

J. G. Bolton

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ACTS

OF THE

Parliament of New Zealand,

SESSION I., 1853, TO SESSION XI. 1864.

TO WHICH ARE PREFIXED

Orders in Council,

1849,

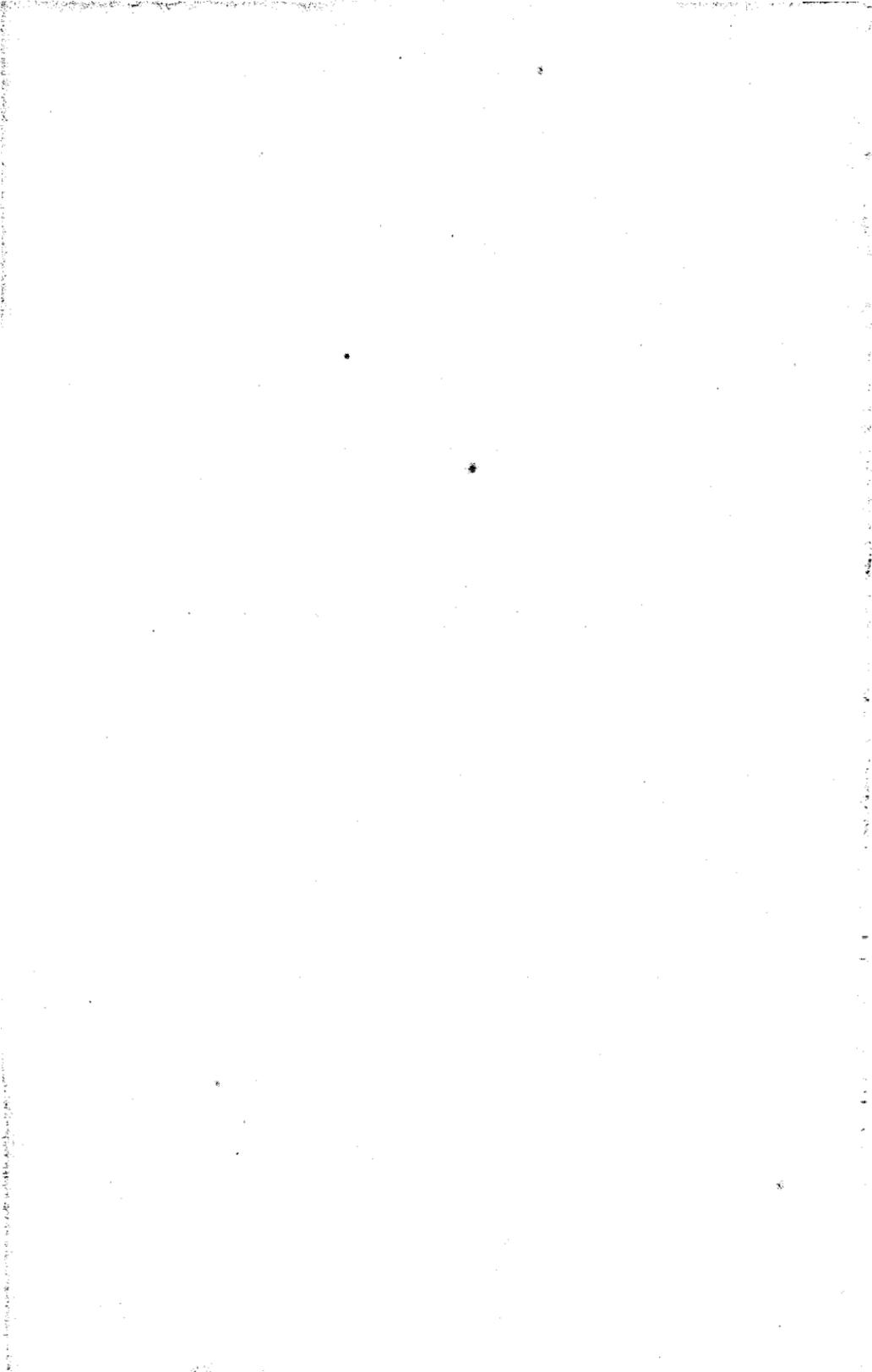
AND APPENDED

SALES FOR NON-PAYMENT OF RATES ACT, No. 35, 1860.

LAND REGULATIONS OF THE PROVINCE,

ACTS OF PROVINCIAL COUNCIL, SESSION XII., 1865.

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—
1865.



P R E F A C E.

THE present volume has been compiled in pursuance of a resolution of the Provincial Council, Sess. XI., 1864, directing the publication of the collected Acts of the Council up to the end of the current session.

The plan adopted, viz., that of placing the Acts alphabetically was considered preferable, as combining facility of reference with a grouping of Acts referring to the same subjects.

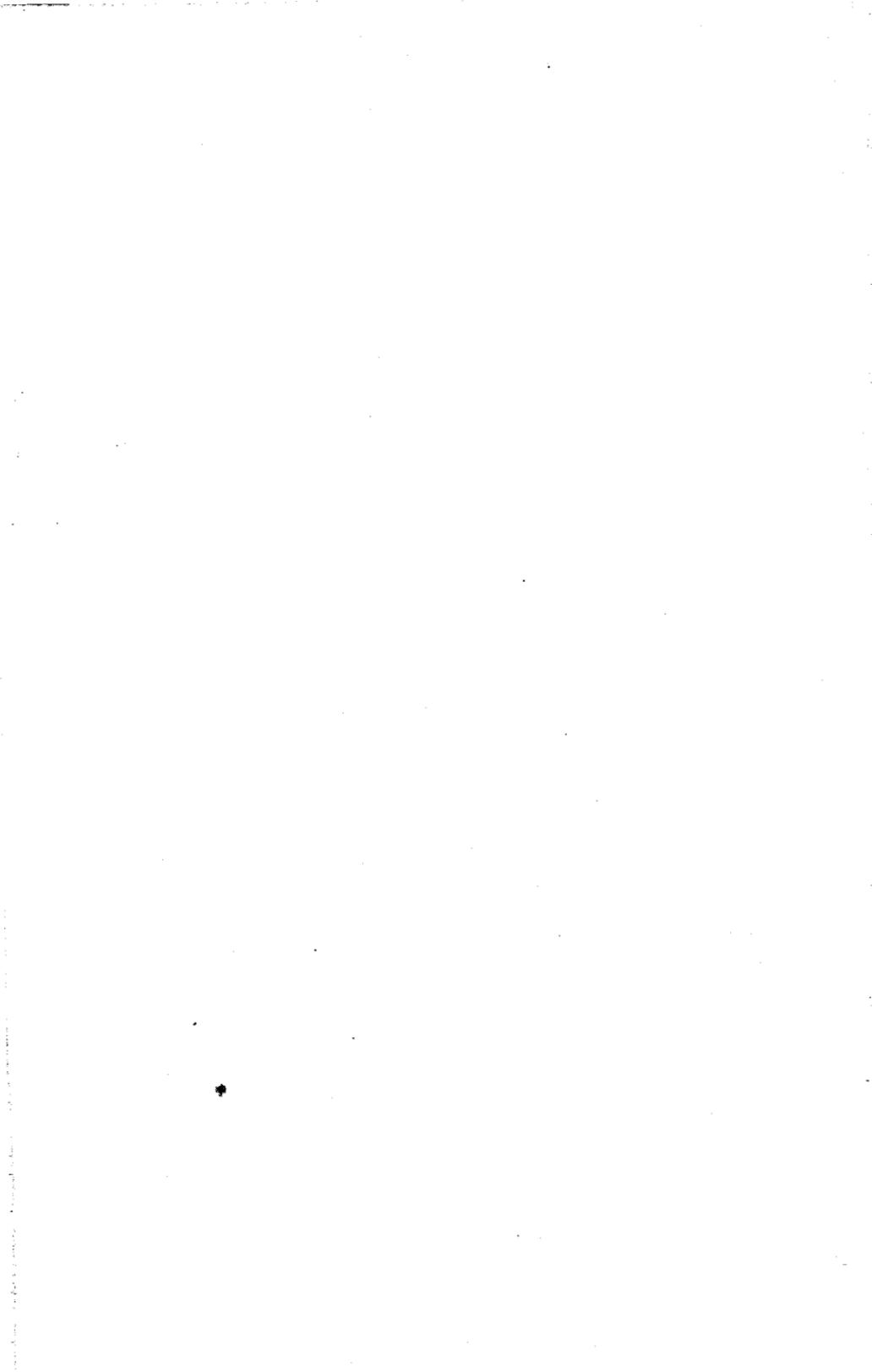
It has not been thought necessary to reprint in *extenso* the Acts which have been repealed, but the titles and analyses of each are given for the purpose of shewing what legislation has taken place on their respective subjects.

The Acts of New Munster, also the Act of General Assembly, "Sales for Non-Payment of Rates Act," together with the Land Regulations at present in force in the Province of Wellington have been added with a view to contribute to the usefulness of the volume.

The Acts of Session XII. have been printed in the Appendix, the date at which they were passed not allowing of their being included in the body of the work.

Every care has been taken to secure a faithful reprint of the original Acts, and to render the volume a useful reference for members of the Provincial Council, Magistrates, and the Public in general.

WILLIAM BEST,
Clerk Provincial Council.



PROVINCE OF WELLINGTON.

AGENT.

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

SESSION I. No. 17.

*An ACT to appoint John Robert Godley, Esquire, to be
Agent for the Province of Wellington.*

NOTE.—Obsolete.

APPROPRIATION.

—

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

—

SESSION I., No. 18.

—

ANALYSIS.

- | Title. | | |
|--|---|--|
| 1. Certain sums to be applied to the service of the Province for the year ending September 30th, 1854. | } | the Service of the Province from October 1st to December 31st, 1854. |
| 2. Certain sums to be applied to | } | 3. The Provincial Treasurer to pay money on warrant of Superintendent. |

An ACT to appropriate the Revenue of the Province of Wellington for the year commencing the 1st day of October one thousand eight hundred and fifty-three, and ending the 30th day of September, one thousand eight hundred and fifty-four, and thence until the 31st day of December, one thousand eight hundred and fifty-four.

NOTE.—Sum appropriated £18,002 Os. 2d. (Obsolete).

APPROPRIATION.

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

—
 SESSION II., No. 14.
 —

ANALYSIS.

- | Title.
Preamble. | charges. |
|---|--|
| 1. Appropriation of the sum of £46,184 7s. 6d. to defray the charges of the Government of the Province for a certain period. Specification of | 2. Power to Treasurer to make such payments for the purposes herein specified, &c.
3. Appropriation of Supplementary Estimates for the amount of £2,303 8s. 8d. |

An ACT to appropriate the Revenue of the Province of Wellington for the year commencing the 1st day of January one thousand eight hundred and fifty-five and ending the 31st day of December one thousand eight hundred and fifty-five.

NOTE.—Obsolete.

APPROPRIATION.

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

—
 SESSION III. No. 13.
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ANALYSIS.

- | Title. | |
|--|--|
| 1. Appropriation of the sum of £40,204 0s. 0d. to defray the charges of the Government of the Province for the year 1856. Specification of charges | 3. In case the Provincial Council do not meet earlier than in February.—Power to Superintendent to authorise a proportionate expenditure for a certain period. |
| 2. Power to Treasurer to make such payments for the purposes herein specified, on Warrant of Superintendent. | 4. Superintendent indemnified for the issue of his Warrants for a certain sum.
Schedule of Supplementary Estimates. |

An ACT to appropriate the Revenue of the Province of Wellington for the year commencing the 1st day of January, 1856, and ending the 31st day of December, 1856.

NOTE.—Obsolete.

APPROPRIATION.

—

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

—

SESSION IV. No. 10.

—

ANALYSIS.

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|---|--|---|
| <p>Title.</p> <p>Preamble.</p> <p>1. Appropriation of the sum of
£183,097 2s. 0d. to defray
the charges of the Govern-
ment of the Province for the
year 1857.</p> <p>Specification of charges.</p> | | <p>2. Power to Treasurer to make
such payments for the pur-
poses herein specified, on
Warrant of Superintendent.</p> <p>3. Superintendent indemnified for
the issue of his Warrants for
a certain sum.</p> <p>Schedule of Supplementary Es-
timates.</p> |
|---|--|---|

An ACT to appropriate the Revenue of the Province of Wellington, for the year commencing the first day of January, 1857, and ending the 31st day of December, 1857.

NOTE.—Obsolete.

APPROPRIATION.

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

SESSION VII., No. 1.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Appropriation of £7,460 4s 7d for the public service, for Sep- tember and October, 1859.</p> <p>2. Sums payable by Treasurer</p>	<p> </p>	<p>under Superintendent's War- rant.</p> <p>3. Treasurer to be allowed credit for sums so paid.</p> <p>4. Short Title.</p>
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*An ACT to appropriate the Revenue of the Province of
Wellington, for two months commencing the 1st day of
September, 1859, and ending the 30th of October, then
ensuing.*

NOTE.—Obsolete.

APPROPRIATION.

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

—
 SESSION VIII., No. 4.

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 ANALYSIS,

Title. Preamble.	under Superintendent's War- rant.
1. Appropriation of £81,441 1s 0d for the public service for the year 1861.	3. Treasurer to be allowed credit for sums so paid.
2. Sums payable by Treasurer |	4. Short Title.

*An ACT to appropriate the Revenue of the Province of
Wellington for the year commencing the 1st day of
January, 1861, and ending the 31st December, 1861.*

NOTE.—Obsolete.

APPROPRIATION, No. 1, 1862.

—
ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.
—

SESSION IX., No. 6.
—

ANALYSIS.

Title.	Grant.
Preamble.	3. Treasurer to be allowed credit for sums so paid.
1. Appropriation of £14,972 18s 11d, for the Public Service for the Quarter ending March 31, 1862.	4. Superintendent indemnified for Expenditure exceeding Appropriation 1861.
2. Sums payable by Treasurer under Superintendent's War-	5. Short Title.

An ACT to appropriate the Revenue of the Province of Wellington for the Quarter commencing the 1st day of January 1862, and ending the 31st of March then ensuing.

NOTE.—Obsolete.

APPROPRIATION, No. 2, 1862-3.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX. No. 17.

ANALYSIS.

- | | | |
|---|--|---|
| Title. | \| | 3. Treasurer to be allowed credit |
| Preamble. | | for sums so paid. |
| 1. Appropriation of £99,813 10s.
1d. for the Public Service for
year ending March 31, 1863. | | 4. Conditional Appropriation for
months of April and May,
1863. |
| 2. Sums payable by Treasurer un-
der Superintendent's Warrant. | | 5. Short Title. |

An ACT to appropriate the Revenue of the Province of Wellington for the year commencing the 1st day of April, 1862, and ending the 31st March, 1863.

NOTE.—Obsolete.

APPROPRIATION, 1863-4.

—
ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

—
SESSION X. No. 11.
—

ANALYSIS.

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|--|--|---|
| Title. | | 3. Treasurer to be allowed Credit |
| Preamble. | | for sums so paid. |
| 1. Appropriation of £91,855 6s. | | 4. Conditional Appropriation for |
| Od for the Public Service for | | months of April and May, |
| year ending March 31, 1864. | | 1864. |
| 2. Sums payable by Treasurer under Superintendent's Warrant. | \| | 5. Superintendent indemnified for |
| | | expenditure exceeding Appropriation 1862. |
| | | 6. Short Title. |

An ACT to appropriate the Revenue of the Province of Wellington for the year commencing the 1st day of April, 1863, and ending the 31st day of March, 1864.

NOTE.—Obsolete.

APPROPRIATION, 1864-5.

—
ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.
—

SESSION XI. No. 9.
—

ANALYSIS.

Title. Preamble.	3. Treasurer to be allowed credit for sums paid.
1. Appropriation of £106,459 12s. 6d. for the Public Service for year ending March 31, 1865.	4. Conditional Appropriation for months of April, May, and June, 1865.
2. Sums payable by Treasurer under Superintendent's Warrant.	5. Superintendent indemnified for expenditure exceeding Appropriation 1863-4.
	6. Short Title.

An ACT to appropriate the Revenue of the Province of Wellington for the Year commencing the 1st day of April, 1864, and ending the 31st day of March, 1865.

[Assented to 15th July, 1864.]

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

1. That out of the Revenue of the said Province there may be issued and applied for defraying the charge of the Government thereof for the Year commencing the 1st day of April 1864 and ending the 31st day of March 1865 the sum of One hundred and Six thousand Four hundred and Fifty-nine Pounds Twelve Shillings and Sixpence to be appropriated towards or for the purposes hereinafter specified.

Appropriation of £106,459 12s. 6d. for the public service for year ending March 31 1865.

I. Executive	3264	15	0
II. Legislative	1310	0	0
III. Judicial	5623	12	6
IV. Charitable	1391	5	0
V. Special.....	2963	15	0
VI. Miscellaneous.....	1897	5	0
VII. Land Purchase Department	600	0	0
VIII. Land Department	1085	0	0
IX. Public Works—			
Surveys	7350	0	0
Roads Department	3069	0	0
Sundry undertakings	9550	0	0
Roads	36850	0	0
Sundry Works, &c.	12505	0	0
Deep Water Wharf } and Sundries }	19000	0	0
	<hr/>		
	88,324	0	0
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	£106,459	12	6

Sums payable by Treasurer under Superintendent's warrant.

2. The Treasurer of the said Province shall issue and pay the said several sums to such persons for the purposes hereinafter mentioned upon such days and in such proportions as the Superintendent of the said Province shall by any warrant to be signed by him from time to time order and direct and the payments so to be made shall be charged upon and payable out of such Revenue as aforesaid.

Treasurer to be allowed credit for sums paid.

3. The said Treasurer shall in his accounts 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 paid shall be a valid discharge to the said Treasurer in passing his said accounts for any such sum as shall be therein mentioned.

Conditional Appropriation for months of April May and June 1865.

4. And whereas it is expedient to make provision for the three months following the period fixed for the termination of this Appropriation Act **BE IT THEREFORE ENACTED** that out of the Revenue of the Province there may be issued and applied for defraying the charge of the Government of the Province the Interest on Loans the Construction of Roads and other works that may be in progress

Repairs of Roads Grants in Aid and other ordinary expenses from the first day of April to the thirtieth day of June 1865 any sum or sums of money proportionable with the several sums of money hereinbefore specified for defraying the charges of the Government the Construction of Roads and other works that may be in progress Repairs of Roads Interest on Loans Grants in Aid and other ordinary expenses from the first day of April 1864 to the thirty first day of March 1865 or any other sum or sums of money being amounts that may remain unexpended on the thirty-first day of March 1865 for the several works provided for in this Act.

5. And whereas the actual expenditure for the Civil Government and public works and undertakings has exceeded the sum authorised by the Appropriation Act for the year ending on the thirty-first day of March 1864 by the sum of Four thousand five hundred and fourteen pounds two shillings and five pence according to the items enumerated in the Schedule hereunto annexed And whereas the said expenditure was reasonable and necessary therefore the Superintendent is hereby indemnified for the issue of his Warrants for the said sum of Four thousand five hundred and fourteen pounds two shillings and five pence.

Superintendent indemnified for expenditure exceeding Appropriation 1863-4.

SCHEDULE.

	£	s.	d.
Law Officer's Department.....	4	1	6
Provincial Council.....	208	3	1
Gaol Department, Wellington.....	333	16	6
Police	92	15	5
Harbour Department, Wanganui	£2	12	3
Dog Nuisance Act.....	25	0	0
Rent of Police Station, Wellington	11	5	0
do. Harbor Master's Office, Wellington	6	10	0
Fuel for Public Offices, &c	13	15	6
Printing Gazettes and Forms	103	15	8
Miscellaneous Contingencies	15	14	9
Council Library.....	10	14	0
Ferries, Bells, &c	42	5	4
Hutt Bridge, Repairs of	1062	19	4
Repairs of Main Roads	62	16	9

Mungaroa Road.....	58	15	0
Road up No. 3 Line, Wanganui	73	8	9
Karori Road	19	15	10
South Makara Road, Improvement of ...	0	0	6
Improvements of Reclaimed Land	51	12	3
Custom-house and Post-office.....	908	11	8
Repairs, &c., of Fire-engine	62	15	11
Additions to Lunatic Asylum	79	4	9
Wharf at Campbell-town.....	73	10	3
Honorarium to English Agent.....	2	0	0
Charges of Toll-bar	157	1	3
Do. Queen's Warehouse and Wharf	946	16	8
Ferry, Wanganui	54	4	6
	<hr/>		
	£4514	2	5

Short Title. 6. The Short Title of this Act shall be "The Appropriation Act, 1864-65."

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this fifteenth day of July in the year of our Lord one thousand eight hundred and sixty-four.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this fifteenth day of July, one thousand eight hundred and sixty four.

I. E. FEATHERSTON,
Superintendent.

AUDIT.

—

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

—

SESSION I, No. 22.

—

ANALYSIS.

Title. Preamble.	
1. Superintendent to appoint Auditors who shall report twice in the year.	ments and revenue to be laid before Select Committee of Council.
2. Regulations prescribed by Superintendent to be laid before Council.	4. Such Select Committee to examine and report upon said accounts.
3. Account of receipts, disburse-	5. A statement of receipts, &c., to be published.

*An ACT to provide for the Audit and Examination of the
Accounts of the Province of Wellington.*

[Assented to 6th day of February, 1854.]

WHEREAS it is expedient to make provision for the Preamble.
Audit and examination of the Receipts and Expenditure of the Ordinary Extraordinary and Territorial Revenue of the Province of Wellington:—

*1. Be it enacted by the Superintendent of Wellington with the advice and consent of the Provincial Council thereof as follows: That the Superintendent shall appoint Superintendent to appoint Auditors who

*NOTE.—Clause 1 and 2 of this Act are repealed by Act of General Assembly, No. 21, 1861.

shall report twice in the year.

one or more fit persons not exceeding four who shall be Auditors for the purpose of examining and auditing the Public Accounts of the Province and shall prescribe such Rules and Regulations as well for the guidance of the Auditors in the execution of their duties as for the mode of keeping the Public Accounts as to the Superintendent shall seem fit And such Auditors shall, twice in every year report to the Superintendent upon the matters that shall come before them.

Regulations prescribed by Superintendent to be laid before Council.

*2. That the Regulations so to be prescribed by the Superintendent as aforesaid shall be laid before the Council within fourteen days of its meeting in the next Session.

Account of receipts, disbursements, and revenue to be laid before a Select Committee of Council.

3. That a full account of the Receipts and Disbursements of the Provincial Treasurer on account of the Ordinary Extraordinary and Territorial Revenue of the year then last past together with the Reports of the Auditors shall be laid before the said Council within fourteen days from the commencement of each Session and that the said Council shall refer such accounts to a Select Committee.

Select Committee to examine and report upon said accounts.

4. That it shall be the duty of such Select Committee to examine and report upon the said Accounts; and they are hereby empowered to call for vouchers and to examine witnesses touching the said Accounts.

A Statement of Receipts &c. to be published.

5. That a Statement of the Receipts and Expenditure of the Public Monies after being so examined and signed by the Chairman of such Select Committee, shall be published amongst the Council Papers of the Session.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this third day of February in the year of our Lord one thousand eight hundred and fifty-four.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand, this sixth day of February, 1854.
I. E. FEATHERSTON,
Superintendent.

* See Note preceding Clause.

AUDITORS' SALARIES.

—
ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

—
SESSION IX., No. 2.

—
ANALYSIS.

Title. Preamble. 1. Salary of Auditor. 2. Salary of Deputy Auditor.		3. Fund out of which Salary to be paid. 4. Title of Act.
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An Act to make Provision for the payment of a salary to the Auditor and Deputy Auditor. Title.

[Assented to May 27th, 1862.]

WHEREAS by an Act of the General Assembly of New Zealand intituled "The Provincial Audit Act 1861" it was amongst other things enacted that the Superintendent and Provincial Council of every Province in New Zealand within one month after the commencement of the Session of such Council which should ensue next after the passing of the said Act should concur in the nomination of some fit and proper person to be Auditor of the Public Accounts and also one other person to be Deputy-Auditor And also 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 Auditor and also Deputy-Auditor whilst acting and for the expenses of the department.

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

- Salary of Auditor. 1. The Salary to be paid to the Auditor of Public accounts shall be one hundred and fifty pounds per year.
- Salary of Deputy-Auditor. 2. The Salary to be paid to the Deputy-Auditor of Public accounts shall be one hundred pounds per year.
- Fund out of which Salary to be paid. 3. The said Salaries and the expenses of the Department shall be paid out of the Public Revenue of the said Province as the Superintendent shall by warrant under his hand from time to time direct and the Provincial Treasurer of the said Province shall be allowed credit in his accounts for all sums so paid by him in pursuance of such warrants.
- Title of Act. 4. This Act shall be intituled and may be cited as "The Provincial Auditors' Salaries Act 1862."

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in
accordance with the Bill as passed
by the Council

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this
thirteenth day of May, in the year
of our Lord one thousand eight
hundred and sixty two.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of
the Governor of New Zealand
on this twenty-seventh day of
May, one thousand eight
hundred and sixty two.

ISAAC EARL FEATHERSTON,
Superintendent.

BURIALS.

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

SESSION II. No. 5.

ANALYSIS.

- | | |
|---|--|
| <p>Title.
Preamble.</p> <p>1. Burials not to be made within the town of Wanganui.</p> <p>2. Power to Superintendent to order the discontinuance of Burials in any Town within</p> | <p>the Province.—Provisos.</p> <p>3. At the expiration of a certain notice after such order burials within the Town specified not lawful.</p> <p>4. Penalty in case of infringement.</p> |
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*An ACT to prohibit Burials in the Town of Wanganui, Title.
and other places within the Province.*

[Assented to March 7, 1855.]

WHEREAS the population of Wanganui is fast increasing and the continuance of Burials within the said Town will be detrimental to the health of the inhabitants thereof and it is therefore expedient that the same should be prohibited AND WHEREAS it is expedient to empower the Superintendent to order the discontinuance of Burials in any town or other place whenever it may appear to him and his Executive Council that the protection of public health requires it BE IT THEREFORE ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows :—

Preamble.

Burials not to be made within the town of Wanganui. 1. After the passing of this Act it shall not be lawful to bury any body in any church church yard or elsewhere within the Town of Wanganui.

Power to Superintendent to order the discontinuance of Burials in any town within the Province—Proviso. 2. Whenever it shall appear to the Superintendent and his Executive Council that for the protection of the public health burials in any Town or other place within the Province should be discontinued either wholly or subject to any exception or qualification It shall be lawful for the Superintendent by and with the advice and consent of his Executive Council to order that after a time to be mentioned in the order burials in an any such town or place shall be discontinued wholly or subject to any exception or qualification to be mentioned in such order PROVIDED that no such order shall be issued unless a suitable public Cemetery shall have been established for such town or place Provided also that in any order to prohibit the continuance of burials in the Cemeteries now attached to the town of Wellington there shall be inserted an exception or qualification permitting the interment in such Cemeteries of all persons who at the time of the issuing of such order may have relatives interred there within the degrees following viz—

Parent and Child.
Brother and Sister.
Husband and Wife.

At the expiration of a certain notice after such order Burials within the town specified not lawful. 3. After the time mentioned in any such order for the discontinuance of burials it shall not be lawful to bury the dead in any church church yard chapel or burial place or elsewhere within the town or place in which burials by any such order shall have been ordered to be discontinued except as in such order excepted.

Penalty in case of infringement. 4. Every person who after the passing of this Act so far as concerns the town of Wanganui or who after the time mentioned in any such order as aforesaid shall bury any body or in anywise act or assist in the burial of any body contrary to the provisions of this Act or to such order of the Superintendent and his Executive Council shall be guilty of a misdemeanour and upon conviction in a summary way before two Magistrates shall be liable to a fine

or imprisonment for any term not exceeding three calendar months or to both fine and imprisonment at the discretion of the Court.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this fifteenth day of February in the year of our Lord One thousand eight hundred and fifty-five.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on the behalf of the Governor of New Zealand on this seventh day of March One thousand eight hundred and fifty-five.

I. E. FEATHERSTON,
Superintendent.

CATTLE.

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

SESSION IV., No. 13.
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ANALYSIS.

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|--|---|--|
| <p>Title.</p> <p>Preamble.</p> <p>1. Cattle to be branded. Penalty for neglect.</p> <p>2. Cattle-brand to be registered. Penalty for neglect.</p> <p>3. Penalty for effacing or defacing brand on any Cattle without owners consent.</p> <p>4. Brand on Cattle to be <i>prima facie</i> evidence of ownership.</p> | } | <p>5. Power to Superintendent to appoint Registrar of Brands for district and to make rules and regulations, &c.</p> <p>6. Unbranded Cattle above a certain age to be deemed the property of the Government.</p> <p>7. Power to Superintendent to make rules and regulations with reference to unbranded Cattle.</p> <p>8. Interpretation.</p> |
|--|---|--|

Title. *An ACT to provide for the Branding of Cattle, and the Destruction, or other disposal, of Wild Cattle.*

[Assented to February 20th, 1857.]

WHEREAS it is expedient to make provision for the destruction or other disposal of the Cattle running wild within the Province and to prevent hereafter the recurrence of the wild herds.

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

NOTE.—This Act is extended by Act Session XI., No. 5, in titled "Horse Branding Act."

1. That after the first day of October 1857 all Cattle above the age of 12 months shall be branded with the Brand of the owner and every owner of such Cattle not so branded shall forfeit a sum not exceeding Ten Shillings for every head so unbranded. Cattle to be branded—penalty for neglect.
2. Every owner of Cattle shall cause a correct copy or impression of his Brand to be registered with some Registrar of Cattle Brands appointed as hereinafter provided and every person neglecting so to register his brand for three months after the passing of this Act shall forfeit a sum not exceeding Five Pounds. Cattle brand to be registered—penalty for neglect.
3. If any person shall brand or shall deface or efface any Brand upon any Cattle without consent of the owner such person shall on conviction before any two Justices of the Peace be liable to a penalty not exceeding Ten Pounds and in default of payment he shall be imprisoned in any common gaol for any term not exceeding Six months. Penalty for effacing or defacing brand on any cattle without owner's consent.
4. The mark or impression of any registered brand upon any cattle shall be *prima facie* evidence of the ownership of such Cattle by the person in whose name such Brand shall be registered. Brand on cattle to be *prima facie* evidence of ownership.
5. The Superintendent may appoint a Registrar or Registrars of Brands for such district or districts as to him may seem fit and with the advice of his Executive Council make such rules and regulations for the management of the Office of Registrar and fix the scale of fees for registration and from time to time alter such appointments rules regulations and fees as he with such advice as aforesaid may deem expedient. Power to Superintendent to appoint Registrar of Brands for District and make rules and regulations &c
6. All unbranded Cattle above the age of 12 months running wild or straying on waste or unoccupied land and all wild cattle branded or unbranded shall from the first day of October next be deemed the property of the Government of the Province. Unbranded cattle above a certain age to be deemed the property of the Government.
7. The Superintendent with the advice of his Executive Council may make such rules and regulations as may be deemed expedient for the capture or destruction or disposal Power to Superintendent to make rules

and regulations with reference to unbranded cattle.

of the Wild Cattle branded or unbranded within the Province and may grant license to such persons as he may think fit to take kill or dispose of the same as he may deem expedient.

Interpretation. 8. Cattle shall include Bulls, Cows, Steers, Heifers, Calves and Goats.

C. CLIFFORD,
Speaker.

Passed the Provincial Council this eighteenth day of February, in the year of our Lord, one thousand eight hundred and fifty-seven.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this twentieth day of February one thousand eight hundred and fifty-seven.

I. E. FEATHERSTON,
Superintendent.

CATTLE.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

SESSION X. No. 5.

ANALYSIS.

- | | |
|---|---|
| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Cattle Inspector to be appointed by Superintendent. 2. Persons shipping Cattle to give notice to Inspector. 3. Duty of Inspector. 4. Authority to owners of lost Cattle to search vessels for same. | <ol style="list-style-type: none"> 5. Penalty for obstructing authorised person. 6. Penalty for shippers of Cattle neglecting to deliver description of same to Cattle Inspector. 7. Penalty for unlawful driving of Cattle. 8. Penalties how to be recovered. 9. Interpretation of word "Cattle." |
|---|---|

An ACT to make provision for the Inspection of Cattle previous to Exportation and for Regulating the Driving thereof. Title.

[Assented to May 26, 1863.]

BE it enacted by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows Preamble.

1. The Superintendent shall appoint some person or persons at each Port of the Province to inspect Cattle about to be exported therefrom and such person or persons shall for the purpose of this Act be called "Cattle Inspectors." Cattle Inspector to be appointed by Superintendent.

2. Every person who shall be about to ship Cattle from any Port in the Province of Wellington shall at least four Persons shipping cattle to

give notice to Inspector. hours before shipping the same deliver to the Cattle Inspector at such Port or to any other person appointed for the purpose a description of the Cattle intended to be shipped with the brand or brands if more than one on them or any of them.

Duty of Inspector. 3. It shall be the duty of such Inspectors at each Port to examine all Cattle prior to and at their embarkation and also when necessary to proceed on board of every vessel in which any Cattle may have been shipped to inspect and compare description and brands of Cattle shipped and keep a register of the same which shall be open for inspection.

Authority to owners of lost cattle to search vessels for same. 4. If any person shall make oath before a Justice of the Peace that he has lost any Cattle and made search for the same without being able to find them then it shall be lawful for such Justice of the Peace to give an authority under his hand to any such person to enter into any yard or other place where any Cattle may be collected for the purpose of being embarked in any vessel or into any vessels in which any Cattle may have been embarked for the purpose of examining such Cattle.

Penalty for obstructing authorised person. 5. If any person shall wilfully obstruct a person having such authority as aforesaid in entering any such yard place or vessel aforesaid or having entered therein in examining the Cattle therein he shall forfeit a sum not exceeding Ten pounds.

Penalty for shippers of cattle neglecting to deliver description of same to Cattle Inspector. 6. If any person about to ship Cattle shall neglect to deliver to the Cattle Inspector or other person appointed to receive the same a description of the Cattle intended to be shipped by him with the brand or brands if more than one on them or any at least four hours before shipping the same such person shall forfeit and pay a sum not exceeding Fifty pounds.

Penalty for unlawful driving of cattle. 7. If any person shall for any purpose drive Cattle between the hours of Twelve noon and Four in the afternoon between the Thirty-first day of March and the First day of September or between the hours of Twelve noon and Six in the afternoon between the Thirty-first day of August and the First day of April through that portion of

the Town of Wellington comprised within the following boundaries viz : Towards the North by Sections No. 620 658 663 and Lambton Harbor Towards the East by Lambton Harbor and Kent Terrace Towards the South by Sussex Square Buckle Street Abel Smith Street Public and Church of England Cemetery and Sections 621 493 and 492 And towards the West by Grant Road and Sections on the West of Wellington Terrace Le shall forfeit a sum not exceeding Five shillings for each head of Cattle so driven.

8. All penalties under this Act may be recovered by summary proceedings. Penalties how to be recovered.

9. The term "Cattle" in Clauses numbers 1 2 3 4 5 and 6 shall include all horned Cattle Sheep and Horses. Interpretation of the word "Cattle."

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council,

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this Thirteenth day of May, in the year of our Lord One thousand eight hundred and sixty-three.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this Twenty-sixth day of May, One thousand eight hundred and sixty-three.

I. E. FEATHERSTON,
Superintendent.

CEMETERY.

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

SESSION I., No. 9.
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ANALYSIS.

- | | |
|---|---|
| <p>Title.
 Preamble.</p> <ol style="list-style-type: none"> 1. Trustees to be appointed by Superintendent every year. 2. Such to be published in Gazette. 3. Trustees to accept in trust grant of the land described in the annexed schedule. 4. Legal Estate to vest in Trustees. 5. Three trustees may act. 6. Senior trustee to be Chairman. 7. Trustees to appoint and remove clerks, &c. 8. ———To pay salaries, &c. 9. ———To enclose land, arrange general plan, &c. 10. ———May take up money on loan for certain purposes. 11. A Register of all Mortgages to be kept at the office of Trustees, open to public inspection. 12. Trustees, under certain restrictions, may sell right of burial, &c. 13. Trustees to fix and receive fees and payments connected with Cemetery. | <ol style="list-style-type: none"> 14. A table of fees and payments to be affixed on a conspicuous place by Cemetery. 15. Cemetery to be open for interment of all deceased persons. 16. Power to relations of persons already interred in the Cemetery to purchase such place of interment. 17. Monies received by the Trustees how to be applied. 18. Entries of the proceedings of the Trustees to be made and preserved, &c. 19. An account of all monies paid and received, to be entered in books by the Trustees. 20. A balance sheet to be prepared within one month after the close of each year. 21. Liability of Trustees. 22. Penalty for defacing or injuring anything connected with Cemetery. 23. Penalty for wilfully interrupting or disturbing those engaged in the ceremony of interment. <p style="text-align: center;">Schedule.</p> |
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An ACT to provide for the Management of the Public Cemetery of the Town of Wellington.

[Assented to January 26th, 1854.]

FOR the purpose of providing for the management of the Public Cemetery of Wellington BE IT ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows :—

Preamble.

1. The Management of the affairs of such Cemetery shall be vested in not less than three nor more than five Trustees to be appointed by the Superintendent by writing under his hand within one month after the passing of this Act and in the month of January in each and every year following.

Trustees to be appointed by Superintendent every year.

2. Every such nomination or re-appointment of any such Trustee shall be signified by the publication of a notice that effect in the *Government Gazette*.

To be published in *Gazette*.

3. It shall be lawful for such Trustees and their Successors to accept a Crown Grant of the land in the Town of Wellington set apart for a Public Cemetery, and described in the Schedule to this Act in trust for the purposes set forth in this Act.

Trustees to accept Grant.

4. The legal estate in the Land and all Monies Goods Chattels and effects whatsoever of or belonging to or connected with the said Cemetery shall become vested in the Trustees for the time being immediately upon their appointment and the notice of such appointment in the *Government Gazette* shall be a sufficient evidence of their title.

Legal estate to vest in new Trustees.

5. All acts matters and things which the Trustees are by any of the provisions of this Act authorised and required to do shall and may be done by any three of such Trustees assembled at a meeting whereof due notice shall have been given to or forwarded for all the Trustees.

Three Trustees may act.

6. At all meetings of the Trustees the senior Trustee in the order of appointment present shall preside as Chair-

Chairman.

man and shall not only vote as a Trustee but in case of equality of votes shall have a casting vote.

Trustees to
appoint Sexton
and officers.

7. It shall be lawful for the majority of such Trustees to appoint and for good and sufficient cause from time to time to remove Clerks Sextons and such other subordinate officers as they in their discretion shall think necessary and to fix such salaries as they may deem fit to be paid to such Clerks Sextons and other officers.

To pay sala-
ries.

8. It shall also be lawful for the said Trustees, out of the Monies to be received by them under the authority of this Act to pay the salaries so appointed to be paid to the Clerks Sextons and such other subordinate officers and also the necessary incidental charges of management of the said Cemetery.

To enclose
land, arrange
general plan,
&c.

9. It shall be lawful for the said Trustees from time to time to enclose all or any part or parts of the said land and prepare a general plan for laying out the said land 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.

May take up
money on loan
for certain
purposes.

10. It shall be lawful for the said Trustees from time to time to borrow or take up money by way of loan, for the purpose of defraying the expenses of the preliminary works at any rate of interest not exceeding Eight per cent. which loan or loans together with the interest accruing thereon shall be a first charge on the funds received by the said Trustees under the authority of this Act after defraying expenses of management.

A register of
all mortgages
to be kept at
the office of
Trustees open
to public in-
spection.

11. The Trustees shall keep at their offices a register of all mortgages under this Act and within twenty-four hours after the date of any mortgage an entry shall be made in the proper register of the number and date thereof the amount thereby received and the names and descriptions of the parties thereto as stated in the deed and every such register shall be open to public inspection during office hours at the office of the Trustees without fee or reward.

Trustees, un-
der certain re-

12. The Trustees under such conditions and restrictions as they may think proper and which shall have been ap-

proved by the Superintendent and his Executive Council may sell the exclusive right of burial either in perpetuity or for a limited period in any part of the said Cemetery and also the right of constructing any Vault or place of Burial with the exclusive right of Burial therein in perpetuity or for a limited period and also the right of erecting and placing any Monument Gravestone Tablet or Monumental Inscription in the said Cemetery.

restrictions, may sell right of burial, &c.

13. The Trustees shall also subject to such approval aforesaid fix and settle and receive such fees and payment in respect of interment in the said Cemetery 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 the said Cemetery and may from time to time subject as aforesaid revise and alter such fees payments and sums aforesaid.

Trustees to fix and receive fees and payments connected with Cemetery.

14. A Table shewing such fees and payments and all other fees and payments in respect of interment in the said Cemetery shall be printed and published and shall be affixed and at all times continued on some conspicuous part by the said Cemetery.

A Table of fees and payments to be affixed on a conspicuous part by Cemetery.

15. Subject to such rules and regulations as shall be necessary for the preservation of decency and order the 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.

Cemetery to be open for interment of all deceased persons.

16. The relations or friends of persons already interred in the said Cemetery may at any time within one year from the passing of this Act purchase the exclusive right of Burial in perpetuity or for a limited period in the pieces of land in which such interments have taken place subject as to price and otherwise to the general regulations for the management of the Cemetery.

Power to relations of persons already interred in Cemetery to purchase such places of interment.

17. The monies to be received by the Trustees under the authority of this Act shall be applied in the first place

Monies received by the

Trustees, how to be applied. to the payment of current necessary expenses and interest on loans if any and subject thereto and to the payment off of such loans shall be laid out in the permanent improvement of the said Cemetery and for no other purpose whatsoever.

Entries of the proceedings of the Trustees to be made and preserved. 18. Entries of all proceedings of the Trustees with the names of the members who attend each meeting shall be made in books to be provided and kept for that purpose under the direction of the Trustees and shall be signed by the members present or any two of them and all entries purporting to be so signed shall be received as evidence without proof of any meeting of Trustees having been duly summoned or held or of the presence at any such meeting of the persons named in any such entry as being present thereat or of the signature of any person by whom any such entry purporting to be signed all which matters shall be presumed until the contrary be proved.

An account of all monies paid and received to be entered in books by the Trustees. 19. The Trustees 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 such liabilities incurred.

A balance sheet to be prepared within one month after the close of each year. 20. The Trustees or any three of them shall within one calendar month after the close of every year cause a balance sheet to be prepared containing a true statement of the receipts and payments on account of the Cemetery during the past year and of all sums of money which may be due to or by the Trustees and shall cause such balance sheet with all needful vouchers to be forwarded to the Treasurer of the Province to be audited and published in the *Government Gazette*.

Liability of Trustees. 21. The Trustees of such Cemetery shall not be answerable or accountable for the other or others of them but each and every of them only for his and their own acts receipts neglects or defaults respectively and the said Trustees or any of them shall not be amenable or accountable for any Banker Broker or other person with whom or in whose hands or custody any part of the monies of

such Cemetery shall or may be deposited or lodged for safe custody or otherwise in execution of the trusts hereby in them reposed nor for any other misfortune loss or damage which may happen in the execution of the aforesaid trusts or in relation thereunto except the same shall happen by or through their own wilful default respectively.

22. Every person who shall wilfully destroy or injure any building wall or fence belonging to the said Cemetery or destroy or injure any plant or tree therein or who shall daub or disfigure any wall thereof or put up any bill therein or any wall thereof or wilfully destroy injure or deface any monument tablet inscription or gravestone within the said Cemetery or do any other wilful damage therein shall forfeit a sum not exceeding Five pounds.

Penalty for defacing or injuring anything connected with Cemetery.

23. Every person who shall play at any games or sport or discharge firearms save at a military funeral in the said Cemetery or who shall wilfully and unlawfully disturb any persons assembled in the said Cemetery for the purpose of burying any body therein or who shall commit any nuisance within the said Cemetery shall forfeit for every such offence a sum not exceeding Five pound's.

Penalty for wilfully interrupting or disturbing those engaged in the ceremony of interment.

BOUNDS OF CEMETERIES.

Schedule.

UPPER CEMETERY, 4A. 3R. 12P.

Bounded towards the North by Glenburvie Terrace 835 links towards the North-West by Tinakori Road 820 links towards the South by Town Belt 545 links and towards the South-East by Church of England Cemetery 995 links.

LOWER CEMETERY 3A. 3R. 16P.

Bounded towards the North and North-East by Town Section No. 502 421 links and 329 links respectively towards the South and South-East by Church of England Cemetery 160 and 660 links respectively towards the South-West by Difficult Road 545 links and towards the North-West by Glenburvie Terrace 77 links and 432 links.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this
nineteenth day of January in the
year of our Lord one thousand
eight hundred and fifty-four.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand this
twenty-sixth day of January,
1854.

I. E. FEATHERSTON,
Superintendent.

CEMETERY.

—

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

—

SESSION IV. No. 12.

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ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <p>1. Power to Superintendent to purchase land for Cemetery.</p> <p>2. The Management of such to be vested in Trustees—their number and date of appointment.</p> <p>3. Trustees eligible for re-election.</p> <p>4. Such election to be Gazetted.</p> <p>5. Power to Trustees to accept a grant, &c., in Trust.</p> | <p>6. Trustees to have the like powers, &c., as are conferred on Trustees of General Cemetery in Wellington by virtue of Act Session 1 No. 9.</p> <p>7. Penalty for wilfully injuring anything belonging to Cemetery.</p> <p>8. Penalty for playing at any games within Cemetery, or causing disturbance at a funeral.</p> |
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An ACT to provide a Public Cemetery in the Hutt District and for the Management thereof. Title.

[Assented to February 20th, 1857.]

WHEREAS it is deemed expedient to purchase with Preamble.
money from the Public Revenues of the Province a piece of ground in the Hutt District for the purpose of a Public Cemetery for such District and to provide for the management of such Cemetery when formed

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

1. The Superintendent may purchase a piece of ground Power to Su-
situate in the Hutt District for the purpose of a Cemetery perintendent

to purchase and the land when purchased shall so soon as conveniently may be laid out as a Public Cemetery and portions of such Cemetery shall be set apart for consecration.

The Management of such to be vested in Trustees— their number and date of appointment.

2. The management of such Cemetery and all matters and affairs relating thereto shall be vested in Trustees not less than three nor more than five to be appointed annually by the Superintendent by writing under his hand the first Trustees shall be appointed within one month after the passing of this Act and the succeeding Trustees shall be appointed or re-appointed in the month of January in each year.

Trustees eligible for re-election.

3. The Trustees so appointed as aforesaid shall hold office until the appointment of their successors and all or any Trustees may be re-appointed.

Such election to be Gazetted.

4. Every appointment or re-appointment shall be notified by publication in the *Government Gazette*.

Power to Trustees to accept a grant &c. in Trust.

5. The Trustees so to be appointed may accept a Grant or Conveyance to them and their successors of the land so as aforesaid to be purchased for the purpose of such Cemetery and the legal estate in the land and all moneys goods chattels and effects whatsoever of or belonging to or connected with the said Cemetery shall become vested in the Trustees for the time being immediately upon their appointment and the notice of their appointment in the *Government Gazette* shall be a sufficient evidence of their title.

Trustees to have the like powers, &c., as are conferred on Trustees of General Cemetery in Wellington by virtue of Act Session 1, No. 9.

6. The Trustees of the said Cemetery shall have and possess and may exercise all such and the like powers privileges and immunities with reference or in respect to and over the Ground Cemetery and Premises so to be vested in them and all matters relating to or concerning the same as are given to possessed by and vested in the Trustees of the General Cemetery in the Town of Wellington in the Province of Wellington under or in virtue of the Act of the Provincial Council Session I No. 9 in as full ample and efficient a manner and shall conform to all regulations for the conduct of their proceedings in the

same Act prescribed for the Trustees of the Cemetery now in Wellington as if all similar privileges and powers and regulations were set forth in this Act referring to the Cemetery to be formed in the Hutt District instead of the Town of Wellington.

7. Every person who shall wilfully destroy or injure any building wall or fence belonging to the said Cemetery or destroy or injure any plant or tree therein or who shall daub or disfigure any wall thereof or put up any bill therein or on any wall thereof or wilfully destroy injure or deface any monument tablet inscription or grave stone within the said Cemetery or do any other wilful damage therein shall forfeit a sum not exceeding Five pounds. Penalty for wilfully injuring anything belonging to Cemetery.

8. Every person who shall play at any games or sport or discharge firearms save at a military funeral in the said Cemetery or who shall wilfully and unlawfully disturb any persons assembled in the said Cemetery for the purpose of burying any body therein or who shall commit any nuisance within the said Cemetery shall forfeit for every such offence a sum not exceeding Five pounds. Penalty for playing at any games within Cemetery, or causing disturbance at a funeral.

C. CLIFFORD,
Speaker.

Passed the Provincial Council this eighteenth day of February in the year of our Lord One thousand eight hundred and fifty-seven.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand, this twentieth day of February, 1857.

I. E. FEATHERSTON,
Superintendent.

CEMETERIES.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

SESSION X. No. 2.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Trustees how to be appointed. 2. Legal Estate to become vested in Trustees. 3 Chairman to be elected. 4. Three Trustees to be a quorum. 5. Who shall preside at meetings. 6. Trustees to keep minutes of their proceedings. 7. Duties and Powers of Trustees. | <ol style="list-style-type: none"> 8. Cemetery [to be open for interment to all classes of religion. 9. Monies received how to be applied. 10. Trustee to be accountable for his own acts. &c, only. 11. Penalties for offences. 12. Penalties for offences. 13. Wellington and Wanganui Cemeteries exempt from operation of this Act. |
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Title. *An ACT to provide for the Management of Public Cemeteries.*

[Assented to May 26, 1863.]

