constructed for the purpose of providing the City of Nelson with a constant supply of water. Preamble.

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

1. The Short Title of this Act shall be called "The Nelson Water-works Act, 1863." Short Title.

2. The following words and expressions in this Act 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

The word "land" shall include messuages, lands, tenements, and hereditaments of any tenure. The words "streams" shall include springs, brooks, and other running waters.

The word "street" shall include any wharf, quay, jetty, square, court, alley, highway, lane, road, thoroughfare, or public pasage, or place within the District of Brook-street Valley or City of Nelson, or projecting from any part thereof into the sea or harbor.

The expression "waterworks" shall mean the waterworks and the works connected therewith authorised to be constructed by this Act.

The expression "water-rate" shall include any rent, reward, or payment to be made for a supply of water.

The expression "two Justices" shall mean two or more Justices of the Peace met and acting together, or a Resident Magistrate.

The word "Superintendent" shall mean the Superintendent for the time being of the Province of Nelson.

Waterworks may be constructed.

3. It shall be lawful for the Superintendent to make, construct, complete, and maintain such waterworks as may be deemed expedient for the purpose of supplying the City of Nelson, with water from Brook-street Valley in the said Province.

Power to take Land, &c.

4. Subject to the provisions, restrictions, and conditions contained in this Act, the Superintendent may exercise the following powers and may execute or cause to executed any of the following works, (that is to say,)

He may without any previous agreement with the owner or occupier enter upon any lands or other places in the City of Nelson, or District of Brook-street Valley and take the levels of the same.

He may purchase and hold any lands required for the purposes of this Act.

He may from time to time sink such wells or shafts, or make, maintain, alter, or discontinue, such reservoirs, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings as he shall think proper for supplying the said city with water.

He may from time to time divert, impound, and take such water as may be found in the District of Brook-street Valley aforesaid, as shall be required for the purposes of this Act, and may alter the course of any stream in the said city or district.

He may without previous payment tender or deposit enter upon and use any land within the said city, or District of Brook-street Valley, for the purpose of taking any earth, stone, or clay therefrom, and he may enter upon and use any lands adjacent for making temporary roads or approaches to the works : Provided always that berefo he shall make such temporary use of any such lands, he shall give ten days' notice of such his intention to the occupiers of such lands, except in the case of accident to the works requiring immediate reparation : Provided also that the Superintendent shall, until any land taken by him for temporary use be given up to the owner, pay to the owner or occupier half-yearly reasonable compensation for the use of such lands, and for any damage or injury done to the crop or to the surface of the land or otherwise, and such compensation shall, if the parties cannot agree, be settled by arbitration, in manner hereinafter provided.

5. Provided always that in the exercise of the said powers, the Superintendent shall do as little damage as can be, and in all cases where it can be done, shall provide other watering places, drains, and channels, for the use of adjoining lands in place of any such as shall be taken away or interrupted by him.

Other Watering Places to be provided.

6. In exercising the powers of taking lands and streams hereinbefore conferred, the Superintendent 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 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 Superintendent by this Act.

Compensation to be made for Lands taken, &c.

7. In case of any disagreement as to the amount of any damage sustained in carrying out the provisions of this Act, the same shall be determined by the appraisement of two indifferent persons, one to be chosen by the Superintendent and the other by the person claiming compensation, or by an umpire to be chosen by such two appraisers, or if the compensation claimed do not exceed the sum of Twenty pounds the same may be ascertained by the Resident Magistrate or any two Justices.

Amount of compensation, how ascertained.

8. All claims for compensation shall be made in writing to the Superintendent within eighteen months from the time when such claims shall have arisen, when the person claiming compensation shall reside within the Province of Nelson, and when residing elsewhere then within three years.

Limit of time for making Claims.

9. Service pipes shall, when required, be laid on to any building at the expense of the person requiring the same, by some person authorised for that purpose by the Superintendent.

Service Pipes to be laid on at expense of Occupier.