Preamble. **W**HEREAS it is expedient to make provision for the management of Public Cemeteries.

Be it therefore enacted by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council as follows—

Trustees how to be appointed. 1. The management of each Public Cemetery shall be vested in five Trustees to be nominated by the Superintendent and every nomination shall be signified by publication thereof in the *Government Gazette*.

2. The legal estate in the Land and all monies goods chattels and effects whatsoever belonging to and connected with the Cemetery shall become vested in the Trustees for the time being immediately upon their nomination and notice of such nomination in the *Government Gazette* shall be sufficient evidence of their title. Legal estate to become vested in Trustees.

3. At the first meeting of the Trustees after their nomination they shall appoint a Chairman. Chairman to be elected.

4. All acts matters and things which the Trustees are by this Act authorised and required to do may be done by any three of them assembled at a meeting whereof notice shall have been duly given. Three Trustees to be a quorum.

5. At all meetings of the Trustees the Chairman and in his absence the senior Trustee in the order of nomination present shall preside and shall not only vote as a Trustee but in case of equality of votes shall have a casting vote. Who shall preside at meetings.

6. The Trustees shall in books to be provided for the purpose enter minutes of their proceedings with the names of the members who attend each meeting and cause the minutes or entries of each meeting to be signed by the members present thereat or any two of them and the Chairman. And all entries purporting to be so signed shall be received as evidence without proof of any meeting of Trustees having been duly summoned or held or of the presence at any such meeting of the persons named in any such entry as being present thereat or of the signature of any person by whom any such entry purports to be signed all which matters shall be presumed until the contrary be proved. Trustees to keep minutes of their proceedings.

THE DUTIES AND AUTHORITIES OF THE TRUSTEES.

7. The duties and powers of the Trustees shall be as follows— Duties and Powers of Trustees.

1. To enclose all or any part or parts of the said land and prepare a general plan for laying out the same and arranging the places in which interment shall take place and also to erect a Chapel or other building for the performance of funeral service.

2. To appoint and from time to time remove clerks and all other subordinate officers and pay them such salaries as they the Trustees may deem fit.

3. To pay such salaries and all necessary and incidental charges of management of the Cemetery out of the monies which may come to their hands under the provisions of this Act.

4. To fix settle and receive the fees to be paid in respect of interments in the Cemetery also the sums to be paid for the exclusive right of burial in perpetuity or for a limited period and also the right of erecting and placing any monument tablet gravestone or monumental inscription in the Cemetery and from time to time revise and alter such fees and sums.

5. To affix in some conspicuous part of the Cemetery a Table shewing the fees payable in respect of interments.

6. To sell under such conditions and restrictions as they may think proper and which shall have been approved by the Superintendent and his Executive Council the exclusive right of burial either in perpetuity or for a limited period in any part of the Cemetery also the right of constructing any vault or place of burial with the exclusive right of burial therein in perpetuity or for a limited period and also the right of erecting and placing any monument gravestone tablet or monumental inscription in the Cemetery.

7. To keep in books to be provided for the purpose regular and correct accounts of all monies received and paid by them under authority of this Act and of the several purposes for which the same have been so received and paid.

8. Within one calendar month after the close of every year to cause a balance sheet to be prepared containing a true statement of the receipts and payments on account of the Cemetery during the past year and of all sums of money which may be due to or by the Trustees and for-

ward such balance sheet with all needful vouchers to the Treasurer of the Province to be audited and published in the *Government Gazette*.

MISCELLANEOUS.

8. Subject to such rules and regulations as shall be necessary for the preservation of decency and order the Public Cemetery shall be open for the interment of deceased persons to be buried with such religious or other ceremonial if any as the friends of such deceased persons shall provide. Cemetery to be open for interment to all classes of religion.

9. The monies to be received by the Trustees under authority of this Act shall be applied in the first place to the payment of current necessary expenses and subject thereto shall be laid out in the permanent improvement of the Cemetery and for no other purpose. Monies received how to be applied.

10. No Trustee shall be answerable or accountable for any other but each Trustee shall be responsible only for his own acts receipts neglects or defaults nor shall any Trustee be accountable for any banker broker or other person with whom or in whose hands or custody any part of the monies of any Cemetery may be deposited for safe custody nor for any other loss or damage which may happen in the execution of the trust reposed in him or in relation thereunto unless the same shall happen by or through his own wilful default respectively. Trustees to be accountable for his own acts, &c., only.

OFFENCES AND PENALTIES.

11. Every person who shall wilfully destroy or injure any building wall or fence belonging to the Cemetery or destroy or injure any plant or tree therein or who shall daub or disfigure any wall thereof or put up any bill therein or on any wall thereof or wilfully destroy injure or deface any monument tablet inscription or gravestone within the said Cemetery or do any other wilful damage therein shall forfeit a sum not exceeding Five pounds. Penalties for offences.

12. Every person who shall play at any game or sport or discharge firearms save at a military funeral in the Ceme- Penalties for offences.

tery or who shall wilfully and unlawfully disturb any persons assembled in the Cemetery for the purpose of burying any body therein or who shall commit any nuisance within the Cemetery shall forfeit for every such offence a sum not exceeding Five pounds.

Wellington
and Wanganui
Cemeteries
exempt from
operation of
this Act.

13. Provided always that nothing herein contained shall apply to the Cemeteries already existing in the City of Wellington or the Town of Wanganui or to the Acts under which the aforesaid Cemeteries are at present managed.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this first day of May in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this twenty-sixth day of May, one thousand eight hundred and sixty three. -

I. E. FEATHERSTON,
Superintendent.

CENSUS.

—

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

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SESSION II. No. 4.

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ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <p>1. Census to be taken in certain years of every decade of years.</p> <p>2. Commencement of the first decade.</p> <p>3. Power to Superintendent to appoint Collectors and issue instructions to the same.</p> <p>4. Collectors to leave blank schedule at every house on or before the 25th of March.</p> | } | <p>5. Collector to call for the same as soon after 31st March as may be, and in cases where the householder cannot from inability to write fill up the same—Collector to do so &c.</p> <p>6. Penalty for refusing or neglecting to fill up schedule or making false return &c.</p> <p>7. Superintendent may issue instructions to Collectors to afford facilities for electoral registration to persons entitled to the same.</p> |
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An ACT for taking a Census of the Province of Wellington. Title.

[Assented to March 7, 1855.]

WHEREAS it is expedient that authentic statistical information of the Province of Wellington should be periodically obtained Preamble.
BE IT THEREFORE ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows—

By Act of General Assembly No. 18, provision is made for taking a general Census of the Colony.

Census to be taken in certain years of every decade of years.

1. A Census of the number and condition of the population of the Province of Wellington shall be taken in the first fourth and seventh years of every decade of years on the days and in the manner herein declared.

Commencement of the first decade.

2. The first decade for that purpose shall commence with the year of the passing hereof.

Power to Superintendent to appoint Collectors, and issue instructions to the same.

3. The Superintendent shall appoint such persons to collect the information required by this Act and issue such instructions for their guidance therein and payment for their services as he with the advice of his Executive Council may deem fit.

Collector to leave blank schedule at every house on or before the 25th March.

4. Each collector shall on or before the 25th day of March in each of the years hereinbefore particularised leave at every house within the district assigned to him a blank copy of the schedule to this Act annexed and every householder able to write shall furnish in writing the information required by the schedule by filling up the same and subscribing his name at the foot thereof and shall deliver the same when called for to the collector.

Collector to call for the same as soon after 31st as may be, and in cases where the householder cannot, from inability to write, fill up the same Collector to do so.

5. Each collector shall as soon after the 31st day of March as practicable call at every house in his district to collect the schedules and if any householder from inability to write or from continued absence from home shall not have duly filled up his schedule the collector shall thereupon fill it up himself and he is hereby authorised to put such questions to any person living in the house as may be indispensable to enable him so to do.

Penalty for refusing, or neglecting to fill up the Schedule or making false return, &c.

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

7. And whereas it is expedient that the Electoral Roll Superintendent of the Province shall be rendered as perfect as possible. Be it therefore enacted that it shall be lawful for the Superintendent to issue to the persons appointed to collect information under this Act such instructions as he may think fit to afford facilities to persons entitled to be enrolled as Electors, to enable them to cause themselves to be registered accordingly.

Superintendent may issue instructions to Collectors to afford facilities for electoral Registration to persons entitled to the same.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this thirteenth day of February in the year of our Lord One thousand eight hundred and fifty-five.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on the behalf of the Governor of New Zealand on this seventh day of March One thousand eight hundred and fifty-five.

I. E. FEATHERSTON,
Superintendent.

PROVINCE OF WELLINGTON.

District of

Census Return No. 1885.

LOCALITY	NAME.	SEX.	AGE.				Date of Entering the Province.	EDUCATION.				FRANCHISE.			
			Under 7 years.	Between 7 and 15.	Between 15 and 21.	Above 21 years.		Cannot Read.	Can Read only.	Can Read & Write.	At Schools supported by Government.	At other Schools.	Whether qualified to be placed on the Electoral Roll.	If Qualified whether Registered.	

Persons are requested to include only such Stock or other particulars as appertain to the establishment where the Return is filled in and not those (though belonging to the same persons) at a distant station.

Number of Acres Fenced in	Number of Horses
" in Wheat	" Mules and Asses
" in Barley	" Cattle
" in Oats	" Sheep
" in Maize	" Goats
" in Potatoes	" Pigs
" in Grass, (artificial),	
" in Garden or Orchard	
" in any other Crops	

I, the undersigned do hereby certify, that I have filled in the above Return, and that it is correct to the best of my knowledge and belief.

(To be signed by the Master or Proprietor if able to write; if not, by the Collector.

COMMENCEMENT OF ACTS.

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

SESSION I. No. 16.

*An ACT to declare the time of the commencement of Acts
of Council.*

[Assented to February 4, 1854.]

WHEREAS it is expedient to declare the time for the commencement of Acts of Council Be it therefore enacted by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof

That the Clerk of the Provincial Council shall endorse on every Act immediately after the title of such Act the day month and year when the same shall have received the assent of the Superintendent on behalf of the Governor of the Islands of New Zealand and where any Act shall have been reserved by the Superintendent for the assent of such Governor then the day month and year when the same shall have received his the Governor's assent and such endorsement shall be taken to be a part of such Act and to be the date of its commencement where no other commencement shall be therein provided.

CHARLES CLIFFORD,
Speaker.

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COMMENCEMENT OF ACTS.

Passed the Provincial Council this
second day of February in the year
of our Lord one thousand eight
hundred and fifty-four.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of
the Governor of New Zealand,
this fourth day of February,
1854.

I. E. FEATHERSTON,
Superintendent.

COMPENSATION.

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

SESSION II. No. 12.

ANALYSIS.

- | | |
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| <p>Title.
Preamble.</p> <p>1. Power to Superintendent to issue a Commission to enquire into and report upon certain alleged claims for Compensation.</p> <p>2. In case a Commissioner resign, &c., Superintendent may appoint another.</p> <p>3. A claimant to execute the declaration annexed to this Act,</p> | <p>otherwise Commissioners not to enquire into his claim.</p> <p>4. Commissioners to keep a record of claims, minutes of evidence, and their decisions, and report the same to the Superintendent.</p> <p>5. Limitation of time for receiving of claims by the Commissioners.</p> <p>6. Duration of Commission. Declaration.</p> |
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An ACT to authorise the Superintendent to issue a commission to enquire into certain alleged claims for Compensation under certain contracts of the New Zealand Company and Native disturbances.

NOTE.—Obsolete.

COMPENSATION.

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

SESSION V., No. 1.

ANALYSIS.

Title.	Proviso.
Preamble.	
1. Power to Superintendent to issue Land Scrip according to a scale to certain persons—	2. Scrip to be subject to such restrictions as that issued under "Land Claimant's Ordinance."

An ACT to authorise the Superintendent to issue Land Scrip to satisfy awards of Commissioners under Act Session II., No. 12, of the Provincial Council.

NOTE.—Obsolete.

COMPENSATION.

—
ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.
—

SESSION X. No. 8.
—

ANALYSIS.

<p>Title. Preamble.</p>	|	<p>Report of Compensation Committee.</p>
<p>1. Superintendent may out of the Public Revenue pay for land to satisfy claimants under</p>	|	<p>2. Selections how to be made. 3. Claims after a certain period to lapse.</p>

*An ACT to authorise the Superintendent to purchase Land Title.
to satisfy the awards of the Compensation Committee.*

[Assented to May 23, 1863.]

WHEREAS a Committee of the Provincial Council was Preamble.
appointed on the 30th day of April 1862 "to receive any claims to compensation which might have been presented under the Act of the Provincial Council Session II. No. 12 but which owing to accident ignorance or other cause were not sent in in the prescribed time or being sent in were not reported on and to report thereon in detail to the Council" and the said Committee reported that certain persons were entitled to certain quantities of land in satisfaction of such claims and whereas another Committee was appointed on the 28th day of April 1863 for similar purposes who have also reported that certain other persons are entitled to certain quantities of land, and whereas it is desirable that the Superintendent should be empowered to purchase land to satisfy such claims.

Be it enacted by the Superintendent of the Province of

Wellington with the advice and consent of the Provincial Council thereof as follows :

Superintendent may out of the public revenue pay for land to satisfy claimants under Report of Compensation Committee.

1. When any person who has been declared by the Committee to be entitled to land as compensation shall signify to the Superintendent that he has selected a piece of land in respect of such award then it shall be lawful for the Superintendent out of the public revenue of the Province to pay for such land a price that in the whole shall not exceed the value of the number of acres awarded at the ordinary price of ten shillings per acre.

Selections how to be made.

2. Such selections shall only be made within blocks open for selection at or before the passing of this Act.

Claims after a certain period to lapse.

3. Should any selection not be made within two years after the passing of this Act such claims shall lapse and shall not afterwards be revived.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this nineteenth day of May, in the year of our Lord one thousand eight hundred and sixty three.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this twenty-third day of May, one thousand eight hundred and sixty three.

ISAAC EARL FEATHERSTON,
Superintendent.

CORONERS.

—
 IN THE EIGHTEENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN
 VICTORIA.
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SESSION II. No. 3.
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ANALYSIS.

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| <p>Title.
 Preamble.</p> <ol style="list-style-type: none"> 1. Repeal of Ordinance Session VII, No. 5, so far as concerns the Province of Wellington. 2. Power to Superintendent to define and divide the districts to which Coroners shall be assigned. 3. Power to Superintendent to issue a Writ for the election of a Coroner in case of a vacancy or otherwise. 4. The writ to be directed to the Sheriff. 5. If there be no Sheriff the Writ to be issued to a Magistrate named by the Superintendent. 6. Qualification of Coroner. 7. Proviso. 8. Period of Coronership. 9. Qualification of voters. 10. Poll how and where to be conducted, &c.; respecting the same. 11. Limitation of time respecting the same. 12. Sheriff to appoint Poll Clerks | <p>and direct Poll Books to be prepared.</p> <ol style="list-style-type: none"> 13. At the close of the Poll—Clerks how to act—Sheriff to declare the result—in case of a scrutiny, Sheriff how to act. 14. Expenses attendant on the Poll, on a scrutiny by whom defrayed. 15. The Sheriff to report to the Pro. Secretary the result of the Election. 16. Coroner to take an oath on his appointment. 17. In case 12 Electors of a District memorialize the Superintendent respecting the Coroner, on the ground of neglect or unfitness for his office—power to Superintendent after investigation to dismiss such Coroner. 18. Powers and duties of Coroners, to be the same as those of Coroners in England. 19. In case of non-attendance at an Inquest as a Juror or witness and a fine be imposed—Coroner and Resident Magistrate how to act. |
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An ACT to amend the Law relating to Coroners.

NOTE.—Abrogated by Act of General Assembly, No. 7, 1858.

DISTRICT HIGHWAYS.

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

SESSION III. No. 4.

ANALYSIS.

- | Title. | |
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| 1. Certain Acts repealed. Proviso. | 8. What number to be a quorum—
with respect to notice of meeting. |
| 2. Interpretation of the words "Highways," "Board," and to be "posted." | 9. Board to elect its Chairman. |
| 3. Power to Superintendent to divide the Province into districts for the purposes of this Act. | 10. With respect to the duties of the Board. |
| 4. Qualification of vets. | 11. Contracts to be made in the name of the Chairman—legal proceedings to be in the name of or against the Chairman, &c. |
| 5. Coroner or a Justice, on requisition to call a first annual meeting of voters and preside thereat—at which meeting a Board of Wardens to be elected and amount of Highway Rate fixed. | 12. Board to keep minutes of its proceedings, and accounts of receipts and disbursements, which accounts to be audited. |
| 6. Questions to be decided by a majority—the Chairman to have an original and casting vote. | 13. Balances of money, assets, and papers belonging to old Board to be handed over to new Board. |
| 7. Number of persons to constitute a Board—duration of office—disqualification from holding office—in case of vacancy, the Board how to act. | 14. An annual meeting of voters to be held for the purpose of fixing Highway Rate. |
| | 15. At every alternate annual meeting a new Board to be elected. |
| | 16. Rates to be an uniform sum per acre. |

NOTE.—Acts Sess. I, No. 21, Sess. II, No. 8, and Sess. II, No. 15, (for the Titles and Analyses of which see under head "Roads") were repealed by this Act which is itself repealed by Act Sess. IX, No. 10.

17. Lands exempted from Highway Rate—limitation of rate.
18. Rate for the construction of Highway to be of such amount and for such number of years not exceeding five, as voters may determine.
19. With respect to assessments—Board to post a statement thereof and name when and where objections to the same will be heard and determined.
20. Board to appoint a Collector the same to find security.
21. With respect to rates in arrear—to be recovered summarily, and in case such cannot be so recovered, Sheriff after six month's notice, to sell certain portion of land so rated.
22. Power to Board to enter on any lands required in the making or diverting of any road—in such case Board how to act—owner of land so affected how to act.
23. An owner of land so affected not satisfied with compensation proposed to the same—may refer his case to arbitrators—with respect to the arbitrators.
24. With respect to the costs attending the arbitration—by whom payable.
25. In case the owner of such land be absent from the Province, Superintendent to appoint one to act as his agent, to determine with respect to compensation, &c.
26. In case the owner of such land be a married woman, infant, or trustee—who to appoint arbitrators, &c.
27. Before commencing the construction of any Highway, Board to furnish the Superintendent with a statement of all objections and suggestions with reference to the same—
- and Superintendent if satisfied, may authorise the said construction.
28. The reservation by the Crown in the grant of any land to a right of making roads to apply to one principal and one cross road.
29. In case the Board have to remove or interfere with any fencing, the same to be restored or made good at the expense of the Board.
30. In case a new road be constructed through land previously fenced, the Board to fence both sides of such road.
31. Power to Board to enter upon any land and use the same as a temporary road.—Proviso.—Also, to take materials therefrom for repair of such road—also, to construct any drains connected with such road.—Proviso with regard to notice—filling up or securely fencing off holes or cuttings, and compensating the owner for the same.—Proviso with regard to the diverting of any stream, &c.
32. With respect to any tree near to a highway, and injurious to it, or dangerous to passengers—Board how to act.
33. Power to Board to discontinue the whole or any part of any highway if the same be unnecessary, or if a better one can be substituted, in which case the Board how to dispose of abandoned road.
34. Penalties for certain acts and omissions under this Act.
35. The same recoverable by summary proceedings.
36. The Sheriff or person effecting any sale by auction under this Act, not to be liable to a penalty, though not a licensed Auctioneer.
37. Designation of Act.

An ACT to consolidate the Law relating to District Highways.

DISTRICT HIGHWAYS.

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

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SESSION IV. No. 16.

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ANALYSIS.

Title.

Preamble.

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| <p>1. Power to Board of Wardens to release or exonerate any land or person from rate. Regard to be had to the natural value, &c., of the land to be rated.</p> <p>2. Person so released from payment of rate, not entitled to vote—if a Warden his election to be void.</p> | <p>3. Previously to the constructing any new road, consent of Superintendent and Executive required.</p> <p>4. Power to Superintendent to authorise the owner of land—over which a road shall pass—to occupy and use such road for pastoral purposes—Proviso.</p> <p>5. In case of objection to any intended line of road—right of appeal to the Superintendent.</p> |
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An ACT to extend the provisions of the "Highways Act 1856."

Repealed by Act Session IX., No. 10.

DISTRICT HIGHWAYS AMENDMENT.

—
ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.
—

SESSION IX., No. X.
—

ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <ol style="list-style-type: none"> 1. Certain Acts repealed.—Proviso. 2. Interpretation of the words "Highway," "Board," and "to be posted." 3. Power to Superintendent to proclaim Districts. 4. Qualification to vote. 5. First annual meeting, how to be summoned. 6. Regulation of voting at meetings. 7. Board how constituted. Names of Board to be published. 8. Number of quorum. Board, how to be summoned. 9. Board to elect a Chairman. 10. Duties of the Board. Power to Superintendent to act in case of Board neglecting. 11. Contracts or legal proceedings to be in the name of or against Chairman 12. Board to keep minutes. 13. Money, papers, &c., to be handed over to new Board. 14. Annual meeting of voters to fix rate. | <ol style="list-style-type: none"> 15. At alternate annual meeting new Board to be elected. 16. Rates, how to be levied. 17. Lands exempted from rate, and limitation of rate. 18. Notice of assessment, how to be given. 19. Board to appoint Treasurer and Collector—their duties. 20. Rates, how to be recovered. 21. Rates, how to be levied and recovered. 22. Board, may enter on any lands required in the making or diverting of any road,—in such case Board how to act; owner of land so affected how to act. 23. Owners or occupiers dissatisfied with amount of compensation, how to act. 24. With respect to cost of arbitration by whom payable. 25. In case the owner of such land be a married woman, infant, &c., who to appoint arbitrators. 26. In case owner of land not resident in Province, the Superintendent to appoint an agent to act for him. |
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| 27. Before commencing works, Board to satisfy Superintendent that there is no opposition thereto.
28. Right of Road reservation under Crown Grant.
29. Reserved roads, manner in which Superintendent or Board are empowered to deal with them.
30. All right to lay off new lines of road in established road districts, to cease under certain provisions.
31. Power to Crown Lands Commissioner to order accurate surveys.
32. If order neglected by Board, Superintendent how to act. | 33. Notice of intention to fence to be given.
34. Board to replace fencing.
35. Board to fence both sides of new road.
36. Power to Board to enter on land for materials for repairing road.
37. With respect to dangerous trees, Board how to act.
38. Power to Board to dispose of disused highways.
39. Penalties for certain acts and omissions under this Act.
40. Penalties, how to be recovered.
41. Auctioneer not liable to penalty.
42. Short Title. |
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Title.

An ACT to amend and consolidate the law relating to District Highways.

[Assented to 19th June, 1862.]

Preamble

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

Certain Acts
repealed.
Proviso.

1. The Acts of the Provincial Council Sess. III. No. 4 and Sess. IV. No. 16 are hereby repealed Provided that all districts proclaimed under the first mentined Act shall continue such for the purposes of this Act till altered under the provisions hereof And all wardens elected under such first mentioned Act shall after the passing hereof become wardens under this Act and shall hold office as such wardens till the expiration of the term for which they were originally elected and they may exercise all the powers of this Act for the purpose of levying and collecting rates already imposed and for carrying into effect anything partially executed under the repealed Acts or for the election of and transfer of their powers to a new Board of Wardens to be elected under this Act at the expiration of their term of office or for the convening of meetings of rate payers or for the performance of any other thing authorised to be

NOTE.—This Act is amended by “District Highways Act, Sess. X., No. 4,” which see.

done under this Act as fully as if they had been originally elected wardens under this Act.

2. In the construction of this Act the word "Highways" shall signify road bridge cartways horseways bridleways causeways footpaths and all other works forming part thereof or being accessory thereto. The word "Board" shall mean "Board of Wardens for the management of Highways" and when by this Act any notice or other document shall be directed to be posted it shall signify "conspicuously posted in some public place" within the district to which such notice or document shall relate.

Interpretation of the words "Highway," "Board," and "to be posted."

3. The Superintendent may for the purposes of this Act from time to time by proclamation divide the Province or any part thereof into districts and may in like manner subdivide alter or re-unite the same.

Power to Superintendent to proclaim districts.

4. Every person who shall have to his own use in any proclaimed district a freehold estate not let for two years and upwards or a leasehold estate not under let for two years or upwards and every occupier of land within such district shall be a qualified voter for the district for the purposes of this Act subject however to the provisions of clause 6.

Qualification to vote.

5. Any Justice of the Peace of any proclaimed district upon the requisition of any five such voters shall (by notice posted and inserted four times at least in some newspaper published within or as near the district as may be) summon a meeting of voters for the district to be called "the first annual meeting" who having met at some convenient place within or near the district shall in the first place elect a chairman in the second place elect a Board of Wardens in the third place fix the amount of the rate to be levied severally for the construction repair and maintenance of the highways of such district and in the fourth place shall appoint two Auditors of accounts provided that no member of the Board shall be eligible to be an auditor.

First annual meeting how to be summoned.

6. At all meetings held in pursuance of this Act the chairman shall have an original and casting vote and every question shall be decided by a majority of votes every

Regulation of voting at meetings.

voter must be present in order to enable him to record his vote or votes and the number of votes to which each voter is entitled shall be calculated according to the schedule of this Act provided that no rate payer shall be entitled to any vote unless his assessment shall amount to the sum of five shillings for the year.

Board how constituted.

7. The Board shall consist of not less than four nor more than six persons, being such qualified voters as aforesaid. Each of them shall hold office for two years from the day of his election or till he shall die become bankrupt or insolvent a public defaulter or a convicted felon or shall cease to be qualified as a voter for the district or shall resign or shall not have attended any meeting of the Board for three consecutive meetings held at intervals of not less than one month or shall directly or indirectly be interested in any contract under the Board and if from any such cause the Board shall be reduced to less than four members the surviving or continuing members shall so often as the same may happen by notice given as aforesaid convene a meeting of voters who shall forthwith by election fill up the vacancies and the person so elected shall hold office until the following general election of wardens. The names of the Board when elected and of all persons elected to supply vacancies therein and of the chairman shall be communicated by the chairman to the Provincial Secretary who shall publish the same in the *Government Gazette*.

Names of Board to be published.

Number of quorum.
Board how to be summoned.

8. Three members of the Board shall be a quorum; but no business shall be transacted by any Board unless at a meeting summoned by written notice under the hands of two wardens or of the chairman of the Board and left at the usual place of abode of every other warden at least three clear days before such meeting. Provided that when all the members of any Board consent such Board may transact business at any meeting fixed unanimously without being summoned by written notice left at the usual place of abode of every warden at least three clear days before any such meeting.

Board to elect a Chairman.
Duties of the chair.

9. The wardens shall so soon as may be after their election choose one of their body to be their chairman who shall hold that office till the termination of the two years for

which the Board shall have been elected unless he shall die resign or become disqualified for the office of warden as aforesaid in which case the surviving or continuing wardens shall forthwith elect another chairman and so from time to time as occasion may require.

10. The duty of the Board shall be to make maintain and repair all highways other than main roads within the district and generally to carry the provisions of this Act into effect. Whenever any road district shall have been proclaimed and any roads constructed within it out of funds contributed wholly or in part by rates levied on the land within that district it shall thenceforward be the duty of the Board to maintain all such roads in an efficient state of repair. Should the Board fail to do so it shall be competent for any two qualified voters within the said district whose land shall have been heretofore taxed for the construction of any such road to summon the chairman of the Board to appear before the nearest Bench of Magistrates who are hereby empowered after hearing the case to make out an order to the said chairman to have the requisite repair made without further delay. Should the Board fail to comply with this order the Superintendent may withhold any contribution to such Board until the necessary repairs shall have been effected by them. Should the rate-payers neglect to appoint a Board or refuse to levy a rate the Superintendent is authorised to cause to be levied on the lands of such district a repairing rate sufficient to raise the amount necessary for effecting the required repairs and expend the same on the said repairs. Such rate to be levied in accordance with the proportions that may have been heretofore fixed by the Board to be levied on the respective lands of the district.

Power to Superintendent to act in case of Board neglecting.

11. All contracts appointments and other matters authorised by any resolution of the Board shall be entered into made and done by the chairman on behalf of the Board and shall thereupon be taken to be the acts of the Board and all suits or other legal proceedings by or against the Board shall be in the name of or against the chairman thereof but execution shall only be levied on the effects of the Board and shall not in any manner charge or effect the person or private property of the chairman or other member of the Board. It shall be sufficient in all cases to

Contracts or legal proceedings to be in the name of or against chairman.

describe the property of the Board as such and no suit or other proceeding against the Board shall abate or be otherwise affected by any change of the members of the Board or the chairman thereof.

Board to keep minutes. 12. The Board shall keep minutes of its proceedings and accounts of all monies paid and received by it during the year and the accounts shall be audited by the Auditors who shall submit the past year's accounts as audited to every successive annual meeting of rate-payers before they are called on to vote any fresh rate.

Money papers, &c. to be handed over to new Board. 13. All balances of money assets books and papers belonging to the Board shall at the expiration of their term of office be handed over to the chairman of the new Board immediately on the election of the latter.

Annual meeting of voters to fix rate. 14. There shall be an annual meeting in every proclaimed district at such time and place as the Board shall fix notice thereof being given by the Board by posting and advertisements in some newspaper published in or near the district if such there be at least one month before the day of meeting At which annual meeting the voters shall fix the amount of the rates for the construction maintenance and repairs severally of the roads in the district during the ensuing year and transact all other business necessary to be done at such meeting under this Act.

At alternate annual meeting new Board to be elected. 15. At every alternate annual meeting a new Board shall be elected the members of the old Board being eligible for re-election.

Rates how to be levied. 16. The Board of Wardens shall assess and levy the rates upon the land within the district in the form of an acreage rate but not necessarily an uniform acreage each and may assess and levy the same at such rate per acre not exceeding the sum of one shilling for construction and sixpence for maintenance and repairs as to the Board may seem equitable with full power to exonerate either wholly or in part any land from such rate regard being had in all cases to the natural value of the land to be rated and its proximity and accessibility to the highway for the construction or repair of which such rate is being raised.

17. Rates for the repair of highways shall be levied on all lands within the district except demesne of the Crown lands granted to or set apart for aboriginal natives unoccupied or in their own occupation or lands excepted by proclamation of the Superintendent and shall be such sum not exceeding one shilling per acre for construction and sixpence for maintenance as the majority of voters present at the meeting shall decide.

Lands exempted from rate and limitation of rate.

18. The Board shall assess the rates imposed as aforesaid on each person liable to the same and post a statement of such assessment specifying the names of the rate-payers the amount payable and the number of acres for which the same is assessed in each case and shall append to such statement notice of some place within or near the district and some time not less than fourteen days after the posting thereof when and where all objections to such assessment shall be heard and determined by the Board.

Notice of Assessment how to be given.

19. The Board shall appoint a treasurer and a collector. It shall be the duty of the collector to collect all rates imposed under this Act and pay the same over so soon as practicable after they are collected into the hands of the treasurer. It shall be the duty of the Board to take sufficient security from such treasurer and collector.

Board to appoint Treasurer and Collector Their duties.

*20. All rates levied under this Act shall be paid on demand to the collector by the occupier or if there be no occupier by the owner of the rated land; and shall be recoverable by summary proceedings at the suit of the collector or by distress of chattels on the premises made by the Board or its bailiff appointed in writing. But if any such rate or part thereof with the costs of recovering the same cannot be recovered by such proceedings or distress for the space of six months after posting of the assessment two copies of a schedule setting forth full particulars of the amount of arrears due and description of the land such owner is liable for shall be prepared and signed

Rates how to be recovered.

*This and the succeeding clause controlled by Act of General Assembly "Sales for non-payment of Rates Act, No. 35, 1862," for which see Appendix.

by the chairman one of which shall be posted and the other forwarded to the Provincial Secretary for publication in the *Government Gazette*. If after the lapse of two months from the date of such publication all arrears of rates with interest shall not have been paid to the collector the sheriff of the district or other person appointed by the Superintendent and notified in the *Gazette* shall on requisition of the Board sell the whole or such part of the land in respect of which the rate is in arrear as the Board may think sufficient by public auction and shall out of the proceeds pay to the collector all arrears due with interest and all costs incurred in recovering the same and after retaining the costs of such sale and all fees due to himself as sheriff or otherwise in respect thereof shall pay the balance if any to the Provincial Treasurer who shall hold the same for the owner of the land so sold. A conveyance of such land executed by the sheriff or other person appointed as aforesaid or by the chairman of the Board shall vest the same in the purchaser free from all incumbrances whatsoever provided that no such sale shall be made unless notice of the intention to sell specifying the quantity and the situation of the land to be sold shall be posted by the Board and advertised four times in some newspaper published in or near the district if such there be at least one month before the intended sale takes place. And a return of all sales made in pursuance of this Act shall be forwarded to the Provincial Secretary for publication in the *Government Gazette* of the Province, in the first quarter of every year.

Rates how to
be levied and
recovered.

*21. In any proceedings to levy and recover or consequent upon the levying or recovering of any rate under the provisions of this Act the notice in the *Government Gazette* of the appointment of the Wardens shall be sufficient evidence of their appointment and the book of rates of the Board and all entries made therein by the production thereof and without any evidence of the notices and other requirements of this Act having been given or complied with or proof of the signature of the wardens whose names appear subscribed therein shall be received as evidence of such rates and of the contents thereof. In any proceedings

*See note to preceding Clause.

to levy and recover or consequent upon the levying or recovering of any arrears of rate imposed under the Act hereby repealed the notice in the *Government Gazette* of the appointment of the wardens shall be sufficient evidence of their appointment and the statement or entry of any such rate made in any book kept by the Board of Wardens existing at the passing of this Act for the purpose of recording the same whether solely or together with the minutes of their proceedings shall be evidence by production thereof and without any evidence of the notices and other requirements of the said hereby repealed Act having been given or complied with or proof of the signature of the wardens whose names appear thereto provided such statement or entry shall before production thereof for the purposes aforesaid be signed by three wardens all arrears of rates imposed previous to the passing of this Act may be recovered in manner herein provided for recovery of rates which may be in arrear for six months after the lapse of two calendar months instead of two years from the publication of the schedule in the *Government Gazette* if six months have elapsed or so soon as six months shall elapse from the time of the imposition or fixing of such rate already imposed In all cases whenever a distress is lawfully authorised to be made every constable authorised by the warrant to levy any sum mentioned therein shall upon being required by the collector aid in making a distress or sale pursuant to such warrant.

22. When the Board shall intend to make any new or divert any existing highway or construct any work connected therewith it shall respectively have power to enter any land for the purpose of enabling it to accomplish its object and it shall make and deposit at the office of the Provincial Secretary a survey plan and section of the intended works and a book in which shall be recorded the names of the owners and occupiers of the land on which such highway is or is intended to be with an estimate of the expense thereof and of the quantities of land required for the same and a statement of the amount of compensation proposed to be paid to each of the owners and occupiers of such lands both in respect of the value of the same and also of the damage (if any) done to the adjacent lands of any person by severance or otherwise and where the owner and occupier are not the same person

Board may enter on any lands required in making or diverting of any road In such case Board how to act Owner of land so affected how to act.

distinguishing the amount of compensation payable in respect of the interest of each The Board shall also deposit at the house or office in which it usually meets to transact business duplicate survey plans sections books and estimates which shall be open for inspection at all reasonable hours the above mentioned original documents shall be open for inspection and extract without charge at the office of the Provincial Secretary at all usual office hours and notice of the same being so deposited shall be inserted in the *Government Gazette* and a notice of the same tenor and date shall be published in one or more of the local papers by order of the Provincial Secretary and a place and time not less than one month from the publication of such *Gazette* shall be fixed for a meeting of the Board to whom any person whose property is affected by such intended work may send in writing any objections or suggestions relative to such works or to the amount of compensation proposed to be paid to such person and may attend at such meeting personally to enforce such objections or suggestions.

Owners or occupiers dissatisfied with amount of compensation how to act.

23. If any such owner or occupier shall not be satisfied with the amount of compensation proposed to be paid to him and cannot agree with the Board in respect thereof he may at the meeting of the Board lastly mentioned give notice in writing that he desires to refer the matter to arbitrators naming one person in such notice as the arbitrator on his behalf and thereupon the matter shall be referred to the arbitrament of such person and one other chosen by the Board and a third by the two so chosen and such referees shall have power to call for and examine any documents relating to the land in question and to examine witnesses on oath to be administered by any one of them and the award of such referees or any two of them being put in writing and signed shall be final and the same shall be filed in the Supreme Court and upon application by either party be made a rule of Court provided that if either the Board or owner or occupier fail or neglect to appoint an arbitrator for a space of one month from the day of meeting of the Board fixed for receiving objections then the Superintendent shall have power to appoint an arbitrator or arbitrators as the case may be.

With respect to cost of ar-

24. If a larger amount of compensation shall be awarded than was assessed by the Board it shall pay all the costs

of the reference if the same or a less sum shall be awarded the party disputing the assessment shall pay the costs such costs in every case to be subject to taxation if required by either party by the Registrar of the Supreme Court and if payable by the Board may be paid out of any rates levied under this Act if payable by the other party may be deducted by the Board out of the amount of compensation if any awarded by the referees or may be recovered by legal process summons or otherwise according to the amount.

25. When any land required by the Board shall be owned by a person having only a partial or qualified interest in the freehold or by a married woman infant idiot lunatic or by a trustee or other person without power to sell the amount to be paid for such land shall be settled by arbitration as hereinbefore provided and the person entitled to receive the rents the guardian committee or trustee as the case may be shall be the party entitled to appoint referees and conduct the reference and the purchase money or compensation to be paid for any land taken from any such party shall be deposited in the Treasury of the Province and on the petition of any person interested therein be applied or paid as the Supreme Court at Wellington may direct the cost in all such cases shall be paid by the Board.

26. When any land shall be required for the purposes aforesaid the owner whereof shall not be resident in the Province the Board shall advertise their intention of taking such land twice in some newspaper published within the Province calling on any agents of such owner to appear and act in the matter and if no agent shall appear within one week after the second insertion of such advertisement the Superintendent may appoint some person to act as such agent for the purpose of determining the compensation to be paid to such owner and his acquiescence or reference to arbitration shall bind the owner the amount agreed upon or decided by arbitrators less the reasonable costs of such agent shall be paid into the Provincial Treasury to the credit of the owner of such land who shall be entitled to receive the same with interest on demand.

27. Before commencing the works of any such highways as aforesaid the Board shall lay before the Superintendent

bitration by whom payable.

In case the owner of such land be a married woman infant, &c., who to appoint arbitrators.

In case owner of land not resident in Province the Superintendent to appoint an agent to act for him.

Before commencing work

Board to satisfy Superintendent that there is no opposition thereto.

a statement of all objections or suggestions which may have been made to them as aforesaid and shall satisfy him that the several persons on or over whose land it is proposed to construct the same have consented to the direction of any proposed new line of road and have either acquiesced in the assessment of compensation made by the Board or have had the amount thereof settled by arbitration under the provisions hereinbefore contained and thereupon the Superintendent may in writing authorise the Board to construct the intended works and they may enter upon the lands proposed to be taken by them and lay off the site of such works after which the said lands shall become a public highway and vest in the Board for the purposes of this Act.

Right of road reservation under Crown Grant.

28. When a right of making roads shall have been reserved without the lines of roads having been defined and laid down by the Crown in the grant of the land through which any road shall be made such reservation shall apply to one principal road and one cross road and no more.

Reserved roads manner in which Superintendent or Board are empowered to deal with them.

29. When any road shall have been or shall be reserved by the New Zealand Company the Crown or the Provincial Government over any lands held under a Crown Grant and not included within the limits of any proclaimed road district it shall be lawful for the Superintendent by writing to authorise the owner of the land over which the same shall pass to occupy and use such road for pastoral purposes only as if it were part of the land belonging to such person—and to erect gates across such road whereon the same may be crossed by any fence provided that such gates be so hung and fastened that any traveller on horseback can conveniently open and shut the same without dismounting the Board shall also have the power of erecting gates across any road within the limits of any proclaimed district subject to such special regulations as they may find suitable to the state of the traffic.

All right to lay off new roads in established road districts to cease under

30. Whenever the Board of any district which shall have been proclaimed a road district under this or any former Act for a period of eight years shall have passed a resolution to the effect that no additional lines of road are required within the district beyond those already laid off

surveyed and proclaimed as hereinafter provided for all right to lay off any new lines of road within the district that may have been created in consequence of certain allowances in land given for roads under any land regulations shall cease and determine provided that a copy of such resolutions shall have been first submitted to and approved by a majority of the ratepayers at a meeting especially convened for the purpose and another copy thereof so approved and signed by the chairman of the Board shall have been forwarded to the Provincial Secretary for publication in the *Government Gazette* provided further that a period of six months shall elapse after the said publication in the *Government Gazette* before this clause shall take effect in order that the Government may have notice to provide if necessary access through such proclaimed districts to any back country and in order that the situation and direction of all existing roads may be better ascertained and determined it shall be the duty of the Board to have all the roads under their management within the district accurately surveyed with a plan thereof lodged in the Crown Lands Office.

certain provisions.

31. Should any such plan not be found sufficiently accurate by any Government surveyor appointed to examine the same the Crown Lands Commissioner may order the Board to have a more accurate survey made.

Power to Crown Lands Commissioner to order accurate surveys.

32. Should the Board neglect or delay to perform this duty the Superintendent may withhold any contribution of money in aid of any such Board until a proper survey shall have been made and lodged so soon as convenient after such survey plans have been lodged as above directed the Superintendent shall issue a Proclamation in the *Government Gazette* proclaiming all such roads to be public highways.

If order neglected by Board Superintendent how to act.

33. Before any owner or occupier of land abutting on such proclaimed road shall proceed to fence he shall give one month's notice in writing of his intention to the Board.

Notice of intention to fence to be given.

34. Whenever for any of the purposes of this Act any fencing shall be interfered with whether temporarily or permanently the land protected by such fencing shall be

Board to replace fencing.

as securely protected by fencing to be made by and at the expense of the Board as it was before.

Board to fence
both sides of
new road.

35. When any new road shall be constructed through any lands previously inclosed by a substantial fence as required by the fencing Act the Board before opening the same to the public shall fence with a good and substantial fence both sides of such road so far as it shall run upon such fenced lands.

Power to
Board to enter
on land for
materials for
repairing road.

36. The Board may enter upon any land near to any highway in course of construction or repair (not being a garden orchard yard or ornamental pleasure ground) and use the same as a temporary road and also may in such land seek for take and carry away any materials required for repair of such highway and also therein may construct any drains or necessary works in connection therewith provided that when such land shall be occupied but not otherwise the Board shall at least one week before so doing serve upon the owner of such land or his agent or the occupier thereof notice of their intention so to do and shall when such materials have been taken fill up or securely fence off all holes pits or cuttings and efface as nearly as may be all irregularities and damage done by using such temporary road or by taking such materials and shall pay to the owner or his agent or the occupier (according to the character of the damage) the value of the materials taken and injury done to the premises as may be agreed upon between them or if they cannot agree then as may be awarded by arbitration in like manner as hereinbefore provided in case of land taken for a new highway and provided also that the Board shall not in seeking for or taking such materials divert or dam up the course of any stream or damage the banks thereof so as to cause it to overflow nor injure any building road or ford or take materials out of the bed of any stream within 150 feet of any bridge or river.

With respect
to dangerous
trees, Board
how to act.

37. If any tree growing on land adjoining any highway shall be injurious to the same by overhanging it shall be in the power of the Board to require the owner to lop all that portion of such tree so overhanging such highway if any tree growing on land adjoining any highway be

dangerous to passengers thereon or shall fall thereon from such land the Board may require the occupier of such land or the owner if it be unoccupied to remove the same within two days after notice in writing left at the usual place of abode of such occupier and if such tree shall not be removed accordingly the Board may remove the same at the cost of such occupier or owner to be summarily recovered.

38. It shall be lawful for the Board at any time to discontinue the whole or any part of any highway either as being unnecessary for the convenience of the public or because a better highway can be substituted and on giving three months notice of their intention so to do by posting and publishing in the *Government Gazette* (in the former case) and on giving such notice and opening such substituted road for public use (in the latter case) the original highway shall cease and the owner or owners of the land over or adjoining which the same may be may take possession of the same on paying to the Board such price as may be agreed upon between them or if they cannot agree as may be assessed by arbitration in like manner as in the case of a disputed assessment hereinbefore provided and a conveyance by the Chairman of the Board of Wardens shall vest the same in the purchaser free from incumbrance But in case the owner of the land adjoining shall decline to purchase such abandoned highway the Board may sell the same to any other person.

Power to Board to dis-
pose of disused
highways.

39. Any person convicted of the following acts and omissions shall be offences under this Act and all persons convicted thereof shall be liable to the penalties severally attached thereto.

Penalties for
certain acts
and omissions
under this
Act.

1. Wardens or their servants or any contractor or other person engaged in repairing road in use leaving stones or other things on such road at night or unprotected holes therein so as to endanger life or limbs penalty not exceeding Five pounds.

2. Any person obstructing or attempting to obstruct wardens or persons authorised by them in the performance of anything under this Act penalty not exceeding Forty shillings.

3. Any person wilfully damaging or destroying highway or any work connected therewith shall be liable to double the amount of the damage done to be recovered on information of the Board.

4. Suffering any horse ass mule cattle sheep goats or swine to be at large on any highway penalty to be computed according to the rates per head fixed in the schedule to the Impounding Act to be recovered on the information of the Board or any constable or the same may be impounded by the Board or any person authorised by it in writing.

Penalties, how
to be re-
covered.

40. All penalties imposed by this Act to be recovered summarily.

Auctioneer not
liable to
penalty.

41. The Sheriff or any other person effecting any sale by auction under this Act shall not be liable to a penalty although he may not be licensed as an auctioneer.

Short Title.

42. This Act shall come into operation from the passing hereof and may be referred to as the District Highways Act 1862.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twelfth day of June, in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this nineteenth day of June, one thousand eight hundred and sixty-two.

I. E. FEATHERSTON,
Superintendent.

SCHEDULE.

Under 100 acres	...	...	...	...	1 vote.
Above 100 acres and	}	...	...	...	2 votes.
Under 250 acres					
Above 250 acres and	}	...	...	...	3 votes.
Under 500 acres					
Above 500 acres	...	...	...	...	4 votes.

DISTRICT HIGHWAYS.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

SESSION X. No. 4.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Amount of rates to be fixed by voters.</p> <p>2. Voters may fix amount of rate for one two or three years.</p> | | <p>3. Proviso in clause 6 of Act, Sess. IX, No. 10, repealed and new proviso substituted.</p> <p>4. Power to Justice of Peace to convene meeting of voters.</p> |
|--|--|---|

Title. *An ACT to amend the District Highways Act, 1862.*

[Assented to May 26, 1863.]

Preamble.

WHEREAS in Session IX of the Provincial Council An Act (No. 10) was passed to amend and consolidate the Law relating to District Highways And it was by Clause 5 thereof enacted that any Justice of the Peace of any proclaimed district upon the requisition of any five such voters should (by notice posted and inserted four times at least in some newspaper published within or as near the district as might be) summon a meeting of voters for the district to be called "*The First Annual Meeting*" who having met at some convenient place within or near the district should in the first place elect a Chairman in the second place elect a Board of Wardens in the third place fix the amount of the rate to be levied severally for the construction repair and maintenance of the Highways of such district and in the fourth place should appoint two auditors of accounts provided that no member of the Board should be eligible to be an auditor and it was further enacted by Clause 6 of the said Act that at all meetings

held in pursuance of the said Act the Chairman should have an original and casting vote and every question shall be decided by a majority of votes every voter must be present in order to enable him to record his vote or votes and the number of votes to which each voter was entitled should be calculated according to the schedule of the said Act provided that no rate payer should be entitled to any vote unless his assessment should amount to the sum of Five shillings for the year.

And whereas it is expedient to amend the said Act.

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

1. The amount of the rate to be fixed by the voters at the meeting called under Clause 5 of the said recited Act shall be the maximum amount of the rate per acre to be levied and shall not exceed one shilling and six pence per acre for the construction of a road and nine-pence per acre for the repair and maintenance of a road for any one year. Amount of rates to be fixed by voters.
2. It shall be lawful for the voters at any annual or other meeting called for the purpose to fix the amount for the construction maintenance and repair severally of the roads in the district during the ensuing year or for the two or three ensuing years if they think fit so to do. Voters may fix amount of rate for one two or three years.
3. The proviso in clause 6 of the said recited Act that "no rate payer shall be entitled to vote unless his assessment shall amount to the sum of Five shillings" shall be and is hereby repealed and the following proviso substituted, viz Provided that no rate payer shall after the first annual meeting be entitled to vote unless his assessment in the previous year for one or both of such rates shall have amounted to the sum of Five shillings for the year. Proviso in Clause 6 of Act, Sess. IX, No. 10, repealed and new Proviso substituted.
4. It shall be lawful for any Justice of the Peace on the requisition of five voters of the district to convene a general meeting of the voters at some place within the district at which meeting the voters may in case no Board of Wardens shall have been legally elected or a valid rate Power to Justice of Peace to convene meeting of voters.

imposed at any annual or previous meeting elect a Board of Wardens or impose a rate and do and determine any other act matter or thing which may be necessary or expedient for the purpose of carrying out any of the provisions of this Act.