10. The Superintendent or any person authorised by him may open and break up the soil and pavement of the several roads, streets, bridges, and reserves within the said City of Nelson and District of Brook-street Valley, and may open and break up any sewers, drains, or tunnels within or under any such roads, streets, and bridges, and lay down and place 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 roads, streets, bridges, and reserves, and do all other acts which the Superintendent shall from time to time deem necessary for supplying water to the inhabitants of the said city, and to the shipping at the Port of Nelson, doing as

Power to break up Streets and open Drains, &c.

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.

Streets, &c., broken up to be reinstated.

11. When any person shall, for the purposes of this Act, open or break up the road, path, or pavement of any street or bridge, or any sewer, drain or tunnel, such person 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.

Penalty for obstructing construction of Works.

12. Every person who shall wilfully obstruct any person acting under the authority of the Superintendent in setting out the line of the works, or pull up or remove any pole or stake 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 Twenty pounds for every such offence.

Penalty for diverting Water, &c.

13. After any stream or supply of water hereby authorised to be taken by the Superintendent shall have been so taken, every person who shall illegally divert or take the water supplying or flowing into the stream so taken or any part thereof, or who shall do any unlawful act. whereby the said stream or supply 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, so as to restore the said waters to the state in which they were before such act, shall forfeit and pay any sum which shall be awarded by two Justices of the Peace not exceeding One hundred pounds 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 Superintendent for any damage which may be sustained by reason of the supply of water being diminished, and the payment of the sum so forfeited shall not bar or affect the right of the Superintendent to bring an action at law against such person for the damage so committed.

14. The Superintendent shall in each year cause an assessment to be made of the annual value of all buildings in the City of Nelson, situated within one hundred yards of any water pipes to be laid down under the authority of this Act. Assessment to be made.

15. When such assessment shall be made the Superintendent shall cause public notice thereof, and of the place in the said city where the same may be inspected, for a period of twenty-one days, to be given in some newspaper published in the Province, and the person having the custody of such assessment shall permit the same to be inspected by any person during office hours. Notice of Assessment to be given.

16. If any person shall think himself aggrieved by such assessment on the ground that it includes any property for which he is not rateable under this Act, or that it assess his rateable property beyond its full and fair annual value, or that the name or property of any person is omitted out of such assessment, or that the property of any person is assessed below its full and fair annual value, the person so considering himself aggrieved may at any time within twenty-eight days after public notice of such assessment shall have been given as aforesaid, notify in writing to the Superintendent the grounds of his objection to the assessment and his intention to appeal to a bench of magistrates; and shall also send a similar notice to the Clerk to the Magistrates at Nelson, who shall thereupon by advertisement in some newspaper published in the Province, summon a meeting of the Magistrates to hear such appeals, which meeting shall be held within fourteen days after the expiration of the aforesaid twenty-eight days, and in case it shall appear that the appellant is entitled to relief on account of being erroneously or too highly assessed, or that the name or property of any person has been improperly omitted out of the assessment, or that the property of any person is assessed below its full and fair annual value, the said Court of Appeal shall alter or amend the assessment in such manner as it shall deem necessary, but the assessment shall not be altered with respect to any other person named therein, and the said Court of Appeal shall have power to order the costs of such appeal to be paid by either party, and the determination of the said Court of Appeal shall be final and conclusive. Parties aggrieved may appeal.

17. For the purpose of raising the necessary funds for carrying into effect the provisions of this Act, and for paying any money which may be borrowed for the purposes of this Act and interest upon the same, there shall be levied and paid annually a water-rate of Four pounds per cent. upon the annual value of all buildings in the City of Nelson which shall be situated within one hundred yards of any water pipes laid down Rate to be levied.

under the authority hereof, where the water shall not be laid on to such buildings or the premises occupied therewith, and where the water shall be laid on to such buildings or premises, an annual water-rate of Eight pounds per cent.

Certain Buildings to pay extra Rate.

18. All buildings used as public-houses and livery stables to which water shall be laid on shall pay annually an additional water-rate of Two pounds per cent. upon the annual value thereof and of the buildings occupied therewith.

Breweries,&c., to pay extra Rates.

19. All buildings used as breweries or manufactories to which water shall be laid on shall pay annually such additional rate as shall be agreed upon between the Superintendent and the occupier of such buildings, and in case they cannot agree the amount of such additional rate shall be determined by two Justices.

Water not to be used for working Machinery without consent of Superintendent.

20. No water to be supplied under the powers of this Act shall be used as a water-power for the purpose of working any machinery without authority in writing from the Superintendent for that purpose: And it shall be lawful for the Superintendent to charge such sum of money by way of rate for the use of water for such purposes as he shall think fit. And any person who shall use any water so to be supplied as aforesaid for any such purpose without such authority first had and obtained, shall forfeit and pay for every day the water shall be so used, any sum not exceeding Twenty pounds, and it shall be lawful for the Superintendent to stop the supply of water to such person.

Superintendent may supply Water for other purposes.

21. It shall also be lawful for the Superintendent to supply water for such other purposes as may be required, and to charge such sum of money by way of rate for the use of such water as he may think fit.

Exemptions from Rates.

22. No rates shall be paid in respect of any buildings belonging to the Crown, or reserved or set apart for public purposes, or vested in trust for any public object, nor any buildings used as public schools, libraries, or museums.

Rate to be paid by Occupier.

23. The water-rate shall be paid by the occupier of every such building, or in case there shall be no occupier by the owner thereof.

Rate to be paid to person appointed to receive the same.

24. The water-rate shall be paid to some person appointed by the Superintendent for that purpose, by the persons liable to the payment thereof, on a day and at a place to be fixed for that purpose, by public notice in some newspaper published in the Province, not being less than twenty-one days from the time of giving such notice, 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 two Justices.

25. If any person supplied with water as aforesaid shall neglect to pay the water-rate at the time appointed for the payment thereof, it shall be lawful for the Superintendent to stop the water from flowing into the premises of such person, by cutting off the service pipe to such premises, or by such other means as may be thought fit.

If Rates not paid Water may be stopped.

26. Any person who shall permit any water to be supplied under the powers of this Act to be taken from premises so occupied by such person, or to be used elsewhere than upon the premises so occupied, shall for every such offence forfeit and pay any sum not exceeding Ten pounds.

Penalty for permitting Water to be taken from Premises.

27. Any person who shall wilfully cause or permit any water to be supplied as aforesaid, to be wasted, shall for every such offence forfeit and pay any sum not exceeding Ten pounds.

Penalty for wasting Water.

28. Any person who shall commit or cause any act whereby the water in any reservoir, tank, cistern, aqueduct, drain, or pipe constructed under the authority of this Act shall be fouled or corrupted, shall for every such offence forfeit and pay any sum not exceeding Fifty pounds.

Penalty for fouling Water.

29. All penalties incurred under the authority of this Act may be recovered in a summary manner before any Justice or Justices of the Peace.

Penalties, how recovered

30. No penalty to be imposed on any one conviction under this Act shall exceed the sum of One hundred pounds.

Limitation of Penalty.

31. All moneys collected under the authority of this Act shall be paid to the Provincial Treasurer, and shall be appropriated by the Superintendent by warrant under his hand, in carrying out the provisions of this Act, and in repayment of any money borrowed for the purposes hereof and the interest thereon.

Monies to be paid to Provincial Treasurer, and appropriated by Superintendent for purposes of Act.

APPENDIX.

NEW ZEALAND.

SALE FOR NON-PAYMENT OF RATES ACT.

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

No. 35.

AN ACT FOR REGULATING THE SALE OF LAND FOR NON-PAYMENT OF RATES.

ANALYSIS.

Title.
Preamble.
1. Short Title.
2. No land to be sold for non-payment of Rates except under this Act.
3. Arrears of Rates may be Registered by way of equitable charge.
4. Land may be sold under the direction of the Supreme Court.
5. Notice of Sale to be Gazetted.
6. Conveyance may be made by Registrar of Court.
7. Memorial of Satisfaction may be registered.
Schedules.

"*An Act for regulating the sale of Land for non-payment of Rates.*" Title.

[8th September, 1862.]

WHEREAS it is expedient to make provision by law enabling land to be sold for non-payment of rates in certain cases. Preamble.