SCHEDULE.

Schedule.

Under 100 acres	1 vote
100 acres and upwards to 250 acres ...	2 votes
251 acres and upwards to 500 acres ...	3 votes
Above 500 acres	4 votes

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in
accordance with the Bill as passed
by the Council

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this
twentieth day of May, in the year
of our Lord one thousand eight
hundred and sixty three.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of
the Governor of New Zealand
on this twenty-sixth day of
May, one thousand eight
hundred and sixty-three.

ISAAC EARL FEATHERSTON,
Superintendent.

NOTE.—The following Proclamations have been issued having reference to these Acts and former Acts repealed thereby.

Date of Proclamation.	Date of Gazette.	Subject of Proclamation.
		1854.
June 1	June 9	Road Act, Sess. I, No. 21, brought into operation in Karori
"	"	Road Act, Sess. I, No. 21, brought into operation in portion of Harbor district, Kai Warra, Porirua and Kinapora
Nov. 10	Nov. 15	" " " "
" 13	" 24	in Ohariu
" 21	" 30	in Wanganui
		in Wai-nui-o-mata
		1855.
June 23	June 30	Enactments in Clauses 88 to 102 Roads Act, Sess. I, No. 21, brought into operation in the Hutt district
July 28	Aug. 2	Roads Act, Sess. I, No. 21, brought into operation on main road between Wellington and Pitone
"	"	Boundary of Karori district altered
Aug. 15	Sept. 1	Roads Act, Sess. I, No. 21, brought into operation in Western Hutt
Dec. 1	Dec. 1	" " " "
" 6	Dec. 13	" " " "
		in Waiwetu
		1856.
April 30	May 12	District West side of Wanganui River divided into Waitotara and Tunahaere districts
Aug. 11	Aug. 21	East side of Wanganui River divided into four districts under District Highways Act, Sess. III, No. 4
Nov. 3	Nov. 3	Upper Waiwetu district formed under Sess. III, No. 4
		1857.
Jan. 15	Jan. 30	Boundary of Wai-nui-o-mata district altered
Mar. 14	Mar. 20	District at the Hutt formed under Sess. III, No. 4

June 26	July 9	Sess. III, No. 4, applied to portions of North Western and North Eastern Roads under Main Roads Act, Sess. III, No. 9
Nov. 14	Dec. 8	Boundries of Wai-nui-o-mata district altered
"	"	Hutt Road district No. 6, formed under Sess. III, No. 4 1858.
April 29	May 7	Sess. III, No. 4, brought into operation in part of Hutt Valley 1859.
Feb. 3	Feb. 17	South Makara district formed under Sess. III, No. 4
Aug. 16	Aug. 18	Section 13, Hutt, to be included in Wai-nui-o-mata district
Sept. 28	Oct. 5	Ohariu district defined under Sess. III, No. 4 1860.
April 17	April 27	Pahautanui district defined under Sess. III, No. 4
May 22	May 31	Portion of the Hutt " " "
June 1	June 7	North Makara " " "
July 12	July 16	Boundary of North Makara altered
Dec. 7	Dec. 8	Portion of Rangitikei and Turakina constituted a district under Sess. III, No. 4
" 12	" 14	South Karori district " " " 1861.
June 11	June 19	Karori district established under Sess. III, No. 4
July 31	Aug. 28	Horikiwi Road " " " " 1862.
Feb. 28	Mar. 3	Brunswick Road district established under Sess. III, No. 4
"	" 4	Masterton " " " "
Sept. 10	Oct. 11	Western Hutt district enlarged
Oct. 30	Nov. 15	Upper Rangitikei district established under Sess. IX, No. 10
Nov. 22	" 29	Horokiwi Road district enlarged 1863.
Mar. 9	Mar. 13	Sess. IX, No. 10, extended to road between Wanganui and Waitotara
June 22	June 27	Turakina Valley Road district established under Sess. IX, No. 10
Oct. 7	Oct. 9	Alteration of boundaries in Upper Rangitikei and Kahauraponga districts
" 14	Oct. 22	Extension of Ohariu and Horokiwi Road districts

		1864.	
Jan. 13	Jan. 18	Featherston district established under Sess. IX, No. 10	
"	" 26	Mungaroa " " " " "	
" 25	Feb. 8	Lower Rangitikei " " " "	
Feb. 26	" 29	Turakina Valley district boundaries altered	
"	Mar. 1	Carterton district established under Sess. IX, No. 10	
June 30	July 5	Kai warra Road district " " "	
Nov. 8	Nov. 14	Upper Waiwetu district " " "	
" 17	" 18	Tukapu Road district " " "	
" "	Dec. 10	Lower Waiwetu Road District " "	

DOG NUISANCE.

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

SESSION IV., No. 18.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none">1. Repeal of Dog Nuisance Ordinance of late Province of New Munster.2. Every owner of a dog to register the same in a certain book: such book open on payment to inspection.3. Registration Fees4. Government to provide collars for dogs—description of collar—payment for the same—description of dog to be registered. | <ol style="list-style-type: none">5. Penalty for removing collar without leave of owner, or effacing number therefrom.6. Power to destroy unregistered dogs in streets—and by any person if found trespassing on his premises.7. In case of injury done by a dog—what proof the Plaintiff not required to furnish—what evidence on the part of defendant shall go in mitigation of damages.8. Interpretation of term "owner." |
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An ACT to repeal an Ordinance of the Legislative Council of New Munster intituled "An Ordinance to abate the Dog Nuisance," and make other provisions to abate such nuisance.

NOTE.—Repealed by Act Sess. X, No. 12.

DOG NUISANCE.

—
ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.
—

SESSION X. No. 12.
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ANALYSIS,

<p>Title. Preamble, 1. Former Act to be repealed. 2. Superintendent to appoint Registrars. 3. Owners of dogs to register. 4. Registration Fee to be paid. Numbered collar to be worn by dogs. 5. Particulars of registry. 6. Penalty for counterfeiting badge.</p>		<p>7. Penalty for non registering dogs 8. Dogs not having a badge to be deemed unregistered. 9. All dogs molesting stock may be destroyed. 10. Non-liability of plaintiff to prove owners knowledge of dogs propensity to commit injury. 11. Fees to whom to be paid. 12. Fees how recoverable. 13. Short Title.</p>
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An ACT to amend the existing Dog Nuisance Act. Title.

[Assented to May 26th, 1863.]

WHEREAS it is expedient to amend the law relating Preamble. to dogs.

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

1. The Act of the Provincial Council Session IV No. 18 Former Act to shall be repealed from the thirty-first day of the month of be repealed. December after the imposing of this Act and this Act shall come into operation on the first day of January 1864.

2. The Superintendent may appoint persons to be Superinten-

dent may ap- Registrars of dogs and assign to them respectively such
point Regis- districts as he may think fit.
trars.

Owners of 3. Every owner of a dog or dogs shall register his dog
dogs to regis- or dogs yearly with the Registrar of the dogs for the dis-
ter. trict in which he may reside and after the first registration
such registration shall be made in the month of January
in every succeeding year.

Registration 4. For the registration of every dog the sum of 5s. shall
Fee to be paid. be paid to the Registrar who shall supply to each owner a
Numbered register badge upon which the register number for the year
collar to be shall be stamped and which badge shall be attached to a
worn by dogs. collar to be worn upon the neck of the dog so registered
the register number to be determined by the Registrar of
dogs at the City of Wellington.

Particulars of 5. Every Registrar shall enter in a book to be kept for
registry. the purpose the name address and calling of the owner
the name and description of the dog so registered with
him the number of the badge and the date of registration
which book shall be open to inspection at each office during
the usual office hours on payment of a fee of sixpence.

Penalty for 6. If any person shall falsely make or counterfeit or
counterfeiting knowing the same to be false or counterfeit purchase
badge. use or have in his possession any badge resembling
the badge provided under the fourth clause of this Act he
shall forfeit and pay for every such offence a sum not ex-
ceeding Ten pounds nor less than Five pounds.

Penalty for 7. Any person owning maintaining or having charge of
non-register- a dog six months' old unregistered shall be liable to a
ing dogs. penalty of not exceeding Five pounds for every dog so
owned maintained or being in his charge.

Dogs not hav- 8. Any dog or dogs not having attached to a collar the
ing a badge badge for the current year shall be deemed unregistered
to be deemed and may be destroyed if found at large.
unregistered.

All dogs mo- 9. All registered or unregistered dogs wheresoever found
lestering stock molesting or worrying cattle sheep pigs or other live stock

whether such dogs at the time at which they may be so found shall be or shall not be in charge of any person may be destroyed.

10. In all cases where damages 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 shew that he had no reason to believe that his dog was likely to commit such injury and such evidence may go in mitigation of damages.

Non-liability of plaintiff to prove owners knowledge of dogs propensity to commit injury.

11. All fees accruing under this Act shall be paid to the Provincial Treasurer of the Province for the time being.

Fees to whom to be paid.

12. All fees fines and penalties levied under this Act shall be recoverable in a summary way.

Fees how recoverable.

13. This Act shall be intituled and may be cited as The Dog Nuisance Act.

Short Title.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twenty-sixth day of May, in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this twenty-sixth day of May, one thousand eight hundred and sixty-three.

I. E. FEATHERSTON,
Superintendent.

DRAINAGE.

—
ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

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SESSION X., No. 7.
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ANALYSIS.

Title.

Preamble.

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| <p>1. Short Title.</p> <p>2. Owner of land wishing to drain the same may apply for leave to adjoining owner to make drains on his land.</p> <p>3. Application to be by written notice.
Notices how to be served.
Particulars of notice.</p> <p>4. Adjoining owner may assent on certain terms and assent so given to be binding, subject to conditions herein named.</p> <p>5. Applicant to forward deed of assent to the Provincial Secretary.</p> <p>6. Dissent, what is to be considered such, and proceedings to be taken thereon.</p> <p>7. Result of decisions.</p> <p>8. Compensation how to be applied.</p> <p>9. Arbitrators how to be chosen.
Power of Arbitrators.</p> <p>10. Justices or Arbitrators to cause</p> | <p>map of scheme of Drainage to be prepared, and applicant to forward same to Provincial Secretary.</p> <p>11. Power to applicants to enter on land to clean &c., drains opened in pursuance of this Act.</p> <p>12. Owner of land through which drains are opened may fill up or divert the same on supplying other equally efficient.</p> <p>13. Penalty for wilful obstruction of or injury to drain.</p> <p>14. Applicant to bear all costs, charges, and expenses.</p> <p>15. Owners of lands benefitting by drains made in adjoining lands to be liable to contribute thereto.</p> <p>16. Parties contributing towards making of drains to have same powers of entering on lands for the purpose of cleansing the same as applicant.</p> <p>17. Who shall be liable to contribute under Clause 15.</p> |
|--|--|

Title.

An ACT to enable Land Owners to drain their lands.

[Assented to May 26, 1863.]

Preamble.

WHEREAS it is expedient to make some provision by which owners of land may be enabled to drain their properties :

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

1. This Act may be cited as the " Drainage Act 1863." Short Title.

2. Any person interested in land who is desirous to drain the same and who is hereinafter referred to as the applicant and in order thereto deems it necessary that new drains should be opened through lands belonging to another owner or that existing drains or natural water-courses in lands belonging to another owner should be cleansed widened straightened or otherwise improved may apply to such owner who is hereinafter referred to as the adjoining owner for leave to make such drains or improvements in drains through or on the lands of such owner.

Owner of land wishing to drain the same may apply for leave to adjoining owner to make drains on his land.

3. Any such application as aforesaid shall be by notice in writing under the hand of the applicant and shall be served on the adjoining owner and also on the occupier if the owner be not occupier,

Application to be by written notice.

By delivering the same personally on the party required to be served or if such party is absent from the Colony on his agent or

Notices how to be served.

By leaving the same at the usual or last known place of abode of such party as aforesaid or

By forwarding the same by post in a prepaid letter addressed to the usual or last known place of abode of such party or

In case the party required to be served is absent from the Colony and after diligent search no agent for him can be found or in case after diligent enquiry the owner of any land through which it is desired to make repair or improve any drains or improvement in drains cannot be ascertained such notice aforesaid may be fixed on some conspicuous part of such premises.

The notice shall state the nature of such drains or improvements of drains be accompanied by a map on which

Particulars of notice.

the length width and depth of the proposed drains or improvements in drains shall be delineated and shall further state the compensation if any which the applicant proposes to pay.

Adjoining owner may assent on certain terms, and assent so given to be binding, subject to conditions herein named.

4. The adjoining owner may by deed under his hand and seal assent to such application upon such terms and on payment of such compensation as he may require and any assent so given shall be binding on all parties having an estate or interest in the land subject to the following provisions:—

1. That any arrangement entered into by any adjoining owner under any disability or incapacity or not having power to assent to such application except under the provisions of this Act shall not be valid unless the same is approved by two of three referees one of whom is to be nominated by the applicant another by the adjoining owner and the third by the two so nominated such referees or two of them if they approve of the arrangements shall annex to the document containing the same a declaration to that effect subscribed by them.

2. That any compensation to be paid by the applicant to the adjoining owner in cases where such owner is under any disability or incapacity or has not power to assent to such application except under the provisions of this Act shall be paid to the Treasurer of the Province and be applied as the Supreme Court may direct the costs in all such cases being paid by the applicant.

3. That any occupier or person other than the owner interested in the lands shall be entitled to compensation for any injury he may sustain by the making of the proposed drains or improvements in drains so that the claim therefore be made within twelve months after the completion of such drains or improvements in drains the amount of such compensation to be determined in case of dispute in manner hereinafter provided.

Applicant to forward deed of assent to

5. The applicant shall forward to the Secretary of the Province the deed containing the assent of the adjoining owner to the proposed drains or improvements in drains

or the declaration of the referees who shall keep the same the Provincial in his office as a record of the proceedings between the Secretary. parties.

6. The adjoining owner shall be deemed to have dissented from the application made to him if he fail to express his assent thereto within one month after the service of the notice of application on him and in the event of such dissent there shall be decided by two or more Justices in Petty Sessions assembled on the application of either party unless the adjoining owner require the same within such period of one month to be decided by arbitration and in such case by the arbitrators the questions following that is to say—

Dissent, what is to be considered such, and proceedings to be taken thereon.

(1.) Whether the proposed drains or improvements in drains will cause any injury to the adjoining owner or to the occupier or other person interested in the lands.

(2.) Whether any injury that may be caused is or is not of a nature to admit of being fully compensated by money.

7. The result of any such decision shall be as follows that is to say—

Result of decisions.

(1.) If the decision is that no injury will be caused to the adjoining owner to the occupier or other parties interested in the lands the applicant may proceed forthwith to make the proposed drains or improvements in drains.

(2.) If the decision is that injury will be caused to the adjoining owner occupier or other parties interested in the lands but that such injury is of a nature to admit of being fully compensated by money the Justices or arbitrators shall proceed to assess such compensation and to apportion the same amongst the parties in their judgment entitled thereto and on payment of the sum so assessed the applicant may proceed to make the proposed drains or improvements in drains.

(3.) If the decision is that injury will be caused to the adjoining owner occupier or other parties interested in the

lands and that such injury is not of a nature to admit of being fully compensated by money the applicant shall not be entitled to make the proposed drains or improvements in drains.

Compensation
how to be ap-
plied.

8. When the compensation assessed by the Justices or arbitrators under the last preceding section is payable to any owner or other person who is under any disability or incapacity or is not entitled to receive the same for his own benefit such compensation shall be applied in the manner hereinbefore provided.

Arbitrators
how to be
chosen.

9. When the adjoining owner or occupier shall require an arbitration he shall in his notice requiring the same name a person as the arbitrator in his behalf and thereupon the matter shall be referred to the arbitrament of such person one other to be chosen by the owner and third by the two so chosen. And such arbitrators shall have power to call for and examine any documents relating to the land in question and to examine witnesses on oath to be administered by any one of them and the award of such arbitrators or any two of them being put in writing and signed shall be final and the same may be made a rule of the Supreme Court upon application by either party.

Power of Ar-
bitrators.

Justices or
Arbitrators to
cause map of
scheme of
drainage to be
prepared, and
applicant to
forward same
to Provincial
Secretary.

10. The justices or arbitrators as the case may be in the event of their approving of a scheme of drainage as proposed by the applicant or as modified by themselves shall at the expense of the applicant cause a map thereof to be prepared and shall certify under their hands the correctness of such map and it shall be the duty of applicant to forward the same to the Secretary of the Province who shall keep the same in his office as a record of the proceedings between the parties.

Power to Ap-
plicants to en-
ter on land to
clean, &c.,
drains opened
in pursuance
of this Act.

11. After drains have been opened or improvements in drains are made in pursuance of this Act it shall be lawful for the applicant his heirs and assigns for ever thereafter from time to time as it becomes necessary to enter upon the lands through which such drains have been opened or improvements made for the purpose of clearing out cleaning out scouring and otherwise maintaining the same in a due state of efficiency and if such drains or improvements in

drains are not kept so cleared out scoured and maintained in a due state of efficiency the owner or occupier for the time being of the lands through or on which such drains or improvements in drains are made may clear out scour and otherwise maintain the same in a due state of efficiency and recover the expenses incurred in such clearing out scouring or maintenance in a summary manner from the applicant his heirs or assigns.

12. The owner for the time being of the land through or in which any drain may be opened or improvements in drains made in pursuance of this Act may fill up divert or otherwise deal with such drains or improvements in drains on condition of first making and laying down in lieu thereof drains equally efficient and any dispute as to the efficiency of drains so laid down shall be decided by two or more Justices assembled in petty sessions.

Owner of land through which drains are opened may fill up or divert the same on supplying other equally efficient.

13. Any person who wilfully obstructs any person making any drains or improvements in drains in pursuance of this Act any person who wilfully dams up obstructs or in any way injures any drains or improvements in drains so opened or made shall for each offence incur a penalty not exceeding Ten pounds to be recovered in a summary manner.

Penalty for wilful obstruction of or injury to drain.

14. All costs charges and expenses reasonably incurred by the adjoining owner in respect of any application made in pursuance of this Act shall be defrayed by the applicant.

Applicant to bear all costs, charges, and expenses.

15. If the applicant shall prove to the satisfaction of any two Justices of the Peace in Petty Session that other lands than his own have derived or will derive benefit from the drains or improvement in drains made by him it shall be lawful for such Magistrates after the owner or persons whose lands have derived or will derive such benefit shall have been summoned and heard before them or in case of his neglecting to attend a summons for that purpose after proof of service of such summons to determine what sum if any such owner or person ought to pay towards the making of such drains or improvements in drains and order the same to be paid and within what time if time be required for payment and on what conditions if any.

Owners of lands benefiting by drains made in adjoining lands to be liable to contribute thereto.

Parties contributing towards making of drains to have the same powers of entering on lands for the purpose of cleansing the same as applicant.

Who shall be liable to contribute under Clause 15.

16. All persons contributing to the making of or improvements in drains shall have the same powers of entering upon the lands through or in which such drains or improvements in drains shall have been made for the purpose of cleansing and maintaining the same herein given to the applicant including also entry upon the applicants land.

17. The person liable to contribute under clause 15 of this Act to the making of or improvements in drains shall be the occupier of the land in respect of which contribution is sought if such occupier shall have an interest therein exceeding five years but if the occupier shall not have such an interest or if the land be unoccupied then the owner of such land shall be the person liable to contribute.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this nineteenth day of May in the year of our Lord One thousand eight hundred and sixty-three.

WILLIAM BEST.
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this twenty-sixth day of May, One thousand eight hundred and sixty-three.

I. E. FEATHERSTON,
Superintendent.

EDUCATION.

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

SESSION I. No. 14.

ANALYSIS.

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|---|---|---|
| <p>Title.
Preamble.</p> <p>1. Power to Superintendent to appoint an Education commission.</p> | } | <p>2. In case of death or removal of a Commissioner, Superintendent may appoint another in his stead.</p> |
|---|---|---|

An ACT to authorise the Superintendent to appoint a Commission to inquire into and consider what system of Education should be adopted for the Province.

NOTE.—Obsolete.

EDUCATION.

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

—

SESSION II. No. 6.

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ANALYSIS.

Title.

Preamble.

1. School districts to be proclaimed.
2. Qualification of voters.
3. First general meeting how to be convened.
4. Questions to be decided by majority of voters present.
5. Yearly general meeting to be held.
6. Adjournment and re-convening of meetings.
7. School Committee to be elected for the year.
8. Rate may be assessed.
9. To be an uniform sum per house.

10. Collector to be elected.

11. Rate how to be enforced.

12. A treasurer to be elected; his duties.

13. Rates how to be expended.

14. Schools to be open to all children on equal terms.

15. Religious instruction not to be given in such schools.

16. Schools to be inspected. Appointment of inspectors.

17. Power to Superintendent to contribute from any educational vote such sums as he may think fit in aid of such schools.

Title.

*An ACT to promote the establishment of Common Schools
in the Province of Wellington.*

[Assented to March 7, 1855.]

Preamble.

WHEREAS it is expedient to promote the general education of the colonists of this Province Be it enacted by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows :

School districts to be proclaimed.

1. That for the purposes of this Act it shall be lawful for the Superintendent by proclamation to divide the Pro-

vince into districts and from time to time to subdivide such districts and to re-unite any such subdivisions and also by proclamation to declare that this Act shall come into operation in any such district or sub-division at such time as he may appoint.

2. That every person residing within such district or subdivision qualified and registered as an elector of the Province shall be entitled to one vote in respect of all elections and other matters which may be determinable by vote under this Act. Qualification of Voters.

3. That any six such electors may by advertisement in some newspaper published in the Province and posted in some conspicuous place within the district or subdivision call a meeting of the electors thereof to be held within the same at some period not less than fourteen days after the publication and posting to make provision for the establishment and maintenance of common schools within such district or subdivision. First General Meeting how to be convened.

4. That at every meeting held under this Act a chairman shall be first elected and all questions shall be decided by the majority of voters present the chairman having an original and casting vote. Questions to be decided by majority of voters present.

5. That a general meeting of rate-payers shall be held in every year for the transaction of general business to be summoned by the committee hereinafter mentioned. Yearly General Meeting to be held.

6. That every general meeting held under this Act may be adjourned from time to time by the chairman on the vote of the majority present and may be re-convened by the chairman or by any three rate-payers in manner hereinbefore prescribed as often as necessary. Adjournment and re-convening of meetings.

7. That at the first and every yearly meeting a committee of not less than six and not more than twelve persons being rate-payers for the district or subdivision shall be elected to be the school committee for the year next ensuing for the management of any school or schools established under this Act within such district or subdivision the appointment and removal of teachers therein and all matters relating School Committee to be elected for the year.

thereto and the committee shall report to the next yearly general meeting one-fourth to be a quorum.

Rate may be assessed.

8. That it shall be lawful for the first and every yearly meeting to assess a rate for the ensuing year for the purposes of this Act.

To be a uniform sum per house.

9. That such rate shall be an uniform sum assessed upon every house within such district or subdivision not exceeding one pound per house for the year.

Collector to be elected.

10. That such meeting may elect such person as it shall think fit to be collector of the rate his election to be certified in writing by the chairman and reported to the Superintendent within fourteen days for insertion in the *Provincial Gazette*.

Rate how to be enforced.

11. That if any householder shall refuse or neglect for fourteen days after demand by the collector to pay the rate due from him the same may be recovered by the collector by summary proceeding.

A Treasurer to be elected, his duties.

12. That at the first and every yearly general meeting a treasurer shall be elected to whom all money collected under this Act shall be paid as soon as received and by whom all payments shall be made on an order of the school committee and not otherwise and his accounts shall be audited once a year by the committee and laid before the yearly general meeting.

Rates how to be expended.

13. That all rates levied under this Act shall be expended exclusively in maintaining schools within the district or subdivision within which such rates may be levied in the payment of teachers the purchase of books furniture and apparatus and other purposes directly connected therewith including the expenses of carrying this Act into operation

Schools to be open to all children on equal terms.

14. That all schools maintained wholly or in part by rates levied under this Act shall be open to all children resident within the district or subdivision on equal terms.

Religious instruction not

15. That no religious instruction shall be given in any school maintained wholly or in part under this Act and no

ministers of religion shall be allowed to teach in or otherwise directly interfere in the conduct or management of any such school unless as members of school committees elected under the provisions hereinbefore contained. to be given in such schools.

16. That all schools supported wholly or in part by such rates or receiving contribution from the Provincial Government shall be open at all times to inspection by some person appointed by the Superintendent who is hereby empowered from time to time to appoint and dismiss such inspectors and to frame such rules for their guidance as he may think proper. Schools to be inspected.
Appointment of Inspectors.

17. That it shall be lawful for the Superintendent with the advice of his Executive Council to contribute from any sum voted for educational purposes by the Provincial Council such sums of money as he may think fit in aid either of sums raised by rates under this Act or by voluntary contribution provided that the schools erected or maintained thereby be conducted in conformity with section 15 hereinbefore contained and provided also that nothing herein contained shall prevent the appropriation by the Superintendent of any sum of money voted by the Provincial Council towards procuring teachers for such schools or the purchase of books and furniture necessary for the same or other incidental expenses connected with education under the provisions of this Act. Power to Superintendent to contribute from any educational vote such sums as he may think fit in aid of such schools.

C. CLIFFORD,
Speaker.

Passed the Provincial Council this twentieth day of February in the year of our Lord one thousand eight hundred and fifty-five.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this seventh day of March, 1855.

I. E. FEATHERSTON,
Superintendent.

NOTE.—The following proclamations have appeared with reference to this Act.

Date of Proclamation.	Date of Gazette.	Subject of Proclamation.
June 23	June 30	1855. Act brought into operation in Wanganui.
June 13	June 24	1861. School district established at Greytown.
Jan. 4	Jan. 28	1863. School district established at Featherston.

EDUCATION AMENDMENT.

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

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SESSION IV. No. 3.

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ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <p>1. Power to School Committee to have the Bible taught in Schools.</p> <p>2. In Schools in which Bible instruction is given—Notice</p> | | <p>thereof to be posted at the door, &c.—children of parents objecting may be absent during such instruction.</p> <p>3. Ministers of Religion not to interfere in the conduct of any School.</p> |
|---|--|--|

An ACT to amend an Act of the Second Session of the Title.
Provincial Council intituled "An Act to promote the
Establishment of Common Schools in the Province of
Wellington."

[Assented to 28th February, 1857.]

WHEREAS by an Act passed in the Second Session of Preamble.
the Provincial Council intituled "An Act to promote
the Establishment of Common Schools in the Province of
Wellington" it was enacted that "no religious instruction
should be given in any school maintained wholly or in
part under the said Act" and whereas it is desirable to re-
lax such prohibition Be it enacted by the Superintendent
of the Province of Wellington with the advice and con-
sent of the Provincial Council thereof as follows :

1. That notwithstanding any thing in the said Act con-
tained the teacher or teachers in any such school if autho-
rized in writing by the Committee under the management
of which the same shall be may instruct the children in
such school in the Bible such version thereof being used
- Power to
School Com-
mittee to have
the Bible
taught in
Schools.

as the Committee shall direct but no notes comments or doctrinal or sectarian instruction thereon shall be given or used therewith.

In schools in which Bible instruction is given, notice thereof to be posted at the door, &c. Children of parents objecting may be absent during such instruction.

2. That in every school in which instruction shall be given in the Bible under the provision hereinbefore made notice thereof shall be posted in writing at the door of such school and some specific hour or hours either before commencing or after concluding secular instruction shall be fixed and notified in such notice during which only such instruction in the Bible shall be given—and during such hours any child or children whose father or in case of his death whose mother or other person having the care of such child shall give notice to the head teacher of such school of his or her desire to that effect shall be permitted to absent himself or herself from such School during the hour or hours when such instruction in the Bible shall be given.

Ministers of religion not to interfere in the conduct of any School.

3. Nothing in this Act contained shall be taken to authorise any minister of religion to teach in or otherwise interfere in the conduct of any school otherwise than prescribed by the said recited Act.

C. CLIFFORD,

Speaker.

Passed the Provincial Council this tenth day of February in the year of our Lord one thousand eight hundred and fifty-seven.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this twentieth day of February, one thousand eight hundred and fifty-seven.

I. E. FEATHERSTON,

Superintendent.

EDUCATIONAL RESERVES.

—
ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.
—

SESSION IX., No. 7.
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ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <p>1. Management of Land to vest in Superintendent and his Executive Council, and their Powers defined.</p> | | <p>2. Proceeds, how to be applied.</p> <p>3. Superintendent and Executive to render accounts.</p> <p>4. Public Auditor to examine accounts.</p> |
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An ACT to provide for the Management of the Educational Reserves. Title.

[Assented to 10th June, 1862.]

WHEREAS certain parcels of land have been and may hereafter be set apart for Educational purposes and it is expedient to provide for the management thereof.

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

1. The management of the several parcels of land in the Province which have been and may hereafter be set apart for Educational purposes shall be vested in the Superintendent and his Executive Council who shall have power and authority to do all such things as may be advisable for the protection thereof and shall also have power to lease and execute lease of the same or any of them for any term of years not exceeding twenty-one years on such conditions as to them may appear fit Provided such leasing shall be by public advertisement and public tender.
- Management of Land to vest in Superintendent and his Executive Council, and their powers defined.

Proceeds how
to be applied.

2. The proceeds after deducting the expenses of management from such lands and the leasing thereof shall be applied towards Educational purposes within the Province subject however to the annual appropriation of the Provincial Council for such purposes.

Superinten-
dent and Ex-
ecutive to ren-
der accounts.

3. In the month of January in every year the Superintendent and his Executive shall render to the Auditor of Public Accounts for the Province an account of all moneys received by them under the authority of this Act or otherwise howsoever and of the application of all such moneys with the vouchers thereof respectively for the year ending the 31st day of December previous.

Public Auditor
to examine ac-
counts.

4. The Auditor of Public Accounts of the Province shall examine such accounts and the same when so examined shall be published in the *Gazette*.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twenty-ninth day of May, in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this tenth day of June, one thousand eight hundred and sixty-two.

ISAAC EARL FEATHERSTON,
Superintendent.

EMPOWERING.

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

SESSION I. No. 4.

ANALYSIS.

Title.	|	New Munster to be vested in
Preamble.		and exercised by Superinten-
Clause.		dent so far as relates to Pro-
Powers, &c., vested in and exer-		vince of Wellington.
cised by Governor or Lieut.-	|	Ordinances excepted from opera-
Governor of late Province of		tion of this Act.

An ACT to vest in the Superintendent of the Province cer- Title.
tain Powers heretofore vested in the Governor and
Lieutenant Governor of New Munster.

[Assented to 9th day of January, 1854.]

WHEREAS under an Act of the Imperial Parliament Preamble.
passed in the session of the 15th and 16th years of
the reign of her Majesty intituled "An Act to grant a
Representative Constitution to the Colony of New Zea-
land" 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 respec-
tively have thereby been superseded.

And whereas it is expedient that all the powers and
authority heretofore by any Ordinance of the Legislative
Council of New Zealand or of the Provincial Council of
New Munster vested in the Governor or Lieutenant-Gover-
nor of the late Province of New Munster or in him and his

Executive Council should so far as the same relate to the said Province of Wellington be vested in and exercised by the Superintendent thereof and in him and by him and his Executive Council respectively except as hereinafter excepted.

Powers, &c., vested in and exercised by Governor or Lt.-Governor of late Province of New Munster, to be vested in and exercised by Superintendent, so far as relates to Province of Wellington.

Be it therefore enacted by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof:—That all powers and authority which by any Ordinance of the Legislative Council of New Zealand or of the Provincial Council of New Munster were heretofore vested in the Governor or 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 and done by him or with his sanction and approval or by him and his Executive Council shall and may within and so far as the same may relate to the Province of Wellington be vested in and exercised issued and done by the Superintendent of the Province of Wellington 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 or 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 except the Powers Proclamations Acts matters and things which were vested in and required to be issued and done by him or in and by him and his Executive Council and under the following Ordinances and parts of Ordinances of the Legislative Council of New Zealand.

(That is to say)

The Sessions of the Peace Ordinance, Session VII., No. 20.

The Jury Amendment Ordinance, Session III., No. 11.

The Customs Amendment Ordinance, Session VII., No. 6.

The Militia Ordinance, Session V., No. 1.

The Arms Importation Ordinance, Session VI., No. 1.

The Native Land Purchase Ordinance, Session VII., No. 19.

The Crown Lands Amendment and Extension Ordinance,
Session XI., No. 10.

Such part of the Harbor Regulations Ordinance, Session II.
No. 15, as relates to regulating the amount and payment
of pilotage and the class of vessels which shall be bound
to take pilots.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this sixth
day of January, in the year of our
Lord one thousand eight hundred and
fifty-four.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of
the Governor of New Zealand
this ninth day of January, 1854

I. E. FEATHERSTON,
Superintendent.

NOTE.—Some of the Powers hereby given to the Superintendent are interferred with and controlled by various Acts of the General Assembly.

ENGLISH AGENT.

—
ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

—
SESSION X, No. 9.

—
ANALYSIS.

Title.	|	2. Amount of annual hono-
Preamble.		rium to be paid.
1. Appointment of Agent.		

Title. *An ACT to appoint John Morrison, Esq., of Adelaide Place, King Wilham Street, in the City of London, to be Agent for the Province of Wellington.*

[Assented to May 23, 1863.]

Preamble. **W**HEREAS it is expedient to appoint an Agent to represent in England the interests of the Province of Wellington:

Appointment of Agent. 1. Be it therefore enacted by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof that John Morrison Esquire of Adelaide Place King William Street in the City of London shall be and is hereby appointed to be Agent for the Province of Wellington for the period of three years from the passing hereof.

Amount of annual honorarium to be paid. 2. That the annual honorarium to be paid to the said John Morrison Esquire shall be at and after the rate of One Hundred pounds sterling.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this nineteenth day of May in the year of Our Lord one thousand eight hundred and sixty-three.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this twenty-third day of May, one thousand eight hundred and sixty-three.

I. E. FEATHERSTON,
Superintendent.

ELECTORAL DISTRICT.

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

SESSION IV. No. 5.

ANALYSIS.

- | | | |
|----------------------------------|--------------------|-----------------------------------|
| Title. | \| | 3. Boundaries of the Ahuriri Dis- |
| Preamble. | | trict. |
| 1. Division of the Wairarapa and | | 4. Number of Members for each |
| Hawke's Bay. | | District. |
| 2. Boundaries of the Wairarapa | | 5. Returning Officer to make out |
| District. | an Electoral Roll. | |

*An ACT to alter the Electoral District of the Wairarapa
and Hawkes Bay.*

NOTE.—Obsolete.

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.

Secretary.

4. There shall be a Secretary for the Province who shall keep a record of and attest all official Acts and proceedings of the Superintendent.

Solicitor.

5. There shall be a Solicitor for the Province who shall be the legal adviser of the Superintendent.

Treasurer.

6. There shall be a Treasurer for the Province who shall receive and pay all monies payable for the uses and on behalf of the Province.

7. No public money shall be paid by the Treasurer unless the warrant for the payment thereof shall have been signed by the Superintendent and registered in the Secretary's Office.

8. 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.

9. The Treasurer shall not during his continuance in office engage in any business trade or commerce nor act as a Broker nor as Agent or Factor for any Merchant or Trader.

*10. The office of Treasurer may be held by the Secretary for the Province until the Superintendent shall see fit to order otherwise.

Executive
Council.

11. There shall be an Executive Council.

* This Clause is repealed by Act Sess. VI, No. 2.

12. The Secretary Solicitor and Treasurer of the Province shall be members of such Executive Council.

*13. The Superintendent may also appoint any other person or persons not exceeding two to be members of such Executive Council.

14. The Secretary Solicitor Treasurer and other members of the Executive Council shall be appointed by and hold office during the pleasure of the Superintendent. Appointment of Secretary, &c.

15. The offices of Secretary Solicitor and Treasurer for the Province shall upon the election or re-election of every Superintendent *ipso facto* become vacant. To become vacant, when Superintendent become vacant.

16. The Superintendent shall from time to time by and with the consent of the Executive Council as aforesaid constitute all such other offices as he shall deem expedient for carrying on the business and affairs of the Province and fill up the same and also all existing offices whenever a vacancy shall occur therein with fit and proper persons 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 may establish offices.

17. 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. And prescribe rules, &c.

18. If any person (other than the Secretary Solicitor and Treasurer of the Province or other members of the Executive Council) shall deem himself aggrieved by his suspension or removal from office he may present a Petition to the Executive Council shewing that he has been suspended or removed from office without just or sufficient cause and praying for an investigation into the ground or charge on which he may have been suspended or removed. Officer discharged may appeal.

19. This Act shall come into operation from and after the passing thereof and may be amended during the present Session. Commencement of Act.

*Sec Clause 3 "Executive Government Amendment, Sess. VI, No. 2."

EXECUTIVE GOVERNMENT AMENDMENT.

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

SESSION VI. No. 2.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Clause 10 of Executive Act repealed.</p> | | <p>2. Provincial Secretary may be Treasurer.</p> <p>3. Superintendent may appoint certain persons to Executive Council.</p> |
|--|--|---|

Title. *An ACT to amend the Executive Government Act, Session I, No. 1. so as to authorise the offices of Treasurer and Secretary to be held by one person*

[Assented to 21st April, 1858.]

Preamble. **W**HEREAS it is expedient that provisions should be made whereby it shall be lawful for the Superintendent to appoint one and the same person to both the offices of Treasurer and Secretary.

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

Clause 10 of Executive Act repealed. 1. Clause 10 of the "Executive Act" Sess. I No. 1 is hereby repealed.

Provincial Secretary may be Treasurer, 2. The office of Treasurer may be held by the Secretary for the Province.

Superinten- 3. Whenever the office of Treasurer shall be held by

the Secretary for the Province it shall be lawful for the Superintendent to appoint any person or persons other than the Secretary Treasurer and Solicitor not exceeding three to be members of the Executive Council. dent may appoint certain persons to Executive Council.

ALFRED LUDLAM,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

EDWARD TOOMATH,
Chairman of Committees.

Passed the Provincial Council this twentieth day of April, in the year of our Lord one thousand eight hundred and fifty-eight.

ROBERT PORTER WELCH,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand, this twenty-first day of April, one thousand eight hundred and fifty-eight.

I. E. FEATHERSTON,
Superintendent.

FENCING.

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

SESSION I. No. 13.

ANALYSIS.

Title.

Preamble.

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Superintendent to delare the limits of any town or district and proclaim the operation of this Act within the same. 2. Upon publication of such proclamation in any town or district, this Act to repeal Fencing Ordinance, Session VIII, No. 8. 3. In respect of dividing fences erected before the passing of this Act, how a person to be considered as availing himself of a dividing fence. 4. A person erecting a sufficient dividing fence, owner of adjoining land to be liable for half the value of such part as shall serve as a dividing fence between their respective lands. 5. Owner of any land not having a sufficient dividing fence between it and adjoining land, may require owner of such land to assist in making the same. In case of refusal or neglect of owner so called upon, power to owner requiring fence to complete the same. Liability of owner so refusing or neglecting. | <ol style="list-style-type: none"> 6. Power to person erecting a dividing fence between his land and Crown land, to claim from person to whom such land may hereafter be granted or leased for a term exceeding three years certain, half the value of such dividing fence. 7. In the case of repairs of dividing fence, the owners of the land on either side to be liable to the costs in equal proportions. 8. Either owner may give notice respecting such repairs, and on neglect or refusal of the other, may complete the same. Liability of owner so refusing or neglecting. 9. In what consists a sufficient fence. 10. In the case of an owner of any land who shall have erected, or shall be desirous of erecting a dividing fence, but who cannot ascertain who is the owner of adjoining land, or when such owner shall be absent from the Province, how to proceed. 11. With reference to the amount recoverable under this Act. 12. In all cases of disputes and differences, such to be deter- |
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NOTE.—See Act Sess. II, No. 2, “Wanganui Barracks.”

- mined by arbitration, &c.
13. All sums how recoverable under this Act.
 14. In case it shall be impossible, by distress, to obtain payment of amount awarded by reason of property being unoccupied. how to proceed at any period within eighteen months from the date of such award.
 15. Such amount, or any part thereof remaining unpaid at the expiration of eighteen months, with legal interest thereon, to be leviable by sale of a sufficient portion of land.
 16. With respect to conveyance of the land so sold.
 17. Penalties, how recoverable, and to whom payable.
 18. This Act not to apply to any aboriginal native, except to such extent as the Superintendent may declare.

FOR DETERMINING WHO IS THE PROPER PERSON TO CONTRIBUTE TOWARDS THE EXPENSE OF MAKING OR REPAIRING ANY FENCE.

19. In the case of an occupier of land not having a greater interest than two years, the owner of the freehold to be the party liable to contribute

- towards the expense of making the dividing fence.
20. Proviso with respect to an occupier having a right of purchase within the term of two years, and the owner of the freehold having within such term contributed towards the expense of making such dividing fence; such contribution, on completion of the purchase, to be repaid by the occupier to the owner.
 21. A tenant whose interest exceeds two years, to be the party liable to contribute towards the making of a fence.
 22. The beneficial occupier for any period to be the party liable to contribute towards the repairing of any fence.
 23. Proviso with respect to any agreement relating to fencing now existing between any landlord and tenant.
 24. Interpretation of the term "scrub." Scrub fence or shed not to be erected in any town.
 25. Penalty for so doing.
 26. If erected, penalty for not removing the same within certain time.
 27. Interpretation of the word "owner." Schedule.

An ACT to make further provisions relative to Fencing Title within Districts of the Province.

[Assented to February 1st, 1854.]

WHEREAS it is necessary to make further and other provisions relative to Fencing within the Province: Preamble.

1. Be it therefore enacted by His Honor the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows namely Superintendent to declare the limits of any town or district, and proclaim the operation of this Act with- in the same.

The Superintendent whenever it shall appear to him expedient so to do may by Proclamation declare that this

Act shall come into operation within any town or district of the Province and by the same proclamation declare the limits of such town or district.

Upon publication of such proclamation in any town or district, this Act to repeal Fencing Ordinance, Sess. 8, No. 8.

2. Upon publication of any such proclamation this Act shall come into operation within the town or district to be therein named and the Ordinance of the eighth Session of the Legislative Council of the Colony numbered (8) called the "Fencing Ordinance" shall within the same town or district cease to be operative.

In respect of dividing fences erected before the passing of this Act, how a person to be considered as availing himself of a dividing fence.

3. If any person shall before the passing of this Act have erected a sufficient fence dividing his land from the land adjoining thereto and the owner or occupier of the adjoining land shall avail himself of such fence or any part of it he shall be liable to pay the owner of the land by whom the dividing fence was erected or the then owner of the said land the half of the value of such dividing fence or such part of it as shall be available as a fence between their respective land. If any person shall use his land or permit it or any part of it to be used for the purpose of depasturing cattle or other animals thereon and shall not have erected a fence sufficient to protect the adjoining land from trespass by such cattle or other animals such person shall be considered as availing himself of the dividing fence and be liable to contribute to the erection and repair thereof accordingly.

A person erecting a sufficient dividing fence, owner of adjoining land to be liable for half the value of such part as shall serve as a dividing fence between their respective lands.

4. If any person after the passing of this Act and before the proclamation declaring it to be in operation in any town or district shall within such town or district have erected a sufficient fence dividing his land from the adjoining land, the owner of the land adjoining shall be liable to pay the owner of the land who shall have erected such fence half the value thereof or of such part of it as shall serve as a dividing fence between their respective land.

Owner of any land not having a sufficient dividing fence between it and adjoining land, may re-

5. The owner of land not having a sufficient dividing fence between it or any part of it and the adjoining land may by writing require the owner of such adjoining land (except such land as shall be held of the Crown by temporary occupation only) or his agent to assist in making any dividing fence between their respective lands in equal

proportions If the owner of such adjoining land or his agent shall refuse or neglect for fourteen days to assist in making or having commenced shall not use due diligence in completing such dividing fence after a requisition as aforesaid shall have been given to him or left for him at his usual or last known place of abode or shall not give to the owner who shall have made such requisition a sufficient excuse for not having complied therewith it shall be lawful for the owner who shall have given or left such requisition and who shall have made or erected his share of such dividing fence to complete or contract with any person to complete the other portion of it The owner who shall have neglected or refused or whose agent shall have neglected or refused to assist in making or completing such dividing fence shall be liable to pay to the owner of the land who shall have completed the same half of the cost of erecting or making the whole dividing fence.

6. If any person shall heretofore have erected or shall hereafter erect a sufficient fence dividing his land or any part of it from any adjoining land which shall not have been duly granted by the Crown or otherwise be held as private property such person shall be authorised to claim and recover from the person to whom such adjoining land may hereafter be granted or leased for any term exceeding three years certain half the value of the said fence or of such part of it as shall divide their respective lands.

7. When any dividing fence which shall have been or shall be erected shall be out of repair or become insufficient the owners of the land on either side thereof shall be liable to the cost of repairing such fence in equal proportions.

8. Either owner may give notice in writing to the other or his agent to assist in repairing such fence and on neglect or refusal of such lastly mentioned owner or his agent so to do for the space of seven days the owner who shall have given such notice may cause the same to be repaired and made a sufficient fence and shall be entitled to recover from the other owner half the costs thereof Provided however that if any fence or any portion thereof shall be destroyed by any accident fire falling of timber or otherwise the occupier of land on either side may imme-

quire owner of such land to assist in making the same. In case of refusal or neglect of owner so called upon Power to owner requiring fence to complete the same. Liability of owner so refusing or neglecting.

Power to persons erecting a dividing fence between his land and Crown land, to claim from person to whom such land may hereafter be granted or leased for a term exceeding three years certain half the value of such dividing fence.

In the case of repairs of dividing fence, the owners of the land on either side to be liable to the costs in equal proportions.

Either owner may give notice respecting such repairs, and on neglect or refusal of the other may complete the

same. Liability of owner so refusing or neglecting. diately repair the same without any notice and shall be reimbursed half the expense of so doing in manner herein provided.

In what consists a sufficient fence.

9. No fence shall be considered a sufficient fence unless it consist of morticed posts and three rails the top rail whereof shall be not less than four feet from the ground or shall if it be made in any other way be equal in efficiency to such a fence All rivers and streams of the width of one chain sha'l be deemed a sufficient fence for the purposes of this Act and of the Cattle Trespass and Impounding Ordinances.

In the case of an owner of any land who shall have erected, or shall be desirous of erecting a dividing fence, but who cannot ascertain who is the owner of adjoining land, or when such owner shall be absent from the Province, how to proceed.

10. When the owner of any land who shall have erected or shall be desirous of erecting a fence dividing his own from the adjoining land cannot after due inquiry ascertain who is the owner of such adjoining land or when the owner of any adjoining land shall be absent from the Province or when such owner or his agent cannot be found the insertion in a newspaper published in the district in which such land is situate and if no newspaper be published in such district then in a newspaper published in the City of Wellington of a notice addressed to the owner of such adjoining land requiring him to make or assist in making such fence shall be a sufficient requisition or notice for the purposes of this Act and the owner giving the same may proceed to erect or complete such fence and be entitled to recover half of the value of making completing or repairing the same fence or any portion thereof in like manner as if such requisition as aforesaid had been given to and received by the owner of such adjoining land Such insertion shall be made for four successive weeks if the newspaper be published weekly for two successive numbers if published once in every fourteen days In case the district newspaper be published at longer intervals than fourteen days the notice shall be inserted for four successive weeks in a newspaper published in Wellington No such notice or insertion shall be necessary where assistance or contribution towards repairing any fence shall be required.

With reference to the amount recoverable under this Act.

11. The amount to be recovered under this Act for either making or repairing any fence shall in no case exceed a sum equal to the half of a fair contract price for erecting a post and three rail fence.

12. In order to avoid the cost and inconvenience of summoning witnesses to a distant court in all cases where there shall be natural boundaries and disputes or differences shall arise as to the sufficiency thereof for the purpose of fences or when any dispute or difference shall arise as to the amount of costs to be paid for completing or repairing any fence or of the value of or of the sufficiency of any fence for the purpose of recovering contribution towards the making or erecting thereof or any part thereof such differences shall be referred to and determined by the arbitration of two persons one of whom shall be named by each party in difference and in case such arbitrators shall not agree upon the matter referred to them within one month it shall be referred to an umpire to be named by such arbitrators previously to entering upon the reference and the decision of such two arbitrators or their umpire shall be final and binding upon the parties in difference. The arbitrators or umpire as the case may be shall also have power to award by whom and in what proportions the costs of the reference shall be borne. If either of the parties in difference shall neglect or refuse for the space of one month after notice in writing shall have been given to him or left for him at his usual or last known place of abode to name an arbitrator it shall be lawful for the arbitrator named by the party giving or leaving such notice to make an award upon his own judgment and such award shall be as conclusive as if the party refusing or neglecting had named an arbitrator who had joined and concurred therein.

In all cases of disputes or differences, such to be determined by arbitration, &c.