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 Sale for Non-payment of Rates Act, 1862."

No land to be sold for non-payment Rates except under this Act.

2. From and after the passing of this Act no Land shall be sold under the authority of any Act or Ordinance of any Provincial Legislature for non-payment of rates, assessments, or other liabilities imposed by such Act or Ordinance except in accordance with the provisions of this Act.

Arrears of Rates may be registered by way of equitable charge.

3. Where under and by virtue of any Act or Ordinance of any Provincial Legislature or by the authority of any Corporation, Board, Commission, or other person or persons acting under or in pursuance of any Act or Ordinance of any Provincial Legislature, any such rate, assessment, or other liability as aforesaid shall have been or shall be duly imposed on any land within the Colony, or upon the owner of any such land, if such rate, assessment, or other liability as aforesaid shall have been or shall be behind and unpaid for the space of twenty eight days after the same ought to have been or ought to be paid. The Collector or Collectors of such rate, assessment, or other liability as aforesaid, or other person or persons duly appointed in that behalf may make and subscribe a memorial in the form contained in the Schedule A. to this Act, setting forth therein the particulars and amount of the arrears of such rate, assessment, or other liability as aforesaid, charged on such land or the owner of such land remaining due and unpaid, and may register such memorial in the Register of Deeds for the Province in which the Land is situated, or by way of Inhibition in the Register of Land under the "Land Registry Act, 1860," or in both the said Registers, and every such memorial shall have the effect of equitably charging the land with the amount of such arrears specified in such memorial, so far as the land or the owner of the land may be liable to the same, and every such charge so far as aforesaid may be recovered by the Collector or Collectors or other person or persons duly appointed in that behalf, in like manner as if the same were an equitable charge created by the owner of such land in favor of such Collector or Collectors, or other person or persons: Provided that no such memorial shall be registered until judgment for the amount of such rate shall have been recovered in some Court of competent jurisdiction, provided also that if the owner of the land in respect of which such rate is sought to be recovered, be not resident within the Province in which such land is situated, any summons issued with a view to obtaining such judgment may be served by affixing such summons on some conspicuous place on such land.

4. If such arrears shall remain unpaid for twelve months after such memorial be filed in either of the said registers, the Collectors or other persons as aforesaid may at any time after the expiration of such period apply by petition to the Supreme Court for such order as is hereinafter mentioned. And the Court upon hearing such petition, and after such enquiries and after such proof of the material circumstances as to it shall seem fit, may make an order for the sale of the land so charged, or such part thereof as the Court shall direct, in such manner in all respects as the Court shall direct for the purpose of raising and paying the costs and expenses of proceedings under this Act and of such sale, and after the payment thereof then for the purpose of raising and paying the amount of such arrears, together with interest thereon at the rate of ten per cent. per annum, computed from the time at which the rate was due, and the Court may from time to time make such orders as to it shall seem fit touching the time and manner of such sale, the payment of purchase money into Court, the payment thereout of such costs and expenses as aforesaid, and of such arrears as aforesaid, and touching the final distribution of any balance remaining unapplied of such purchase moneys.

Land may be sold under direction of the Supreme Court.

5. No sale of land under this Act shall take place until after three calendar months' previous notice in the *Government Gazette* of the Province, and also in one of the newspapers in circulation within the Province in which the land is situate.

Notice of Sale to be Gazetted.

6. The Court may order the conveyance of any land sold under this Act to be made by the Registrar of the Court, and every such conveyance shall be as valid as if made by the person named in the proceedings as the owner of the land.

Conveyance may be made by Registrar of Court.

7. Upon payment or satisfaction of any rate or assessment for the recovery of which any memorial may have been registered under the provisions of this Act it shall be the duty of the Collector or other officer who may have received payment of such rate (being the person duly authorised to receive the same) to sign a memorial of satisfaction of such rate, in the form contained in Schedule B to this Act, which memorial of satisfaction may be registered against the land charged by such first mentioned memorial, and upon such memorial of satisfaction being duly registered the land charged by the original memorial shall be exonerated, discharged, and released from the charge thereby created.

Memorial of Satisfaction may be registered.

SCHEDULE A.

FORM OF MEMORIAL.

Be it remembered that by a certain rate, assessment. or *liability duly* made under authority of an Act or Ordinance of the Provincial Legislature of to wit an Act or Ordinance intituled [*Set forth the Title or Short Title of the Act or Ordinance*] the land (*or the owner of the land*) described in the Schedule to this Memorial became liable to pay a certain rate, assessment, or liability, whereof the sum of £ is in arrear, whereupon this Memorial is made and subscribed by me (*or us*) the Collector (*or Collectors*) of such rate or assessment (*or other person or persons duly appointed in that behalf*) according to the provisions of the "Sale for Non-payment of Rates Act, 1862," for the purpose of equitably charging the land with such amount.

Dated, &c.

Signed, &c.

SCHEDULE.

Describe the land, specifying all the particulars requisite for identifying the same.

SCHEDULE B.

FORM OF MEMORIAL OF SATISFACTION.

Be it remembered that the land described in the Schedule hereto is discharged from certain arrears of rate, assessment, or liability, charged thereon by virtue of a Memorial dated the day of registered under the "Sale for Non-payment of Rates Act, 1862."

Dated, &c.

Signed, &c.

SCHEDULE.

Describe the land, specifying all the particulars requisite for identifying the same.

PROVINCE OF NELSON.

BY-LAWS

BROUGHT INTO FORCE PURSUANT TO PROVISIONS OF CLAUSE XV. OF "NELSON IMPROVEMENT AMENDMENT ACT, 1858," AND CLAUSE XXVIII. OF "NELSON IMPROVEMENT ACT, 1856."

[Extract from *Government Gazette*, No. 4, March 17, 1860.]

Provincial Secretary's Office, Nelson,
March 17, 1860.

His Honor the Superintendent directs it to be notified that the undermentioned By-law (having been published by the Board of Works in the local newspapers for one calendar month) has been confirmed by the Superintendent and Executive Council, and will therefore come into operation on and after the 18th day of April next.

ALFRED DOMETT,
Provincial Secretary.

"If any horse, mule, ass, sheep, swine or other beast or cattle of any kind shall, at any time after this By-law shall come into operation, be found depasturing, whether under the tendence or control of any person or persons or not, in or upon any street or other highway within the limits of the

Town of Nelson, or upon the sides of any such street or highway, and whether such street or highway, or any part thereof, shall lead or pass through or over any common or waste or unenclosed ground or not, the owner of every such horse, mule, ass, sheep, swine, or other beast or cattle, shall be deemed and taken to be guilty of a breach of this By-law, and shall for every such breach forfeit and pay a penalty of not exceeding Ten shillings for the first offence, and not exceeding Forty shillings for the second and every subsequent offence; and in case the name of the owner of any such animal so depasturing as aforesaid cannot be ascertained, such animal may be driven to the nearest pound, and shall be subject to the enactments of an Ordinance passed in Session VIII. of the Legislative Council of New Zealand, intituled 'An Ordinance to authorise and regulate the impounding of Cattle,' in respect of cattle trespassing upon enclosed land. But, for the purposes of this present By-law, the term 'owner' shall include any person for the time being having the charge, care, or custody of the animal so depastured as aforesaid."

Extract from *Government Gazette*, No. 13, October 17, 1860.

Provincial Secretary's Office, Nelson,
October 17, 1860.

His Honor the Superintendent directs it to be notified, that the undermentioned By-law (having been published by the Board of Works in the local newspapers for one calendar month) has been confirmed by the Superintendent and Executive Council, and will therefore come into operation on and after Tuesday, the 20th day of November next.

ALFRED GREENFIELD,
Chief Clerk.

BY-LAW for the Regulation and Government of the GENERAL MARKET established by the Board of Works in the City of Nelson.

Whereas by the "Nelson Improvement Act," Session III., No. 3, power is given to the Board of Works to impose such DUES as they shall deem reasonable upon all persons making use of any Market-place established under the said Act: And

whereas, by the "Nelson Improvement Amendment Act," Session V., No. 2, power is given to the said Board to make such rules, by-laws, and regulations, as may be necessary and expedient: Be it ordered and directed by the said Board of Works, that the GENERAL MARKET established in the City of Nelson shall be regulated and governed by the following

RULES.