13. All sums recoverable under this Act shall be recovered by summary proceeding whether the amount be under or over the sum of twenty pounds. The Resident Magistrate or Justices of the Peace who shall hear any complaint under this Act may direct the payment of the amount awarded to be made either altogether or by instalment as to him or them under the circumstances of the case and the pecuniary condition of the parties may seem meet.

All sums how recoverable under this Act.

*14. In case it shall be impossible by distress to levy or

In case it shall be impossible by distress, to obtain payment of amount awarded

*This and the two succeeding clauses are controlled by the Act of General Assembly "Sales for non-payment of Rates Act, No. 35, 1862," for which see Appendix.

ded by reason of property being unoccupied, how to proceed at any period within eighteen months from the date of such award.

obtain payment of the amount awarded by reason of the property being unoccupied or otherwise the amount may at any subsequent period within eighteen months from the date of such amount or any part thereof being awarded be leviable upon any goods of the owner which may be found upon such property.

Such amount or any part thereof, remaining unpaid at the expiration of eighteen months, with legal interest thereon, to be leviable by sale of a sufficient portion of land.

*15. In case any part of the amount to be recovered shall remain unpaid for the space of eighteen months the amount due together with legal interest thereon from the time at which such amount shall have been awarded and all expenses incurred and to be incurred in recovering the same shall be leviable by sale of a sufficient portion of the land against the owner or in respect of which such amount shall have been awarded and such sufficient portion shall be set out by the Resident Magistrate or any two Justices of the Peace having jurisdiction within the district upon requisition to be made to him or them by the party entitled to receive the amount to be recovered. Such land shall be sold by the Resident Magistrate having jurisdiction in the district by public auction and shall be put up at a sum not less than the upset price of Government land in the neighbourhood.

With respect to conveyance of the land so sold.

† 16. A conveyance of the land so sold in the form hereto annexed signed by the Resident Magistrate or any two such Justices of the Peace as aforesaid shall vest the absolute property in such land in the purchaser free from all incumbrances whatever.

Penalties how recoverable, and to whom payable.

17. All penalties enforced by this Act shall be recovered by summary proceedings and shall be paid to the Treasurer of the Province for the use of Her Majesty her heirs and successors for the public use of the Province.

This Act not to apply to any aboriginal native except to such extent as the Superintendent may declare.

18. This Act shall not apply to or affect any aboriginal native except in such districts and to such extent therein as the Superintendent may by proclamation from time to time declare.

* See note to preceding clause.

† See note to clause 14.

F 8 In the case of an occupier of land not having a greater interest than two years, the owner of the freehold to be the party liable to contribute towards the expense of making the dividing fence.

For determining who is the proper person to contribute towards the expense of making or repairing any Fence.

19. Where land shall not be in *bona fide* and beneficial occupation or where land shall be in *bona fide* and beneficial occupation but the occupier thereof shall not have a greater interest therein than for two years from the time when a contribution towards making any dividing fence shall be demanded the owner of the freehold shall be the party liable to contribute towards the expense of making any such fence as aforesaid.

Proviso with respect to an occupier having a right of purchase within the term of two years, and the owner of the freehold having within such term contributed towards the expense of making such dividing fence; such contribution on completion of the purchase to be repaid by the occupier to the owner.

20. Provided always That when an occupier shall have a right within such term of two years to purchase the land in his occupation and the owner of the freehold shall within such term be required to and shall contribute towards the expense of erecting any fence dividing such land from the adjoining land the costs which such owner may have so paid shall be repaid to him by the occupier on his completing the purchase in augmentation and part of the purchase.

A tenant whose interest exceeds two years to be the party liable to contribute towards the making of fence.

21. Where the land shall be in the *bona fide* and beneficial occupation of any person having an interest exceeding two years from the time at which such contribution toward making any fence shall be demanded such occupier shall be the party liable to pay the same.

The beneficial occupier for any period to be the party liable to contribute towards the repairing of any fence.

22. The beneficial occupier for any period shall be the party liable to contribute towards the repairs of any fence.

23. Provided always That nothing in this Act contained

Proviso with

respect to any agreement relating to fencing now existing between any landlord and tenant.

FENCING.

shall avoid or affect any covenant contract or agreement relative to fencing existing at the time of the passing of this Act between any landlord and tenant.

Interpretation of the term 'scrub.' Scrub fence or shed not to be erected in any town.

24. Throughout the enactments referring to fences constructed of hazardous material the term "Scrub" shall be deemed to include *manuka scrub branches or boughs of the manuka or other shrubs and all other material of a similarly hazardous description*. It shall not be lawful for any person to put up or construct either entirely or in part within the limits of any town any fence or shed of whatsoever description respectively of scrub all fences and sheds of whatsoever description respectively constructed either entirely or in part of scrub standing in any town in which this Act shall by proclamation be declared to come into operation shall within six months from the publication of such proclamation be taken down.

Penalty for so doing.

25. If any person shall after proclamation declaring that this Act shall come into operation in any town construct within the limits of such town any fence or shed of whatsoever description respectively either entirely or in part of scrub he shall forfeit the sum of not exceeding twenty pounds.

If erected penalty for not removing the same within certain time.

26. If any person having a scrub fence or shed as aforesaid upon land in his occupation within the limits of any town in which this Act shall be proclaimed to be in operation shall not within six months after publication of such proclamation take down such fence or shed he shall pay a penalty of one pound per day for every day during which such fence or shed or any part of it shall remain standing.

Interpretation of the word 'owner.'

27. In the construction of this Act the word "owner" shall be taken to include the tenant in fee-simple a tenant in tail a tenant for life and a tenant for any term of years not being less than two years subject to the enactments referring to the persons liable to contribute to the making or repairing of fences.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this thirteenth day of January, in the year of our Lord one thousand eight hundred and fifty-four.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this first day of February, 1854.

I. E. FEATHERSTON,
Superintendent.

SCHEDULE.

Whereas a sum of _____ was in the month of _____ one thousand eight hundred and _____ by _____ adjudged to be paid to _____ by _____ towards the costs of a fence dividing their respective lands which said sum has not been paid : And whereas by virtue of the provisions of an Act of the Provincial Council, Sess. I, No. 13, the piece of land intended to be hereby conveyed, was duly set out by _____ and put up to sale by public auction by _____ at _____ on _____ at which sale _____ of _____ attended and having bid the sum of _____ pounds for the said piece of land became the purchaser thereof at that price :

Now know ye That in consideration of the sum of _____ pounds to me paid by the said _____ (the receipt whereof is hereby acknowledged), I, the said _____ Resident Magistrate for the district by virtue of the powers in that behalf vested in me by the said hereinbefore referred to Act of Council, do hereby convey and assure unto the said _____ and his heirs all that piece of land &c. _____ to hold the same land and premises to the said _____ and his heirs free from all claims charges and incumbrances whatsoever.

This Act has been brought into operation by proclamation as under.

Date of Proclamation.	Date of Gazette.	District affected.
		1854.
May 15		Porirua, Kai-warra, Ohariu, Horokiwi Road, Tukapu, Pahautanui, Karori, and Lower Hutt
Oct. 27	Nov. 1	Town of Wellington, Town and Districts of Wanganui
Nov. 18	„ 24	Ohiro and Town of Wellington
		1855.
Oct. 4	Oct. 17	Grey Town.
		1857.
Sept. 10	Sept. 28	Upper Hutt
	1858	
Dec. 26	Jan. 2	Rangitikei
		1858.
Feb. 18	Mar. 19	Greytown
	1860	
Dec. 31	Jan. 9	Featherston
		1859
Jan. 12	Feb. 6	Masterton
		1860.
Dec. 18	Dec. 22	Wai-nui-o-mata
		1862.
Jan. 30	Feb. 2	Turakina
		1863.
Feb. 26	Mar. 1	Carterton
Aug. 3	Aug. 9	Horokiwi Road
„	„ 10	North Makara
Sept. 13	Oct. 24	Tiraumea District
		1864.

FERRIES.

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

SESSION I., No. 8.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Power to establish ferries.</p> <p>2. To appoint and remove ferry Keepers.</p> <p>3. To grant ferry licenses.</p> <p>4. Superintendent, with Executive Council, to make rules and bye-laws, for regulation of ferries and of matters relating thereto.</p> <p>5. Such rules to be laid before Provincial Council.</p> <p>6. Superintendent with Executive Council to fix ferry dues.</p> <p>7. Ferry dues not demandable for the transit of certain persons, &c.</p> <p>8. Power to lease ferries.</p> <p>9. Lessee of ferry may appoint ferry keeper, &c., Lessee to be answerable for the conduct of his men.</p> | | <p>10. Mode of procedure on breach by lessee of conditions of lease.</p> <p>11. Table of dues, &c., to be erected; a light to be kept burning, &c.</p> <p>12. Penalty for neglect of ferry regulations, &c.</p> <p>13. In cases of the refusal of ferry dues, ferry keeper authorised how to act.</p> <p>14. Persons, not ferry keepers, nor connected with the ferries, hiring any vessel, and for payment conveying passengers, &c., within one mile of any ferry, subject to penalty of 40 shillings.</p> <p>15. Persons wilfully destroying or damaging ferry house, &c., guilty of a misdemeanour.</p> <p>16. Penalties on Persons damaging table of ferry dues, &c.</p> <p>17. Penalties how recoverable.</p> |
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An ACT to establish and regulate Ferries.

Title

[Assented to January 14, 1854.]

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

1. It shall be lawful for the Superintendent from time to time to establish ferries at such places within the Province as he may deem expedient and to cause such ferry houses punts scows or boats to be built as shall be deemed necessary for the purposes thereof.

Power to establish ferries.

To appoint and
remove ferry
keepers.

2. The Superintendent shall appoint ferry keepers to manage such ferries and receive the dues to be taken thereat and from time to time remove any ferry keeper and appoint another in his place.

To grant ferry
licenses.

3. The Superintendent may also grant to private persons licenses for the exclusive right of ferrying over any river or creek at any place or places thereon for such period not exceeding three years and upon such terms and conditions as to him may appear expedient.

Superinten-
dent with Exe-
cutive Council
to make rules
and bye-laws
for regulation
of ferries and
of matters re-
lating thereto.

4. The Superintendent with the advice of his Executive Council shall from time to time make and ordain such rules orders and bye-laws for the management and regulation of ferries now and hereafter to be established within the Province and for the ordering and governing of all persons resorting thereto in all matters which may concern or relate to such ferries and also for the ordering and governing of all licensees aforesaid and shall from time to time as he with such consent as aforesaid shall see fit repeal add or amend all or any of such rules orders and bye-laws. Such rules orders and bye-laws may be made and ordained for all ferries generally or for any particular ferry or ferries as circumstances may require.

Such rules to
be laid before
Provincial
Council.

5. All such rules orders and bye-laws and all additions thereto and amendments therein shall be laid before the Provincial Council within ten days after the commencement of the Session next following the making or amending any such rules orders or bye-laws.

Superinten-
dent with Exe-
cutive Council
to fix ferry
dues.

6. The Superintendent with such advice aforesaid shall likewise fix the dues to be taken by any ferry-keeper or person to whom a ferry license may be granted.

Ferry dues not
demandable
for the transit
of certain per-
sons, &c.

7. No ferry dues shall be demandable or taken by virtue of this Act for any horses or carriages belonging to the Government of the Province or the General Government of New Zealand and employed at the time of passing the ferry in the Government service or for or in respect of any person horse beast carriage or other vehicle conveying the Post Office Mails nor any of Her Majesty's Officers and Soldiers being in proper Staff Regimental or Military Uniform dress or undress or their horses or any carriages and horses belong-

ing to her Majesty or employed in Her Service when conveying persons baggage arms or ammunition or returning therefrom.

8. The Superintendent may if he think fit at any time and from time to time demise and let the ferries or any of them with the houses punts scows and appurtenances thereto and the dues to be collected and taken thereat either by public auction or private contract for any terms of years not exceeding three years with or without a reservation of rent and upon such conditions and for such considerations and with such securities for the payment of rent (if any) or performance and observance of the covenants and conditions in consideration of which the ferry may have been leased as may be by him deemed advisable.

Power to lease ferries.

9. During such time as any ferry and dues shall be leased as aforesaid it shall be lawful for the lessee thereof to appoint such other person as he may think necessary to demand and take the dues at the ferry so demised and leased and also to appoint such persons as he may think necessary as boatmen or ferrymen or other servants provided however that such lessee shall be answerable for the conduct of such persons as he may authorize or appoint to demand collect and take such dues or to be such boatmen or ferrymen as aforesaid and shall be subject and liable to the like actions and penalties for neglect and misconduct or for the breach of any law rule or regulation respecting the ferry or ferry dues committed by any collector boatman or ferryman appointed by him aforesaid as if the same had been done committed or wilfully neglected by such lessee.

Lessee of ferry may appoint ferry keeper &c Lessee to be answerable for the conduct of his men.

10. Whenever the lessee of any ferry or dues shall refuse or neglect to perform the conditions on which the same shall be let to him or in case the rent (if any) agreed to be paid by such lessee shall be in arrear for the space of fourteen days next after any of the days on which the same ought to be paid or the term for which such lessee held the same shall in any other manner become void or in case any lessee shall on the expiration of the term of his lease refuse or neglect to deliver up possession of any ferry ferry-house boat punt scow or appurtenances to the person authorized by the Superintendent to receive possession thereof it shall be lawful for any Justice of the Peace upon complaint made by any person

Mode of procedure on breach by lessee of conditions of lease.

appointed by the Superintendent and on his behalf by warrant under his hand and seal to order a constable or other peace Officer with such assistance as shall be necessary to enter upon and take possession of any ferry house and all buildings and appurtenances and every boat punt scow or other vessel thereto belonging and to remove and put out such lessee and the collector keepers servants or other persons who shall be found therein together with his and their goods from the possession thereof and from the collection of the dues in respect thereof and the lease contract or agreement for the same shall thenceforth cease and be utterly void to all intents and purposes whatsoever except as to the conditions and agreements contained therein on the lessees part and which may have been broken.

Table of dues,
&c to be erect-
ed; a light to
be kept burn-
ing, &c.

11. Every ferry keeper licensee and lessee of a ferry shall erect and maintain in some conspicuous place at or near to the ferry house under his charge a board having painted thereon in distinct legible black letters on a white ground in the Native and English languages the name of his ferry and also a list of the dues payable thereat and shall likewise cause to be painted on such board his own Christian and Surname and shall continue the same during the whole time he shall be in charge of such ferry he shall also keep a light burning from sunset until 12 o'clock at night.

Penalty for ne-
glect of ferry
regulations, &c

12. Every ferry keeper licensee or lessee of a ferry who shall refuse or neglect to maintain such board and keep such light as aforesaid or shall not be in attendance at his ferry at all times by day and by night or shall demand and take a greater due from any person than he shall be authorised to do or shall demand or take a due from any person who shall be exempt from payment thereof and who shall claim such exemption or shall under colour of his office as ferry keeper boatman or ferryman wilfully extort from any person any sum of money or thing of any value whatsoever as and for or in lieu of payment of due or shall refuse to permit any person to read or shall in any manner hinder or prevent any person from reading the inscription on such board of dues aforesaid or shall refuse to tell his Christian name and Surname to any person demanding to know the same on being paid the said dues or any of them or shall in answer to such demand give a false name or upon the legal due being tendered and paid shall unnecessarily detain or

wilfully obstruct hinder or delay any passenger from passing over his ferry or if any such ferry keeper boatman or ferryman shall make use of any scurrilous or abusive language to any traveller or passenger shall forfeit and pay for every such offence any sum not exceeding Five pounds to be recovered by summary proceeding.

13. If any person liable to the payment of any due under this Act shall after demand neglect or refuse to pay the same or any part thereof it shall be lawful for any person authorised to collect the same to prevent such person from passing over such ferry until the dues payable by such person so refusing to pay the same shall be paid.

In cases of the refusal of ferry dues, ferry keeper authorised how to act.

14. It shall not be lawful for any person whomsoever except the several ferry keepers duly appointed under the authority of this Act licensees or lessees and their boatmen or ferrymen or servants to use hire or employ on hire or for any pay fee or reward any boat punt scow or other vessel for the carrying transporting or conveying across or over any river or creek within the Province whereon any ferry shall be established or ferry license granted under this Act and within one mile of any such ferry or place for which such ferry license may have been granted any passengers beasts cart or carriage so transported carried or conveyed across any such river or creek within such distance as aforesaid of any sum not exceeding forty shillings except the same shall be done at the time of any flood or other urgent or unavoidable necessity Provided always that nothing in this Act shall be held to prevent any person horse cart or carriage from passing across any ford of any river at or near to which any such boat scow or punt shall be established.

Persons not ferry keepers nor connected with the ferries hiring any vessel and for payment conveying passengers, &c. within one mile of any ferry subject to penalty of forty shillings.

15. If any person shall wilfully or maliciously pull down or injure destroy or damage any ferry house boat house or other building or erection attached to any ferry or shall wilfully or maliciously sink scuttle run down or drive aground or otherwise destroy or damage any punt boat scow or other vessel used or employed at any ferry then and in every such case every person so offending shall be guilty of a misdemeanour and being convicted thereof shall be punished accordingly.

Persons wilfully destroying or damaging ferryhouse, &c. guilty of a misdemeanor.

16. If any person shall wilfully pull down break injure or damage any table of ferry dues put up at any ferry house persons dam-

Penalties on persons dam-

aging table of as required by this Act or shall wilfully or designedly de-
 ferry dues, &c. face or obliterate any of the inscriptions letters figures or
 marks thereon he shall forfeit and pay for every offence a
 sum not exceeding Forty shillings over and above the damages
 occasioned thereby.

Penalties how 17. All fines and penalties payable under this Act shall
 recoverable. be recoverable by summary proceedings.

CHARLES CLIFFORD,
 Speaker.

Passed the Provincial Council this
 Thirteenth day of January in
 the year of our Lord one
 thousand eight hundred and
 fifty-four.

H. S. HARRISON,
 Clerk of Council.

I assent to this Act on behalf of the
 Governor of New Zealand this
 Fourteenth day of January one
 thousand eight hundred and
 fifty-four.

I. E. FEATHERSTON,
 Superintendent.

FINES AND FORFEITURES.

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

SESSION I. No. 5.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>Clause.</p> <p>Fines, &c., recoverable within the</p>		<p>Province of Wellington, with certain exceptions, to be paid to Provincial Treasurer for use of Province.</p>
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*An ACT to make payable to the Treasurer and for the uses
of the Province, all Fines, Forfeitures, and Penalties re-
coverable by summary proceedings within the Province.*

Superseded by Act of General Assembly, No. 33, 1858.

FOREIGN SEAMEN.

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

SESSION II. No. 7.

ANALYSIS.

- | | |
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| Title.
Preamble.
1. Power to Justice of the Peace to issue warrant for apprehension of any seaman deserting from a foreign vessel.
2. Power to Justice on deposition that such seaman is believed to be harboured on board of any vessel or in any house, to issue a search warrant, &c.
3. Proviso.
4. Penalty for harbouring, &c. any seaman so deserting.
5. In prosecutions under this Act it not to be necessary for the | purpose of proving the execution of any such agreement to call any subscribing or attesting witness thereto. Proviso.
6. All incidental expenses to be paid by representative of the nation or by the complainant.
7. In case of the non-apprehension of such runaway seaman until after the departure of the vessel power to Justice to detain such seaman in gaol on application of ship's agent and on his declaration that the said vessel is expected to return within one month. Proviso. |
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*An ACT to prevent the Desertion of Seamen from Foreign
Ships or Vessels.*

Repealed by Act of General Assembly, No. 4, 1860.

FORESTERS GRANT.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XI. No. 7.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Power to Superintendent to convey land to the Society of Foresters. Proviso. That said land be reclaimed within twelve months</p>		<p>after requisition by Superintendent.</p> <p>2. Provision for charge on said land in the event of certain conditions not being complied with.</p>
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An ACT to grant a piece of Land to the Ancient Order of Foresters. Title.

[Assented to July 15, 1864.]

WHEREAS a Court of the Friendly Society called the "Ancient Order of Foresters" has been established at Wellington and duly registered under the Friendly Society's Act for New Zealand 1856 and called the Sir George Grey Court No 3118 of the Ancient Order of Foresters AND WHEREAS such a Society is conducive to great good and of public benefit and it is therefore expedient to encourage the exertions thereof

Preamble.

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

1. The Superintendent may convey to such Court of the said "Ancient Order of Foresters" or to such Trustees as they shall appoint such piece of land abutting upon Lambton Quay having a frontage of not more than seventy-five feet with such depth from front to back and in such situation as may be determined by the Superintendent Provided the said

Power to Superintendent to convey land to the Society of Foresters.

Proviso, that said land be reclaimed within twelve months after requisition by Superintendent.

Branch or Court of the said Society shall within twelve calendar months after being required so to do by the Superintendent reclaim and perfect according to the conditions of the Provincial Government and to the satisfaction of the Superintendent the piece of land so to be conveyed to them and so much of the land as shall be between the present street or quay and the land so to be conveyed.

Provision for charge on said land in the event of certain conditions not being complied with.

2. Provided however that there shall be inserted in such conveyance a condition that in case the said Society shall at any time hereafter dispose of the said land or any portion thereof or if the rent thereof or proceeds therefrom shall be appropriated for any other purposes than those of the said Society then the land shall thereupon become and be charged with payment to the Superintendent of the Province on behalf of the Province a sum of three hundred and seventy-five pounds as the price of the said land to be paid on demand to the Treasurer of the Province.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this Thirteenth day of July in the year of our Lord One thousand eight hundred and sixty-four.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this Fifteenth day of July One thousand eight hundred and sixty-four.

I. E. FEATHERSTON,

Superintendent.

FREEMASONS GRANT.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XI. No. 10.

ANALYSIS.

<p>Title.</p>	<p>Proviso. That said land be re-claimed within twelve months after requisition by Superintendent.</p>
<p>Preamble.</p>	<p>2. Provision for charge on said land in the event of certain conditions not being complied with.</p>
<p>1. Power to Superintendent to convey land to the Society of Freemasons.</p>	<p>2. Provision for charge on said land in the event of certain conditions not being complied with.</p>

An ACT to grant a piece of Land to the Society of Freemasons. Title.

[Assented to July 15, 1861.]

WHEREAS a Lodge of the Society called the "Order of Freemasons" has been established at Wellington and called the New Zealand Pacific Lodge of Freemasons No 517 English Constitution AND WHEREAS such a Society is conducive to great good and of public benefit and it is therefore expedient to encourage the exertions thereof

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

1. The Superintendent may convey to such Lodge of the said "Order of Freemasons" or to such Trustees as they shall appoint such piece of land abutting upon Lambton Quay having a frontage of not more than seventy-five feet with such depth from front to back and in such situation as may be determined by the Superintendent Provided such Lodge of the said Society shall within twelve calendar months after being required so to do by the Superintendent reclaim and perfect according to the conditions of the Pro-

Power to Superintendent to convey land to the Society of Freemasons.
 Proviso, that said land be reclaimed within twelve months after

requisition by Provincial Government and to the satisfaction of the Superintendent. the piece of land so to be conveyed to them and so much of the land as shall be between the street or quay and the land so to be conveyed.

Provision for charge on said land in the event of certain conditions not being complied with. 2. Provided however that there shall be inserted in such conveyance a condition that in case the said Society shall at any time hereafter dispose of the said land or any portion thereof or if the rent thereof or proceeds therefrom shall be appropriated for any other purposes than those of the said Society then the land shall thereupon become and be charged with payment to the Superintendent of the Province on behalf of the Province a sum of three hundred and seventy five pounds as the price of the said land to be paid on demand to the Treasurer of the Province.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this Fifteenth day of July in the year of our Lord One thousand eight hundred and sixty-four.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this Fifteenth day of July, One thousand eight hundred and sixty-four.

I. E. FEATHERSTON,

Superintendent.

HARBOUR RESERVES.

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

SESSION III. No. 14.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Power to Superintendent to manage certain Lands comprised in a Grant. Proviso.</p> <p>2. Right of pre-emption given to persons who may have erected Wharves, &c., extending into the reserved lands.</p>	}	<p>3. Certain notice of public sales to be given.</p> <p>4. Power to Superintendent to grant on lease a certain quantity of land to "Tradesmen's Club."</p> <p>5. Power to Superintendent to contract for the reclaiming any portion of the Reserves.</p> <p>6. Commencement of Act.</p>
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An ACT to enable the Superintendent to manage and administer certain Public Reserves. Title.

[Assented to February 6, 1856.]

WHEREAS in virtue of "The Public Reserves Act 1854" the Governor of the Colony has by Grant sealed with the Public Seal of the Colony and dated the 18th day of October 1855 granted to the Superintendent of the Province and his successors certain land below high water mark in the harbor of Port Nicholson and it is expedient to make provision for the management and administration of such land Preamble.

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

1. The Superintendent of the Province with the advice of his Executive Council shall have full power to manage and administer the land comprised in the Grant hereinbefore referred to in such manner and according to such plan as Power to Superintendent to manage certain lands

comprised in a he may deem most advantageous Provided however that
 giant. Proviso. such reserves for public purposes shall be made as to the
 Superintendent may seem advisable and that all land ali-
 enated except that hereinafter referred to shall be sold abso-
 lutely and that by public auction.

Right of pre- 2. Those persons who have erected wharves or other build-
 emptio given ings extending into the reserved land shall have a right of
 to persons who pre-emption over the land or allotments comprising such
 may have erect- wharves or buildings at the average price of such adjoining
 ed wharves &c land as the Superintendent may deem proper.
 extending into reserved lands.

Certain notice *3. No sales shall take place until at least four months no-
 of public sales tice thereof shall have been advertised in the Provincial
 to be given. Gazette.

Power to Su- 4. It shall be lawful for the Superintendent with such
 perintendent advice as aforesaid to grant a lease of a portion of the re-
 to grant on serve not exceeding 80 feet of frontage by 100 feet in depth
 lease a certain to a certain Association formed or in the course of formation
 quantity of "for establishing a Tradesmen's Club Exchange and Cham-
 land to Trades ber of Commerce" at such rent and on such terms as he
 men's Club. may deem expedient if in his opinion the establishment of
 such works as proposed and contracted to be carried out by
 the said Association will be of public utility but with an
 express condition that should such work or land or the
 buildings to be erected thereon be applied to other than
 works or uses of public utility the same land and all im-
 provements thereon shall revert to the Superintendent as
 public property.

Power to Su- 5. It shall be lawful for the Superintendent to contract
 perintendent and agree with any person to fill up or reclaim any portion
 to contract for or portions of the reserves on the condition of the contrac-
 the reclaim- tor or contractors receiving payment for such work on the
 ing any por- sale of the reclaimed land.
 tion of the Reserves.

Commence- 6. This Act shall not come into operation until the 1st
 ment of Act. day of May next after the passing thereof.

CHARLES CLIFFORD,
 Speaker.

* This clause is repealed by Act Sess. VIII. No. 3.

Passed the Provincial Council this sixth day of February, in the year of our Lord one thousand eight hundred and fifty-six.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this sixth day of February, 1856.

I. E. FEATHERSTON,
Superintendent.

HARBOUR RESERVES AMENDMENT.

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

SESSION VIII. No. 3.

ANALYSIS.

Title.	
Preamble.	within two years at the upset price.
1. Reference to former Grant.	7. Superintendent empowered to raise money by mortgage for reclaiming Land or erecting Wharf.
2. Superintendent empowered to sell.	8. Superintendent empowered to convey a certain piece of Land to three Lodges of Society of Odd Fellows.
3. Superintendent empowered to reclaim previous to sale.	9. Certain clauses limited as to time of coming into operation.
4. Clause 3 of Act Session III, No. 14, repealed.	
5. Three months' notice of Sale to be given.	
6. Land having been put up for sale and unsold, may be sold	

Title.

*An ACT to explain and amend Harbour Reserves Act,
Session III. No. 14.*

[Assented to May 29, 1861.]

Preamble.

WHEREAS in virtue of the Public Reserves Act 1854 the Governor of the Colony by Grant sealed with the Public Seal of the Colony and dated the 16th day of October 1855 granted to the Superintendent of the Province and his successors certain land below high water mark in the Harbour of Port Nicholson AND WHEREAS in Session III of the Provincial Council an Act No 14 was passed whereby the Superintendent was authorised with the advice of his Executive to manage and administer the land comprised in the said grant in such manner and according to such plan as he might deem most advantageous provided that such reserves for public purposes should be made as to

the Superintendent might seem advisable and that all land alienated except that therein referred to should be sold absolutely and that by public auction

AND WHEREAS the Superintendent in exercise of the power vested in him by the said Act caused a portion of the land so granted to him to be reclaimed and sold

AND WHEREAS it was the intention of the said Provincial Council by such Act to invest the Superintendent with full power to sell the land so granted to him subject to the provisions therein mentioned

AND WHEREAS in the said Act the date of the Grant referred to was wrongly stated as of the 18th day of October 1855 instead of the 16th day of October 1855 the correct date of the said Grant

AND WHEREAS doubts have been suggested as to whether the provisions of the said recited Act authorised the Superintendent to sell any land or could refer to the land vested in him by the said Grant of the 16th day of October 1855 on account of the error aforesaid

AND IT IS EXPEDIENT to determine such doubts and also to amend the said Act

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

1. The Act Session III No 14 shall be deemed to refer to the Block of Land granted to the Superintendent by Grant dated the 16th day of October 1855 issued under the Public Reserves Act 1854. Reference to former Grant

2. The Superintendent with the advice and consent of his Executive Council has full power to sell the land comprised in such Grant subject to the restriction mentioned in the said Act and all sales and agreements for sale heretofore made and purporting to have been made by him under the provisions of the said Act are hereby declared valid and effectual. Superintendent empowered to sell.

Superintendent empowered to reclaim previous to sale.

3. The Superintendent may with such advice as aforesaid cause any portion of the land comprised in such Grant to be reclaimed previous to being put up for sale.

Clause 3 of Act Session 3 No.14 repealed

4. Clause No 3 of the said Act is repealed.

Three months' notice of sale to be given.

5. No sale of any land so as aforesaid vested in the Superintendent shall take place until at least three months' notice thereof shall have been advertised in the Provincial Gazette.

Land having been put up for sale and unsold may be sold within two years at the upset price.

6. After any such land shall have been put up to public auction and withdrawn from sale on account of the upset price not having been bid for the same the same land may at any time within a period of two years thereafter and previous to being again advertised for sale by auction be sold at such upset price without being again put up to auction or any further notice that it is open for purchase.

Superintendent empowered to raise money by mortgage for reclaiming land or erecting wharf.

7. The Superintendent is hereby also authorised from time to time as he may deem it expedient so to do to raise by mortgage on the security of the land so granted to him as aforesaid and remaining unsold any sum of money which may be required for reclaiming and rendering fit for occupation and sale any portion of such land and for the erection of a Wharf fitted for the embarkation and disembarkation of passengers and loading and discharging of merchandise into and from vessels of a large size and out of the proceeds from the sale of any such land to pay off any sum so raised.

Clause 8 Superintendent empowered to convey a certain piece of land to three lodges of Society of Odd Fellows.

8. WHEREAS the Britannia Lodge No 3833 the Antipodean Lodge No 4320 and the Wellington Lodge No 4494 three branches established in the Town of Wellington in the Province of Wellington of a Society called the "Manchester Unity of the Independent Order of Odd Fellows" have with the consent of the Superintendent and at their own expense reclaimed a piece of Land lying between high and low water marks in the Harbour of Port Nicholson part of the said block of Land granted to the Superintendent by the Governor of the Colony in virtue of the "Public Reserves Act 1854" and have erected thereon a building for the purpose of the said three Lodges of such Society.

AND INASMUCH as such Society is conducive to great good and of public benefit and it is therefore expedient to encourage the exertions thereof

The Superintendent may convey to the said three Lodges of the said Society of the "Manchester Unity of the Independent Order of Odd Fellows" or to such Trustees as they may appoint the piece of Land abutting upon Lambton Quay bounded on the North side by unreclaimed Land measuring 138 feet on the South side by unreclaimed Land measuring 101 feet on the West side by Lambton Quay opposite Town Acre No 485 measuring 102 feet frontage and on the east side by unreclaimed Land measuring 92 feet and more particularly described and delineated in the plan of Harbour Improvements of the Town of Wellington so as before mentioned reclaimed by them and on which the Building aforesaid has been erected by the said Lodges

PROVIDED HOWEVER that there shall be inserted in such conveyance a condition that in case the said Lodges shall at any time hereafter dispose of the said Land or Building or any portion of either of them or if the rent thereof and proceeds therefrom shall be appropriated for any other purposes than those of the said Lodges then the Land shall thereupon become and be charged with payment to the Government of such a sum as the price of the said Land as may be determined by reference to three persons one to be appointed by the Superintendent one by the said three Lodges and a third by the two so to be chosen the determination of any two of them to be binding the sum so determined to be paid within one month after the determination as aforesaid to the Treasurer of the Province.

9. Clauses 5 6 7 and 8 of this Act shall not come into operation until the Tenth day of September following the passing hereof.

Certain clauses limited as to time of coming into operation.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this
Twenty-seventh day of May
in the year of our Lord one
thousand eight hundred and
sixty-one.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand on this
Twenty-ninth day of May one
thousand eight hundred and
sixty-one.

ISAAC EARL FEATHERSTON,
Superintendent.

HORSE BRANDING.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XI. No 5.

ANALYSIS.

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| <p>Title.
Preamble.</p> | | <p>Proviso for Branding to be optional.</p> |
| <p>1. Act Session IV. No. 13 extended to Horses.</p> | | <p>2. Date of operation.</p> |

An ACT to provide for the Branding of Horses. Title.

[Assented to July 14, 1864.]

WHEREAS in Sess IV An Act No 13 was passed to provide for the Branding of and other purposes relative to Cattle And it is expedient that the said Act should be extended to Horses Preamble.

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

1. That the Act of Session IV No 13 shall extend and apply to Horses as well as the Cattle therein mentioned Except that it shall not be imperative on any person to brand his horse or horses unless he shall choose to do so And no one shall be liable to a penalty for not branding his horse or horses. Act Session IV No 13 extended to Horses. Proviso for Branding to be optional.

2. This Act shall not come into operation until January 1865. Date of operation.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this
Sixth day of July in the year
of our Lord One thousand
eight hundred and sixty-four.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand this
Fourteenth day of July One
thousand eight hundred and
sixty-four

I. E. FEATHERSTON,

Superintendent.

HUTT BRIDGE.

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

SESSION II. No. 13.

ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <ol style="list-style-type: none"> 1. Power to Superintendent to appoint a Bridge Committee. 2. In case a member resign, &c., Superintendent to appoint another. 3. Powers and property of Committee. 4. Power to Committee to build bridge over the River Hutt. 5. Proviso—Plans, &c., respecting the same to be approved of by Superintendent. 6. Limitation of time for raising the proposed amount. 7. How and to what extent the amount to be so raised. 8. The same how to be applied. 9. A copy of plans, &c., of proposed bridge when approved of, to be kept at the office of Provincial Secretary. 10. Limitation of amount which the Committee is authorised to raise. 11. Proviso—if the same be found insufficient the Superintendent may sanction the raising of a further sum. 12. Amount to be raised by the issue of Debentures. 13. Rate of interest on debentures to be determined by Committee. | <ol style="list-style-type: none"> 14. Amounts so raised and interest thereon to be repaid out of bridge tolls. 15. Adjustment of the proportion of tolls to holders of debentures. 16. A register of debentures to be kept by Committee. 17. Debentures transferable. 18. Power to Committee at any time to take up its debentures. 19. Scale of tolls to be levied on traffic over bridge. 20. Toll not to be reduced in favour of any particular person. 21. Exemptions from toll. 22. Committee may erect toll-house gate on approach to bridge. 23. Committee to have affixed at such gate a table of tolls. 24. Otherwise no tolls to be taken. 25. Committee to appoint a Collector. 26. Committee authorised to lease the tolls. 27. The lessee of tolls to give security. 28. Committee to keep books of accounts. 29. Committee to furnish a balance sheet to the Secretary of the Province for audit. 30. In case of refusal to pay toll, collector how to act. |
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| <p>31. Penalty for resisting Collector, cause obstruction, evading the toll, &c.</p> <p>32. Penalty for damaging toll-house, &c.</p> <p>33. Power to the lessee of the tolls and the Collector to seize any one offending against the Act who may not be personally known.</p> <p>34. Toll Collector to have his name painted on a board, &c.</p> | <p>35. Collector subject to penalty, for what.</p> <p>36. All toll disputes, &c., to be heard in a summary way.</p> <p>37. In legal proceedings, what to be held as good service on the Committee.</p> <p>38. Limitation of power to levy tolls.</p> <p>Schedule.</p> <p>Form of Debiture.</p> <p>Form of Transfer.</p> |
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An ACT to enable certain Persons to levy a Toll upon Traffic over the Bridge proposed to be erected over the River Hutt.

[Assented to March 7, 1855.]

“Obsolete.”

HUTT PARK.

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

SESSION IV. No. 7.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. The management of affairs relating to the Park and Race Course to be vested in five Trustees to be appointed by the Superintendent. 2. Such nomination to be signified in the Government Gazette. 3. Power to Trustees to accept in trust a Crown Grant of Land for Park. 4. Legal estate in the land with all Property belonging to said Park to be vested in the Trustees. 5. At a Meeting three Trustees to form a quorum. 6. The senior Trustee to preside. 7. Power to majority of Trustees to appoint and remove clerks and subordinate officers, and to fix their salaries. 8. Power to Trustees to pay salaries so appointed, also incidental charges of management. 9. Power to Trustees to enclose, lay out, plant, or otherwise improve the said land, erect buildings, &c. 10. Power to Trustees to raise a Loan for the purpose of defraying the expenses of the preliminary works. | <ol style="list-style-type: none"> 11. Power to Trustees to let such portion of the said land as they may think fit, &c. 12. Power to Trustees to fix and receive fees in respect of admission into the said Park. 13. Power to Trustees to receive donations and grants of public money. 14. Subject to certain regulations, the Park to be open to all persons. 15. Monies received by the Trustees, how to be applied. 16. Entries of the proceedings at each meeting to be made in a book signed by any two of the Trustees, such entries to be received as evidence of any such meeting having been duly summoned. 17. The Trustees to keep true and regular accounts of all sums received and paid and of all liabilities incurred. 18. A Balance-sheet to be prepared at the close of each year, containing a statement of the receipts and payments during the past year, as well as of all sums due to or by the Trustees, with all needful vouchers. 19. Trustees only accountable each for his own acts or defaults respectively, and not amenable for any Banker in whose |
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| <p>hands monies of such Park may be placed, &c.</p> <p>20. Penalty for injuring any building, fence, post, or doing any damage in the said Park.</p> | <p>21. Power to Trustees to make certain prohibitory regulations.</p> |
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Title. *An ACT to provide for the Management of a Public Park and Race Course in the Hutt District.*

[Assented to February 20, 1857.]

Preamble. **W**HEREAS it is expedient that provision should be made for the management of such portion or portions of land in the Hutt district as the Superintendent or the Governor may proclaim to be reserved as a Public Park and Race-Course for the purposes of recreation and other public requirements

BE IT ENACTED by the Superintendent of the Province of Wellington by and with the advice of the Provincial Council thereof

The management of affairs relating to the Park and Race Course to be vested in five Trustees to be appointed by Superintendent.

1. The management of the affairs of such Public Park and Race Course shall be vested in five Trustees to be appointed from among the duly registered electors of the Hutt District by the Superintendent by writing under his hand within one month after the notification in the Government Gazette of the Province of Wellington that such land has been so reserved and in the month of February in every year following.

Such nomination to be signified in the Government Gazette.

2. Every such nomination or re-appointment shall be signified by the publication of a notice to that effect in the Government Gazette.

Power to Trustees to accept in trust a Crown Grant of Land for Park.

3. It shall be lawful for such Trustees and their Successors to accept a Crown Grant of such land in the Hutt District which may be reserved for a Public Park and Race-Course and also to accept any conveyance or Crown Grant of any land which may be given or sold by any person or persons for such purposes in trust for the purposes set forth in this Act.

Legal estate in the land with all Property

4. The legal estate in the Land and all Monies Goods Chattels and Effects whatsoever of or belonging to or

nected with the said Public Park and Race-Course shall become vested in the Trustees for the time being immediately upon their appointment and the notice of such appointment in the Government Gazette shall be a sufficient evidence of their title. belonging to said Park to be vested in the Trustees.

5. All acts matters and things which the Trustees are by any of the provisions of this Act authorised and required to do shall and may be done by any three of such Trustees assembled at a meeting whereof due notice shall have been given to or forwarded for all the Trustees. At a meeting three Trustees to form a quorum.

6. At all meetings of the Trustees the senior Trustee in the order of appointment present shall preside as Chairman and shall not only vote as a Trustee but in case of equality of votes shall have a casting-vote. The senior Trustee to preside.

7. It shall be lawful for the majority of such Trustees to appoint and for good and sufficient cause from time to time to remove Clerks Park-keepers and other subordinate officers as they in their discretion shall think necessary and to fix such salaries as they may deem fit to be paid to such Clerks Park-keepers and other officers. Power to majority of Trustees to appoint and remove clerks and subordinate officers and to fix their salaries.

8. It shall also be lawful for the said Trustees out of the monies to be received by them under the authority of this Act to pay the salaries so appointed to be paid to the Clerks Park-keepers and other subordinate officers and also the necessary incidental charges of management of the said Public Park and Race-Course. Power to Trustees to pay salaries so appointed, also incidental charges of management.

9. It shall be lawful for the said Trustees from time to time to enclose all or any part or parts of the said land and to lay out plant or otherwise improve the said land or any part or parts thereof and also to erect any buildings for public purposes of recreation or utility upon such portions of the said land as to the said Trustees may seem fit and also from time to time to exclude the public from entering upon any part or parts of the said land whenever they may deem such exclusion desirable in order to allow of the preparation of such part or parts for public purposes. Power to Trustees to enclose, lay out, plant, or otherwise improve the said land, erect buildings, &c.

10. It shall be lawful for the said Trustees from time to Power to Trus-

tees to raise a Loan for the purpose of defraying the expenses of the preliminary works.

time to borrow or take up money by way of loan for the purpose of defraying the expenses of the preliminary works at any rate of interest not exceeding eight per cent. which loan or loans together with the interest accruing thereon shall be a first charge on the funds received by the said Trustees under the authority of this Act after defraying the expenses of management.

Power to Trustees to let such portion of the said land as they may think fit, &c.

11. The Trustees under such regulations as they may think proper and which shall have been approved of by the Superintendent and his Executive Council may let any portion or portions of the said land to any person or persons for any term for the purpose of holding horse-races for forming a Cricket Ground for holding a Cattle Market or for any other purposes of public recreation or utility and may also under such regulations as aforesaid let to any person or persons the exclusive right of depasturing sheep or cattle for any term on any portion or portions of the said land.

Power to Trustees to fix and receive fees in respect of admission into the said Park.

12. The Trustees shall also subject to such approval as aforesaid fix and settle and receive such fees and payment in respect of admission of persons horses and vehicles into any portion or portions of the said Public Park and Race-Course as they shall think fit and may from time to time subject as aforesaid revise and alter such fees and payments aforesaid.

Power to Trustees to receive donations and grants of public money.

13. It shall be lawful for the Trustees to receive any donations or subscriptions which may at any time be collected and also any grants of public money which may at any time be voted by the Provincial Council for the purposes of this Act.

Subject to certain regulations, the Park to be open to all persons.

14. Subject to such Rules and Regulations as shall be necessary for the preservation of decency and order and to the restrictions contained in this Act the Public Park and Race-Course shall be open to all persons.

Monies received by the Trustees, how to be applied.

15. The Monies to be received by the Trustees under the authority of this Act shall be applied in the first place to the payment of current necessary expenses, and interest of loans if any and subject thereto and to the payment of such loans shall be laid out in the permanent improvement of the said Public Park and Race-Course and for no other purpose whatever.

16. Entries of all proceedings of the Trustees with the names of the Trustees who attend each meeting shall be made in books to be provided and kept for that purpose under the direction of the Trustees and shall be signed by the Trustees present or any two of them and all entries purporting to be so signed shall be received as evidence without proof of any meeting of Trustees having been duly summoned or held or of the presence at any such meeting of the persons named in any such entry as being present thereat or of the signature of any person by whom any such entry purports to be signed all which matters shall be presumed until the contrary be proved.

Entries of the proceedings at each meeting to be made in a book signed by any two of the Trustees, such entries to be received as evidence of any such meeting having been duly summoned.

17. The Trustees shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid for 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 such liabilities incurred.

The Trustees to keep true and regular accounts of all sums received and paid and of all liabilities incurred.

18. The Trustees or any three of them shall within one Calendar Month after the close of every year cause a balance sheet to be prepared containing a true statement of the receipts and payments on account of the Public Park and Race-Course during the past year and of all sums of money which may be due to or by the Trustees and shall cause such Balance Sheet with all needful Vouchers to be forwarded to the Treasurer of the Province to be audited and published in the Government Gazette.

A Balance-sheet to be prepared at the close of each year, containing a statement of the receipts and payments during the past year, as well as of all sums due to or by the Trustees, with all needful vouchers.

19. The Trustees of such Public Park and Race-Course shall not be answerable or accountable for the other or others of them but each and every of them only for his and their own acts receipts neglects or defaults respectively and the said Trustees or any of them shall not be amenable or accountable for any Banker Broker or other person with whom or in whose hands or custody any part of the monies of such Park and Race-Course shall or may be deposited or lodged for safe custody or otherwise in execution of the trusts hereby in them reposed nor for any other misfortune loss or damage which may happen in the execution of the aforesaid trusts

Trustees only accountable each for his own acts or defaults respectively, and not amenable for any Banker in whose hands monies of such Park may be placed, &c.

or in relation thereunto except the same shall happen by or through their own wilful default respectively.

Penalty for injuring any building fence, post, or doing any damage in the said Park.

20. Every person who shall wilfully destroy or injure any building wall fence or post belonging to the said Public Park and Race-Course or destroy or injure any plant or tree therein or who shall daub or disfigure or put up any bill on any wall fence or building thereof or wilfully injure or set fire to any grass wood or timber or dig up or remove any turf or soil from any part thereof or do any other damage therein or thereto without the authority of the Trustees shall forfeit a sum not exceeding Five Pounds.

Power to Trustees to make certain prohibitory regulations.

21. It shall be lawful for the Trustees to make any regulations which they may think proper for forbidding any games sports or pursuits within the said Public Park or Race-Course which may appear to them dangerous to the public or calculated to disturb any public recreation or enjoyment and for the expulsion from the said Public Park and Race-Course of any person wilfully infringing any such regulations and any of the provisions of this Act and any person infringing any such regulations shall forfeit a sum not exceeding Five pounds Provided that no such regulations shall come into force until they shall have been approved of by the Superintendent and his Executive Council and published in the Government Gazette together with a notice of such approval.

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this seventeenth day of February in the year of Our Lord one thousand eight hundred and fifty-seven.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this twentieth day of February, 1857.

I. E. FEATHERSTON,

Superintendent.

IMPOUNDING.

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

SESSION III. No. 8.

ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <p>1. Repeal of Ordinance Session VII, No. 17, and Session VIII, No. 6, in certain districts.</p> <p>2. Occupier of Land trespassed on may give notice to owner of Cattle trespassing to remove the same, &c.</p> <p>3. Party so aggrieved may summon the other for compensation for damage so done to him.</p> <p>4. Cattle trespassing may be impounded either on the land or in the Public Pound, and there detained until sold or redeemed. Proviso. Impounder how to act.</p> <p>5. In case of Cattle driven along a highway, and accidentally trespassing on unfenced land adjoining thereto, the driver exerting himself to drive back the same on to the highway, such not liable to operation of this act.</p> <p>6. In case Cattle be taken to a Public Pound, the Impounder to give a certain statement of said Cattle to the Poundkeeper. Poundkeeper to serve a notice to owner of the said Cattle. If owner cannot be found, Poundkeeper how to act. With respect to notices and sale regulations.</p> | <p>7. Proceeds of sale, how to be applied.</p> <p>8. Owner of impounded Cattle not satisfied with the reasonableness of the amount claimed, or who may dispute the fact of the trespass, how to act.</p> <p>9. Owner of Cattle trespassing not to enter upon any lands without permission, for the purpose of seeking for or driving the same therefrom, Penalty for so doing. Proviso.</p> <p>10. Penalty for driving Cattle from the lands of their owner.</p> <p>11. Penalty for having Cattle at large in any road or street.</p> <p>12. Power to Superintendent to proclaim public pounds, and to appoint or remove Poundkeepers.</p> <p>13. Duties of the Poundkeepers. Penalty in case of neglect.</p> <p>14. With respect to entire animals found at large.</p> <p>15. Power to Superintendent to declare what districts shall come within the operation of this act.</p> <p>16. Interpretation of the words "Cattle" and "Owner."</p> <p>17. With respect to the recovery of penalties and damages, to whom payable.</p> |
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- Schedules A, B, C, and D.

Title. *An ACT to Amend and Consolidate the Law relating to Cattle Trespass and Impounding.*

[Assented to February 6, 1856.]

Preamble. **BE IT ENACTED** by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows

Repeal of Ordinance Session VII, No. 17, and Session VIII, No. 6, in certain districts. 1. That the ordinances of the Legislative Council of New Zealand Session VII No 17 intituled the "Cattle Trespass Ordinance" and Session VIII No 6 intituled the "Impounding Ordinance" shall be inoperative in the Province of Wellington after the passing of this Act.

Occupier of land trespassed on may give notice to owner of cattle trespassing to remove the same, &c. 2. That when the occupier of any land shall find any cattle belonging to any other person trespassing thereon he may by notice in writing require the owner of such cattle forthwith to remove the same from such land And if such cattle shall not be removed within 24 hours after such notice being delivered to or left at the abode of the owner of such cattle he shall be liable to pay such amount of damages for every 24 hours during any portion of which the cattle shall continue to trespass (according to the nature of the cattle and the land trespassed upon) as specified in Schedule A hereunto attached such damage shall be paid to the occupier of the land on his written demand personally served on the owner of the cattle and if not paid within 24 hours then may be summarily recovered.

Party so aggrieved may summon the other for compensation for damage so done to him. 3. Any person on land in whose occupation any cattle may trespass may without impounding such cattle summon the owner thereof before a Justice of the Peace who may award such special compensation for damage done as he may on the evidence of the complainant and at least one other person think proper.

Cattle trespassing may be impounded either on the land or in the public Pound, and there detained until sold or redeemed. Proviso: 4. Any Cattle trespassing on land may be impounded by the occupier thereof either upon the land whereon the trespass is committed or in the Public Pound and may be there detained either till such damage is paid as specified in Schedule A as well as any special damage claimed by the impounder or till sold or replevied or redeemed under the provisions of this Act Cattle may be impounded on the land where the trespass is committed only when the owner-

ship of such cattle is known to the impounder and written notice thereof shall be given to the owner or left at his abode within 24 hours after the impounding. The impounder shall supply the said cattle with necessary food while impounded for which he shall be entitled to receive payment according to Schedule B hereunto annexed and if the cattle are not redeemed or replevied at the end of the third day after impounding he shall then impound the same in the nearest public pound to be dealt with under the provisions of this Act as if taken there in the first instance.

Impounder
how to act.

5. When any cattle being *bona fide* driven along a highway shall without the consent of or connivance of the driver break away and trespass on any unfenced land adjoining such highway and the driver shall immediately exert himself to drive such cattle back into the highway and such trespass shall not be protracted any longer than the unavoidable necessity of the case may require the owner of such cattle shall not be liable to any of the penalties of this Act nor the cattle liable to be impounded in respect of such accidental trespass.

In case of
Cattle driven
along a high-
way, and acci-
dentally tres-
passing on
unfenced land
adjoining
thereto, the
driver exerting
himself to
drive back the
same on to the
highway, such
not liable to
operation of
this act.

6. When any cattle shall be taken to a public pound the impounder shall deliver to the Poundkeeper a written statement of the number and kinds of such cattle the name of their owner if known to him the name of the impounder and the amount of special damage claimed if any. The Poundkeeper shall thereupon if the owner be known serve upon him or leave at his abode a copy of such notice and shall also state thereon the time at which such cattle will be sold under the provisions of this Act if not previously redeemed or replevied. If the owner shall not be known then a similar notice in which shall be stated a description of the cattle and if any the brands or marks on the same shall be posted by the Poundkeeper on some conspicuous part of the pound and shall be twice advertized in some newspaper if any such be published within 20 miles of such pound. If the cattle shall not be redeemed or replevied within 7 days (when the owner is known) or within 21 days (when the owner is not known) the Poundkeeper may apply to any

In case Cattle
be taken to a
public Pound,
the impounder
to give a cer-
tain statement
of the said
cattle to the
Poundkeeper.
Poundkeeper
to serve a notice
to owner of
the said cattle.
If owner can-
not be found,
Poundkeeper
how to act.
With respect
to notices and
sale regula-
tions.

Justice of the Peace who on being satisfied that the provisions of this Act have been complied with shall issue his warrant for the sale of the cattle. Such sale (when the owner is known) shall take place on the 10th day after notice given to him of the impounding and (when not known) on the 24th day after posting such notice at the pound. Not more than 10 head of sheep or goats 1 horse or 1 of any other cattle shall be put up in one lot and neither the impounder the Poundkeeper nor the Justice of the Peace directing the sale shall personally nor by agent purchase any of such cattle under a penalty of £5 and the avoidance of the purchase. All such sales to be effected by Public Auction to the highest bidder by the Poundkeeper who shall not be liable to a penalty though he may not be a Licensed Auctioneer.

Proceeds of sale, how to be applied.

7. The proceeds of any such sale shall be paid to the Poundkeeper who shall pay first to himself all the fees and expenses of poundage 2ndly to the impounder the damage due to him under this Act 3rdly to the owner of the cattle if known any balance remaining after such payment. But if the owner be not known such balance shall be paid by the Poundkeeper to the Provincial Treasurer in trust for the owner of the cattle who shall be entitled to receive the same without interest from such Treasurer at any time not exceeding two years after such sale after which date he shall be barred and the said balance shall be applied to the public service of the Province. If the sale of such cattle shall not produce sufficient to cover the damages claimed and the fees and expenses of impounding the owner shall be liable therefor and the sum may be recovered by the usual course of law.

Owner of impounded cattle not satisfied with the reasonableness of the amount claimed, or who may dispute the fact of the trespass, how to act.

8. Any person whose cattle may have been impounded either in a public or private pound who may dispute the fact of the trespass or the amount of special damage claimed may on depositing with a Justice of the Peace the amount of damages and poundage fees and expenses require such Justice of the Peace to issue his warrant to the party in whose custody the cattle may be directing him to deliver them to their owner and the Justice of the Peace shall issue the same accordingly and shall fix the time for hearing the evidence relative to such dispute and shall summon the party impounding the cattle to attend such hearing and give any evidence he may think necessary and the Justice may at

such hearing make such decision and award such costs against either party in respect of such hearing as he may think fit provided that he shall not award more special damages than have been claimed by the impounder.

9. It shall not be lawful for any person to enter upon any land in the occupation of any other person for the purpose of seeking for or driving therefrom any cattle belonging to the person so entering without the permission of the occupier under a penalty of not more than £5 nor less than Five Shillings unless such cattle shall be milk cows in actual use as such or the cattle shall be seen actually trespassing on cropped land or land laid down with artificial grass and fenced with such fence as described in the Ninth Section of the Fencing Act passed in the First Session of this Council. Provided that if such permission shall have been asked in writing served on such occupier and shall have been refused any Justice of the Peace may authorise the party desirous of seeking for his cattle to enter on any lands where he believes them to be and seek for and drive away the same. But nothing in this Act contained shall relieve the party so seeking or driving from any damage to which he might be liable for any injury which may be done by him to the cattle of such occupier by driving or disturbing the same.

Owner of Cattle trespassing not to enter upon any lands without permission, for the purpose of seeking for or driving the same therefrom. Penalty for so doing. Proviso.

10. Any person driving cattle belonging to any other person from any land occupied by the latter shall be liable to a penalty of five shillings for every head of large cattle and one shilling for every head of small and shall also repay to such party such amount of damage for loss of time or trouble incurred by the owner in recovering such cattle as any Justice of the Peace may award.

Penalty for driving Cattle from the land of their owner.

11. The owner of any cattle found wandering at large in any road or street shall be liable to a penalty in respect thereof of one shilling a head for great and threepence a head for small cattle. And for the purpose of enforcing such penalties all the remedies and powers hereinbefore given to persons in respect of cattle trespassing on lands in their occupation are hereby vested in all persons living on any lands or in any house abutting on any road or street in which any cattle shall be found wandering at large in respect of such cattle and in all Justices of the Peace

Penalty for having Cattle at large in any road or street.

Commissioners or Wardens of Roads and Police Constables All penalties shall be paid into the Provincial Treasury and be applied to the public service of the Province The receipt of any Police Constable to be a discharge to the party receiving such penalty and paying over the same to such Constable for the use of the Province.

Power to Superintendent to proclaim public pounds, and to appoint or remove Poundkeepers.

12. The Superintendent may from time to time by Proclamation declare any pounds to be or cease to be public pounds within the meaning of this Act and may from time to time in like manner appoint suspend remove and reappoint keepers of such pounds who shall give such security for the proper fulfilment of their duties as the Superintendent shall think proper All public pounds and pound keepers being such by virtue of any law heretofore existing within this Province shall be public pounds and poundkeepers for the purposes of this Act until disallowed by Proclamation as aforesaid.

Duties of the Poundkeeper. Penalty in case of neglect.

13. Every poundkeeper shall keep his pound in good repair and shall provide all cattle impounded therein with sufficient food for which he shall be entitled to charge as specified in Schedule B hereunto annexed He shall receive all such cattle when brought to be impounded and safely keep the same till redeemed replevined or otherwise discharged in course of law being however responsible for the safe keeping only in case of neglect or wilful misconduct He shall keep a book and shall enter therein the particulars of every impounding as nearly as may be in the form of Schedule C hereunto annexed He shall allow all persons to inspect his book on payment of 6d for every inspection and shall allow extracts to be made therefrom (examined and signed by himself) on payment of a further sum of 6d for every such extract He shall keep affixed to some conspicuous part of the pound a board with a scale of the fees and of ordinary damages allowed by this Act painted thereon in black letters on a white ground He shall give all notices and do all things required by this Act and he shall charge and receive such fees in every case as specified in Schedule D hereunto annexed and all such fees and charges shall be paid over to the Provincial Treasurer for the public service of the Province once at least in every quarter, unless the Superintendent shall declare as he is hereby authorised to do that the same or any proportion thereof shall be retained by such poundkeeper for or to-

wards his salary If any poundkeeper shall wilfully make default in the performance of any of the duties hereinbefore imposed upon him he shall be liable to a penalty not exceeding £5 for every such default on the information of any person who shall have a direct and personal interest in such default.

14. The owner of any entire horse ass mule or bull above one year old found at large on any land not occupied by such owner shall be liable to a penalty not exceeding £5 nor less than £1 and the owner of any ram or boar of such age so running at large shall be liable to a penalty not exceeding £2 nor less than 10s And any person on land in whose occupation such entire animal may be found may (after forty-eight hours' notice in writing served on the owner thereof during which period the owner shall be at liberty to remove such animal) castrate the same and charge the owner thereof with double the amount usually charged in the neighbourhood for such operation and shall not be liable for the death or other injury of such animal if the same shall ensue on such castration unless such death or injury be attributable to the wilful neglect or inexperience of the castrator And if such entire animal shall while so at large have leaped any female animal being on land in the lawful occupation of the owner of the latter the owner of such entire animal shall pay such damages to the owner of the female animal as may be awarded in any court having jurisdiction to the amount sought to be recovered.

With respect to entire animals found at large.

15. It shall be lawful for the Superintendent by Proclamation to declare certain districts to be pastoral districts and that this Act or any clauses thereof which he may specify shall not apply therein and at any time to declare that such districts have ceased to be pastoral and come within the full operation of this Act.

Power to Superintendent to declare what districts shall come within the operation of this act.

16. In the construction of this Act and of the Schedules thereunto annexed the words "Great Cattle" shall be taken to mean horses geldings mares colts fillies asses mules bulls oxen cows heifers steers and calves "Small Cattle" shall be taken to mean rams ewes wethers lambs goats and swine and "Cattle" shall signify both great and small cattle The owner of any cattle shall include all persons employed or

Interpretation of the words "Cattle" and "Owner."

authorized by such owner in the execution of anything contrary to the provisions of this Act.

With respect to the recovery of penalties and damages, to whom payable.

17. All penalties and damages due under this Act and which shall not be recovered by sale of impounded cattle may be recovered on written demand or summarily all damages shall be paid to the party on whose land the trespass was committed and all penalties shall be paid to the Provincial Treasurer for the public service of the Province.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this fourth day of February in the year of our Lord One thousand eight hundred and fifty-six.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this sixth day of February, 1856.

I. E. FEATHERSTON,
Superintendent.

SCHEDULE A.

Kind of Cattle	On Land Unfenced		On Land Fenced		On Garden Fenced	
	s	d	s	d	s	d
Great Cattle.....	1	0	2	0	4	0
Small do.	0	2	0	4	1	0

SCHEDULE B.

Charges for Food to be paid to the Pound Keeper.

Every head of Great Cattle 1s. 0d.
Small do. Os. 3d.

The above charges to be paid for each day or part of a day, and to include water, which the Pound Keeper is to see properly given at least once every day

SCHEDULE C.

Form of Pound Keeper's Book.

Date	Time	Particulars of Cattle Impounded	Owner	Impounder	Cause	Time and mode of notice.	How disposed of	Time of release or sale	Particulars of release or sale	Amount of damages claimed

SCHEDULE D.

Fees payable to Pound Keeper.

For all Great Cattle	1s. 0d.
For all Small do.	0s. 3d.

INDEMNITY.

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

SESSION VIII. No. 2.

ANALYSIS.

<p>Title. Preamble.</p>	<p>1. Superintendent and Members</p>	<p>of Executive Council indemnified against all actions and proceedings.</p>
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Title.

An ACT to indemnify the Superintendent and his Executive Council for the expenditure of Public Money during the years 1858, 1859, and 1860, and also for a certain sum expended in excess of the Appropriation Act of 1857.

[Assented to May 29, 1861.]

Preamble.

WHEREAS in the year 1857 the sum of £8270 17s 7d was expended in excess of the Appropriation Act for that year AND WHEREAS the sum of £171,858 4s 9d was expended between the 31st day of December 1857 and the 1st day of January 1861 of which the sum of £93,767 8s 6d was expended upon the objects for the purposes and under the sanction and authority specified respectively in the Schedule hereto annexed and the residue or sum of £78,090 16s 3d was expended in maintaining the several departments of the Government and on contingencies AND WHEREAS no usual Appropriation Acts have been passed for the years 1858 1859 or 1860 AND WHEREAS all the money so expended as before mentioned was expended necessarily and for the public benefit and advantage and it is therefore expedient that the Superintendent and his Executive Council should be indemnified for such expenditure

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

1. The Superintendent and the several Members of his Executive Council are hereby indemnified against all actions and other proceedings on account of the expenditure aforesaid and the issue and payment of Warrants for the sums so expended.

Superintendent and Members of Executive Council indemnified against all actions and proceedings.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this Twenty-fifth day of May, in the year of our Lord one thousand eight hundred and sixty-one.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this Twenty-ninth day of May, one thousand eight hundred and sixty-one.

ISAAC EARL FEATHERSTON,

Superintendent.

NOTE.—It has been thought unnecessary to reprint the voluminous Schedules pertaining to this Act.

INTERPRETATION.

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

SESSION I. No. 2.

ANALYSIS.

Title.	
1. Acts to be divided into Sections.	4. Repealed Acts or Ordinances not to be revived.
2. Interpretation of certain words.	5. Repealed Provisions to be in force until substituted Provisions come into force.
3. When any Act or Ordinance is referred to, it shall be sufficient to cite the Session and number.	6. Acts may be altered, amended, &c., in same Session.
	7. Acts to be deemed Public Acts.
	8. Commencement of Act.

Title. *An ACT for shortening the Language of Acts of the Provincial Council of Wellington.*

[Assented to December 16, 1853.]

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

Acts to be divided into sections. 1. All Acts of the Provincial Council shall be divided into sections; if there be more enactments than one which sections shall be deemed to be substantive enactments without any introductory words.

Interpretation of certain words. 2. In all Acts words importing the "Masculine Gender" shall be deemed and taken to include "Females" and the "Singular" to include the "Plural" and the "Plural" the "Singular" unless the contrary as to gender or number is expressly provided.

The word "Month" shall be deemed to mean "Calendar Month" unless words be added showing "Lunar Month" to be intended.

The word "Land" shall include Messuages Tenements Hereditaments Houses and Buildings unless where there are words to exclude Houses and Buildings.

The words "Oath" "Swear" and "Affidavit" shall include Affirmations Declarations affirming and declaring in the case of persons by law allowed to declare or affirm instead of swearing.

The words "Province" "Government" "Government Gazette" "Superintendent" "Secretary of the Province" "Treasurer of the Province" "Solicitor of the Province" shall be deemed to be the Province Government Government Gazette Superintendent Secretary Treasurer or Solicitor of the Province of Wellington respectively unless there are words showing some other Province or the Government Government Gazette or Officer of some other Province to be intended.

3. In any Act when any former Act of the Provincial Council of Wellington or any Ordinance of the late Legislative Council of New Zealand or Ordinance or Act of the General Assembly of New Zealand or any Ordinance of the Legislative Council of the late Province of New Munster is referred to it shall be sufficient to cite the Session of the respective Council or Assembly in which it was made and when there are more Acts or Ordinances than one the number and section as the case may require without reciting the title of such Act or Ordinance or the provision of such section so referred to and the reference in all cases shall be made according to the copies of Acts or Ordinances printed by authority of the Legislative body by which the Act or Ordinance was made.

When any act or ordinance is referred to, it shall be sufficient to cite the Session and number.

PROVIDED that when it is only intended to amend or repeal any portion only of such section it shall be necessary still either to recite such portion or to set forth the matter or thing intended to be amended or repealed.

4. When any Act repealing in whole or in part any former Act or Ordinance is itself repealed such last repeal shall not revive the Act or Ordinance or provision before repealed unless words be added reviving such Act or Ordinance.

Repealed Acts or Ordinances not to be revived.

Repealed Provisions to be in force until substituted. Provisions come into force. 5. Whenever any Act shall be made repealing in whole or in part any former Act or Ordinance and substituting some provision or provisions instead of the provision or provisions repealed such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last made Act.

Acts may be altered, amended, &c., in same session. 6. Every Act may be altered amended or repealed in the same Session of Council.

Acts to be deemed public acts. 7. Every Act shall be deemed and taken to be a public Act and shall be Judicially taken notice of as such unless the contrary be expressly provided and declared by such Act.

Commencement of Act. 8. This Act shall commence and take effect from and immediately after the passing thereof.

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this
fifteenth day of December in
the year of our Lord one
thousand eight hundred and
fifty-three.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand on this
sixteenth day of December, 1853.

I. E. FEATHERSTON,

Superintendent.

LAND SCRIP.

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

SESSION V. No. 2.

ANALYSIS.

<p>Title. Preamble. 1. Chief Land Commissioner may investigate certain Claims and</p>	}	<p>report thereon. Power to Superintendent to issue Scrip according to such Report.</p>
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*An ACT to extend the time for Adjudication on certain Claims Title.
to Scrip.*

[Assented to July 11, 1857.]

WHEREAS by the "Land Orders and Scrip Act Preamble.
1856" passed by the General Assembly of New Zealand it was enacted that the commutation of New Zealand Company's Land Orders and Scrip for Government Scrip made in accordance with the provisions of the New Zealand Company's Land Claimants Ordinance should in all cases be deemed to have been valid up to the date of the passing of the said Act but that no such commutation shall be made after such date

AND WHEREAS several parties had made claims for compensation and for commutation of Land Scrip for Government Scrip but no report had been made thereon previous to the passing of the said Act and it is doubtful whether any compensation can be now awarded or commutation granted

AND WHEREAS it is just that some provision or relaxation of the said prohibition in the said Act be made in favor of such parties

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

Chief Land
Commissioner
may investi-
gate certain
claims and
report thereon.
Power to Su-
perintendent
to issue Scrip
according to
such report.

1. That notwithstanding anything in the " Land Orders or Scrip Act " hereinbefore recited or referred to the Chief Land Commissioner of the Province may investigate the claims of all parties who before the passing of the said Act shall have preferred claims for compensation or commutation of any Land Order or Land Scrip for Government Scrip and may report thereon to the Superintendent and it shall be lawful for the Superintendent to issue to any such claimant for compensation or commutation of Land Scrip for Government Scrip who shall have been reported by the Chief Land Commissioner of the Province to be fairly and equitably entitled thereto Land Scrip to an amount not exceeding the amount recommended by the said Commissioner to be available in the selection of Public Land except in Towns Townships or Agricultural or Small Farm Reserves.

C. CLIFFORD,

Speaker.

Passed the Provincial Council this
second day of June in the year
of our Lord one thousand eight
hundred and fifty seven.

H. S. HARRISON,

Clerk of Council.

LICENSES AND FEES.

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

SESSION I. No. 3.

ANALYSIS.

Title.	Treasurer of the Province.
Preamble.	2. Fees taken by certain Officers to be accounted for and paid to the Treasurer of the Province.
1. Publicans' and Auctioneers' Licenses to be issued by the	

An ACT 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.

[Assented to December 17, 1853.]

WHEREAS by an Ordinance passed in the second Session of the Legislative Council of New Zealand Number XII 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 Treasurer of the County or District" upon certain certificates being lodged with and sums of money paid to him Preamble.

AND WHEREAS by an Ordinance passed in the same Session of the Legislative Council Number XIII intituled "An Ordinance for licensing Auctioneers" and an Ordinance passed in the third Session of the Legislative Council Number X 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 of the Legislative Council of New Zealand enumerated in the schedule hereto annexed certain fees are therein authorized to be demanded and received for the services licenses and purposes therein mentioned respectively which fees the several officers authorized 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 authorize persons to act as Auctioneers within the Province of Wellington 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 Wellington with the advice and consent of the Provincial Council thereof as follows

Publicans' and Auctioneers' Licenses to be issued by the Treasurer of the Province.

1. That all Licenses for the sale of Fermented and Spirituous Liquors or to authorize persons to act as Auctioneers within the Province of Wellington shall henceforth be issued by the Treasurer of the said Province of Wellington upon the deposits 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 for the County or District.

Fees taken by certain Officers to be accounted for and paid to the Treasurer of the Province.

2. That all fees for the issue of summonses process licenses registration or other services required or authorized 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 Wellington shall be accounted for and paid over to the Treasurer of the said Province and be applied as shall also the fees and sums of money to be received by him for Publicans' and 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 an Ordinance authorizing the demanding and taking such fees may be charged thereon respectively.

The schedule referred to in the above Act :—

- * The Summary Proceedings Ordinance, Sess. II. No. 5.
- * The Resident Magistrates Ordinance, Sess. VII. No. 16.
- The Slaughter House Ordinance, Sess. VIII. No. 5.
- The Impounding Ordinance, Sess. VIII. No. 6.
- The Licensing Ordinance, Sess. II. No. 12.
- The Auctioneers Ordinance, Sess. II. No. 13.
- * The Marriage Ordinance, Sess. VIII. No. 7.
- * The Registration Ordinance, Sess. VIII. No. 9.
- * The Land Registration Ordinance, Sess. II. No. 9.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this
Fifteenth day of December in
the year of our Lord One
thousand eight hundred and
fifty-three.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand on this
Seventeenth day of December,
1853.

I. E. FEATHERSTON,
Superintendent.

This Act is controlled by Act of General Assembly, No. 33, 1858, which otherwise provides for the application of Fees, &c. under the Acts in the above Schedule marked thus. See also Acts of General Assembly No. 12, 1854, and No. 28, 1858.

LICENSING AMENDMENT.

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

SESSION I. No. 25.

ANALYSIS.

<p>Title.</p> <p>Preamble</p> <p>1. Certain enactments in Licensing Ordinances, Sess. 11., No. 12, and Session XI. No. 16, repealed.</p>		<p>2. Publicans to keep a light burning from sunset to midnight.</p> <p>3. Penalty for selling less than 2 gallons of any one liquor at any one time.</p>
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Title.

An ACT to amend the Ordinances of the Legislative Council of New Zealand, Session 2, No. 12, and Session 11, No. 16.

[Assented to February 7, 1854.]

Preamble.

WHEREAS by an Ordinance passed by the Legislative Council of New Zealand Session 2 No. 12 it is enacted—"That every person shall have a Lamp with at least two burners affixed over the front or principal door of his house and shall keep the same burning from sunset to sunrise"

AND WHEREAS by a certain other Ordinance of the said Legislative Council Session XI No 16 it is enacted—"That if any person not being duly licensed shall sell any quantity less than two gallons of any Spirituous Liquors Wine Ale or Beer whether the said quantity of two gallons be composed of the same liquor or a variety of liquors or shall permit the same to be sold by any other person in or upon his house or premises or shall permit to be removed from his premises for the purposes of sale any quantity less than two gallons of one liquor at any one time he shall forfeit and pay for every such offence the sum of Fifty pounds to be recovered in a summary way"

AND WHEREAS it is expedient that the hereinbefore recited enactments should be repealed within and so far as the same concern the Province of Wellington and that other provisions should be substituted for the same

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

1. That the said hereinbefore recited enactments shall be repealed within and so far as concerns the Province of Wellington.

Certain enactments in Licensing Ordinances, Sess. II, No. 12, and Session XI No. 16, repealed.

2. Every person licensed to sell spirituous liquors wine ale or beer under the first recited Ordinance shall have a lamp affixed over the front or principal door of his house and shall keep the same burning from sunset until midnight.

Publicans to keep a light burning from sunset to midnight.

3. If any person not being duly licensed shall sell any quantity less than two gallons of any one description of spirituous liquors wine ale or beer or shall permit the same to be sold by any other person in or upon his house or premises or shall permit to be removed from his premises at any one time any quantity less than two gallons of any one description of liquor which may have been sold by him he shall forfeit and pay for every such offence the sum of Fifty pounds to be recovered in a summary way.

Penalty for selling less than 2 gallons of any one liquor at any one time.

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this third day of February in the year of our Lord one thousand eight hundred and fifty-four.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this seventh day of February, 1854.

I. E. FEATHERSTON,

Superintendent.

NOTE.—See also "Publicans Licenses," and "Publicans Licensing Amendment."

LICENSING AMENDMENT.

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

SESSION VI. No. 1.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Power to the Speaker of the Provincial Council to authorise the sale of spirituous liquors with-</p>		<p>in the building used by the Provincial Council.</p> <p>2. To indemnify any persons who may have sold spirituous liquors prior to the passing of this Bill within such building.</p>
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Title.

An ACT for amending an Ordinance passed by the Governor and Legislative Council of New Zealand for regulating the Sale of Fermented and Spirituous Liquors.

[Assented to April 8, 1858.]

Preamble.

WHEREAS under an Ordinance passed by the Governor and Legislative Council of New Zealand in the Second Session of the said Council entitled "An Ordinance for regulating the sale of Fermented and Spirituous Liquors" persons who shall sell Fermented and Spirituous Liquors not being duly licensed according to the provisions of such Ordinance are made liable to the penalties therein mentioned and all liquors exposed for sale in any house or premises not licensed according to the provisions of such Ordinance are declared to be forfeited

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

Power to the Speaker of the Provincial Council 1. That nothing in the said Ordinance contained shall extend to render any person liable to the penalties therein

mentioned who shall under the written authority of the Speaker of the Provincial Council of Wellington sell Fermented or Spirituous Liquors within any building used for the purposes of the meeting of the Provincial Council of Wellington or render liable to a forfeiture any Liquors exposed for sale by any such person within any such Building.

Council to authorise the sale of spirituous liquors within the building used by the Provincial Council.

2. All persons who shall have at any time heretofore sold or disposed of any Fermented or Spirituous Liquors within any such building as aforesaid shall be and they are hereby respectively indemnified against all penalties incurred by reason thereof.

To indemnify any persons who may have sold spirituous liquors prior to the passing of this Bill within such building.

3. This Act shall be entitled—The Licensing Amendment Act 1858.

ALFRED LUDLAM,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

EDWARD TOOMATH,

Chairman of Committees.

Passed the Provincial Council this First day of April in the year of our Lord One thousand eight hundred and fifty-eight.

ROBERT PORTER WELCH,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this eighth day of April one thousand eight hundred and fifty-eight.

I. E. FEATHERSTON,

Superintendent.

NOTE.—See also "Publicans Licenses," and "Publicans Licensing Amendment."

LOAN.

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

SESSION I. No. 6.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Power to borrow on Debentures.</p> <p>2. Power to take up sums as required.</p> <p>3. Rate of Interest.</p> <p>4. Repayment to be a first charge</p> <p>5. Debentures to be issued in certain sums.</p>		<p>6. Debentures payable upon twelve months' notice</p> <p>7. Interest to be paid half-yearly.</p> <p>8. Holders of Debentures to be paid out of the Provincial Revenue.</p> <p>9. Interest to cease one year after notice.</p> <p>Form of Debenture. Schedule.</p>
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Title. *An ACT to authorise the Superintendent to raise a Loan for carrying on certain Public Works of the Province, and for other purposes.*

[Assented to January 14, 1854.]

Preamble. **W**HEREAS it is expedient that Immigration Purchase of Land and certain Public Works of the Province should be carried on by means of a loan to be raised upon the security of and charged upon the public revenue of the Province

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

Power to borrow on debentures. 1. The Superintendent may borrow on debentures under the public seal of the Province any sums of money not exceeding in the whole the sum of Fifty Thousand pounds for the purpose of defraying the costs of the several Public

* Altered and extended by Loan Act, Sess. II, No. 9.

Works of the Province and other purposes specified in the Schedule hereunto annexed.

2. The Superintendent may take up such sums at any one time or from time to time as the occasion may require or to him may appear expedient. Power to take up sums as required.

3. The Interest to be paid on such sums shall not exceed the rate of Six pounds for every One hundred pounds by the year. Rate of interest.

4. The repayment of such sums and the interest thereon shall be a first charge upon the public revenue of the Province. Repayment to be a first charge.

5. The debentures shall be issued for sums of Twenty-five pounds Fifty pounds or One hundred pounds each and may be in the form to this Act annexed or to the like effect. Debentures to be issued in certain sums.

6. The debentures shall be made payable at any time upon Twelve months' notice of the intention of the Government to repay the same to be published in the Government Gazette of the Province and also in that of the General Government. Debentures payable upon twelve months' notice.

7. The interest upon all debentures shall be paid half-yearly. Interest to be paid half-yearly.

8. The holders of such debentures shall be paid out of the revenue of the Province the respective sums in the debentures mentioned and thereby intended to be secured without any preference one above another by reason of priority of date of any such debentures or otherwise howsoever. Holders of debentures to be paid out of the Provincial revenue.

9. Interest on all debentures shall cease to be payable one year after the day on and after which by such notice as aforesaid the Government shall have declared its intention to pay off such debentures. Interest to cease one year after day of notice.

Form of De-
benture.

NEW ZEALAND.

PROVINCE OF WELLINGTON.

DEBENTURE FOR FIFTY POUNDS STERLING.

No Wellington 185
 Debenture for Fifty Pounds Sterling issued under the authority of an Act of the Provincial Council of the Province of Wellington in the Islands of New Zealand payable to or order
 The said or order is entitled on
 presentation of this Debenture to receive interest at the rate of
 per cent per annum in half-yearly payments on the second Tuesday in the month of January and the second Tuesday in the month of July in each year at the Treasury of the said Province of Wellington.

The sum of Fifty Pounds sterling will be paid by the Treasurer of the said Province at any period after 12 months' previous notice in the Government Gazette of the said Province and of the General Government of the Islands of New Zealand of the intention of the Government of the said Province to pay the same on a certain day.

No interest will be payable on the above-named sum after the expiration of twelve months from the day which may be so fixed for repayment in the said Gazette.

Secretary for the Province of Wellington.
 Treasurer for the Province of Wellington.

(Seal)

Superintendent.

Schedule.

SCHEDULE.

1. Wairarapa Road	12,000
2. Market.....	1,000
3. Ngahauranga Road.....	4,000
4. Immigration.....	10,000
5. Road from Wairarapa to Ahuriri and Manawatu	5,000
6. Trunk line of road from Wanganui towards } Wellington	4,000
7. Market at Wellington.....	1,000
* 8. Extinguishing of Native Title to Land.....	13,000
Total	£50,000

* Last Item in Schedule altered and otherwise applied by Session III, No 12.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this
twelfth day of January in the
year of Our Lord one thou-
sand eight hundred and fifty-
four.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of
the Governor of New Zea-
land this fourteenth day of
February, 1854.

I. E. FEATHERSTON,
Superintendent.

LOAN.

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

SESSION II. No. 9.

ANALYSIS.

Title.

Preamble.

1. Interest on Debentures may be raised to £8 per cent.
2. Power to Superintendent to agree with any lender to receive such interest either at the Provincial Treasury or at any other place.
3. Power to Superintendent to bor-

row money, if procurable, at a lower rate of interest, &c.

4. Mode of procedure in the case of a portion only of the Debentures being paid off, with proviso.
5. Holders of Debentures already issued to receive interest at such higher rate as shall be paid upon Debentures to be hereafter taken up under this Act.

Title.

*An ACT to alter and extend an Act of the Provincial Council,
Session I, No. 6.*

[Assented to March 7, 1855.]

Preamble.

WHEREAS an Act was passed in the Session of the Provincial Council held in the seventeenth year of the reign of her present Majesty No 6 to authorise the Superintendent to borrow on debentures certain sums of money for the purposes of paying the expenses of certain public works and it was thereby provided that the interest on such sums should not exceed Six pounds (£6) for every Hundred pounds (£100) by the year and also that the debentures should be in the form to the said Act annexed or to the like effect in which form it is stated that the holder of the debenture should on presentation thereof receive interest on the days therein specified at the Treasury of the Province

AND WHEREAS it is expedient to extend the limit of interest at which the Superintendent is authorised to raise such sums aforesaid and also to authorise him to contract with any lender thereof to pay the interest and principal sum at other places than at the Treasury of the Province

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

1. Notwithstanding anything therein contained the interest on the sums of money to be taken up under the said Act of the seventeenth year of her present Majesty No 6 may be raised to but shall not exceed the rate of Eight pounds (£8) for every One Hundred pounds (£100) by the year.

Interest on debentures may be raised to 8 per cent.

2. It shall be lawful for the Superintendent to agree with any lender of any sum of money to be taken up under the authority of the said Act that the interest thereon or the principal or both shall be paid either at the Treasury of the Province or at any other place either within or out of the Province and to make all such necessary arrangements for that purpose as to him may seem expedient.

Power to Superintendent to agree with any lender to receive such interest either at the Provincial Treasury or at any other place.

3. If the Superintendent shall at any time be able to procure on loan any sum of money at a lower rate of interest than that at which the debentures then already issued shall bear it shall be lawful for him to take up such sum at such lower rate of interest in order to pay off the debentures bearing the higher rate of interest.

Power to Superintendent to borrow money if procurable at a lower rate of interest, &c.

4. If at any time the Government shall determine upon paying off a portion only of the debentures in force for the time being the parties to be paid off shall be determined by lot and notice of the payment of the debentures pursuant to such lot shall be given accordingly PROVIDED ALWAYS that it shall be lawful for the Government to pay off any debentures the holders of which may be desirous of receiving payment thereof before proceeding to any such determination by lot.

Mode of procedure in the case of a portion only of the debentures being paid off, with Proviso.

5. AND WHEREAS it is equitable that all debentures already issued under the authority of the said recited Act should bear the same interest as debentures to be hereafter issued under the same and the present Act THEREFORE the Treasurer of the Province is hereby authorised to pay to the holders of the debentures heretofore issued such higher rate of interest as shall be paid upon the sum of money to be hereafter taken up on debentures under the Act before referred to and the present.

Holders of debentures already issued to receive interest at such higher rate as shall be paid upon debentures to be hereafter taken up under this Act.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this
Twenty-eighth day of February
in the year of our Lord one
thousand eight hundred and
fifty-five.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand on this
Seventh day of March one
thousand eight hundred and
fifty-five.

I. E. FEATHERSTON,
Superintendent.

LOAN AMENDMENT.

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

SESSION III. No. 12.

ANALYSIS.

<p>Title. Preamble. 1. Portion of No. 6, Session I, re-</p>		<p>pealed, in lieu thereof power to Superintendent to issue de- bentures for certain purposes.</p>
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An ACT to apply the sum of £13,000 authorised to be applied Title.
by the Loan Act, Session 1, No. 6, towards the extinguishing
of Native Title to Land to certain other public purposes.

[Assented to February 6, 1856.]

WHEREAS by an Act of the Provincial Council Session Preamble.
1 No 6 the Superintendent was authorized to borrow
on debentures under the public seal of the Province any
sums of money not exceeding in the whole the sum of
Fifty Thousand pounds (£50000) for the purpose of defraying
the costs of the several public works of the Province and
other purposes specified in the Schedule to the said bill an-
nexed AND WHEREAS among the purposes specified in the
said Schedule was that of "the extinguishing of Native
title to land" on which a sum of Thirteen Thousand pounds
(£13000) was authorized to be expended AND WHEREAS no
portion of the sum of Fifty Thousand pounds has been yet
raised for such purpose And it is now deemed inexpedient
to expend any portion thereof in the extinguishing of native
title to land and that the amount proposed to be so expend-
ed may be more advantageously applied towards the purposes
hereinafter mentioned

1. BE IT THEREFORE ENACTED by the Superintendent of Portion of No.
the Province with the advice and consent of the Provincial 6, Session I,
repealed, in

lieu thereof power to Superintendent to issue debentures for certain purposes.

Council thereof that notwithstanding anything contained in the Schedule to the said hereinbefore referred to Act of the Provincial Council Session 1 No 6 it shall not be lawful for the Superintendent to apply towards the extinguishing of the Native title; to land any portion of the said sum of £50000 as aforesaid) authorized to be raised but in lieu thereof the Superintendent may issue debentures to the amount of Thirteen Thousand pounds (£13000) part of the debentures authorized to be issued under the authority of the said Act towards the purposes following viz

£4000 for Steam Communication between this Province and the Colony of Victoria either by way of bonus or otherwise.

£4000 for the erection of Council Chamber and Government Offices.

£5000 for Surveys so soon as the control thereof shall be transferred to the Provincial Government.

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this fourth day of February in the year of our Lord one thousand eight hundred and fifty-six.

H. S. HARRISON,

Clerk of Council.

I assent to this act on behalf of the Governor of New Zealand on this sixth day of February, 1856.

I. E. FEATHERSTON,

Superintendent.

LOAN.

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

SESSION IV. No. 4.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Power to Superintendent to negotiate a Loan of £50,000.</p> <p>2. Power to Superintendent to issue Debentures to said amount, the same to bear interest, &c.</p>		<p>3. Relating to Debentures.</p> <p>4. Ditto.</p> <p>5. The Loan with interest to be a charge on the Revenue.</p> <p>6. Application of Loan. Form of Debenture with Coupon attached.</p>
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*An ACT to authorize the Superintendent to raise a further Title.
Loan of Fifty Thousand Pounds.*

[Assented to February 20, 1857.]

WHEREAS by certain Acts of the Provincial Council Preamble.
Session I No 6 and Session II No 9 the Superintendent of the Province was empowered to borrow on debentures under the public seal of the Province any sums of money not exceeding in the whole the sum of Fifty Thousand pounds for the purpose of defraying the costs of certain public works of the Province and other purposes in the terms in such Acts mentioned

AND WHEREAS it is expedient to raise a further sum of Fifty thousand pounds, and to authorize the Superintendent to negotiate the same

AND WHEREAS the Union Bank of Australia has offered to negotiate a loan of Fifty Thousand pounds provided the same be made redeemable at a period of Ten years and not before

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

Power to Superintendent to negotiate a loan of £50,000.

1. The Superintendent of the Province is hereby empowered to authorize the Union Bank of Australia to negotiate a loan of Fifty Thousand pounds on behalf of this Province or failing such negotiations then to negotiate such Loan through any other party in addition to the sums authorised to be raised under the Acts of the Provincial Council hereinbefore referred to and on such terms and conditions as to him may appear advantageous subject to the stipulations hereinafter mentioned.

Power to Superintendent to issue debentures to said amount, the same to bear interest, &c.

2. For effecting such purpose the Superintendent may issue debentures under the public seal of the Province to the amount of Fifty Thousand Pounds for sums of £100 each and if he think fit make the same redeemable at a period of ten years or at any other specified period after the date of their issue and until redemption bearing interest after a rate of Eight pounds per centum per annum payable half-yearly and at such places within or out of the Province as may be agreed upon.

Relating to debentures.

3. Such debentures may be in the form annexed and with Coupons attached and may be dated and bear interest from the first of January 1857.

Ditto.

4. No debentures shall be sold under par.

The loan with interest to be a charge on the revenue.

5. The loan so as aforesaid to be negotiated and the interest thereon shall be a charge on the public revenue of the Province.

Application of loan.

6. The money to be raised under the authority of this Act shall be applied in the construction of public works and carrying on undertakings of the Province according to the annual appropriation of the Provincial Council.

FORM OF DEBENTURE.

Form of De-
benture with
coupon at-
tached.

Debenture No

Wellington 1st January 1857

NEW ZEALAND

PROVINCE OF WELLINGTON

£50,000 Loan 8 per cent

Debenture for £100

Wellington

London Agents

Issued under the authority of the Provincial Council of Wellington
By virtue of an Act passed by the Provincial Council of the Province
of Wellington New Zealand on the day of A. D. 1857 Session IV.
No. 4.

The Provincial Government of Wellington hereby acknowledge to have
received and promise to pay the bearer hereof the sum of

One Hundred Pounds Sterling

years from and after the date hereof at the
in and also the interest from the same date at the rate of
Eight per cent. per annum until the day of 186 on the
first of July and first of January in each year, to the bearer of the proper
Coupons hereunto annexed at the in as aforesaid.

Signed and Sealed on behalf of the Provincial
Government of Wellington.

Provincial Secretary

Provincial Treasurer

Superintendent

NEW ZEALAND
PROVINCE OF WELLINGTON

£50,000 Loan

£100 Sterling

Debenture No

Four Pounds Sterling will be paid
to the bearer of this Coupon
on presentation at the
in
being six months' interest on
the Debenture numbered
due the first day of

Provincial Secretary

Provincial Treasurer

Superintendent

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this
eleventh day of February in
the year of our Lord One
thousand eight hundred and
fifty-seven.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand on this
twentieth day of February, one
thousand eight hundred and
fifty-seven.

ISAAC EARL FEATHERSTON,
Superintendent.

LOAN.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX. No. 11.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Superintendent empowered to negotiate Loan.</p> <p>2. Power to Superintendent to issue Debentures.</p> <p>3. Form of Debentures.</p> <p>4. Not to be sold under par.</p> <p>5. Loan to be charged on public revenue.</p> <p>6. Money raised by Loan how to be applied.</p>		<p>7. Securities not to be prejudiced.</p> <p>8. Amount to be paid to Auditors as Sinking Fund.</p> <p>9. Sums so paid to be a first charge on General Revenue of the Province.</p> <p>10. Sums so paid how to be applied.</p> <p>11. Vacancy in Commissioners how to be filled up.</p> <p>Form of Debenture with Coupon annexed.</p>
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An ACT to authorise the Superintendent to raise a further Loan Title of Twenty-five Thousand Pounds.

WHEREAS by certain Acts of the Provincial Council Preamble, Session I No. 6 and Session II No. 9 the Superintendent of the Province was empowered to borrow on debentures under the public seal of the Province any sums of money not exceeding in the whole the sum of fifty thousand pounds for the purpose of defraying the cost of certain public works of the Province and other purposes in the terms in such Acts mentioned

AND WHEREAS by another Act of the Provincial Council Session IV No. 4 the Superintendent was empowered to borrow on debentures a further sum of £50,000 for the purposes therein mentioned

AND WHEREAS it is expedient to raise a further sum of twenty-five thousand pounds for the purposes hereinafter

mentioned and to authorise the Superintendent to negotiate the same

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

Superintendent empowered to negotiate Loan. 1. The Superintendent of the Province is hereby empowered to negotiate a Loan of twenty-five thousand pounds on behalf of this Province through such bankers or other parties as he may think fit and on such terms and conditions as to him may appear advantageous subject to the stipulations hereinafter mentioned.

Power to Superintendent to issue debentures. 2. For effecting such purpose the Superintendent may issue debentures under the public seal of the Province to the amount of twenty-five thousand pounds for sums of £50 to £500 each redeemable at a period of fifteen years from the 1st day of July next bearing interest after a rate of eight pounds per centum per annum payable half-yearly at such place within or out of the Province as may be agreed upon.

Form of debenture. 3. Such debentures may be in the form annexed and with coupons attached and may be dated and bear interest from the 1st of July 1862.

Debentures not to be sold under par. 4. No debentures shall be sold under par.

Loan to be charged on public revenue 5. The Loan so as aforesaid to be negotiated and the interest thereon shall be a charge on the public revenue of the Province next to the Loans already raised.

Money raised by Loan how to be applied. 6. The money to be raised under the authority of this Act shall be applied in the completion of the public wharf now in course of construction in the harbour of Port Nicholson and the erection of a Supreme Court and Offices a Police Court and Station and a Post Office and Custom House in the City of Wellington.

Securities not to be prejudiced. 7. Nothing in this Act shall prejudice any security granted under the Loan Acts hereinbefore referred to.

AND WHEREAS it is expedient to make provision for the Second pream-
 repayment of the Loan hereby authorised to be raised by the ble.
 Superintendent BE IT FURTHER ENACTED

8. There shall be paid half-yearly out of the general re- Amount to be
 venue of the Province to the Auditor and Deputy Auditor paid to Audi-
 of the Province for the time being as Commissioners a sum tors as Sinking
 of five hundred pounds to be set apart as a sinking fund for Fund.
 repayment of the Loan authorised to be raised by this Act.

9. The sums so to be paid shall subject to the payment of Sums so paid
 interest on the loans referred to in the preamble of this Act to be a first
 or authorised to be raised by it be a first charge on the charge on ge-
 general revenue of the Province. neral revenue
 of Province.

10. The sums so paid and set apart shall together with the Sums so paid
 interest to accrue from the investment thereof be invested how to be ap-
 from time to time by and in the names of the Commissioners plied.
 aforesaid in mortgage on the security of freehold land in the
 Province of Wellington or in the purchase of debentures
 issued under this Act and such sums or debentures shall be
 held in trust for the public uses of the Province and be paid
 and applied to the redemption of the Loan of £25,000 hereby
 authorised to be raised.

11. When any Commissioner shall die resign be removed Vacancy in
 from office or become incapable of acting in the trust hereby Commission-
 created all such estate right interest and authority in the ers how to be
 said trust moneys and securities as the Commissioner so filled up.
 dying resigning being removed from office or becoming in-
 capable as aforesaid possessed shall become vested in the
 person appointed in his stead.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in
 accordance with the Bill as
 passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this
Fifth day of June, in the year
of our Lord One thousand eight
hundred and sixty-two.

WILLIAM BEST,
Clerk of Council.

I reserve this Act for the signification of the Governor's pleasure thereon.

I. E. FEATHERSTON,
Superintendent.

Wellington, 15th June, 1862.

FORM OF DEBENTURE.

Form of debenture with coupon annexed.

Debenture No

Wellington 1st July 1862

NEW ZEALAND
PROVINCE OF WELLINGTON
£25,000 Loan, 8 per cent

Debenture for £

Issued under the authority of the Provincial Council of Wellington
By virtue of an Act passed by the Provincial Council of the Province
of Wellington New Zealand on the day of A.D. 18 Session IX. No.

The Provincial Government of Wellington hereby acknowledge to have
received and promise to pay the bearer hereof the sum of

Pounds sterling

Fifteen years from and after the date hereof at the in
and also the interest from the same date at the rate of Eight per cent
per annum until the first day of July 1877 on the first of July and first
of January in each year to the bearer of the proper Coupons hereunto
annexed at the in as aforesaid.

Signed and Sealed on behalf of the Provincial Government of Wellington

Superintendent

Acting Provincial Secretary and Provincial Treasurer

NEW ZEALAND
PROVINCE OF WELLINGTON
£25,000 Loan.

£ *Sterling*

pounds sterling will be paid to the bearer
this Coupon on presentation at the
being Six months' interest on the Debenture
numbered due the first day of

Debenture No

in

Superintendent

Acting Provincial Secretary and Provincial Treasurer

LOAN ADJUSTMENT.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX. No. 5.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Appointment of Commissioners. 2. Power to Superintendent to appoint Commissioners in the</p>		<p>event of vacancy by death or otherwise.</p> <p>3. Seats of Commissioners in Provincial Council not to become vacant.</p>
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An ACT to appoint Commissioners to adjust the amounts payable by the Provinces of Wellington and Hawke's Bay in discharge of the Loans raised by the Province of Wellington as originally constituted, and for the adjustment of all matters of account between the two Provinces.

[Assented to June 2, 1862.]

WHEREAS it is expedient to adjust the proportions of Preamble. the Loans raised by the Province of Wellington as originally constituted payable by the present Province of Wellington and the Province of Hawke's Bay and other matters of account between the said Provinces

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

1. That Isaac Earl Featherston Superintendent of this Province William Fitzherbert and William Waring Taylor Esquires be appointed Commissioners for the purpose of adjusting with the Provincial Government of Hawke's Bay or any Commission to be appointed by them the amounts to be paid by each Province in discharge of the loans raised by the Province of Wellington as originally constituted as their respective equitable proportions thereof and the interest already

accrued and hereafter to accrue on such loans and also to settle all matters of account between the said Provinces of Wellington and Hawke's Bay.

Power to Superintendent to appoint Commissioners in event of vacancy by death or otherwise.

2. In case either of the Commissioners so appointed shall die resign or become incapable of acting therein before such adjustment shall be completed the Superintendent may appoint another person to be Commissioner in his stead and such newly appointed Commissioner shall have the same authority and power as the Commissioner in whose place he was appointed.

Seats of Commissioners in Provincial Council not to become vacant.

3. PROVIDED ALWAYS that in the case of either the aforesaid William Fitzherbert and William Waring Taylor now members of this Provincial Council or of any other member of the Provincial Council who shall at any time be appointed a Commissioner under this Act his seat in the Provincial Council shall not become vacant notwithstanding anything to the contrary contained in the Act of the Provincial Council Session I No 26 intituled "An Act to make void the Election of certain Members of the Provincial Council."