I. The Market shall be open for the sale of all marketable commodities every Saturday, at such hours as shall from time to time be fixed by the Board of Works, and notified by advertisements in some newspaper published in the City of Nelson.

II. There shall be appointed for such Market an officer, to be called the Inspector thereof, whose duties shall be generally as follows:—

1. To see that the Market Regulations are duly observed in and with respect to the Market.

2. To demand and receive all Market tolls and dues.

3. To appoint the several standing places and places for the deposit of goods, wares, and merchandise in the Market, as well as the places for depositing and using materials, &c., requisite for the fixing of stalls, and to order the removal of the same when and in such manner as he shall think necessary.

4. To allot the principal and drafting yards to the use of the parties bringing stock to the Market-place for either private sale or sale by auction.

5. To inspect all articles exposed for sale in the Market and to seize such as are bad or unwholesome ; and on such articles being surveyed by any two members of the Board of Works, and declared by them in writing to be bad or unwholesome, to cause the same to be destroyed.

6. To prohibit the sale of any articles in the Market which he may consider noisome or offensive.

7. To preserve order, regularity, and cleanliness within the Market, and to cause to be summarily ejected therefrom, or to be apprehended and lodged in the nearest lock-up or police-station, any person making a riot or disturbance, or cursing or swearing, or using any gross or indecent language, or being guilty of gross or indecent conduct within the precincts of the Market.

8. To take charge of the Market weighbridge and weighing-machine, and of the scales and standard weights

and measures of the Market; and to receive for weighing any articles in the said weighbridge, weighing-machine, or scales, the following tolls and dues, viz.:—

	s.	d.
For weighing any cart or dray load, not exceeding one ton	1	0
And for every cwt. which any such load shall exceed one ton in addition	0	1
For grain, peas, potatoes, &c., per sack or bag ...	0	1
Other articles, 2 cwt. and under	0	1
Weighing butter or cheese, per lb., or part of a lb.	0	0½

III. That the Market shops and stalls be appropriated to the sale of wares, merchandise, and dairy, farm, and garden produce.

IV. The permanent occupiers of shops and stalls shall pay for them in advance, such sums and for such periods as shall from time to time be determined by the Board of Works. Any persons, not holders of permanent standings, shall occupy such places as shall be pointed out to them by the Inspector of the Market, and shall pay, as Market dues, the sum of One shilling for each time of occupying a space of not more than ten feet frontage of the stalls; or, should such persons not desire to occupy a shop or stall, then they shall pay for each cart taken into the Market, loaded in whole or in part with produce or merchandise, the sum of One shilling per market day; for every wheelbarrow so loaded the sum of Threepence; and for every basket so loaded the sum of Twopence. All fees and Market dues to be paid on entering the Market.

V. The opening of the Market shall be announced by the ringing of a bell, and the bell shall be rung a second time half an hour later, when any of the standings not occupied by their proper holders may be taken up by any other person not previously placed.

VI. That the following tolls or dues be demanded, paid, and taken for all stock sold, or exposed for sale, within the Market, that is to say, for every horse, mare, gelding, foal, ass, or mule, the sum of One shilling; for every head of neat cattle, the sum of Sixpence; and for every sheep, lamb, pig, or goat, the sum of Threepence. And that the same tolls or dues be paid on all stock sold, or offered for sale, by auction. For stock yarded in the Market, there shall be paid per night in addition one half of the above tolls or dues.

VII. That any person placing stock in the Market for sale shall be responsible for all Market dues and tolls accruing thereon; and in no case shall any stock be taken out of the

Market until all dues, tolls, and charges demandable on such stock shall have been first fully paid and satisfied.

VIII. That any person or persons who may place stock in the Market for sale, and neglect for three whole days to supply such stock with sufficient food and water, shall, for every such offence, forfeit and pay for every head of such stock any sum not exceeding Forty shillings, in addition to the sum charged by the Market Inspector for food and water supplied to any such cattle.