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this Twenty-third day of May, in the year of our Lord One thousand eight hundred and sixty-two.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this Second day of June, One thousand eight hundred and sixty-two.

ISAAC EARL FEATHERSTON,
Superintendent.

MAIN ROADS.

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

SESSION III. No. 9.

ANALYSIS.

- | Title. | Bye-Laws for regulating the Traffic along the same. |
|---|--|
| 1. Power to Superintendent to make and maintain certain Main Roads. | 4. Superintendent may declare certain portions of District Highways Act, 1856, to be applicable to any Main Roads. |
| 2. Superintendent to have the control and the like powers over such as are possessed by Boards of Wardens over District Highways. | 5. All penalties recoverable by summary proceedings. |
| 3. Power to Superintendent to make | |

An ACT to vest in the Superintendent the Control of the Main Roads of the Province. Title.

[Assented to February 6, 1856.]

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

1. The Superintendent with the advice of his Executive Council may continue make and maintain a Main or Trunk Road from Wellington to Waitotara in the District of Wanganui and also a Main or Trunk Road from Wellington to the Ahuriri and from time to time make such alterations and deviations therein and abandon such parts of either of them as portions of the main line as he with such advice as aforesaid may respectively deem expedient. Power to Superintendent to make and maintain certain Main Roads.

2. The Superintendent with such advice aforesaid shall have the control and management of such and all other Main Roads within the Province and shall have and may exercise all such and the like powers for such purposes as are Superintendent to have the control and the like powers over such, as

are possessed by Boards of Wardens over District Highways.

or may be possessed by Boards of Wardens, for the management of district highways for the purposes of such highways.

Power to Superintendent to make Bye-Laws for regulating the Traffic along the same.

3. The Superintendent with such advice as aforesaid may from time to time make bye-laws for regulating the traffic along the Main Roads or any of them or any portion of any of them and from time to time alter modify or repeal any such bye-law.

Superintendent may declare certain portions of District Highways Act, 1856, to be applicable to any Main Roads.

4. The Superintendent with such advice as aforesaid may also by Proclamation from time to time declare that any or all of the offences and penalties for the same mentioned in "the Highways Act 1856" in respect of District Highways shall be applicable to any Main or Trunk Roads or any part thereof.

All penalties recoverable by summary proceedings.

5. All penalties imposed under authority of this Act shall be recoverable by summary proceedings.

C. CLIFFORD,
Speaker.

Passed the Provincial Council this Fourth day of February, in the year of Our Lord one thousand eight hundred and fifty-six.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this sixth day of February, 1856.

I. E. FEATHERSTON,
Superintendent.

NOTE.—A Proclamation, dated July 28, 1855, appeared in the Provincial Government Gazette of August 2 following, bringing portion of Roads Act, Sess. 1, No. 21, into operation on Main Road between Wellington and Pitone, and a Proclamation June 26, 1857, Gazette of July 9 following, applying penalties and offences mentioned in District Highways Act Sess. III, No. 4, to portion of North-Western and North-Eastern Roads, also Proclamation dated March 9, 1863, in Gazette of March 13 following similarly extends operation of same Act to Main Road between Wanganui and Waitotara.

MANAGEMENT OF CITY RESERVES.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX. No. 14.

ANALYSIS.

Title.	2. Commissioners may make Bye-Laws.
Preamble.	3. Duties of Commissioners.
1. Land to be vested in Commissioners.	4. Application of Monies.
Power to Superintendent to appoint Commissioners if not elected under Wellington Town Board Act.	5. Accounts how to be rendered.
	6. Penalty for certain offences.
	7. Penalties how to be recovered.

An ACT to provide for the Management of certain parcels of Title Land in the City of Wellington.

[Assented to 19th June, 1862.]

WHEREAS by grant sealed with the public seal of the Colony the third day of June one thousand eight hundred and sixty-one and under the hand of Thomas Gore Browne the then Governor thereof the parcel of land described in the schedule hereto annexed and hereinafter referred to as the Town Belt was granted with the advice and consent of his Excellency's Council to Isaac Earl Featherston in trust for purposes of public utility to the town of Wellington and its inhabitants AND WHEREAS by another grant sealed with the public seal of the Colony on the said third day of June 1861 and under the hand of Thomas Gore Browne the then Governor thereof the parcel of land described in the said schedule hereto annexed and hereinafter referred to as the Basin was also with the advice and consent of his Excellency's Council granted to the said Isaac Earl Featherston in trust for purposes of public utility to the town of Wellington and its inhabitants

AND WHEREAS it is expedient to make provision for the management of the said pieces of land

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

- Land to be vested in Commissioners.
- Power to Superintendent to appoint Commissioners if not elected under Wellington Town Board Act.
- Commissioners may make Bye-Laws.
- Duties of Commissioners.
1. The management of the parcels of land hereinbefore mentioned or referred to shall be vested in a Board of six Commissioners to be elected under the provisions of the Wellington Town Board Act PROVIDED that if such Commissioners shall not be elected under the provisions of the said Act within four months after the passing thereof then it shall be lawful for the Superintendent to appoint six Commissioners for the management of the parcels of land aforesaid, and such Commissioners shall hold office until a Board of Commissioners be elected under the aforesaid Wellington Town Board Act.
 2. The Commissioners so elected or appointed as the case may be may make bye-laws for the regulation of their own proceedings.
 3. The following shall be the duties of the Commission
 - To lay out such carriage roads and footpaths in the said parcels of land as they may think fit and from time to time alter and divert the same or any of them and alter any water courses or streams running through the same land.
 - To lay out the Town Belt (except such parts thereof as may be reserved for public recreation or other public purposes) in allotments of such extent and form as they may consider best adapted for the purpose of leasing and to lease such allotments for any term of years not exceeding fourteen years and subject to such provisions as they may deem expedient but with a restriction against the tenant of any allotment erecting more than one house and outbuilding thereon or subletting his allotment or any portion thereof without the consent of the Board.
 - To lease such allotments by public advertisement and tender and in no other way but the Commission shall not be bound to accept the highest bidder.
 - To lay out, plant, and enclose the Basin and such parts of the Town Belt as may be reserved for public recreation and other public purposes.

To appropriate and preserve a portion of the Basin for a Cricket ground.

To make and enforce any bye-laws and regulations for the management preservation disposition and care of the portions of the said parcels of land set aside for public recreation or other public purposes and for the government of all persons frequenting the same and impose a penalty not exceeding Five pounds for each breach of any such bye-law order or regulation and to cause all such bye-laws and regulations to be painted or printed in legible characters on a board or placard and posted at the principal respective entrances thereto.

To appoint such officers under them and pay to them such salaries or remuneration as the Commissioners may think just.

And generally to do any other thing which may be requisite for the proper management and control of the said parcels of land or any part thereof.

APPLICATION OF MONIES.

4. All sums of money which shall be received by virtue of this Act in respect of the land subject to the provisions hereof shall be applied to the purposes of the Wellington Town Board Act if such Act shall have been brought into operation otherwise after the payment of the expenses of the Commission and management of the said land towards the formation or erection of public works and improvements in the Town of Wellington under the direction of the said Commissioners.

ACCOUNTS.

5. An account of all monies received by the Board shall be included in the yearly abstract or balance sheet of the Board and shall be audited by the Auditors of public accounts as provided in the aforesaid Act but if no board be elected then in the month of January in every year the Commission shall render to the Auditor of public accounts for the Province an account of all monies received by them under the authority of this Act or by vote of the Provincial Council or otherwise howsoever and of the application of all such monies with the vouchers thereof respectively for the year ending the 31st day of December previous and the Auditor of public accounts of the Province shall examine such accounts and the same when so examined shall be published in the Gazette.

OFFENCES.

Penalty for certain offences.

6. Whoever shall do or attempt to do without the license of the Commission any of the following things upon or within the boundaries of such of the said land as shall be set apart for public recreation or other public purposes shall be liable to a penalty not exceeding twenty pounds over and above any damage done.

Light a fire.

Wilfully break a fence.

Wilfully break or cut any tree or plant.

Wilfully dig or cut the sod.

Wilfully take away destroy or injure any bird or animal being upon the said land or any egg of any bird.

Take away any wood, shrub, plant, or other thing.

Penalties how to be recovered.

7. All penalties and forfeitures under this Act may be recovered in a summary way, and shall be paid to the Provincial Treasurer on behalf of her Majesty for the public use of the Province.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this Tenth day of June, in the year of our Lord One thousand eight hundred and sixty-two.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this Nineteenth day of June One thousand eight hundred and sixty-two.

I. E. FEATHERSTON,

Superintendent.

THE SCHEDULE REFERRED TO IN THE ABOVE ACT. Schedule.

TOWN BELT.

All that parcel of Land in the Province of Wellington in our Colony of New Zealand situate at and adjoining the Town of Wellington containing by admeasurement one thousand two hundred and thirty-four acres two roods and eighteen perches more or less Bounded towards the north by section No 1 Harbour district by section No 28 Karori district two thousand five hundred and seventy-five links by section No 20 Ohiro district one thousand eight hundred and fifty links and by section No 3 Evans Bay district one thousand one hundred and fifty links towards the east by sections Nos 1 2 3 4 5 and 6 Evans Bay district twenty-four thousand five hundred and fifty links towards the south by sections Nos 2 and 5 Town district four thousand links and five thousand links respectively by section No 12 Ohiro district nine hundred and fifty links and one thousand seven hundred and fifty links by section No 11 Ohiro district two thousand three hundred and fifty links and by section No 28 Karori district two thousand two hundred and fifty links towards the west by a public road nine hundred and fifty links by sections Nos 20 18 15 12 11 10 and the Ohiro road nineteen thousand five hundred and twenty links by sections Nos 28 29 and 30 Karori district eleven thousand three hundred and fifty links by Sections Nos 1 2 and 3 Kaiwarawara district five thousand one hundred links and part of Lambton Harbor Excepting always out of the said boundaries the City of Wellington as the same was originally laid out by the New Zealand Company as delineated in a plan appended to the draft thereof.

CANAL AND BASIN.

All that parcel of Land in the Province of Wellington situate in the Town of Wellington containing by admeasurement fifteen acres more or less bounded towards the north by high water mark about one hundred and thirty-one links and by Sussex square one thousand one hundred links towards the east by Kent terrace four thousand and forty links and by Sussex square eight hundred and ninety links towards the south by Sussex square one thousand one hundred links and towards the west by Sussex square eight hundred and ninety links and by Cambridge terrace four thousand and forty links as the same is delineated on the plan appended to the Grant thereof.

MARKET.

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

SESSION I. No. 12.

ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <p>1. On application of Inhabitants of any town, Sheriff or two Justices may convene meeting to consider propriety of establishing a Market. Sheriff or Justice to preside.</p> <p>2. If resolution in favor of a market be adopted, same to be communicated to Superintendent for approval.</p> <p>3. If resolution approved, a public meeting to be called to elect Commissioners to establish Markets.</p> <p>4. Qualification of Electors and Commissioners.</p> <p>5. Style of Commissioners.</p> <p>6. Commissioners to hold office for two years.</p> <p>7. For supplying vacancies in Commission.</p> <p>8. To acquire and hold land and other property for purpose of Market.</p> <p>9. To construct Market-place, building Market-house, &c.</p> <p>10. To appoint or erect a building in which to weigh commodities. To procure weighing machines.</p> <p>11. Market to be vested in Commissioners.</p> <p>12. Commissioners to make bye-laws.</p> <p>13. To make rules for government of Market, &c.</p> <p>14. To give notice when Market established,</p> | <p>15. To fix tolls, rents, &c. To fix tables of tolls in Market-place.</p> <p>16. To let Tolls, &c.</p> <p>17. Lessee to appoint Collector.</p> <p>18. Tolls to whom payable.</p> <p>19. Commissioner may change rates of dues.</p> <p>20. Disputes to be determined by a Justice.</p> <p>21. List of dues to be painted on a board.</p> <p>22. To distrain on non-payment of rents, &c.</p> <p>23. Without warrant to seize and detain persons offending against laws.</p> <p>24. Persons exposing for sale in passages or streets liable to penalty.</p> <p>25. To keep accounts, and produce balance-sheet at annual meeting.</p> <p>26. To post up balance-sheet one day previous to meeting.</p> <p>27. To hand over all monies and accounts to new Board.</p> <p>28. To borrow money to construct Market-place.</p> <p>29. Mortgage to be by deed. For &c.</p> <p>30. Such Mortgage shall be valid and effectual.</p> <p>31. Copies to be entered in book kept for that purpose.</p> <p>32. Transfer to be registered in Commissioners' books.</p> <p>33. Every assignee may assign. No priority among mortgagees.</p> <p>34. Penalty for offence against this Act.</p> |
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| <p>38. Inspector to seize unwholesome meat.</p> <p>39. Penalty for assaulting, &c., Collector.</p> <p>40. Persons destroying Market-place or stealing property, guilty of felony.</p> <p>41. Written or printed copies of tolls or bye-laws issued by two Commissioners to be sufficient</p> | <p>evidence of such rules, &c.</p> <p>42. All penalties recoverable by summary proceedings.</p> <p>43. What good service of process is on Commissioners.</p> <p>44. Action by and against the Commissioners to be established in name of and against the Clerk of the said Commissioners.</p> |
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An ACT to establish and regulate Markets.

Title.

[Assented to January 26, 1854.]

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

1. That whenever application in writing signed by thirty householders of any town or district within the Province shall be made to the Sheriff or any two Justices of the Peace having jurisdiction within such town or district requesting that a public meeting of the inhabitants thereof may be called to take into consideration the propriety of establishing a Market therein such Sheriff or two Justices shall at such time and place as he or they may deem most convenient call a public meeting of the inhabitants of the town or district for that purpose and at such meeting the Sheriff or one of such Justices shall preside.

On application of Inhabitants of any town, Sheriff or two Justices may convene meeting to consider propriety of establishing a Market. Sheriff or Justice to preside.

2. If at such meeting a resolution be adopted in favor of establishing a Market in such town or district the same shall be communicated by the Sheriff or the Justice presiding thereat to the Superintendent and if the Superintendent with the advice of his Executive Council shall approve of the establishment of such Market the same shall be notified in the Government Gazette.

If resolution in favor of a market be adopted same to be communicated to Superintendent for approval.

3. The Sheriff or either of such Justices as aforesaid shall within fourteen days after he shall receive a copy of the Government Gazette containing notice of approval of the establishment of such Market convene a public meeting of the electors of the town or district at a convenient time and place at which meeting he shall preside and a number of persons not exceeding five three to form a quorum shall be

If resolution approved, a public meeting to be called to elect Commissioners to establish Markets.

elected at such meeting to be Commissioners for establishing and managing the Market.

Qualification of Electors and Commissioners

4. The Commissioners shall be elected by and from among the persons duly qualified to vote in the election of a member of the Provincial Council for the town or district within which such Market is situate and who shall be registered as such.

Style of Commissioners'

5. The Commissioners so elected and their successors shall be styled the Market Board for the said town or district.

Commissioners to hold office for two years.

6. The Commissioners shall hold office for the period of two years at the expiration of which time new elections shall take place in the same manner as herein prescribed for an equal period. Provided however that all future elections shall take place on the first Tuesday of the corresponding month in which the first election shall have taken place in every alternate year without any further notice thereof than the publication of the same by the clerk of the Commissioners on the door of the Market and by insertion in the Government Gazette.

For supplying vacancies in Commission.

7. If any Commissioner shall die resign or become incapable of acting before the expiration of his time of office or shall become bankrupt or an insolvent debtor within the meaning of any law 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 the remaining Commissioners or a majority of them shall within fourteen days from the time of any such vacancy elect another in his stead the Commissioner so elected to supply a vacancy shall continue in office until the next general election of Commissioners.

To acquire and hold land and other property for the purpose of Market.

8. The Commissioners shall be and they are hereby authorized and empowered from time to time to accept purchase receive and hold any lands money property and effects whatsoever for the purposes of Markets.

To construct Market-place,

9. The Commissioners shall have full power and authority on the land or ground to be by them acquired to make erect and

build a Market-house or houses Market-place or places with all necessary granaries storehouses buildings stalls standings shambles and other conveniences for the sale and deposit of corn grain seed wool butchers' meat and agricultural produce and all implements matters and things used in husbandry and also to make a proper and convenient Market-place or Market-places yards and enclosures pens stands and conveniences with proper approaches thereto for the exposure and sale of horses cattle sheep lambs and swine which shall be brought there to be sold or disposed of and for the accommodation of the public and all persons attending or resorting to the Market and also to make and erect a conduit and proper reservoirs and cisterns within or near the Market and to lay down all necessary pipes from the same in and through the streets to the public rivers sewers or water-carriages of the town for carrying the water from the Market and also to do and perform all such other acts matters and things as shall be necessary and proper for the making preserving maintaining and using the Market-place Market-house buildings erections and things according to the true intent and meaning of this Act or for the enlarging and improving the Market at any time or times after the same shall have been established.

10. The Commissioners may also erect or appoint a building or place in or near the Market as they from time to time shall think proper for the weighing or measuring any agricultural produce and other articles and commodities which shall be sold by weight or measure within the town in case the buyers or sellers thereof shall desire the same and they the Commissioners and their successors shall and they are hereby required to provide or keep a proper and sufficient machine and proper and sufficient legal standard weights scales and measures at such weighing-house or place and to appoint some proper person to attend the same on every Market day and such other days and at such times as in the rules orders or bye-laws to be made by virtue of this Act shall from time to time be directed And all persons selling agricultural produce or things by weight or measure within the town shall and may weigh and measure the same in or by the said weights scales and measures as aforesaid if required so to do by the buyers thereof and in order to defray the expense of providing the said weights scales and measures and proper persons to attend the same as aforesaid

building Market-house, &c.

To appoint or erect a building in which to weigh commodities. To procure weighing machines, &c

there shall be paid by the buyers of such agricultural produce or things to the persons appointed to receive the same the several tolls or sums of money according to a schedule to be fixed by the Commissioners of the said Market.

Market to be vested in Commissioners.

11. The Market to be established and all buildings stalls and erections therein or thereon and the tolls to be collected by virtue of this Act shall be vested in the Commissioners for the time being.

Commissioners to make bye-laws. To make rules for government of Market, &c.

12. The Commissioners may from time to time make such bye laws as they may think fit for any of the purposes following that is to say

For regulating the use of the Market and the buildings stalls pens and standings therein and for preventing nuisances or obstructions therein or in the immediate approaches thereto.

For fixing the days and hours during each day on which the Market shall be held.

For inspection of any slaughter-houses which may be attached to any Market and for keeping the same in a cleanly and proper state and for removing filth and refuse at least once in every 24 hours and for requiring that they be provided with a sufficient supply of water and for preventing the exercise of cruelty therein.

For regulating the carriers resorting to the Market.

For regulating the use of weighing machines provided by the Commissioners and for preventing the use of false or defective weights scales or measures.

For preventing the sale or exposure for sale of unwholesome meat or provisions in the Market.

The Commissioners may from time to time as they shall see fit repeal or alter any such bye laws.

PROVIDED ALWAYS that such bye laws shall not be repugnant to the laws of the Province or of this Act.

13. All such laws shall be reduced to writing and signed by the Commissioners and if affecting other persons than the officers or servants of the Commissioners shall be printed and published as herein provided.

14. The Commissioners by the bye-laws so to be made by them may impose such reasonable penalties as they shall think fit not exceeding five pounds for each breach of such bye-law provided that every such bye-law shall be so formed so as to allow the Justices before whom any penalty imposed thereby shall be sought to be recovered to order the whole or part only of such penalty to be paid.

15. No bye-laws made under the authority of this Act except such as may relate solely to the officers or servants of the Commissioners shall come into operation until the same shall be allowed by the Superintendent and his Executive Council.

16. Such bye-laws shall be printed and the clerk of the Market shall give a printed copy thereof to every person applying for the same on payment of the cost of printing the same.

17. Whenever a Market-place shall be established and ready for public use the Commissioners shall by a printed advertisement to be posted on the gates of the Market and also by insertion in the Government Gazette give ten days' notice of such Market-place having been so established and being ready for the public use previous to the day on which such Market-place shall be opened in pursuance of this Act. To give notice when Market established.

18. The Commissioners for the time being by themselves their collectors officers or servants may demand receive and take care of and from all persons selling or exposing or offering for sale any cattle meat grain hay straw wares merchandise or other marketable commodities in the Market or who shall rent hire or use any stall or standing place in the Market the several tolls dues or sums of money which shall at any time or from time to time be fixed and appointed by the Commissioners to be paid for the same according to a schedule to be approved by the Superintendent and his Executive Council. To fix tolls, rents, &c. To fix tables of tolls in Market place.

19. The Commissioners may demise or let to farm the tolls or Market dues or any part thereof demandable under this Act for any time not exceeding twelve months or let or demise any number of stalls or standings in the said Market for any period not exceeding the same term. To let Tolls, &c.

Lessee to appoint Collector. 20. When the tolls or Market dues shall be let the lessee shall have power from time to time to appoint and remove collector thereof. The several stallages rents or tolls payable in respect of the Market stalls pens or convenience attached thereto shall be paid from time to time on demand to the collector or other person authorised by the Commissioners to receive the same.

Tolls to whom payable. 31. The tolls payable in respect of weighing or measuring marketable commodities or carts with or without goods shall be paid to the person authorised by the Commissioner to weigh or measure the same by the persons bringing such marketable commodities or carts to be weighed or measured before the same are weighed or measured.

Commissioner may change rates of dues. 22. The Commissioners may from time to time change the stallages rents or tolls to be taken in respect of the Market or Fair or for the slaughterhouses or for weighing or measuring provided that the stallages rents and tolls in no case exceed the amount authorised by the bye-laws.

Disputes to be determined by a Justice. 23. If any dispute arise concerning any such stallage rent or toll such dispute shall be determined by any Justice who on application made to him shall determine the same and make such order therein and award such costs to either party as to him shall seem proper and in default of payment on demand of the money which shall be so awarded and of the costs the same shall be forthwith levied by distress and sale and the Justice shall issue his warrant accordingly.

List of dues to be printed on a board. 24. The Commissioners or their lessee shall from time to time cause to be painted on boards or to be printed and attached to boards in large and legible characters a list of the several stallages rents and tolls from time to time payable under this Act and shall cause a board containing such lists to be conspicuously set up and continued in the Market and in each weighing-house and slaughter-house provided by the Commissioners to which such list shall relate and no stallage rent or toll shall be payable during the time such list is not set up or for anything not specified therein. PROVIDED ALWAYS that if such list shall be destroyed injured or obliterated the stallage rent or tolls shall continue

to be payable during such time as shall be reasonably required for the restoration of such list in the same manner as if such list had continued in the state required by this Act.

25. In case any person renting holding or using or in any manner occupying any of the buildings stalls standings shambles or other conveniences in the said Market-place or who shall bring or place or expose or offer for sale in the Market-place any provisions goods wares or merchandise for or in respect of which any rents tolls or dues may be demanded or taken thereon shall not upon demand thereof made by the said Commissioners or their officers appointed by them to receive such tolls or by the lessee or his collector forthwith pay the same it shall be lawful for the Commissioners or their officers or the lessee or his collector to levy the same by distress and sale of all or any of the goods articles or things so exposed for sale or other the goods or chattels of such persons so neglecting refusing or evading to pay as aforesaid and the distress to be taken to sell forthwith rendering the overplus (if any) after deducting the expenses attending such distress and sale to the owner on demand.

To distrain on non-payment of rents, &c.

26. The Commissioners or any of them or their collectors or other officers and all such persons as they may call to their assistance may and are hereby authorised without any warrant or other authority than this Act to seize and detain any person being unknown to such Commissioners collectors or other officers who shall commit offence against any rule or bye-law to be made in pursuance of this Act and to take him immediately before any Justice of the Peace and such Justice is hereby required to proceed against such offender according to the provisions of this Act.

Without warrant to seize and detain persons offending against laws.

27. If after the establishment of any Market and such notices thereof as aforesaid any person shall sell or expose for sale any articles or marketable commodities usually sold in markets in any of the streets lanes entries or other public passages or places of the town in which a Market shall have been established other than the place or places which may be so appointed by the Commissioners for holding a Market every such person shall on conviction thereof before a Justice of the Peace for every such offence forfeit the sum of twenty shillings PROVIDED that nothing herein con-

Persons exposing for sale in passages or streets liable to penalty.

tained shall be construed to extend to prevent any person from selling or exposing for sale any marketable commodities matters or things whatsoever in his dwelling-house or shop in any part of the town.

To keep accounts, and produce balance sheet at annual meeting.

28. The Commissioners shall in a book 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 have been so 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 Commissioners shall at every annual general meeting be submitted to such meeting and shall (as soon hereafter as conveniently may be) be examined and audited by one or more persons to be appointed for that purpose by such meeting.

To post up balance sheet one day previous to meeting.

29. The Board shall cause a copy of such abstract or balance sheet to be posted up one clear day before the day of such meeting upon some conspicuous part of the place in which such meeting shall be held.

To hand over all monies and accounts to new Board.

30. Upon the election of every Board all monies found by the auditors to be due from the former Board under the provisions of this Act together with all such books of accounts vouchers and papers shall be forthwith paid and delivered over to the Board for the ensuing period.

To borrow money to construct Market-place.

31. For the purpose of constructing the Market-place buildings and conveniences to be attached thereto and for enlarging and improving the same as occasion may require the Commissioners for the time being may from time to time borrow at interest such sums of money as they shall judge necessary upon the tolls dues and sums of money derivable from the Market and by writing under their hands or the hands of a majority of them assign all or any part of the said tolls dues and sums of money to any person body politic or corporate or their trustees as a security for the principal money to be advanced with interest thereon not to exceed six per centum per annum.

Mortgage to be by deed. Form, &c.

32. Every such assignment shall be by deed in which the consideration money for the same shall be truly stated and

may be in words or to the effect following (that is to say)
 We being _____ of the Commissioners duly elected for the
 regulation and management of the Market in the town or
 district of _____ in consideration of
 pounds lent by _____ of _____ upon the credit
 of _____ and for the purposes of an Act of the Pro-
 vincial Council of Wellington passed in the seventeenth year
 of the reign of her Majesty Queen Victoria intituled "An
 Act to establish and regulate Markets in towns or districts
 within the Province" do hereby grant and assign to
 (or his trustee) such proportion of the tolls dues and sums
 of money arising from the Market in the said town or dis-
 trict of _____ as the same doth or shall bear to the
 whole sum which shall have been or may at any time be
 borrowed or become due or owing or be charged upon the
 credit of the said tolls dues and sums of money from this
 day of _____ until the said sum of
 pounds with interest at six per centum per annum for the
 same shall be paid and satisfied In witness whereof we have
 hereunto subscribed our hands this _____ day of

33. All such assignments or security shall be valid and effectual and shall entitle the person to whom the same shall be made his executors administrators or assigns to the payment of the money thereby secured and advantages thereof according to the intent and meaning of this Act. Such Mort-
gage shall be
valid and ef-
fectual.

34. Copies of such securities shall be entered in a book to be kept for that purpose by the Commissioners within seven days after any such assignment shall be made. Copies to be
entered in
book kept for
that purpose.

35. Every transfer of any such assignment shall be produced and notified to the said Commissioners who shall on production thereof cause an entry or memorial thereof to be made containing the date and name of the parties and sums of money thereby secured in a book to be kept for that purpose for which the said clerk shall be paid the sum of two shillings and sixpence and after such entry made and not till then such assignment shall entitle such transferee his executors administrators or assigns to the benefit thereof and payment thereon. Transfer to be
registered in
Commission-
ers' books.

36. Every person and body politic or corporate to whom any assignment shall be made or who shall become and be Every assignee
may assign.

- No priority among mortgagees. entitled to the money thereby secured shall in proportion to the sums therein respectively mentioned be creditors on the tolls stallage rents duties and premises equally one with another without preference in respect of priority of advancing any such money or the dates of any such assignment.
- Penalty for offence against this act. 37. Every person who shall demand a greater toll due or rent than those authorised to be taken under the provisions of this Act shall for every offence be liable to a penalty not exceeding twenty shillings.
- Inspector to seize unwholesome meat. 38. Every person who shall sell or expose for sale any unwholesome meat or provisions in the Market shall be liable to a penalty not exceeding forty shillings for such offence and any inspector may and he is hereby required to seize such unwholesome meat or provisions and carry the same before a Justice and such Justice shall forthwith order the same to be inspected and examined by competent persons in case upon inspection and examination such meat or provisions shall be found unfit for the food of man such Justice shall order the same to be immediately destroyed or otherwise disposed of in such a way as to prevent the same being exposed for sale or used for the food of man.
- Penalty for assaulting, &c., Collector. 39. Every person who shall assault or obstruct or hinder any inspector collector or other officer in the discharge of any of his duties shall be liable to a penalty not exceeding Five pounds for every offence.
- Persons destroying Market-place, or stealing property, guilty of felony. 40. If any person shall wilfully and to the detriment of the Market or any of the buildings or erections attached thereto injure or destroy steal or carry away any part of the Market stalls buildings or other works erected or appurtenances thereto or any of the materials for erecting the same every person being lawfully convicted of any such offence shall be subject and liable to the like pains and penalties to which persons guilty of felony are liable.
- Written or printed copies of tolls or by-laws issued by two Commissioners to be 41. In all cases of prosecution for offences against the bye-laws orders and rules of the Commissioners the production of a written or printed paper purporting to be the bye-laws orders or rules of the Commissioners and authenticated by having the names of two of the Commissioners subscribed

thereto shall be evidence of the existence of such bye-laws orders or rules and it shall be sufficient to prove that a printed paper containing a copy of such of the bye-laws orders or rules as shall subject any person to any fine or penalty hath been published in manner by this Act directed unless proof shall be adduced by the defendant that such printed paper is not a copy of such bye-laws orders or rules or hath not been duly published according to this Act.

42. In all cases in which under this Act or any rule order or bye-law of the Board any penalty or forfeiture is imposed the same shall be recoverable by summary proceeding.

43. In all cases in which it may be necessary for any person to serve any summons or demand or any notice or any writ or other proceeding at law or in equity upon the Commissioners personal service thereof upon the clerk of the Commissioners or leaving the same at the office of the Commissioners or of such clerk or delivering the same to some inmate of such office or if the Commissioners shall not have an office then personal service thereof upon any one of the Commissioners shall be deemed good and sufficient service of the same respectively.

44. All actions or suits against any person indebted to the said Commissioners and all the proceedings at law or in equity to be instituted and prosecuted by and on behalf of the Commissioners or wherein the said Commissioners shall be in any way concerned against any person whomsoever may lawfully be instituted in the name of the person who shall be clerk of the Commissioners at the time such action suit or other proceeding shall be instituted as the nominal plaintiff complainant or petitioner on behalf of the Commissioners and all actions suits and other proceedings at law or in equity to be commenced instituted or prosecuted against the Commissioners shall be commenced instituted or prosecuted against the said clerk and in all indictments and informations it shall be lawful to state the property of the said Commissioners to be the property of the Market Board of the town of (as the case may be) without naming the individual Commissioners for the time being and any offender may thereupon be lawfully convicted of

such offence and the death resignation or removal of such clerk whose name shall be made use of in any such proceedings or of any of the Commissioners shall not abate any such action suit or other proceeding.

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this twenty-fifth day of January, in the year of our Lord one thousand eight hundred and fifty-four.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this twenty-sixth day of January, 1864.

I. E. FEATHERSTON,

Superintendent.

NOTE.—A notice dated 30th June, 1864, appears in the Gazette of July 5, 1864, signifying the approval by the Superintendent of the establishment of a Public Market in the City of Wellington.

MEDICAL BOARD.

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

SESSION I. No. 7.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Part of Ordinance, Session I, No. 2, repealed.</p> <p>2. 3. 4. Medical Board to be established, &c.</p> <p>5. Upon death, &c., of a member another to be elected.</p> <p>6. Upon a vacancy occurring, notice to be given per post.</p> <p>7. On day of election being fixed, the Secretary to send a voting paper to voters.</p> | <p>8. Mode of election.</p> <p>2. Qualification of Medical Practitioners,</p> <p>10. Practitioner to submit his degree, &c., for examination.</p> <p>11. Power of Board touching examination.</p> <p>12. The Board on approval to sign certificate accordingly.</p> <p>13. A register of the names of the duly qualified members to be kept.</p> |
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An ACT to establish a Medical Board and to declare who shall be deemed a qualified Medical Practitioner within the Province. Title.

[Assented to January 14, 1854.]

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

1. So much of the Ordinance of the Legislative Council of New Munster Session I No 2 entitled "An Ordinance to define the qualification and to provide for the remuneration in certain cases of Medical Practitioners" as relates to the definition of a legally qualified Practitioner and requires the production of his degree diploma or other proof of qualification before the Resident Magistrate of the district shall be and the same is hereby repealed within and so far as relates to the Province of Wellington. Part of Ordinance Session I, No. 2, repealed.

2. There shall be established within the Province a Medical Board consisting of not less than three being members of the medical profession such Board shall be styled "The Medical Board for the Province of Wellington." Medical Board to be established, &c.

3. The first members of the Board shall be appointed by the Superintendent.

4. The Board shall elect one of their members to be the President and another to be the Secretary thereof.

Upon death, &c., of a Member, another to be elected.

5. Upon death removal or resignation of any of the members of such Board the duly qualified Medical Practitioners practising within the Province shall elect another or other members of the medical profession being qualified as by this Act required to supply such vacancies as they shall from time to time occur.

Upon a vacancy occurring, notice to be given per post.

6. Upon the happening of any vacancy the Secretary shall send by post notice thereof to all the duly qualified practitioners within the province and of the time fixed by the Board for receiving the names of candidates for supplying such vacancy.

On day of election being fixed, the Secretary to send a voting paper to voters.

7. After the day fixed for receiving the names of candidates as aforesaid the Secretary shall send to all duly qualified practitioners a list of the candidates and also notice of the day appointed for electing a member to supply the vacancy together with a voting paper in the form to be settled by the Board.

Mode of election.

8. The voter may if he cannot personally attend the elections fill up such voting paper with the name of the person for whom he may desire to vote or the requisite number of names in case there shall be more than one member to be elected and shall sign such voting paper in presence of a Justice of the Peace who shall subscribe his name thereto as witness such paper being returned to the Secretary of the Board before the time fixed for closing the election shall be taken as the vote of the practitioner signing the same.

Qualification of Medical Practitioner.

9. From and after the passing of this Act no person shall be deemed a duly qualified practitioner for the purposes of any Ordinance now in force within the province or of any Act to be hereafter passed unless such person shall have proved to the satisfaction of the Board that he is a doctor or a bachelor of medicine of some university in Great Britain or Ireland or some foreign state 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 who is or has been a medical officer duly appointed and confirmed of her Majesty's sea or land service.

10. Every person desirous of being declared a duly qualified practitioner shall submit his degree diploma certificate or other proof of his qualification to practise medicine or surgery for the examination and approval of the Medical Board for the Province. Practitioner to submit his degree for examination.

11. The Board shall have power to require from any person offering a degree diploma certificate or other proof as aforesaid for examination a declaration to the effect that he is the person referred to therein. Power of Board touching examination.

12. The Board shall give to every person who shall produce to it and prove to its satisfaction his degree diploma certificate or other proof aforesaid a certificate signed by the President and Secretary that he has produced before the Board his degree diploma certificate or other proof aforesaid and is a duly qualified practitioner for the purposes of this Act. The Board, on approval, to give certificate accordingly.

13. The Board shall on or before the thirty-first day of March after the passing of this Act cause the names of all duly qualified medical practitioners as aforesaid to be registered in a book to be kept by the Board for that purpose and shall also cause the names so registered to be published in the Government Gazette on or about the first day of January annually for the information of coroners magistrates and the public. Register of the names of duly qualified members to be kept.

C. CLIFFORD,

Speaker.

Passed the Provincial Council this thirteenth day of January in the year of our Lord one thousand eight hundred and fifty-four.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this fourteenth day of January, 1854.

I. E. FEATHERSTON,

Superintendent.

MIXED PARTNERSHIPS.

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

SESSION I. No. 10.

ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <p>1. Mixed Partnerships may be formed subject to certain conditions.</p> <p>2. Such Partnerships may consist of Special and General Partners. Their several responsibilities.</p> <p>3. Such Partners to sign a Certificate declaring the style of the Partnership, &c.</p> <p>4. General Partners to transact the business of the Partnership.</p> <p>5. Partnership not to be deemed to be formed until Certificate of such be acknowledged and registered.</p> <p>6. A copy to be published.</p> <p>7. Duration of Partnership.</p> <p>8. Upon renewal of Partnership a Certificate to be signed, &c.</p> | <p>9. Capital not to be reduced below aggregate amount stated in Certificate.</p> <p>10. Suits to be prosecuted by and against General Partners only.</p> <p>11. Dissolution of Partnership how to take place.</p> <p>12. All Members except in cases provided against considered as General Partners.</p> <p>13. Liability of General Partners.</p> <p>14. Fraud in the affairs of Partnership how punishable.</p> <p>15. Power to Special Partners to dissolve Partnership, &c., on regular books of account not being kept.</p> <p>16. Special Partners bound to inspect such books; on neglect of which their liability.</p> |
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An ACT to authorise the formation of Partnerships consisting of members some having general and others special Liability.

Repealed by Act of General Assembly No 13 1858.

NEW ZEALAND COMPANY'S DEBT.

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

SESSION I. No. 24.

ANALYSIS.

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| <p>Title.
Preamble.</p> | <p>1. Power to Superintendent to appoint a Commission of Enquiry.</p> | <p>2. In case of death, &c., of a Commissioner, another to be appointed.</p> |
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An ACT to authorise the Superintendent to appoint a Commission to enquire into the origin, particulars, and state of the Debt claimed by the New Zealand Company against the Colony of New Zealand.

“Obsolete.”

NEW ZEALAND SOCIETY.

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

SESSION IV. No. 6.

ANALYSIS.

Title.

Preamble.

Clause—Property of Society to vest in Superintendent and Execu- tive Council, with power of transfer to any Society.

Title.

*An ACT to vest the Property of the late New Zealand Society
in the Superintendent and his Executive for certain purposes.*

[Assented to February 20, 1857.]

Preamble.

WHEREAS in or about the year 1851 a certain Society was formed in the Province of Wellington under the name and style of the "New Zealand Society" for the purposes among other things of developing the physical character of the New Zealand group of Islands its natural history resources and capabilities and the formation of a standard library and museum

And by its constitution the said Society consisted of certain officers and an indefinite number of members the qualification of members being the payment annually to funds of the Society of £1 1s. 0d. on the omission to pay which sum on or before the first day of February in each year a person ceased *ipso facto* to be a member of such Society

AND WHEREAS certain Books and Specimens of the Natural History of the Islands of New Zealand and other property were purchased by the said Society

AND WHEREAS for the last four years all the persons who formed or became members of the said Society have ceased paying their subscription and the said Society has in fact become dissolved

AND WHEREAS it is expedient to make provision for the preservation of the property so as aforesaid purchased by the said Society

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

1. That from and after the passing of this Act all monies goods effects and chattels formerly the property of the said "New Zealand Society" shall vest in and belong to the Superintendent of the Province and the Executive Council thereof with power to transfer the same to any Society or Public Body now in existence or hereafter to be formed who may be willing to undertake the charge thereof for the use of the Public and upon such conditions as the Superintendent and his Executive Council may think fit.

Clause—Property of Society to vest in Superintendent and Executive Council, with power of transfer to any Society.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this eleventh day of February, in the year of our Lord one thousand eight hundred and fifty-seven.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand, this twentieth day of February, one thousand eight hundred and fifty-seven.

I. E. FEATHERSTON,
Superintendent.

OFFICERS AND CONTRACTORS.

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

SESSION I. No. 26.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Election of persons accepting office of emolument or holding</p>	<p style="text-align: center;"> </p>	<p>any contract, &c., to be declared void.</p> <p>2. Penalty in case of non-compliance.</p> <p>3. Such to be eligible for re-election.</p>
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Title. *An ACT to make void the election of certain Members of the Provincial Council.*

[Assented to February 7, 1854.]

Preamble. **W**HEREAS it is expedient that provision be made to secure as far as may be the independence of the members of the Provincial Council:—**BE IT ENACTED** by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows

Election of persons accepting office of emolument, or holding any contract, &c., to be declared void.

1. If after the passing of this Act any member of the Provincial Council shall accept any office of emolument under the Superintendent or shall accept a seat in the Executive Council or shall directly or indirectly himself or by any person whatsoever in trust for him or for his use or benefit or on his account undertake execute hold or enjoy in the whole or in part any contract or agreement for or on account of the public service of the Province his election shall thereupon and is hereby declared to be void and a Writ shall forthwith issue for a new election as if such member were naturally dead PROVIDED ALWAYS that nothing herein contained shall extend to any contract or agreement made entered into or accepted by any incorporated company or any trading company consisting of more than twenty persons where such contract or agreement shall be made entered into or accepted for the general benefit of such incorporated or trading company

Provided also that a contract or agreement for the purpose of this Act shall be a contract or agreement usually entered into with the Government upon tender.

2. If any person whose election is by this Act declared to be void shall presume to sit or vote as a member of the Provincial Council such person shall forfeit the sum of One Hundred pounds to be recovered by any person who shall sue for the same in the Supreme Court of New Zealand by action of debt. Penalty in case of non-compliance.

3. Nothing in this Act shall extend to disqualify for re-election any member whose election shall under its provisions be made void. Such to be eligible for re-election.

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this third day of February, in the year of our Lord one thousand eight hundred and fifty-four.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this seventh day of February, 1854.

I. E. FEATHERSTON,

Superintendent.

OHARIU AND MAKARA ROADS.

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

SESSION III. No. 5.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Power to Superintendent to have roads made into the Ohariu and</p>		<p>Makara districts, and to have the control and management of the same—To levy rates.— Limitation of rate.</p>
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Title. *An ACT to authorize the Executive Government to make Roads into the Districts of Ohariu and Makara.*

[Assented to February 4, 1856.]

Preamble.

WHEREAS it would tend to the public advantage if a road into the Ohariu district and a road into the Makara district were made AND WHEREAS such roads cannot at present be made by the boards for the management of highways in the said districts without aid from the general revenue of the Province and it is therefore expedient that the Executive Government of the Province should be authorized to make the said roads

Power to Superintendent to have roads made into the Ohariu and Makara districts, and to have the control and management of the same.—To levy rates.—Limitation of rate.

1. BE IT THEREFORE ENACTED by the Superintendent of the Province with the consent of the Provincial Council thereof as follows

Notwithstanding anything contained in any Act now in force vesting the control and management of district highways in boards of commissioners or boards of wardens the Superintendent with the advice and consent of his Executive Council may cause to be made and completed the road into the Ohariu district and the road into the Makara district as severally laid down in the Government general plans of such districts or with such diversions or deviations therefrom as may be deemed advantageous and shall have and possess such and the same powers and authorities for

effecting the purposes aforesaid as are now or may hereafter be had and possessed by any Board of Commissioners or Board of Wardens for the control and management of District Highways with full power to levy assess and recover in aid of such works a uniform rate per acre not exceeding 2s (two shillings) an acre upon all land which in the opinion of the Superintendent and his Executive Council may be benefited by such works or either of them in the same manner as any Board of Commissioners or Board of Wardens are now or may hereafter be empowered to levy assess and recover rates for the repairing District Highways.

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this
Twenty-ninth day of January, in
the year of our Lord one thousand
eight hundred and fifty-
six.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand on
this Fourth day of February,
one thousand eight hundred and
fifty-six.

ISAAC EARL FEATHERSTON,

Superintendent.

OHARIU AND MAKARA ROADS.

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

SESSION IV. No. 14.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Power to Superintendent to impose a Road rate on lands in certain districts.</p> | } | <p>2. Power to Superintendent to levy and recover the same.</p> <p>3. Nothing in this Act to invalidate Act, Session III., No. 5.</p> |
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Title.

*An ACT to explain the Ohariu and Makara Roads Act,
Session III, No. 5.*

[Assented to February 20, 1857.]

Preamble.

WHEREAS by Act Session III No 5 of the Provincial Council it was enacted that notwithstanding anything in any Act then in force vesting the control and management of the District Highways in Boards of Commissioners or Boards of Wardens the Superintendent with the advice and consent of his Executive Council might cause to be made and completed the road into the Ohariu district and the road into the Makara district as were severally laid down in the Government general plans of such districts or with such diversions or deviations therefrom as might be deemed advantageous and should have and possess such and the same powers and authorities for effecting the purposes aforesaid as were then or might hereafter be had and possessed by any Board of Commissioners or Board of Wardens for the control and management of District Highways with full power to levy assess and recover in aid of such works a uniform rate per acre not exceeding 2s an acre upon all land which in the opinion of the Superintendent and his Executive Council might be benefited by such works or either of them in the same manner as any Board of Commissioners or Board of Wardens were then or might thereafter be empowered to levy assess and recover rates for the repairing District Highways

AND WHEREAS the Superintendent with the advice and consent of his Executive Council assessed a rate of 2s per acre on the land in the Ohariu district with certain exceptions and proceeded to levy the same

AND WHEREAS certain persons liable to the said rate refuse to pay the same alleging that it was not the intention of the Provincial Council to authorize the Superintendent to levy a rate without previously calling together the parties liable thereto in order to fix the amount to be levied And it is therefore expedient to explain the said Act

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

1. The Superintendent with the advice and consent of his Executive Council may impose a rate of Two Shillings per acre upon all land in the Ohariu and Makara districts aforesaid which in the opinion of the Superintendent and his Executive Council may be benefited by the roads referred to and authorized to be made in and by the Act Session III Number 5 hereinbefore referred to and in aid of the expense of such works and may assess the same and make such regulations for hearing objections thereto and direct that the same may be heard in such way as he with the advice and consent of his Executive Council may think fit.

Power to Superintendent to impose a Road rate on land in certain districts.

2. The Superintendent may levy and recover the rate so to be imposed in such and the same manner as a Board of Wardens for the management of highways is now or may hereafter be empowered to levy and recover rates for the repair and construction of highways.

Power to Superintendent to levy and recover the same.

3. Nothing herein shall be deemed or construed to invalidate or prejudice any act or thing done by the Superintendent and his Executive Council under and in virtue of the Act hereinbefore referred to but all such acts and things shall be and remain in full force and effect and be valid unless and until the Superintendent with the advice of his Executive shall see fit to alter the same or any of them.

Nothing in this Act to invalidate Act, Session III., No. 5.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this
eighteenth day of February, in
the year of our Lord One
thousand eight hundred and
fifty-seven.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand on this
Twentieth day of February, one
thousand eight hundred and
fifty-seven.

I. E. FEATHERSTON,
Superintendent.

PATENT SLIP.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XI. No. 1.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Power to Superintendent to guarantee a certain interest on</p>		<p>outlay for the erection of Patent Slip, &c.</p> <p>2. Such interest how to be paid.</p> <p>3. Title of Act.</p>
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An ACT to enable the Superintendent to guarantee a fixed rate of Interest on the cost of the erection of a Patent Slip.

[Assented to June 14, 1864.]

WHEREAS it is expedient that inducement should be given by the Province to any person or body corporate or otherwise who will undertake to erect a Patent Slip Hydrostatic Lift or Dock for the purposes of repairing ships of large burden

Preamble.

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

1. The Superintendent may with the advice and consent of his Executive Council on behalf of the Province contract with any person or body corporate or otherwise who will agree to erect and keep in good repair and work a Patent Slip Hydrostatic Lift or Dock for the purpose of repairing ships of large burden in the harbour of Port Nicholson or in any of the bays thereof and in such place and subject to such terms and conditions as he with such advice and consent as aforesaid may deem expedient to pay to such person or body a yearly sum of money which with such net profits as may arise from the working use and management of the said Slip

Power to Superintendent to guarantee a certain interest on outlay for the erection of Patent Slip &c.

Lift or Dock shall be equivalent to seven pounds per centum per annum on the sum outlaid or expended in the erection or completion of such Slip Lift or Dock Provided the sum on which such guarantee shall be given shall not exceed the sum of Forty Thousand pounds And the term of years for which the payment or guarantee be given shall not extend beyond twenty-one years.

Such interest
how to be paid.

Title of Act. 2. Such sums shall be paid out of the general revenue of the Province and at such periods as may be agreed upon.

3. This Act shall be called the "Patent Slip Act 1864."

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this Tenth day of June, in the year of our Lord One thousand eight hundred and sixty-four.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this Fourteenth day of June, One thousand eight hundred and sixty four.

I. E. FEATHERSTON,

Superintendent.

PATENT SLIP SITE.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XI. No. 2.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Power to Superintendent to purchase land for site of a Patent Slip.</p> <p>2. Superintendent authorised to pay</p>		<p>the value of such land.</p> <p>3. Power to Superintendent to convey such land to parties undertaking to erect a Patent Slip thereon.</p> <p>4. Short Title.</p>
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An ACT to authorise the Superintendent to purchase a site for Title, a Patent Slip in this Harbour.

[Assented to July 14, 1864.]

WHEREAS by the "Wellington Patent Slip Act 1863" Preamble. of the General Assembly of New Zealand it was enacted that it should be lawful for the Superintendent of the Province of Wellington and his successors to take and purchase any part not exceeding twenty acres of the allotment of land described in the schedule thereto and to this Act for the purpose of constructing a Patent Slip for the Port of Port Nicholson in such manner and at such time as should be prescribed by an Act to be passed by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof and that compensation should be made by the Superintendent to the owner of the land taken under the above Act for the value thereof and for the damage done to the remaining part of the said allotment in the manner prescribed by the "Land Clauses Consolidation Act 1863"

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

1. The Superintendent may so soon as he shall deem it expedient so to do take and purchase such portion not exceed- Power to Superintendent

to purchase land for site of Patent Slip. ing twenty acres of the allotment of land described in the schedule to the said recited and to this Act as he may consider best adapted for the site of a Patent Slip with the works and buildings necessary for the efficient working thereof and cause the same to be conveyed to him on behalf of the Province and for the purposes of such Slip.

Superintendent authorised to pay the value of such land. 2. The Superintendent is hereby authorised to pay out of the monies of the Province such sum of money as may be awarded to the owner or owners of the land so to be taken as compensation for the value thereof under the provisions of the "Land Clauses Consolidation Act 1863."

Power to Superintendent to convey such land to parties undertaking to erect a Patent Slip thereon. 3. The Superintendent may with such advice and consent as aforesaid convey the whole or any part or portion of the land so to be taken and purchased as aforesaid to any person or body corporate or otherwise who will undertake to erect thereon a Patent Slip and the works and buildings necessary for the efficient working thereof and that either absolutely and in fee simple or on lease for any term of years and for such price or rent or gratuitously and on such terms and conditions as to him the Superintendent and his Executive Council may seem reasonable or appear expedient.

Short Title. 4. This Act shall be called the "Patent Slip Site Act 1864."

SCHEDULE.

All that allotment or parcel of land situate in the Province of Wellington containing one hundred and twenty-nine acres more or less being the Country Section numbered Three (3) on the plan of the Evans' Bay District bounded towards the North by section numbered Two (2) four thousand nine hundred and ten links Towards the West by the Town Belt two thousand nine hundred links Towards the South by the Town Belt and section number four (4) three thousand six hundred and twenty-five links and towards the East and South-east by Evans' Bay Subject to a right of road one hundred links wide reserved through the said section.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be
in accordance with the Bill as
passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this
seventeenth day of June, in the
year of Our Lord One thou-
sand eight hundred and sixty-
four.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of
the Governor of New Zea-
land this fourteenth day of
July, One thousand eight
hundred and sixty-four.

I. E. FEATHERSTON,
Superintendent.

PUBLICANS LICENSES.

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

SESSION II. No. 11.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Power to Justices on granting a license, to name the time when such shall be used. In case of refusal or suspension of any license, Justices how to act.</p> <p>2. After a certain date, no liquor to</p>		<p>be sold between the legal hour for closing on Saturday night and that for re-opening on Monday morning. Proviso.</p> <p>3. Penalty for gambling and allowing the same.</p> <p>4. Justices not to grant or renew a license to any person convicted of smuggling.</p>
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Title.

An ACT to amend the Licensing Ordinance.

[Assented to March 7, 1855.]

Preamble.

WHEREAS by an Ordinance of the late Legislative Council Session II No 12 intituled "An Ordinance for regulating the Sale of Fermented and Spirituous Liquors" It is ENACTED that no person shall unless he be duly licensed sell any quantity less than Two Gallons of any Spirituous Liquors Wine Ale or Beer or permit the same to be sold by any person in or upon his house or premises And it is also enacted that it shall be lawful for the Justices assembled at the meetings therein provided to grant to such persons as shall be approved of by the majority of such Justices certificates authorising such licenses in the form in the schedule to the said Ordinance annexed On receipt of which certificates and payment of certain sums of money the Treasurer of the Province is now by law authorised to issue such licenses AND WHEREAS it is expedient to empower the Justices to suspend the issue of a license to be granted by them to any person who in their opinion has not conducted his house in a satisfactory manner, and to make

See also "Licensing Amendment Acts," pp. L 6 and L 8.

other provisions relative to Publicans BE IT THEREFORE ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof

1. That it shall be lawful for the Justices of the Peace assembled at any meeting called for the purpose of granting certificates for licenses under the Ordinance before referred to or at any adjourned meeting thereof to accompany the certificate authorizing the issue of a license under the said Ordinance to any person with a memorandum that such license is not to be used until such time as shall be in such memorandum mentioned The Justices of the Peace shall in every case where they propose to refuse to regrant a certificate authorizing or to suspend the issue of any license to disclose to the applicants for such license the informations charges or evidence on which they propose to refuse the regrant of such certificate or to suspend the issue of any license and shall afford him an opportunity of defending himself against any informations or charges upon which such proposal as aforesaid may be based.

Power to Justices, on granting a license, to name the time when such shall be used. In case of refusal or suspension of any license—Justices how to act.

2. After the first day of July next after the passing of this Act, no spirituous or fermented liquors for the sale of which any house shall be licensed shall be sold between the legal hour for closing on Saturday night and the legal hour for opening on Monday morning Except to persons who may sleep in such house either on the night of the Saturday or of the Sunday between which nights such liquor may be sold and any person selling contrary to the above provision shall be liable on conviction to a penalty of £5 to be summarily recovered.

After a certain date, no liquor to be sold between the legal hour for closing on Saturday night and that for re-opening on Monday morning—Proviso.

3. That if any person holding a license shall permit any game of chance or skill to be played by persons under sixteen years of age or to be played for money or moneys worth by persons above that age upon the premises to which such license shall extend he and the parties engaged in such game shall severally be liable to a penalty not exceeding £5 and the holder of such license shall on a second conviction forfeit his license and be incapable of holding another within the Province for six months after such conviction.

Penalty for gambling and allowing the same.

Justices not to grant or renew a license to any person convicted of smuggling.

4. That it shall not be lawful for the Magistrates to grant any certificate authorizing the issue of a license or the renewal of a license to any person who shall at any time be convicted within the Colony of smuggling after the passing of this Act.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this
First day of March, in the
year of our Lord one thousand
eight hundred and fifty-five.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand this
seventh day of March, one thou-
sand eight hundred and fifty-
five.

I. E. FEATHERSTON,
Superintendent.

PUBLICANS LICENSING AMENDMENT.

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

SESSION VII. No. 1.

ANALYSIS.

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| <p>1. Repeals 16 and 17 of Amended Ordinance.</p> <p>2. Enables two Magistrates to transfer a License.</p> <p>3. Provides for transfer of license, when licensee deserts, or is</p> | } | <p>ejected from premises, and refuses, &c.</p> <p>4. Provides for issue of a License, when person to whom Certificate to receive a License is granted neglects to take it up.</p> |
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*An ACT to amend the Ordinance of the 2nd Session of the Title.
late Legislative Council of New Zealand, No. 12.*

WHEREAS it is expedient to amend the Ordinance of Preamble.
the late Legislative Council of New Zealand Session 2
No XII intituled "An Ordinance for regulating the sale of
Fermented and Spirituous Liquors so far as concerns the
Province of Wellington"

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

1. That Clauses numbers 16 and 17 of the said Ordinance shall be and they are hereby repealed. Repeals 16 & 17 of Amended Ordinance.
2. Any two Justices of the Peace in Petty Sessions may transfer a license granted under the said Ordinance to the appointee of the holder of such License by an indorsement on the license in the form in the schedule (F) to the said Ordinance annexed subject to such conditions as required in respect of the person originally licensed. Enables two Magistrates to transfer a License.

See also "Licensing Amendment Acts," pp. L 6 and L 8.

Provides for transfer of license, when licensee deserts, or is ejected from premises and refuses, &c.

3. Whenever a person to whom any license shall have been granted shall have deserted or been legally ejected from the house to which such license may refer or shall refuse or neglect to transfer such license on the request of the person legally entitled to the occupation of the house to which such license refers any two Magistrates in Petty Session assembled if they shall think the justice of the case requires it may by endorsement on the license or by a certificate under their respective hands and seals authorize any other person on his entering into the usual recognizances to act under such license in the same manner as if the license had been legally transferred to him.

Provides for issue of a license when person to whom certificate to receive a license is granted neglects to take it up.

4. Whenever a person to whom the Justices at their annual licensing meeting shall have granted a certificate authorising the issue to him of a license shall refuse or neglect to take up such license at the time required by the Ordinance aforesaid then any two Justices of the Peace of whom the Resident Magistrate or Acting Resident Magistrate if there be a Resident Magistrate or Acting Resident Magistrate for the district shall be one may upon the application in writing of the person legally entitled to the occupation of the house to which such license refers grant to such person a certificate authorising such license to be issued to him upon his entering into the recognizances required by the said Licensing Ordinance and such certificate shall be transmitted to the Treasurer of the Province who on the receipt thereof and payment of the sum required by the said Ordinance or a proportionate part thereof according to the time such license may have to run shall issue a license in the form prescribed by the said Ordinance.

GEORGE HART,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

WILLIAM ALLEN,
Acting Chairman of Committees.

Passed the Provincial Council this Tenth day of November, in the year of our Lord one thousand eight hundred and fifty-nine.

ROBERT PORTER WELCH,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this fifteenth day of November, 1859.

I. E. FEATHERSTON,
Superintendent.

PROVINCIAL COUNCIL ENLARGEMENT.

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

SESSION III. No. 1.

ANALYSIS.

Title.	|	2. Number of Members to each district.
Preamble.		3. Time when writs are to be issued. Proportion of Members to each district.
1. Council to consist of thirty members.		

An ACT to Enlarge the Provincial Council.

Virtually repealed by "Representation Adjustment Act,
Session XI, No. 4."

PUBLIC BOARDS.

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

SESSION III. No. 3.

ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <ol style="list-style-type: none"> 1. Interpretation of words "Coroner," "Board," and "posted." 2. Power to Superintendent to declare that a Board of Wardens be established, &c. 3. Power to Superintendent to pay to such Board any sums appropriated by the Provincial Council for any works within its respective District. 4. Power to Board to make Bye-Laws. 5. Board from amongst its members may appoint a Committee. 6. Every Elector to be a qualified voter for the purposes of this Act. 7. Board of Wardens to be elected—for which, Coroner or Justice to call the meeting by notice;—to preside. 8. With respect to the election of the Board. 9. In case a Poll be demanded,—how to act. 10. With respect to the providing of Poll Clerks and Books. 11. At the close of the poll,—how to act. 12. Costs attending the same to be paid by the Board. | <ol style="list-style-type: none"> 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. | <ol style="list-style-type: none"> The presiding officer to furnish the Provincial Secretary with a return of persons elected. Annual meeting to be held, notice of which to be given by advertisement. The Board—its number—duration of office—disqualification from holding office. What number to be a quorum—notice of meeting to be given three days before such meeting. Board to elect its chairman. Contracts to be made in the name of the chairman—legal proceedings to be in the name of or against the chairman, &c. The Board to keep minutes of its proceedings, and accounts of receipts and disbursements, which accounts to be audited. Balances of money, assets, and papers belonging to old Board to be handed over to new Board. With respect to the mode of deciding questions—the chairman to have an original and casting vote. Designation of Act. |
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Title. *An ACT to authorise the establishment of Boards of Wardens for the management of Local Public Works and other matters.*

[Assented to February 4, 1856.]

Preamble. **W**HEREAS certain local public works and matters may be better managed by Boards of the inhabitants of the respective localities and it is therefore expedient to encourage the establishment of such Boards BE IT ENACTED by the Superintendent of the Province with the advice and consent of the Provincial Council thereof as follows

Interpretation of words "Coroner," "Board," and "posted." 1. In the construction of this Act the term "Coroner" shall mean the Coroner for or having jurisdiction within the Shire District Township Town or Ward for which a Board of Wardens for the purposes of this Act is to be established the term "Board" shall mean "Board of Wardens" and when by this Act any notice or other document shall be directed to be posted it shall signify "posted in some conspicuous and public place within the district or division" to which such notice or document shall relate.

Power to Superintendent to declare that a Board of Wardens be established, &c. 2. The Superintendent may whenever he shall deem fit by Proclamation declare that a Board of Wardens for the management of local public works and matters shall be established for any Shire District Township Town or Ward and may unite and declare any Districts Townships Towns or Wards to be a District for the purposes of this Act Such Board shall be elected as herein provided and shall manage all such local public works and matters as may by law be entrusted to any such Boards of Wardens and may appoint all officers and labourers necessary for carrying into execution any work or effecting any matter which may be entrusted to it.

Power to Superintendent to pay to such Board any sums appropriated by the Provincial Council for any works 3. When any sum of money shall have been appropriated by the Provincial Council for any works or service within any district for which such Board as aforesaid shall be established or when any grant shall be made by the Superintendent towards such works or service out of any grant in aid appropriated by the Provincial Council it shall be lawful for the Superintendent if he shall think proper to authorize

the execution performance and control of such works or service to be undertaken by the Board of Works of such district and to pay to such Board such sums of money either in one sum or by instalments and either at the completion of such works or service or at intervals during the progress thereof as to him shall seem proper subject nevertheless to such regulations and instructions as the Superintendent may issue and the receipts of such Board or the Chairman thereof for such money supported by proper sub-vouchers from all persons to whom the Board shall pay any such money shall be a sufficient discharge to the Superintendent and Provincial Treasurer for the same.

4. Such Board may make bye-laws for regulating its proceedings and from time to time vary or annul the same.

Power to Board to make Bye-Laws.

5. Such Board may appoint a Committee of its members for any purpose which in its opinion would be better managed by means of a Committee and the Acts of all Committees shall be submitted to the Board for approval.

Board from amongst its members may appoint a Committee.

6. Every person whose name shall be upon the Roll of the Electoral District or division in which the district for which any such Board is to be established shall be situate and in respect of property situate within such latter district shall be a qualified voter for the purposes of this Act.

Every elector to be a qualified voter for the purposes of this Act.

7. The Coroner or any Justice of the Peace for the district upon the requisition of any five such voters shall (by notice posted and inserted twice at latest in some newspaper published within or as near the district as may be) summon a meeting of voters for the district to be called "the first annual meeting" who having met at some convenient place within the district shall elect a Board of Wardens for the purposes aforesaid for such district from among such voters resident within the district and at all annual meetings the Coroner or such Justice aforesaid shall preside.

Board of Wardens to be elected—for which Coroner or Justice to call the meeting by notice; —to preside.

8. The Coroner or such Justice as aforesaid shall ascertain the determination of the meeting by a show of hands or in such other manner as he shall think fit and shall declare the same which declaration shall be final unless a Poll be then demanded in writing signed by any five qualified voters present.

With respect to the election of the Board.

In case a poll be demanded—how to act. 9. When such poll shall be demanded the Coroner or presiding Justice shall direct the same to be proceeded in at such place or places and on such day not exceeding seven clear days from the day of the demand as he shall appoint and the polling shall commence at any time after nine of the clock of the forenoon and close at four o'clock in the afternoon of the so appointed day.

With respect to the providing of poll clerks and books. 10. The Coroner or presiding Justice shall appoint the necessary poll clerks and prepare the necessary poll books in which books shall be inserted the situation of the premises in respect of which the voter is qualified and for whom he votes.

At the close of the poll—how to act. 11. As soon after the close of the poll as may be the Poll Clerks shall transmit the state of their respective polls to the Coroner or presiding Justice who shall openly declare the result of the total poll at an adjourned meeting to be held on the next lawful day Any elector present at such adjourned meeting may then and there demand a scrutiny and on finding security to the satisfaction of the Coroner or such Justice aforesaid for the re-imbusement of the expenses attending the same a scrutiny shall be made by the Coroner or such Justice in such way and manner as he may deem proper the result of such scrutiny shall be reported at another adjourned meeting to be appointed by the Coroner or presiding Justice to be held on a day not later than the third day from such second adjourned meeting If there shall be no scrutiny the result of the poll as originally declared or if there shall be a scrutiny the result thereof as declared by the Coroner or presiding Justice shall be final The party demanding a scrutiny shall pay the expenses thereof.

Costs attending the same to be paid by the Board. 12. All costs attending the poll shall be paid by the Board out of any funds which may come to its possession.

The presiding officer to furnish the Provincial Secretary with a return of persons elected. 13. Within three days after the election of any Board it shall be finally determined whether at a General Meeting for the Election of Wardens or for supplying any vacancy in a Board the Coroner or Chairman shall report in writing to the Secretary for the Province the names places of abode and designations of the persons elected.

14. There shall be an Annual Meeting in every district in which a Board shall be established at such time and place as the electors assembled at the previous annual meeting may appoint or in default of such appointment at such time and place as the Board shall fix notice thereof in either case being given by the Board by posting and advertisement in some newspaper published in or near to the district at least one month before the day of meeting and at all meetings held in pursuance of this Act a Chairman shall be elected and every question shall be decided by a majority of the voters present the Chairman having a casting vote.

Annual meeting to be held, notice of which to be given by posting and advertisement.

15. The Board shall consist of not less than five nor more than eight persons being such qualified voters as aforesaid and resident within the district the number in each case to be determined by the Superintendent and his Executive Council Each of them shall hold office for two years from the day of his election or till he shall become bankrupt or insolvent a public defaulter or a convicted felon or shall be directly or indirectly interested in any contract to be executed for or under the direction of the Board or shall cease to be a resident qualified voter for the district and if from any such cause or death the Board shall be reduced to less than five members the surviving or continuing members shall so often as the same may happen by notice given as aforesaid convene a meeting of voters who shall forthwith by election fill up the vacancies and the persons so elected shall hold office until the following general election of Wardens At every alternate Annual Meeting a new Board of Wardens shall be elected the members of the old Board being eligible for re-election.

The Board—its number—duration of office—disqualification from holding office.

16. Three members of the Board shall be a quorum but no business shall be transacted by any Board unless at a meeting summoned by written notice under the hands of two Wardens or of the Chairman of the Board and left at the usual place of abode of every other Warden at least three clear days before such meeting.

What number to be a quorum; notice of meeting to be given three days before such meeting.

17. The Wardens shall as soon as may be after their election choose one of their body to be their Chairman who shall hold that office till the termination of the two years for which the Board shall have been elected unless he shall die resign

Board to elect its chairman.

or become disqualified for the office of Warden as aforesaid in which case the surviving or continuing Wardens shall forthwith elect another Chairman and so from time to time as occasion may require and every Chairman shall within three days after his appointment report the same to the Secretary of the Province.

Contracts to be made in the name of the chairman—legal proceedings to be in the name of or against the chairman, &c.

18. All contracts appointments and other matters authorized by any resolution of such Board shall be entered into made and done by the Chairman on behalf of the Board and shall thereupon be taken to be the acts of the Board and all suits or other legal proceedings by or against the Board shall be in the name of or against the Chairman thereof but execution shall only be levied on such of the effects of the Board as may be held by it in respect of the works or matter in reference to which the proceedings may have been taken and shall not in any manner charge or affect the person or private property of the Chairman or any other member of the Board It shall be sufficient in all cases to describe the property of the Board as such and no suit or other proceeding against the Board shall abate or be otherwise affected by any change of the members of the Board or the Chairman thereof.

The Board to keep minutes of its proceedings, and accounts of receipts and disbursements, which accounts to be audited.

19. The Board shall keep minutes of its proceedings and accounts of all monies paid and received by it during the year an abstract of which accounts shall be submitted to every annual meeting of voters and the accounts shall be audited by three auditors elected at such meeting who shall require of the Board proper vouchers for the receipts and expenditure A copy of the aforesaid abstract shall be posted three clear days before the annual meeting.

Balances of money, assets, and papers belonging to old Board, to be handed over to new Board.

20. All balances of money assets books and papers belonging to the Board shall at the expiration of their term of office be handed over to the new Board immediately on the election of the latter.

With respect to the mode of deciding ques-

21. All questions which shall come before the Board shall be decided by a majority of the Wardens who shall be present thereat and in case of an equal division of votes the

Chairman or Warden in the Chair shall have a second or casting vote in addition to his vote as a Warden.

tions—the
Chairman to
have an origi-
nal and casting
vote.

22. This Act may be referred to as the "Public Boards Act 1856." Designation of Act.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this
twenty-ninth day of January in
the year of our Lord one thou-
sand eight hundred and fifty-
six.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand on this
fourth day of February, 1856.

I. E. FEATHERSTON,
Superintendent.

RATES ON LAND.

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

SESSION II. No. 18.

ANALYSIS.

Title.	|	six months, to be recoverable
Preamble.	|	by sale of a sufficient portion
1. Rates unpaid for the space of	|	of land.

*An ACT to shorten the time for recovering Rates imposed on
Land by Sale.*

Nullified by Act of General Assembly "Sales for non-payment
of Rates," No. 35, 1862, for which see Appendix.

REPRESENTATION ADJUSTMENT.

ANNO VICESIMO OCTAVO VICTORIE REGINÆ.

SESSION XI. No. 4.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Number of members.</p> <p>2. Number of Electoral Districts.</p>	<p>3. Definition of Districts, and number of members to each.</p> <p>4. Maps to be deposited in Office of Clerk of Council.</p> <p>5. Short Title.</p> <p>Schedule.</p>
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An ACT to Readjust the Representation of the Province in the Provincial Council. Title.

[Assented to August 29, 1864.]

WHEREAS it is expedient to readjust the Representation of the Province in the Provincial Council Preamble.

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

1. After the dissolution of the present Provincial Council the Provincial Council shall consist of thirty-one members. Number of members.

2. For the purposes of the election of members of the Council the Province shall be divided into eight Electoral Districts as the same are respectively defined and set forth in the Schedule to this Act. Number of Electoral Districts.

3. The names of such Electoral Districts and the number of members to be returned by each District respectively shall be as follows Definition of Districts, and number of members to each.

Amended by "Representation Adjustment Amendment," Sess. XII, No. 1, for which see Appendix.

City of Wellington	12
Karori and Makara	2
Porirua District.....	3
Hutt District.....	5
Rangitikei District	2
Wanganui	3
Wairarapa East	1
Wairarapa West	3

Maps to be deposited in office of Clerk of Council.

4. The Provincial Secretary shall cause properly authenticated maps of the said Electoral Districts to be deposited in the office of the Clerk of the said Council.

Short Title.

5. This Act shall be called the "Representation Adjustment Act 1864."

Schedule.

SCHEDULE.

CITY OF WELLINGTON DISTRICT.

The town of Wellington including the Town Belt as originally laid out by the New Zealand Company.

KARORI AND MAKARA ELECTORAL DISTRICT.

Bounded North by the Southern boundary of the Porirua Electoral District; East by that portion of the shore of Port Nicholson harbour which extends from the mouth of the Kai-warra-warra stream to town section 660, thence along the Northern boundary of that section, thence along the Northern and Western boundaries of the Town Belt to the coast, and thence following the sea coast to the mouth of the Ohariu River.

The Districts of Watt's Peninsula and Evans' Bay, as shewn on Plan referred to in Clause IV, are to be included in this Electoral District (Karori and Makara.)

PORIRUA ELECTORAL DISTRICT.

Bounded North by the Southern boundary of the Rangitikei Electoral District; East by the Western boundary of the Hutt Electoral District to the Eastern corner of section No. 13, Harbour District; thence along the beach to Kai-warra-warra stream, and along said stream to North Western corner of section No. 31, Karori Road District, running along the Northern boundary of land selected by William Quilter and J. Thompson to section No. 30, North Makara Road District, thence along Eastern boundary of sections Nos. 30, 32, 34, 36, and 38 of the said District along Northern boundary of section No. 38 to Eastern boundary of section No. 39, and thence along the Ohariu River to its mouth; West by the sea coast to the mouth of the Waikanae River.

HUTT ELECTORAL DISTRICT.

Bounded North by a line bearing about 271° 20' being a continuation of the Southern boundary of the Rangitikei Electoral District; East by

the Western boundary of the West Wairarapa Electoral District; the South and West boundaries commence at Turakarae Head and follow the coast line to Pencarrow, thence along the shore of Port Nicholson harbour to the Northern boundary of section No. 13 Harbour District, thence along that boundary to the Eastern boundary of the Horokiki Road District, and along that boundary to the North East corner of section No. 34, thence by a straight line to the South Western boundary of section No. 54 in the Agricultural Block at Pahautanui, thence along the Eastern boundary of that block to the South Eastern corner of section No. 8 of the said block, and thence by a line bearing about $43^{\circ} 0'$ to the South Eastern corner of the Rangitikei Electoral District.

RANGITIKEI ELECTORAL DISTRICT.

Bounded North by the Northern boundary of the Province of Wellington, being the 39th parallel of latitude; East by the Eastern boundary of the Province of Wellington to the Gorge of the Manawatu River, and thence along the ridge of the Tararua Range until it strikes the Southern boundary of this District; South by the Waikanae River and by a line bearing about $271^{\circ} 20'$ to the ridge of the Tararua Range; West by the sea coast from the mouth of the Waikanae River to the mouth of the Wangaeu River.

WANGANUI ELECTORAL DISTRICT.

Bounded West by the Western boundary of the Province of Wellington; North by the Northern boundary of the Province of Wellington; East by the Wangaeu River to the Ruapahu Mountain, and thence by the Upper Waikato River until it intersects the Northern boundary of the Province of Wellington, being the 39th parallel South; and South West by the sea coast from the mouth of the Wangaeu River to the mouth of the Patea River.

EAST WAIRARAPA ELECTORAL DISTRICT.

Bounded North by the Southern boundary of the Province of Hawke's Bay; East and South by the sea coast from the mouth of the Waimata River to the mouth of the Lower Wairarapa Lake; West and South by the Ruamahunga River to its source, and thence by a line bearing about 270° till it strikes the Eastern boundary of the Rangitikei Electoral District on the ridge of the Tararua Range.

WEST WAIRARAPA ELECTORAL DISTRICT.

Bounded North and East by the boundary of the East Wairarapa Electoral District; the Southern and Western boundaries commence at the mouth of the Lower Wairarapa Lake on the sea coast, and from thence along the sea coast to Turakarae Head, thence running North West in a straight line to the ridge of the Rimutaka Range, and along the ridge of the said range until it strikes the North Eastern corner of the northern boundary of the Hutt Electoral District, and thence along that boundary to the South East corner of the Western boundary of the Rangitikei Electoral District, and thence along that boundary till it strikes the

line bearing about 270° being the boundary of the East Wairarapa Electoral District.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this Twenty-third day of June, in the year of our Lord One thousand eight hundred and sixty-four.

WILLIAM BEST,

Clerk of Council.

I reserve this Act for the signification of the Governor's pleasure thereon.

I. E. FEATHERSTON,

Superintendent.

Wellington, 15th July, 1864.

I hereby assent to this Ordinance this Twenty-ninth day of August, in the year of our Lord One thousand eight hundred and sixty-four.

G. GREY,

Governor.

ROADS.

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

SESSION I. No. 21.

ANALYSIS.

- | | |
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| <p>Title.</p> <ol style="list-style-type: none"> 1. Ordinance, Session 1, No. 10, New Munster, to be inoperative within the Province. 2. Interpretation of the words "Highways" and "Board." 3. Superintendent, by Proclamation, to declare the Districts within which this Act shall come into operation. 4. After which Proclamation management of Highways, &c., to be vested in Commissioners. <p>QUALIFICATION OF VOTERS, AND PREPARATION OF VOTERS' LIST.</p> <ol style="list-style-type: none"> 5. Qualification of Voters and Commissioners. 6. Time allowed for claims to the right of voting to be sent to the Sheriff. 7. The Sheriff within seven days to cause the list of voters to be posted in some conspicuous place, and to fix a day for determining objections to the same. <p>MEETINGS OF VOTERS TO FIX AMOUNT OF RATE FOR REPAIRING ROADS, AND TO ELECT BOARD.</p> <ol style="list-style-type: none"> 8. On a certain day Sheriff or other person to convene a meeting to determine rate. 9. Limitation of rate. 10. Such meeting, after having determined the amount of rate, | <p>shall elect a Board of Commissioners.</p> <ol style="list-style-type: none"> 11. At such meeting questions to be determined by a majority of the voters present. 12. Certain Holidays excepted from the days of meeting. 13. The Chairman to report to the Secretary of the Province the names of Commissioners elected. <p style="text-align: center;">THE BOARD.</p> <ol style="list-style-type: none"> 14. Number of Commissioners to form a Board. 15. Duration of such Board. 16. Disqualification of office. 17. Should at any time the number of the Board be reduced below five, Sheriff to call a meeting of voters to elect new Commissioners required. <p>THE DUTIES AND POWERS OF THE BOARD.</p> <ol style="list-style-type: none"> 18. Power to Board to make, &c., Highways; to enter into contracts; to appoint, and if necessary to remove, clerks, workmen, &c., and to make requisite payments. <p style="text-align: center;">WITH REFERENCE TO RATES.</p> <ol style="list-style-type: none"> 19. Board to levy a yearly rate upon certain lands within the district. |
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20. Rate to be uniform per acre.
21. Rate to be levied not to exceed the sum annually fixed on.
22. Rate for making any Highway to be levied only on land within certain distance of intended line of road, &c.
23. Rates to be paid by occupier, or in case of no occupier by the owner thereof.
24. The Board, previously to levying any rate, to cause a statement to be posted, setting forth the amount of rate to be levied, with a list of persons liable, &c.
25. Board to appoint persons to collect the rate, and to take security therefrom for due execution of office.
26. Rates, how recoverable.
27. In case it shall be impossible by distress to levy any rate due, how to proceed.
28. In case any part of a rate remain unpaid for the space of 18 months, the same to be leviable by sale of a sufficient quantity of land in respect of which such rate shall have been imposed.
29. Mode of such sale.
30. Mode of conveyance of such land.
31. The Board yearly to publish a list of sums in arrear.
32. Board authorised to levy a tax upon carts.

WITH REFERENCE TO BOARD MEETINGS.

33. Meeting of the Board to be called by two Commissioners, specifying nature of the business. Not less than five Commissioners to be present at a meeting.
34. Questions at such meeting to be decided by majority, &c.

WITH REFERENCE TO ACCOUNTS.

35. The Board in a book to enter true accounts of sums received

- and paid; the same to be examined and audited by two or more persons appointed by General Annual Meeting.
36. Board to cause a copy of Balance-sheet to be posted.
37. All Monies, Books of Accounts, &c., of former Board to be delivered over to Board for ensuing period.

WITH REFERENCE TO OPENING NEW ROADS, &c.

38. Board to cause a Survey, Plan, &c., to be made of lands through which the new road is intended to be constructed; also, a book containing names of owners and occupiers of such land; all particulars of which to be published in Government Gazette.
39. Power of appeal.
40. If after such appeal the Board shall make an order, the same to be transmitted to Superintendent and Executive Council for confirmation or otherwise.
41. After such confirmation the Board how to proceed.
42. Proviso with respect to certain enclosures.

WITH REFERENCE TO TAKING LAND FOR A NEW ROAD.

43. In the case of any owner or occupier of any land, through which a new road is to be made, considering himself aggrieved, how to act.
44. All parties possessed of any lands required by the Board may sell and enter into all necessary agreements with the said Board.
45. In cases of disputed compensation to be determined by verdict of Jury, the Board, &c., how to act.
46. Certain notice to be given before summoning the said Jury.
47. Interpretation of the word "Sheriff."

48. Sheriff, on application, to deliver over Jurors' book, &c.
49. Number and qualification of Jury to be summoned, place of meeting, &c.
50. Out of such list twelve to be chosen.
51. Sheriff to preside. Party claiming compensation to be deemed Plaintiff, with certain rights and privileges.
52. Penalty for neglect on part of Sheriff. Penalty for neglect on part of Jurymen, &c.
53. Penalty for neglect or refusal on part of a witness.
54. Certain notice of inquiry to be given by Board.
55. Party claiming compensation not duly appearing, matter to be then referred to a Surveyor.
56. Previous to such examination the Jury and witnesses to make certain oaths.
57. In certain cases of disputed compensation Jury to deliver their verdict separately.
58. The Sheriff to give judgment for compensation assessed by such Jury. Verdict and Judgment to be kept among records of Supreme Court.
59. Relating to costs of such inquiry before Jury.
60. The costs of such inquiry, in case of difference, to be settled by Registrar of Supreme Court.
61. Out of what proceeds such costs to be payable.
62. Compensation to owners of land absent from the Province to be determined by valuation of Surveyor appointed for that purpose.
63. Upon application by Board to two Justices that the owner of land in question is absent from the Province, or cannot be found, Justices how to act.
64. Form of Declaration to be signed by a Surveyor previous to his making required valuation.
65. In case Surveyor act wilfully contrary to such declaration, to be guilty of a misdemeanor.
66. Such nomination and declaration of each Surveyor to be annexed to his valuation, and to be preserved therewith.
67. Expenses connected therewith to be borne by the Board.
68. In estimating the compensation to be paid by the Board, what circumstances to be considered.
69. Compensation due to any party under any disability or incapacity, to be deposited in the Treasury for their benefit.
70. Such money, on petition, to be laid out or applied as the Supreme Court at Wellington may direct.
71. Upon payment of compensation into Treasury by the Board the land whereof such payment is made to vest in said Board.

WITH RESPECT TO STOPPING UP OLD OR USELESS ROADS, OR DIVERTING ROADS.

72. Power to Board, under certain conditions, to declare what old road may be discontinued, and cease to be a road.
73. In the case of an owner of land adjoining upon a road which shall not be required for the use of the public, or for which a more convenient road may be substituted, how to act.
74. After due notice, three or more Justices of the Peace to hear and determine the matter.
75. In case of a road being stopped up, owners of adjoining land may acquire such portions of road as may adjoin their lands. Proviso—In the case of an owner of lands, through which lands a new line of road has been taken, such owner to be entitled to so much of the old road as shall adjoin his land, &c.

WITH REFERENCE TO MAKING, MAINTAINING, AND REPAIRING OF ROADS.

76. Dimensions of road.
77. Relating to direction-boards, fences, lamps, &c.
78. Power to Board to make use of uncultivated land for purpose of constructing temporary road to, or repairing or cleaning any drains or other repairs to the road, to procure gravel or timber therefrom for the making or repairing the said road. Proviso—with respect to the interruption of any stream.
79. Power to Board, under certain conditions, in case of sufficient materials not to be found on uncultivated land, and to be found on cultivated lands adjoining road, to give certain notice of their intention to enter upon such land for the purpose of procuring material. In case of objection, how to act.
80. Any owner of land who may have omitted to give due notice of objection, may, within six calendar months from such entry claim compensation.
81. Power to Board to authorise the removal and sale of any dung, rubbish, &c., left on the road after certain notice. Also to turn away or open watercourses, ditches, &c., running into or along any road to the detriment thereof. Penalty to be imposed for continued neglect.

INTERFERENCE WITH FENCING.

82. In case of a fence having to be temporarily removed, Board how to act.
83. In case of a temporary road to be made, the same to be fenced in.
84. Board to fence on both sides of a road when taken through lands already fenced.

PROCURING MATERIALS, &c.

85. After procuring materials for the making or repairing of any road out of any pit or hole, the same to be sufficiently fenced off, &c.
86. Penalty for digging materials for roads, and by so doing causing damage to any bridge, mill-dam, &c.
87. Penalty for allowing any heap of stones, or other matters, to remain on a road at night.
88. Penalty for attempting to obstruct the Board in its duties.
89. Penalty for taking away materials collected for use of any road, or for taking materials out of any pit or quarry under the management of the Board, &c.
90. Penalty for erecting any building, fence, &c., within certain limits of highway.
91. In case of any road being prejudiced by a tree growing near the same, &c.
92. Penalty for destroying or damaging direction-boards, fences, &c.
93. Penalty for riding or driving, &c., upon any footpath by the side of a road, or causing injury thereto, or to the road; or driving any animal carrying any pannier or load projecting beyond a certain distance from the side of such animal; or for making, &c., any bonfire, setting off any fireworks within certain distance of such road; or for leaving any carriage upon such road unattended, except in cases of accident; or for laying any load, &c., upon such road; or for suffering any water, filth, &c., to flow into or upon such road; or for leaving any stone or other thing used in the blocking of wheels; or for wantonly extinguishing any lamp erected by authority of the Board near a road.

94. Penalty for suffering any horse, &c. to stray upon a road. Authority to Poundkeeper how to act.
95. Penalty for erecting within certain distance of highway any steam engine, &c., except the same shall be within some house, or behind some fence, or for burning limestone, bricks, making of charcoal, &c.
96. Penalty for entrusting the care of driving carts, &c., to children under a certain age.
97. Penalty for not having the owner's name painted on cart, &c.
98. Penalty in case of driver of carriage sitting on the same without reins—for keeping on the wrong side of the road—for being at a distance from his carriage—for careless or furious driving—driving rapidly over bridges—or, so offending, refusing to give his name, &c.
99. In case proprietor of any carriage refuse to produce the driver of the same, Justices how to act.
100. All penalties incurred by a driver of any carriage shall, unless paid by such driver, be recoverable from the proprietor of the same.
101. Such proprietor entitled to deduct the amount of penalty so paid from the wages of the driver; and if no wages due, how to act.
102. In the case of dispute between the proprietor of any carriage and the driver thereof, Justices how to act.
103. Any person entrusted with money under this Act, fraudulently abusing such trust, to be deemed guilty of larceny.
104. Indemnity to Commissioners in the execution of their office.
105. In all actions by or against the Board it shall be sufficient to state the name of the Chairman or Clerk as the Plaintiff or Defendant representing the Board, and the death of such not to affect the said action.
106. Execution to be levied against the Board to be levied on the goods belonging to the said Board by virtue of office, and not on personal effects.
107. Every Chairman or Clerk in whose name legal proceedings are carried on, to be reimbursed in respect of damages, &c., to which, as such, he may have become liable.
108. Power to Board to prefer a bill of indictment against any person who shall steal, or wilfully injure, property belonging to said Board.
109. How a Summons, Writ, &c., may be served on the Board.
110. The Chairman or Clerk of the Board authenticating any summonses or documents to be considered sufficient authentication thereof.
111. No warrant, &c., to be deemed void or impeached by reason of any mistake or want of form. Provided, &c.
112. Laws relating to revenue of the Crown and claims of her Majesty excepted from operation of this Act.
113. Penalties, how recoverable, and to whom payable.
114. In case of an action at law, &c., against the Board, form of procedure, with certain powers to Commissioners relating thereto.
- Form of Conveyance.
Form of Claim to vote.
Schedule.

An ACT to provide for the making, maintaining, repairing, and management of Country Roads within the Province of Wellington.

NOTE.—Repealed by "District Highways Act," Sess. III. No. 4.

ROADS.

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

SESSION II. No. 8.

ANALYSIS.

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| Title.
Preamble. | 1. Management of Highways for which Boards of Commissioners shall not be constituted, to be vested in the Superinten- | dent and Executive Council.
2. Superintendent may declare certain enactments in Act, Session 1, No. 21, to be in force with respect to Highways under his control. |
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An ACT to vest in the Superintendent and his Executive Council the Management of Roads in districts for which Boards of Commissioners for such purpose may not be constituted.

NOTE.—Repealed by "District Highways Act," Sess. III., No. 4.

ROADS.

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

SESSION II. No. 15.

ANALYSIS.

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| <p>Title:
Preamble.</p> <ol style="list-style-type: none"> 1. Rate not to exceed one shilling. 2. Owners or occupiers of land desirous of having a highway made—how to act—who not entitled to vote. 3. Who shall preside at meeting of landowners. 4. 1st question to be put to such meeting. 5. In case the meeting determine to make the highway—how to proceed. 6. Number of Committee. 7. Who to be a member of such Committee. 8. Committee to procure plans, &c., of proposed highway. 9. The same to be left at a conve- | <p>nient place for inspection.</p> <ol style="list-style-type: none"> 10. Committee then to convene a meeting to consider the proposed work. 11. Meeting to determine amount of rate to be levied. 12. Limitation of time in respect to the fixing and levying of such rate. 13. In case a meeting determine to raise an amount for the ensuing year only—how any subsequent meeting may proceed to raise the residue of the amount required. 14. How rate to be levied and collected. 15. Such rate to be paid as collected to the Treasurer of the Committee. |
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*An ACT to extend the Provisions of the Road Act, Sess. 1,
No. 21.*

NOTE.—Repealed by "District Highways Act," Sess. III., No. 4.

ROADS COMMISSION.

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

SESSION IV. No. 17.

ANALYSIS.

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| Title. | | 2. In the case of the removal of
any Commissioner—power to
Superintendent to appoint an-
other in his stead. |
| Preamble. | | |
| 1. Power to Superintendent to ap-
point a Road Commission. | | |
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An ACT to authorise the Superintendent to appoint a Commission to enquire into and consider the best principle for obtaining Contributions in aid of the cost of constructing, maintaining, and repairing the roads.

“ Obsolete.”

SAVINGS BANKS.

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

SESSION I. No. 15.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>I. OFFICERS OF THE BANK, THEIR APPOINTMENT AND DUTIES.</p> <ol style="list-style-type: none"> 1. Managers of a Savings Bank to be constituted by a Public Meeting. 2. Such Managers to meet once a year to revise the List of Managers and to fill up vacancies, &c. 3. Managers at first meeting to appoint five of their number to be Trustees. 4. Managers at every Annual Meeting to appoint a Committee consisting of 5 Trustees and 8 Managers. <p style="text-align: center;">II.—THE COMMITTEE.</p> <ol style="list-style-type: none"> 5. Committee to make rules, &c., necessary for management of the Bank. Such rules to be deposited with Registrar of Supreme Court and to be binding on all connected with Bank. 6. Such to be received as evidence. 7. To appoint and if needful remove officers of the Bank. 8. To determine the amount of their Salaries. 9. Accountant to give security to the Trustees of the Bank for faithful discharge of his office. | <ol style="list-style-type: none"> 10. Committee to pay salaries of the officers of such Bank and expenses incurred in managing the business thereof. 11. Five of such Committee to form a quorum. 12. Committee every quarter of a year to prepare a balance-sheet. <p style="text-align: center;">III.—AUDITORS.</p> <ol style="list-style-type: none"> 13. At every yearly meeting of Managers three Auditors to be elected. 14. Their duties. 15. In what form to certify to correctness of accounts and balance-sheet. 16. To make a special report or simply to confirm the same. <p style="text-align: center;">IV.—TRUSTEES.</p> <ol style="list-style-type: none"> 17. To be answerable only for his and their own Acts respectively, &c. 18. A Trustee or Treasurer not to deposit a sum in the Bank nor receive any salary nor profit therefrom. 19. Penalty for non-observance of the same. 20. In case any officer having in his possession any monies, deeds, &c., belonging to the Bank, shall die or become insolvent, the Trustees how to act. |
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V. DEPOSITS, INTEREST, &c.

21. Two or more Trustees to receive deposits—the same to be entered, mode of entry, extent and limit of deposit.
22. Such amounts to be deposited in such place as shall be approved of by Committee and there placed to the credit of the Bank.
23. Interest for deposits allowed.

VI. DEPOSITORS.

24. Trustees authorized to receive from or for the use of a person under 21 years of age and to pay to the same his share and interest.
25. In case of deposits from married women, or from women married subsequently to making such deposits, Trustees how to act.
26. Trustees may receive a sum of money although it exceeds £200 from a Society, in which case how to enter the same and to whom to pay interest.
27. In case of death of a depositor to an amount not exceeding £20 Trustees how to act.
28. In case of death of a depositor to an amount exceeding £20, Trustees how to act.
29. In case of a payment having been made by the Trustees, as in this Act directed, to a person wrongfully claiming to be the lawful representative of a depositor deceased—such payment to be valid.
30. After 14 days' notice a depositor may withdraw any sum of money, with interest due thereon.
31. Depositors of sums not less than 20 shillings, to receive interest thereon after a rate to be decided on by the Committee.
32. Managers to pay interest out of the interest received by them.

VII.—SECURITIES AND REMEDIES.

33. All Bonds, &c., taken in the name of Trustees may be put in suit, &c.
34. The death or removal or other act of any such Trustees in whose name any such security shall be put in suit, shall not abate any such action at law.
35. The legal estate of such Bank to be vested in new Trustees, &c.
36. All monies and effects and rights and claims belonging to such Bank to be vested in the Trustees for time being.
37. The Trustees may institute any action, suit, &c., on behalf of such Bank, against any person whether a Trustee or officer of such Bank; also against any body politic or corporate.
38. All actions or suits to be instituted in the name of the Accountant of such Bank; and all actions against such Bank to be prosecuted against the Accountant as the nominal defendant.
39. Prosecutions for embezzlement or robbery or any other offence against the Bank to be instituted in the name of the Accountant thereof, &c.
40. Such suit not to be discontinued by the death or removal from office of such Accountant.
41. Such Trustee or Accountant being Plaintiff or Defendant on behalf of such Bank, shall not on that account be prevented from giving evidence in any such action.
42. A memorial in the form or to the effect set forth in the Schedule annexed, duly signed, to be recorded upon oath in the Supreme Court within thirty days after establishment of such Bank.
43. Until such memorial be recorded no action to be brought by any such Bank in the name

- of the Trustees or of Accountant.
44. In any action to be brought in the name of Trustees or Accountant, the Plaintiff not to be non-suited, for want of proof of the record of such memorial. But if Defendant in any action prove that no such memorial has been recorded, then a non-suit to be entered in such action.
45. Dispute between such Bank and any individual depositor therein to be settled by arbitration.
- VIII.—INVESTMENT OF DEPOSITS.
46. Investments of such Bank to be made in securities of the Provincial or General Government.
47. Superintendent authorized to issue debentures of £50 each, bearing a certain interest in exchange for such sums as Trustees may require to invest.
48. And to authorise the payment out of the Provincial Treasury of any sum not exceeding £500 upon a representation that such sum is required to pay depositors and that to realize immediately the securities possessed by the Bank would be attended with a sacrifice.
49. If the amount so lent be not returned within one month, power to Treasurer to sell required amount of Debentures so deposited.
50. Interest on such Debentures to be payable half-yearly.
51. The Wellington Savings Bank to come within operation of this Act on compliance with the requisition thereof.

An ACT to provide for the Management of Savings Banks within the Province of Wellington.

NOTE.—Repealed by "Savings Banks Act," Sess. III., No. 7.

SAVINGS BANKS AMENDMENT.

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

SESSION II. No. 10.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Certain clauses of Act, Session 1, No. 15, repealed.</p> <p>2. Trustees—mode of appointment— —their number—continuance of office.</p> <p>3. Investment of deposits.</p> <p>4. In case of investment—Trustees may make payments to the Treasurer of the Province, who shall deliver to the same debentures for the sums so paid.</p>	<p>5. Debentures not transferable.</p> <p>6. In case it be expedient to realize any such debentures—Trustees to forward certain notice to Superintendent, &c.</p> <p>7. Debentures to bear interest.</p> <p>8. Interest payable half-yearly.</p> <p>9. Wellington Savings Bank may be brought within operation of Act Sess. 1, No. 19, and of this Act,—in which case Trustees how to act.</p> <p>Form of debenture.</p>
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An ACT to amend an Act of the last Session of the Provincial Council to provide for the management of Savings Banks within the Province.

NOTE.—Repealed by "Savings Banks Act," Sess. III., No. 7.

SAVINGS' BANKS.

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

SESSION III, No. 7.

ANALYSIS.

Title.

Preamble.

I. CERTAIN ACTS REPEALED.

1. Officers of the Bank, their appointment and duties.
2. Managers how chosen.
3. Managers to meet once a year to fill up vacancies.
4. President and Trustees how appointed.
5. In whom the management of the affairs to be vested.

II. THE COMMITTEE.

6. Committee to make Rules and Regulations.
7. A copy of such Rules to be received as evidence of such Rules.
8. Committee to appoint Accountant and other officers
9. Committee to determine amount of Salaries thereof.
10. Accountant to give security.
11. At a meeting matters to be decided by a majority—Proviso—President to preside—to have a deliberative vote &c.
12. Committee to prepare a Balance Sheet.

III. AUDITORS.

13. Three Auditors to be Annually elected.
14. Auditors to examine quarterly Accounts &c.
15. Auditors to certify to the correctness of the same &c.

IV. TRUSTEES.

16. Trustee or Manager not personally liable—Proviso.
17. Property of the Bank held to be property of the Trustees &c.

18. A Trustee Member of Committee or Treasurer not to receive any Salary.
19. Penalty in case of infringement of certain Rules.
20. With respect to an Officer of the Bank having in his hands monies or papers belonging to the same and becoming Insolvent.

V. DEPOSITS INTEREST. &c.

21. By whom and when Deposits to be received—Limitation of Deposit—Entry of the same how to be made.
22. The amount shall be deposited by the Committee and placed to the credit of the said Bank.
23. With respect to Interest—rate to be fixed by Committee how to be computed.

VI. DEPOSITORS.

24. In the case of the Depositor being under the age of 21 years.
25. In the case of the Depositor being a married woman &c.
26. Power to Trustees to receive any sum—from any other Savings' Bank or Friendly or other Society and to allow interest for the same.
27. In case a depositor die, leaving a deposit not exceeding £20 Trustees how to act.
28. In case Deposit exceed £20—Trustees how to act.
29. In case the party claiming and receiving the said Deposit prove not to be the lawful representative of deceased Depositors—Trustees indemnified.