IX. That any person or persons who may obstruct or resist the Inspector or his assistants in the performance of his or their duty, or who shall release any stock from the Market without the authority of the Inspector, or shall wilfully break down or damage any of the gates, fences, or premises of the Market, shall be required to make good any such damage at his or their private expense; and shall (independently of any other penalty which he or they may incur for assault or otherwise) forfeit and pay the sum of Forty shillings for every such offence.

X. That all butter, cheese, groceries, or potatoes offered for sale in the Market, shall be sold by avoirdupois weight only; and any person offering to purchase may require the vendor of any such articles to weigh the same; and if, on reference to the Market Inspector, it shall be found that such vendor has made a false representation of the weight thereof, every such person shall forfeit and pay any sum not exceeding Forty shillings for every such offence.

XI. That any person who may place any matter or thing so as to obstruct the traffic in the said Market, or who shall occupy any other place than such as shall be appointed therefore by the Market Inspector, or who shall sweep or cause to be swept, any dirt or rubbish into or upon any of the gutters or footways of the said Market; or who shall place or keep any cart, carriage, wheelbarrow, or other matter or thing, in any part of the Market, contrary to the direction of the Inspector thereof, shall forfeit and pay any sum not exceeding Forty shillings for every such offence.

XII. That any person who may fit up or drive any nail, hook, &c., into any shop, stall, or other part of the Market place without the consent of the Inspector, or who shall neglect or refuse to take down any nails, &c., or fittings, when required to do so by the Inspector, every such person shall forfeit and pay any sum not exceeding Forty shillings for every such offence.

XIII. That any person who may be desirous of having his or her name or calling affixed to any shop or stall, shall apply to the Inspector, under whose directions the same may be done at the cost of such applicant.

XIV. That the holder of any shop or stall in the Market, who may fail or neglect, within an hour after the opening of the Market, to thoroughly cleanse his or her shop or stall, and the footway in front thereof, shall forfeit and pay any sum not exceeding Forty shillings for every such offence.

XV. That any person who may go into or appear in the said Market in a drunken or disorderly state, or excite any riot or disturbance, or curse, or swear, or use any gross, indecent or abusive language, or be guilty of any gross or indecent conduct therein shall forfeit and pay any sum not exceeding Forty shillings for every such offence.

XVI. That the tolls and dues imposed under this By-law for the use of the Market-place shall remain in force, and shall be levied until (in accordance with the 28th clause of the Nelson Improvement Act, Session III., No. 3) other tolls and dues are fixed by the Board of Works. And that a list of the tolls and dues in force be placed for public inspection in some conspicuous part of the Market building.

Extract from *Government Gazette*, No. 5, March 17, 1863.

Provincial Secretary's Office, Nelson,
March 17, 1863.

His Honor the Superintendent directs it to be notified that the undermentioned By-Law, published by the Nelson Board of Works on the 31st day of January last, has been confirmed by the Superintendent and Executive Council, in accordance with the provisions of the "Nelson Improvement Amendment Act, 1858."

BY-LAW.

Whereas, the keeping of pigs within the populous portion of the City of Nelson is found to be a source of sickness, and a nuisance and annoyance to the public; and whereas it is desirable that such an evil should be prevented: Be it therefore ordered and directed by the Board of Works for the said City

with the sanction of his Honor the Superintendent and his Executive Council as follows, viz. :—

"After the coming into operation of this By-law, no pig or pigs shall be kept in a sty, or other inclosure, within the boundary of the City of Nelson, if such sty or enclosure shall be within twenty yards of any public road or private dwelling : and any person who, after receiving twenty-four hours' notice from the Inspector of Nuisances to remove the same, shall permit any pig or pigs to be kept on premises in his or her occupation, contrary to the provisions of this By-law, such person shall be liable to a penalty of not exceeding Twenty shillings, and to a further penalty of not exceeding Ten shillings per day for every day such person shall neglect to comply with the said notice."

By order of the Board,

J. L. BAILEY,

Secretary.

Board of Works Office, Nelson,
January 29, 1863.

J. C. RICHMOND,

Provincial Secretary.

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