30. Depositor to give notice previously to withdrawal of Deposit.

VII. SECURITIES AND REMEDIES.

31. Bonds taken in the name of any Trustees may be sued in the name of any two Trustees for the time being although the names of any such succeeding Trustees be not inserted therein.
32. A suit not to abate on the death or removal of any Trustees—the same to be carried on in the name of those who may succeed.
33. The Legal Estate of such Bank to become vested in such new Trustees.
34. All goods and effects whatsoever belonging to the said Bank to be vested in the Trustees for the time being.
35. Power to Trustees to institute any action suit &c. in which the Bank may be concerned.
36. Such suit to be carried on in the name of the Accountant as nominal Plaintiff and any action brought against the Bank to be prosecuted against the Accountant as nominal Defendant.
37. Prosecutions for fraud upon or against the Bank to be carried on in the name of the Accountant &c.
38. Such prosecution not to be discontinued on account of death or removal of Accountant.

39. Accountant being Plaintiff or Defendant in any suit not to prevent him from being a witness in the same.
40. A memorial of the names of the Trustees &c. duly signed to be declared to by the Accountant in the Supreme Court.
41. Until such memorial be recorded no suit to be brought by said Bank in the name of Trustees or Accountant.
42. Proviso with respect to a non-suit.
43. A dispute between the Bank and any Depositor, or Executor of deceased Depositor to be referred to arbitration &c.

VIII. INVESTMENT OF DEPOSITS.

44. Funds of said Bank to be invested in Provincial Government securities.
45. In respect of Investments Trustees and Provincial Treasurer how to proceed.
46. With respect to realizing Government Debentures—Trustees how to proceed.
47. Debentures to bear interest at the rate of 6 per cent. per annum.
48. Such interest to be paid half-yearly—at certain periods &c.
49. This Act to apply to the Wellington Savings' Bank.
- Schedules—A and B.

Title.

An ACT to provide for the Management of Savings' Banks within the Province of Wellington.

[Assented to 4th day of February, 1856.]

Preamble.

WHEREAS an Act was passed in the first Session of the Provincial Council of Wellington (No. 15) To provide for the Management of Savings' Banks within the Province And whereas an Act was passed in the second Session of the said Council (No. 10) to amend the above Act And Whereas

it is expedient to amend and consolidate the above Acts.

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

1. The whole of the said hereinbefore referred to Acts of Council shall be and the same are hereby repealed. Officers of the Bank their appointment and duty.

I.—OFFICERS OF THE BANK, THEIR APPOINTMENT AND DUTIES.

2. Any number of persons not less than thirty-six being householders within the Province may be constituted by a public meeting convened for that purpose the Managers of a Savings' Bank. Managers how chosen.

3. The Managers shall meet once in every year on such day as shall be appointed by the Committee hereinafter described due notice having been given of the same, in one or more of the local papers at which meeting the List of Managers shall be revised the names of all those who have died removed from the Province or become bankrupt or insolvent during the year removed therefrom and the names of such other persons being householders in the Province added thereto to supply the vacancies as the meeting may see fit. Managers to meet once a year to fill up vacancies.

4. The Managers of a Savings' Bank shall at their first General Meeting appoint out of their number one to be President and five to be Trustees who shall continue in office until removed by death bankruptcy insolvency or the resolution of another General or Special General Meeting of the Managers And it shall be lawful for the Managers assembled at an Annual General Meeting or at a Special General Meeting to be called for that purpose to remove the name of any Trustee from the list and fill up any vacancy that may have occurred. President and Trustees how appointed.

5. The Management of the affairs of every such bank shall be vested in a Committee of fourteen Members that is to say of the President the five Trustees and eight Managers who shall be appointed by the Managers at every Annual General Meeting and shall continue in office for one year or until their successors are appointed. In whom the management of the affairs to be vested.

II — THE COMMITTEE.

6. The Committee shall make all rules and regulations necessary or expedient for the conduct and management of the Committee to make rules and Regulations.

Bank and from time to time as occasion may require or it may deem fit alter vary or amend such rules and regulations All such rules and regulations and all alterations variations and amendments therein shall be forthwith transcribed on parchment and be deposited with the Registrar of the Supreme Court at Wellington And the rules and regulations when so deposited shall be binding upon all members and officers of the Bank, and upon all depositors therein and their representatives all of whom shall be deemed to have full notice thereof.

A copy of such rules to be received as evidence of such rules. 7. The transcript so deposited as aforesaid or a true copy thereof examined with the original and proved to be a true copy shall be received as evidence of such rules and regulations.

Committee to appoint Accountant and other officers. 8. The Committee shall appoint the Accountant and other necessary officers of the Bank and from time to time for good and sufficient cause remove such Accountant or other officers and appoint others in their stead Notice of the appointment of every Accountant or other officers shall be advertised in the *Government Gazette*.

Committee to determine amount of salaries. 9. The Committee shall determine the amount of salaries to be paid to such Accountant and other officers of the Bank.

Accountant to give security. 10. Every Accountant shall give security to the Trustees of the Bank for the faithful discharge of his office by bond or otherwise as the Committee may deem fit.

At a meeting matters to be decided by a majority. President to preside to have a deliberative vote &c. 11. All acts matters and things which the Committee are by any of the provisions of this Act authorised to do may be done by a majority of such members of the Committee as may be present at any meeting of which due notice shall have been given Provided always that the number present shall not be less than seven The President to preside if present but in his absence the several members of the Committee to occupy the chair in rotation The Chairman to have a deliberative vote as a member of the Committee and in case of an equality of votes a casting vote in addition to his deliberative vote.

Committee to prepare a balance sheet. 12. The Committee shall within one month after the close of every quarter of a year cause a balance sheet to be prepared

containing a true statement of the receipts and payments on account of the Bank during the past quarter of a year and of the balance of money deposited as herein provided.

III—AUDITORS.

13. At the first General Meeting of the Managers after the establishment of any Bank and at the first General Meeting (after the passing of this Act) of the Managers of any Bank now established and at every annual general meeting of Managers of any Bank in each succeeding year three Auditors shall be elected. Three Auditors to be Annually elected.

14. It shall be the duty of such Auditors to receive from the Committee the quarterly accounts and balance sheet together with all books accounts and securities of the Bank and to examine the same. Auditors to examine quarterly accounts &c.

15. The Auditors shall certify that they have counted the cash in hand and to the best of their belief ascertained the correctness of the accounts and balance sheet which shall then be subscribed with their names and published in the *Government Gazette*. Auditors to certify to the correctness of the same &c.

IV—TRUSTEES.

16. No Trustee or Manager shall be personally liable for anything done by him in the execution of his office or in exercise of the powers herein given, except in cases where he shall be guilty of wilful neglect or default provided always that the Trustee and Manager of any Savings' Bank shall be and is hereby declared to be personally responsible and liable for all monies actually received by him on account of or to and for the use of such Savings' Bank and not paid over or disposed of in the manner directed by this Act by the rules of such Savings' Bank or by resolution of the Committee. Trustee or Manager not personally liable Proviso.

17. All monies securities land buildings books and chattels shall be held to be the property of the Trustees for the time being in trust for the uses of the Bank but no monies shall be invested in public securities or withdrawn therefrom but under the direction of the Committee. Property of the Bank held to be property of the Trustees &c.

A Trustee Member of Committee or Treasurer of any Savings' Bank shall receive any emolument allowance or salary directly or indirectly beyond any actual expenses incurred for the purpose of such Savings' Bank.

Penalty in case of infringement of certain Rules. 19. If any person being a Trustee Member of Committee or Treasurer of any such Bank shall offend in any one of the particulars hereinbefore mentioned he shall forfeit and pay for every such offence the sum of One Hundred pounds to be sued for in the Supreme Court by any person having money deposited in the said Bank to the amount of twenty pounds And such penalty shall be paid one half to Her Majesty Her Heirs and Successors for the public uses of the Province and the support of the Government thereof and one half to the informer.

With respect to an Officer of the Bank having in his hands monies or papers belonging to the same and becoming Insolvent. 20. If any person holding any office in such Bank or any Branch thereof and having in his hands or possession any monies or effects belonging to the said Bank or any deeds or securities relating to the same shall become Bankrupt or Insolvent or shall make any assignment of his lands goods chattels or effects for the benefit of his creditors or against whose lands goods chattels or effects any execution or attachment or other process shall have issued or if any such officer shall die then and in such case it shall be lawful for any two or more of the Trustees of any such Bank to apply to such officer or his assignees or to the Sheriff or other person executing such process or to his executors or administrators or any other person or persons having legal right as the case may require and to demand that such monies or effects belonging to the said Bank and all deeds securities or papers relating to the same shall be paid over or delivered up to the said Trustees or to such persons as they shall appoint and the party or parties so applied to and having the same shall within forty days after such demand as aforesaid deliver over to such Trustees or to any person or persons who they may appoint to receive the same all effects or other things belonging to such Bank and all deeds securities or papers relating to the same and shall pay out of the assets or effects of such person all sums of money be'onging to or due by such officer to the said Bank before any other of the debts of the said officer shall be paid or satisfied or before the money directed to be levied by such process as aforesaid be paid over to the party issuing such

process as the case may be and all assets goods chattels and effects shall be bound to the payment and discharge thereof accordingly.

V.—DEPOSITS, INTEREST &c.

21. It shall be lawful for any one or more of the members of Committee together with the Accountant or in the event of his absence for any two or more of the members of Committee at such time and place as shall be fixed by such rules and regulations as aforesaid and at no other time or place whatsoever to receive from any person or persons in the way of deposit any sum of money not of value less than one shilling nor by one or by successive deposits exceeding the sum of thirty pounds in any one year exclusive of interest nor of two hundred pounds in the whole to the credit of any one account except as hereinafter provided and the amount of the money so received shall be entered in a book (to be provided for that purpose) to the credit of the party making such deposit or to the credit of such other person as he may appoint *Provided always* that no sum of money shall be paid by way of deposit into any Bank which shall be established under this Act by any person whatsoever without disclosing his or her name together with his or her profession occupation calling and residence to the person receiving the same and such name profession occupation calling and residence shall forthwith be entered by the person receiving such deposits in the books wherein entry of the said deposit is hereinbefore directed to be made.

22. The amount of such deposits and all other sums of money received into any such Bank shall with all convenient speed be deposited in such place as shall be approved of by the Committee and the same shall be there placed to the credit of such Bank in an account to be intituled The accounts of the Trustees of the Savings' Bank and no money so paid into such account shall be withdrawn without the written order of one or more Trustees countersigned by the Accountant or the person for the time being acting in that capacity being first had and obtained.

23. Interest shall be allowed at such rates as the Committee may from time to time determine such interest to be computed from the last day of each month but no interest shall be allowed on less sums than one pound nor for fractional parts of a pound nor for any less period than one month nor for the

By whom and when deposits to be received Limitation of deposit entry of the same how to be made.

The amount shall be deposited by the Committee and placed to the credit of the said Bank.

With respect to Interest rate to be fixed by Committee how to be computed.

fractional parts of a month. All interest due shall be added to depositors' accounts as principal on the thirty-first day of December in each and every year.

VI.—DEPOSITORS.

In the case of the depositor being under the age of 21 years.

24. In case the Trustees of any such Bank shall receive any deposit of money from or for the use and benefit of any person under the age of twenty-one years it shall be lawful for the Trustees to pay such person his share and interest in the funds of the said Bank in the manner and upon the conditions herein appointed as in the case of other depositors and the receipt of such person shall be a sufficient discharge for any money paid to him as aforesaid notwithstanding his incapacity or inability in law to act for himself.

In the case of the Depositor being a married woman &c.

25. In case any deposit shall have been made in any such Bank by any married woman without notice of her marriage or in case any deposit shall have been made by any woman who shall marry subsequently to making such deposit it shall be lawful for the Trustees of such Bank to pay any sum of money in respect of any such deposit to any such woman unless the husband of such woman or his representatives shall give to such Trustees notice in writing of such marriage and shall require payment to be made to him or them.

Power to Trustee to receive any sum from any other Savings' Bank or Friendly or other Society and to allow Interest for the same.

26. It shall be lawful for the said Trustees of any such Bank to receive any sum of money (although such sum shall exceed two hundred pounds) which may have been or may hereafter be received and deposited in any Savings' Bank or Friendly or other Society within the Colony from the Treasurer or Trustees of such Bank or Society or other person competent to pay the same and to give credit in the Books and Accounts of such Bank to such Treasurer or Trustees for the several and respective sums so received and to pay interest for the same at and after the same rate as if such sums had been originally deposited in any such Bank by the several individuals to whom the same shall respectively belong.

In case a Depositor die leaving a Deposit not exceeding £20 Trustees how to act.

27. In case any depositor in the funds of any such Bank shall die, leaving a sum of money in such Bank which with the interest thereon shall not exceed in the whole twenty pounds it shall be lawful for the Trustees and they are hereby authorised in case they shall be satisfied that no will was made and left by such deceased depositor and that no letters of admin-

istration have been taken out of the goods and chattels of such depositor to pay the same at any time after the decease of such depositor to the nearest of kin according to the Statute of Distribution subject to the rules and regulations of such Bank.

28. In case any depositor shall die leaving any sum of money in the funds of any such Bank or there shall be any Interest due thereon belonging to him at the time of his death which said several sums shall exceed in the whole the sum of twenty pounds the same shall not be paid to any person claiming to be the representative next of kin or creditor of such depositor unless such person deliver to the said Trustees or to the Accountant of such Bank a notice in writing signed with his name in the presence of two credible witnesses setting forth the grounds upon which he claims to be entitled to receive the said sum of money belonging to such depositor at the time of his death or any part thereof *Provided always* that such notice shall be published thrice or oftener in the *Government Gazette* and in some one or more of the newspapers of the colony at the discretion of the Trustees and three calendar months at least shall elapse subsequently to the last publication before payment be made in satisfaction of any claim or demand *Provided always* that the above regulations shall not be taken to interfere with the legal title and claim of any representative of such depositor deceased who shall procure Probate of the Will of the same or Letters of Administration of his effects or with the action of the official administrator.

In case De-
posit exceed
£20 Trustees
how to act.

29. If any payments shall be made from the funds of any such Bank by the Trustees thereof as herein directed and the party claiming and receiving the same shall afterwards be proved not to be the lawful representative of the depositor so deceased as aforesaid or otherwise not entitled to the same such payment shall be valid against any demand of any other person as representative of the said deceased depositor or any person whomsoever nevertheless such lawful representative or other person shall have remedies against the person who shall have so wrongfully received the same.

In case the
party claiming
and receiving
the said De-
posit proven
not to be the
lawful repre-
sentative of
deceased Depos-
itor Trustees
indemnified.

30. The depositor of any sum of money in any such Bank or any person duly authorized by such depositor or his executor or other lawful representative may obtain and receive back such sum of money together with the interest due thereon or any part thereof on delivering to the Accountant a notice

Depositor to
give notice
previously to
withdrawal of
Deposit.

signed with his name declaring his intention to withdraw such sum from the Bank at the expiration of fourteen days from the said notice.

VII.—SECURITIES AND REMEDIES.

Bonds taken in the name of any Trustees may be sued in the name of any two Trustees for the time being although the names of any such succeeding Trustees be not inserted therein.

31. All Bonds and other securities which shall be taken in the name of any persons as Trustees of any such Bank for and on account of the same shall and may be put in suit and be sued and prosecuted at law or in equity in the name of any two Trustees for the time being notwithstanding that the name of any such succeeding Trustee be not inserted in such Bond or other such security as an Obligee Assignee or Payee.

A suit not to abate on the death or removal of any Trustees the same to be carried on in the name of those who may succeed.

32. The death resignation or removal or other act of any such Trustees in whose name any such security as aforesaid shall have been put in suit shall not abate any action suit or other proceeding had thereon but the same may be continued where it left off and be prosecuted and carried on in the name of any persons who may have succeeded to that office or may be or become Trustees of the said Bank for the time being.

The Legal Estate of such Bank to become vested in such new Trustees.

33. The legal estate in all lands and tenements belonging to any such Bank shall become vested in such new Trustees as aforesaid to all intents and purposes immediately upon the recording of the memorial of the names of such new Trustees in the Supreme Court as herein directed and so on *toties quoties* whenever any new appointment of Trustees for the time being of any such Bank shall take place and such new memorial shall be enrolled and recorded in the Supreme Court as herein directed.

All goods and effects whatsoever belonging to the said Bank to be vested in the Trustees for the time being.

34. All Monies Goods Chattels and Effects whatsoever and all Securities for money and obligatory instruments evidences and other effects whatever and all rights and claims belonging to any such Bank shall be vested in the Trustees for the time being for the use and benefit of the respective Depositors therein according to the provisions of this Act and after the death resignation or removal of any such Trustees shall vest in the

succeeding Trustees for the same Estate and Interest as the former Trustees had therein and subject to the same trusts without any assignment or conveyance whatever.

35. The Trustees of every such Bank may institute any action suit prosecution and other proceedings at law and in equity by and on behalf of such Bank or wherein such Bank may be concerned against any person body politic or corporate and whether such person shall be a Trustee or Officer of the said Bank or otherwise.

Power to Trustees to institute any action suit &c. in which the Bank may be concerned.

36. Every such Action Suit Prosecution and proceeding shall be commenced or instituted and carried on in the name of the Accountant of such Bank for the time being as the nominal plaintiff complainant or petitioner for and on behalf of the said Bank and all actions suits and proceedings as aforesaid to be commenced instituted or prosecuted against any such Bank shall be defended by the Trustees but the same shall be commenced instituted and prosecuted against the Accountant for the time being of such Bank as the nominal defendant for and on behalf of the said Bank.

Such suit to be carried on in the name of the Accountant as nominal Plaintiff and any action brought against the Bank to be prosecuted against the Accountant as nominal Defendant.

37. All prosecutions for fraud upon or against any such Bank or for embezzlement robbery or stealing the Bills Notes Bonds Monies goods chattels effects or property of the Bank or for any other offence against the Bank shall or may be so commenced or instituted and carried on in the name of the said Accountant for the time being of the Bank And in all indictments and informations it shall be lawful to state the property of any such Bank to be the property of the Accountant for the time being and any offence committed with intent to injure and defraud the Bank shall and lawfully may in any prosecution on account of the same be stated or laid to have been committed with intent to injure and defraud such Accountant and any offender or offenders may thereupon be lawfully convicted of any such offence.

Prosecutions for fraud upon or against the Bank to be carried on in the name of the Accountant &c.

38. No such suit action or prosecution shall be discontinued or abated by the death of such Accountant or by his resignation or removal from the office which he held at the time when such action suit or prosecution was commenced but the same shall or may be proceeded with in the name of any person who

Such prosecution not to be discontinued on account of death or removal of Accountant.

may be or become Accountant of such Bank for the time being and such person shall pay and receive like costs as if such action or suit had been commenced in his name for the benefit of or to be reimbursed from the funds of the said Bank.

Accountant being Plaintiff or Defendant in any suit not to prevent him from being a witness in the same. 39. PROVIDED ALWAYS that the said Trustee or Accountant being the plaintiff complainant petitioner or defendant in any action suit petition or other proceeding as aforesaid on behalf of any such Bank shall not prevent or affect the competency of any such Trustee or Accountant so as to prevent him from being a witness in any such action suit petition or other proceeding in the same manner as he might have done if his name had not been made use of as such plaintiff complainant petitioner or defendant in any such action suit petition or other proceeding.

A memorial of the names of the Trustees &c. duly signed to be declared to by the Accountant in the Supreme Court. 40. A memorial of the names of the Trustees and a memorial of the name of the Accountant for the time being of every such Bank in the form or to the effect for that purpose set forth in the Schedule hereunto annexed signed by the President and Accountant of such Bank shall be declared to by such Accountant in the Supreme Court within thirty days after such Bank shall have been established and when and as often as any Trustee shall be appointed as herein directed or any Accountant of any such Bank shall be newly elected a memorial of the name of such newly appointed Trustee or of such newly elected Accountant in the same form or to the same effect as the above mentioned memorial signed in like manner by the President and Accountant shall in like manner be declared to by the Accountant in the said Court within thirty days next after such Trustees shall be appointed or such Accountant shall be so elected as the case may be.

Until such memorial be recorded no suit to be brought by said Bank in the name of Trustees or Accountant. 41. Until a memorial of the name of the Trustees or of the Accountant for the time being be recorded in the manner herein directed no action suit or other proceeding shall be brought by any such Bank in the name of the Trustees or of the Accountant of the said Bank as aforesaid under the authority of this Act.

Proviso with respect to a non-suit. 42. PROVIDED ALWAYS that in any action to be brought in the names of the Trustees or Accountant of the Bank by virtue of this Act the plaintiff therein shall not be non-suit nor shall

verdict be given against him for want of proof of the record of such memorial or memorials as hereinbefore mentioned. But in case the defendant in any such action shall make it appear on such trial that no such memorial or memorials has or have been recorded then a non-suit shall be entered in such action.

43. If any dispute shall arise between any such Bank or any person acting on behalf thereof and any individual depositor therein or any executor administrator next of kin or creditor of any deceased depositor or any person claiming to be such executor administrator next of kin or creditor then and in every such case the matter so in dispute shall be referred to the arbitration of two indifferent persons one to be chosen and appointed by the Trustees of the Bank and the other by the party with whom the dispute arose. And in case the arbitrators so appointed shall not agree then such matter in dispute shall be referred in writing to an umpire having no interest in such matter or in the Bank who shall have been appointed by the said arbitrators previously to entering upon the consideration of the matter referred to them. And whatever award order or determination shall be made by the said arbitrators or by the said umpire shall be binding and conclusive on all parties and shall be final to all intents and purposes without any appeal.

A dispute between the Bank and any Depositor or Executor of deceased Depositor to be referred to arbitration &c.

VIII.—INVESTMENT OF DEPOSITS.

44. The whole of the funds or deposits of any Savings' Bank which may be available for investment shall be invested in the Securities of the Provincial Government alone.

Funds of said Bank to be invested in Provincial Government securities.

45. Whenever it shall be deemed expedient to invest any sum of money belonging to any Savings' Bank the Trustees thereof may pay the same to the Treasurer of the Province who shall deliver to them or their Accountant for the sum so paid debentures for the same amount in the form hereto annexed or to the like effect and such debentures shall be for sums of fifty or one hundred pounds each and shall not be transferable.

In respect of investments Trustees and Provincial Treasurer how to proceed

46. Whenever it shall be deemed expedient to realise any of such debentures seven days notice in writing signed by any three of the Trustees of the Savings' Bank stating the amount of money required shall be forwarded to the Superintendent who shall thereupon issue a warrant to the Treasurer for the payment to the Savings' Bank of the amount required on de-

With respect to realizing Government Debentures Trustees how to proceed.

livery to him of debentures to a like amount which have been previously issued to such Savings Bank under the provisions of this Act or those of the Savings' Banks Amendment Act now repealed hereby.

47. The debentures to be issued under this Act shall bear interest at the rate of six pounds per centum per annum, interest at the rate of £6 per cent. per annum.

Such interest to be paid half-yearly at certain periods &c. 48. Such interest shall be payable by half yearly payments which shall become due on the thirtieth day of June and the thirty-first day of December in each and every year and shall be paid on or after the second Tuesday in the month after it shall have become due at the Treasury of the Province and if any debenture shall be issued or realised in the intermediate periods the Savings' Bank shall be entitled to receive an apportionment of interest for as many days as the said debentures shall have been current or as may have elapsed between the last payment of the interest thereon and the day of realising the same such interest to be paid on the day appointed for payment of the interest next succeeding the day of issuing or realising the same.

This Act to apply to the Wellington Savings' Bank 49. The Savings' Bank now established in the City of Wellington under the name of the Wellington Savings' Bank shall be deemed to be within the operation and protection of this Act.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this first day of February in the year of our Lord One thousand eight hundred and fifty-six.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this fourth day of February, 1856.

I. E. FEATHERSTON,
Superintendent.

SCHEDULE A.

MEMORIAL

Memorial of the names of the Trustees and Accountant of the Savings' Bank

_____	} Trustees

Accountant.

We the undersigned being the President and the Accountant of the Savings' Bank do hereby declare that the above named have been duly appointed and now are the Trustees and Accountant of the Savings' Bank

President

Accountant

Declared before me this day under and by }
virtue of the provisions of the Act for the }
abolition of unnecessary oaths.

Registrar of the Supreme Court,
Wellington.

SCHEDULE B.

FORM OF DEBENTURE.

New Zealand,
Province of Wellington.

Savings' Bank Debenture for _____ pounds sterling, (not transferable)

No. _____ *Wellington* 185

Debenture for _____ pounds sterling issued under the authority of an

Act of the Provincial Council of the Province of Wellington in the Islands of New Zealand Sess. III, No. 7, payable to the Trustees of the Savings' Bank. The Trustees of the said Savings' Bank are entitled on presentation of this Debenture to receive interest thereon at the rate of six pounds per centum, per annum, in half yearly payments on the second Tuesday in the months of January and July, in each year, at the Treasury of the said Province of Wellington.

Superintendent.

_____ Treasurer for the Province of Wellington.

_____ Secretary for the Province of Wellington.

The above Debenture returned to the Treasurer of the Province of Wellington on the _____ day of _____ 185 ,
Interest due on this Debenture for _____ days.

SCAB AND CATARRH.

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

SESSION I, No. 20.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Repealing New Munster Ordinance Session I No. 4.</p> <p>2. Penalties for driving scabby Sheep.</p> <p>3. Separate information may be laid by every person whose run is crossed &c.</p> <p>4. When infected Sheep kept on land crossed by a public way notice to be given.</p> <p>5. After 1st June 1854 all Sheep to be branded.</p> <p>6. All Sheep brands to be registered.</p> <p>7. Superintendent may appoint Registrar of Brands &c.</p> <p>8. Penalty for using the registered brand of another.</p> <p>9. Penalty for branding Sheep without leave.</p> <p>10. Brand to be primâ facie evidence of ownership.</p> <p>11. Persons having scabby Sheep after the 1st of January 1855 to be fined.</p> <p>12. A Justice of the Peace may order examination of scabby Sheep.</p> <p>13. Penalty for resisting inspection.</p>	<p>14. Saving any other remedies at law to persons suffering damages.</p> <p>15. Sheep having died of catarrh to be burnt or buried.</p> <p>16. Sheep having died of catarrh not to be thrown into any stream or other water.</p> <p>17. Penalty for slaughtering diseased Sheep.</p> <p>18. Penalty for landing Sheep before inspection.</p> <p>19. Penalty for landing diseased Sheep.</p> <p>20. Landing on Quarantine Ground.</p> <p>21. Quarantine Ground for time being in lawful occupation of owner of Sheep thereon.</p> <p>22. Appointment of Inspectors.</p> <p>23. All Sheep in a flock held to be infected where one is so.</p> <p>24. Penalty for driving newly landed Sheep a greater distance than 20 miles before they shall have been properly dressed.</p> <p>25. Proceedings to be under Summary Proceedings Ordinance.</p> <p>26. Suspension of clause 2 in certain cases for a period of two months.</p> <p>27. Interpretation.</p> <p>28. Schedule.</p>
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An Act to repeal an Ordinance of the Legislative Council of New Munster Session I No. 4 and to make other provision to prevent the extension of the disease called the Scab and the Catarrh among Sheep.

(NOTE,—Repealed by Act Session IX, No. 13.)

SCAB.

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

SESSION III, NO. 10.

ANALYSIS.

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| Title.
Preamble.
1. Owner of Sheep once a year to give a return of the number of his sheep and declare to the truth thereof.
2. Superintendent may appoint Inspectors their powers.
3. Penalty for making a false declaration. | 4. One farthing per head to be levied on all sheep above a certain age the same to be summarily recoverable.
5. Inspectors to pay their collections into the Treasury.
6. Act Session I No. 20 so far as relates to the appointment and duties of an Inspector &c. repealed. |
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(NOTE.—Repealed by Act Session IX, No. 13.)

SCAB, CATARRH, AND SHEEP INSPECTORS.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX, No. 13.

ANALYSIS.

- | | |
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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Certain Acts repealed. 2. Penalty for driving scabby sheep. 3. Separate information may be laid by every person whose run is crossed. 4. When infected sheep kept on land crossed by a public way notice to be given. 5. Penalty on persons driving sheep over unfenced land without giving notice. 6. Sheep not to be moved without Inspector's certificate. 7. All sheep to be branded. 8. Superintendent may appoint Registrar of Brands. 9. All sheep brands to be registered. 10. Penalty for using the registered brand of another. 11. Penalty for branding sheep without leave. 12. Brand to be prima facie evidence of ownership. 13. Justice of Peace may order examination of scabby sheep. 14. Penalty for refusing inspection. 15. Saving any other remedies at law to any persons suffering damage. 16. Penalties for not cleaning sheep. 17. Fine in case of notice not being given to Inspector by owner of diseased sheep. 18. Penalty for non-removal of infected sheep trespassing. 19. Sheep dying of catarrh to be burned or buried. 20. Sheep dying of catarrh not to be thrown into any stream. | <ol style="list-style-type: none"> 21. Penalty for slaughtering infected sheep. 22. Penalty for landing sheep before inspection. 23. Penalty for landing infected sheep. 24. Landing in quarantine ground. 25. Quarantine ground in lawful occupation of owner of sheep thereon. 26. If not sufficient food in quarantine ground person in charge to provide same. 27. All sheep in a flock held to be infected where one so. 28. Definition of a flock of sheep. 29. Penalty for driving newly-imported sheep if not properly dressed. 30. Owners of sheep to make returns to Inspector. 31. Power to Superintendent to appoint Inspector. 32. Penalty for false declaration. 33. Assessment on sheep. 34. Inspectors to pay moneys to Treasurer. 35. Duties of Inspector. 36. Duties of Inspector. 37. Penalties for detaining Inspector. 38. Owners of sheep reported infected but afterwards free from disease how to act. 39. Inspector to stop the driving of infected sheep. 40. Penalty for non-compliance with Inspector's notice. 41. Penalty for refusing or neglecting to make a return. 42. Penalties how to be recovered. 43. Interpretation of terms. 44. Date of Act coming into operation. |
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Title. *An Act to Amend and Consolidate the Law relating to Scab Catarrh and Sheep Inspectors.*

[Assented to 19th June, 1862.]

Preamble. **W**HEREAS an Act was passed by the Provincial Council Wellington Session I No. 20 entitled An Act to Repeal an Ordinance of the Legislative Council of New Munster Session I No. 4 and to make other provisions to prevent the Extension of the Disease called the Scab and the Catarrh among Sheep And another Act was passed in Session III No. 10 to Amend an Act entitled An Act to Amend the Scab and Catarrh Act Session I No. 20 and an Act to define the duties of Inspectors of Sheep and to amend the Laws relating to Sheep was likewise passed in Session IV No. 8.

AND WHEREAS it is expedient that the above recited Acts should be repealed :

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

Certain Acts repealed. 1. From and after the passing of this Act the above recited Acts are hereby repealed

Penalty for driving scabby sheep. 2. If any person shall by himself his agent or servant drive depasture or suffer to stray any sheep or lambs infected with either of the diseases known or called Scab or Catarrh across or upon any land not being the property of or rented by such person and not being land of which he shall have the right of pasturage or upon or along any public way he shall be subject to a penalty of not less than £10 (Ten pounds) nor more than £100 (One hundred pounds) Nevertheless nothing in this Act shall prevent such sheep or lambs from being removed from one place to another in covered vehicles.

Separate information may be laid by every person whose run is crossed. 3. Nothing herein contained shall prevent separate information being laid by every occupier of land upon which such infected sheep or lambs as aforesaid shall have been driven depastured or suffered to stray or by every occupier of land through which or adjacent to which any public way shall lie upon or along which way any such infected sheep or lambs shall have been driven depastured or suffered to stay *Provided always*

that if the fine incurred by any number of separate offences under this Act during one and the same removal of a flock shall exceed the sum of £200 (Two Hundred pounds) such accumulated fines shall not be levied to any greater amount.

4. That if any person himself or by means of any one under his control shall turn out keep or depasture any sheep or lambs infected with either of the said diseases on any land intersected or crossed by any public road and shall fail to affix a notice of the existence of such infection in some conspicuous place at each end of such public road where it intersects such land or to renew or replace such notice as often as need be during the time of the existence of such infection he shall be liable to a penalty of not less than £2 (Two pounds).

When infected sheep kept on land crossed by a public way notice to be given.

5. Any person or persons moving or driving any sheep or lambs over unfenced leasehold or freehold land not being his or their own property shall request permission to do so by giving 24 (twenty-four) hours' notice in writing to the owner or owners person or persons in charge of such freehold or leasehold lands failing to do so he or they shall be liable to a penalty of not less than £5 (Five pounds) nor more than £10 (Ten pounds).

Penalty on persons driving sheep over unfenced land without giving notice.

6. No sheep to be moved from one Inspector's district to another without a clean certificate from the Inspector of the district from whence they came under a penalty not exceeding £100 (One Hundred pounds).

Sheep not to be moved without Inspector's certificate.

7. From and after the passing of this Act all sheep and lambs above the age of 9 (nine) months within the Province of Wellington shall be branded with a fire brand or wool brand or marked with an ear mark being the brand or ear mark of the owner and every owner of any such sheep or lambs not being so branded or marked shall be liable to a penalty not exceeding £5 (Five pounds) and if the said sheep or lambs not being so branded or marked shall exceed 400 (four hundred) in number such owner shall be liable to a further penalty of not less than 3d. (Three pence) nor more than 6d. (Six pence) for every sheep or lamb not being branded or marked as aforesaid.

All sheep to be branded.

Superintendent may appoint Registrar of Brands. 8. It shall be lawful for the Superintendent to appoint some fit person or persons to be Registrar or Registrars of Brands and with the advice and consent of the Executive Council to make rules and regulations for the management of such Registration Office or Offices and to fix a scale of fees which shall be payable to such Registrar or Registrars and all such rules regulations and tables of fees shall be published in the *Government Gazette* and shall thereupon be binding upon all persons whom they may concern and shall have the force of law.

All sheep brands to be registered. 9. Every owner of any sheep or lambs shall cause a correct copy or impression of his brand to be registered in the Office of the Registrar of Brands and within such time as shall be appointed by the Superintendent for that purpose and any owner neglecting so to register such brand as aforesaid shall be liable to a penalty not exceeding £5 (Five pounds).

Penalty for using the registered brand of another. 10. After any person shall have so registered a brand it shall not be lawful for any other person to brand any sheep or lambs with a brand bearing the same mark and any person offending against the provisions of this clause shall be liable to a penalty of not less than £5 (Five pounds) and not exceeding £25 (Twenty Five pounds)

Penalty for branding sheep without leave. 11. If any person shall brand any sheep or lambs or shall deface or efface any brand upon any sheep or lambs without the authority of the owner thereof or shall cut off one or both ears of any sheep or lambs whatever, he shall be liable to a penalty of not less than £10 (Ten pounds) nor exceeding £100 (One Hundred pounds).

Brand to be prima facie evidence of ownership. 12. The mark or impression of any registered brand upon any sheep or lambs shall be *prima facie* evidence of the ownership of such sheep or lambs by the person in whose name such brand shall be registered in the Office of the Registrar of Brands.

Justice of Peace may order examination of scabby sheep. 13. Any Justice of Peace having reasonable grounds from information stated on oath before him to suspect any sheep or lambs within the Province of Wellington or on board any ship boat or vessel in any harbor of the Province to be infected with either of the said diseases may by a Warrant in the form specified in the schedule of this Act order the inspection of

such suspected sheep or lambs by the Inspector aided by any one or more competent person or persons named in such Warrant and such Inspectors shall immediately after such inspection report the result thereof in writing to the Justice issuing the said Warrant and shall declare to the truth of the said report upon oath before him and it shall be lawful for such Justice thereupon to order each of such assistant Inspectors to be remunerated at the rate of not more than 10s. (Ten shillings) by the day during the time in which he or they shall have been reasonably employed in such inspection and in case such sheep or lambs shall prove to be infected such remuneration shall be paid by the owner of the same but if they shall prove to be uninfected the remuneration as aforesaid shall be paid by the informant.

14. Every owner of any sheep or lambs who shall refuse to allow such inspection to be made under such Warrant as aforesaid or shall obstruct or shall refuse or neglect to afford all reasonable facilities to such Inspectors as aforesaid shall be subject to a fine of not less than £20 (Twenty pounds). Penalty for refusing inspection.

15. 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 such infected sheep or lambs as aforesaid of any action or remedy which he may have at law or otherwise for obtaining redress or compensation for such loss or damage from the person liable thereto. Saving any other remedies at law to any person suffering damage.

16. Any flock-owner who on discovering Scab in his flock shall give notice to the Inspector of the district and to all the neighbours keeping sheep on land adjoining to be allowed 6 (six) months to clean his sheep but failing to clean them in that period to pay a penalty of not less than £5 (Five pounds) nor more than £20 (Twenty pounds) and for every subsequent six months to be liable to a further penalty of not less than £20 (Twenty pounds) nor more than £50 (Fifty pounds) until the said sheep are pronounced clean by such Inspector of the District. Penalties for not cleaning sheep.

17. From and after the passing of this Act every owner of any sheep or lambs infected with the disease called Scab who shall fail to give notice of such disease to the Inspector of the district and to all neighbours keeping sheep on lands adjoining shall be fined upon the report of the Inspector 6d. (Six pence) Fine in case of notice not being given to Inspector by owner of diseased sheep.

for every such infected sheep or lamb *Provided that* no person who shall have been convicted under this clause shall be liable to any further penalty under the same on account of such disease in the same sheep or lambs until the expiration of 6 (six) months after the date of such conviction as aforesaid.

Penalty for non-removal of infected sheep trespassing.

18. If any sheep infected with Scab or Catarrh shall be found on any land or run not in the lawful occupation of the owner of such sheep and such owner shall not remove the same within forty-eight hours after he shall have received a written notice that they are so trespassing or if such owner cannot after reasonable enquiry be discovered it shall be lawful for the occupier of such lands or run forthwith to destroy such sheep provided always that the nature of such reasonable enquiry together with the number and brands of the sheep so found and destroyed shall by the occupier aforesaid be certified in writing to the Inspector of the district within eight days' of the destruction of such sheep and every person offending against the provisions of this section shall be liable to a penalty of not less than £5 (Five pounds) nor more than £25 (Twenty-Five pounds).

Sheep dying of Catarrh to be burned or buried.

19. The owner of any sheep or lamb infected with the disease called Catarrh at the time of its death who shall fail to consume the carcase by fire or to bury it at least 3 (three) feet under ground within 12 (twelve) hours after death shall be liable to a penalty of not less than 10s. (Ten shillings) nor more than £5 (Five pounds) for each carcase not so buried or destroyed.

Sheep dying of Catarrh not to be thrown into any stream.

20. If any person by himself his servant or agent shall cast or cause to be cast the carcase of any sheep or lamb infected with Catarrh at the time of its death into any stream or pond or other water he shall be liable to a penalty of not less than £5 (Five pounds) nor more than £20 (Twenty pounds).

Penalty for slaughtering infected sheep.

21. If any person shall slaughter or shall have in his possession for the purpose of slaughtering for sale any sheep or lamb infected with either of the said diseases or shall expose for sale the carcase or any part thereof of any sheep or lamb so infected he shall be liable for each such offence to a fine of not less than 20s. (Twenty shillings) nor more than £5 (Five pounds) one half of such fine to be paid to the informer and

such infected carcase or part thereof shall be thereupon destroyed in such manner as any Justice of the Peace may direct.

22. Any master owner or supercargo of any ship boat or other vessel who shall permit any sheep or lambs to be landed therefrom before they shall have been inspected by an Inspector of Sheep duly authorised under the provisions of this Act and before he shall have received a certificate to that effect shall be liable to a penalty of not less than £20 (Twenty pounds) nor more than £100 (One Hundred pounds). Penalty for landing sheep before inspection.

23. If any person shall himself or by means of any agent or servant land or cause to be landed from any ship boat or other vessel except as hereinafter provided any sheep or lambs infected with either of the said diseases he shall be liable to a penalty of £100 (One Hundred pounds) and if such sheep or lambs so landed shall exceed 20 (Twenty) in number he shall be liable to a further penalty of £5 (Five pounds) for every such sheep or lamb in excess of the number aforesaid. Penalty for landing infected sheep.

24. Any person who by himself his agent or servant shall land or cause to be landed any sheep or lambs infected with the disease called Scab upon land declared or proclaimed by the Government of the Province of Wellington at the quarantine ground or as near thereto as may be possible shall not be subject to any penalty. Landing on quarantine ground.

25. The quarantine ground shall for the time during which such sheep or lambs shall be depastured thereupon as before provided be taken and deemed to be for the purposes of this Act in the lawful occupation of the owner of such sheep or lambs *Provided always* that such sheep or lambs shall be subject to a weekly charge of 3d. (Three pence) each payable by the week such sheep or lambs to be removed when declared free from Scab by the Inspector or to be subject to a further charge of 2d (Two pence) by the week Should payment be in arrears for four weeks the sheep or lambs to be deemed to be abandoned and may be sold or disposed of as may appear most likely to contribute to the public interest. Quarantine ground in lawful occupation of owner of sheep thereon.

26. Should any sheep or lambs infected by Scab be placed on the land appointed as a quarantine ground and the pasture thereof at any time be found not sufficient for the sustenance of such sheep or lambs the owner or person in charge of the same to provide food for them at his own expense. If not sufficient food in quarantine ground person in charge to provide same.

All sheep in a flock held to be infected where one so. 27. Every sheep and lamb running in any flock or being on board any ship boat or other vessel in which there shall be one sheep or lamb infected with the disease called Scab shall be deemed to be infected within the meaning of this Act.

Definition of a flock of sheep. 28. Every flock-owner placing a number of sheep in an enclosure or otherwise and keeping them separate from all other sheep for a period of two months to the satisfaction of the Inspector of the District to be allowed to call them a flock and they shall be deemed a flock accordingly as long as they are not allowed to mix with any other sheep.

Penalty for driving newly imported sheep if not properly dressed. 29. That all newly imported sheep shall be properly dressed before they shall be removed beyond a greater distance than 20 (twenty) miles from the port at which they shall have been landed and any person driving any such sheep beyond such distance before they shall have been properly dressed shall forfeit and pay for every sheep so driven a sum not less than 1s. (One shilling) Provided that this clause shall not extend to any sheep which shall have been landed for a period of two months previous to being so driven.

Owners of sheep to make returns to Inspector. 30. Every person owning or having in charge any sheep shall in the month of May in every year deliver in writing to the Inspector of the district in which such sheep shall be depasturing a return of the number of sheep above six months old owned by him or under his charge and shall append thereunto a declaration that such return is true to the best of his knowledge and belief.

Power to Superintendent to appoint Inspector. 31. The Superintendent may appoint such number of Inspectors of Sheep for the purpose of this Act as he may think fit and assign them to such districts as he may deem proper And every Inspector shall have at all times and exercise at his discretion the powers given by clause 14 of this Act to certain persons acting under the warrant of any Justice of the Peace in the inspection of the sheep suspected to be infected with Scab.

Penalty for false declaration. 32. Every person wilfully making a false declaration in respect of any of the provisions of this Act shall be liable to a fine of not less than £10 (Ten pounds) nor more than £50 (Fifty pounds).

33. Every person owning or having charge of any sheep shall in the month of August in every year on demand pay to the Inspector of the district in which such sheep shall be depasturing or other person authorized to receive the same the sum of one $\frac{1}{2}$ d. (half-penny) per head for all sheep over the age of 6 (six) months so owned by him or under his charge in accordance with the return made by him in the preceding month of May. If such sum be not paid in the month of September the same shall be recovered by the Inspector of the district by summary proceedings whether the same shall exceed £20 (Twenty pounds) or otherwise before any Resident Magistrate or any Justice of the Peace together with all the costs and expenses incident thereto or to be incurred in recovering the same. Assessment on sheep.

34. In the month of October in every year the several Inspectors shall pay the amounts they have respectively collected under authority of this Act to the Treasurer of this Province. Inspector to pay moneys to Treasurer.

35. The Inspector of sheep shall in the months of March and September or at any other time (provided he visits each station twice in every year) inspect the several stations in their respective districts and examine the sheep thereat and shall report to the Secretary of the Province in such form as the Superintendent may from time to time prescribe or approve of whether the sheep or any of them upon any station are infected with the Scab or any other contagious or infectious disease and if any to what extent they may be so affected and all such reports shall be forthwith published in the *Government Gazette* and one or more newspapers of the Province. Duties of Inspector.

36. Every Inspector shall give to the owner or person in charge of each station within his district at least three days notice in writing of the day on which he proposes to visit the station and such owner or person in charge shall for 3 (three) days after the day named in such notice have his flock or flocks of sheep in readiness for mustering and on the arrival of the Inspector at his station shall so soon as required by the Inspector muster all the flock or flocks of sheep on the station or under his charge at that time for examination by the Inspector and shall if required to do so assist him in such examination. Duties of Inspector.

37. Every person detaining the Inspector by wilfully refusing or neglecting to muster the sheep for examination by the Inspector after such notice on being required to do so shall Penalties for detaining Inspector.

forfeit and pay a penalty of not less than £2 (Two pounds) nor more than £10 (Ten pounds) for every day of such wilful detention until the same shall be mustered to the satisfaction of the Inspector and he shall also pay to the Inspector a sum of £1 (One pound) per day for his personal expenses for every day that he shall be detained by reason of the non-mustering of the sheep.

Owners of sheep reported infected but afterwards free from disease how to act.

38. Any person on whose station the Inspector may report that there are sheep infected with the Scab or other contagious or infectious disease may at any time previous to the next half-yearly visitation apply to the Inspector to examine again the sheep of any flock upon his station and if he shall prove to the satisfaction of the Inspector that all the sheep of any flock on his station or under his charge are then free from Scab or such other disease may demand a certificate to that effect which certificate it shall be the duty of the Inspector to give a copy of which certificate shall on the original being left at the Provincial Secretary's Office for the purpose be published forthwith in the *Government Gazette* and the party requiring such re-examination as aforesaid shall pay to the Inspector a sum of £1 (One pound) for every re-examination provided the said station do not exceed 20 (twenty) miles from the Inspector's residence exceeding that he is to be paid at the rate of 1s. (One shilling) per mile for each and every mile in excess of the 20 (twenty) miles herein mentioned.

Inspector to stop the driving of infected sheep.

39. It shall be the duty of the Inspector whenever it shall be reported to him that sheep infected with Scab or other contagious or infectious disease are driven into or through his district to take immediate steps to stay the entry into or further progress through his district of such sheep and for that purpose not only to lay information of such infringement of the law before the nearest Justice of the Peace but to give notice to the person in charge of such sheep to return and in case of non-compliance by the driver to return immediately to the place from whence he started to detain such sheep or to employ such drivers and other assistants as he the Inspector may think sufficient to take back such sheep to the place from whence they started.

Penalty for non-compliance with Inspector's notice.

40. Every person in charge of infected sheep to whom notice to return shall be so given as aforesaid shall return without any unnecessary delay to the station whence he started by the same route that he shall have travelled and if he shall refuse

or neglect so to do shall forfeit any pay the sum of £5 (Five pounds) per day for every day that he shall so refuse or neglect to return.

41. Any person owning or having the charge of any sheep who shall wilfully fail to make returns thereof in accordance with the provision in that behalf in this Act (Clause 30) shall forfeit and pay the sum of not less than £5 (Five pounds) nor more than £20 (Twenty pounds) for so refusing or neglecting to make such return. Penalty for refusing or neglecting to make a return.

42. All fines and penalties imposed and the amount or remuneration directed to be paid under the authority of this Act shall be recoverable in a summary way. Penalties how to be recovered.

43. In the interpretation of this Act the word "Owner" of any sheep or lambs shall be taken to include the person having the control or management of such sheep or lambs. The word "Flock" shall be taken to include such sheep as the owner of any station is in the habit of herding separately on different parts of his run or station. The term "Station" shall include not only the stations or runs held under license from the Provincial Government but also all properties (freeholds or leaseholds) on which sheep are depastured or kept. Interpretation of terms.

44. This Act shall not come into operation until three months after it has been assented to by the Superintendent of the Province. Date of Act coming into operation.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this sixth day of June in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this nineteenth day of June one thousand eight hundred and sixty-two.

I. E. FEATHERSTON,
Superintendent.

SCHEDULE.

WARRANT FOR INSPECTING SHEEP.

Province of Wellington, } New Zealand. }	To and all others whom it may concern.
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WHEREAS it appears to us _____ and two of Her Majesty's Justices of the Peace for the said Province by the information upon oath of _____ of _____ in the said Province that certain sheep or lambs are (depastured upon the land situated _____ in the occupation of _____ in the said Province _____) (on board of the vessel _____ Commander now laying in _____ in the said Province) and that the said _____ hath cause to suspect and doth suspect that the said sheep or lambs or some of them are infected with the disease called _____

These are therefore in the name of our Lady the Queen and in pursuance of the Provisions of an Act of the Provincial

Council of the said Province passed in the twenty-fifth year of the reign of Her Majesty Session 9 No. 13 to authorize and require you to enter upon the said (land vessel) and carefully to inspect the said sheep or lambs and that you do immediately upon such inspection report in writing to us whether the said sheep or lambs or any of them are infected with the said disease And we do hereby require all persons having or being concerned in the charge control or management of the said suspected sheep or lambs to aid and assist you in making such inspection according to the provisions of the Act above referred to in that behalf made

Given under our hands and seals at _____ in the said
Province this _____ day of _____ in
the year of our Lord one thousand eight hundred and _____

NOTE.—A Proclamation was issued dated June 5, 1854, and published in *Gazette* of June 9th, establishing a Quarantine ground for the purposes of this Act.

SCAB AMENDMENT ACT.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XI, No. 8.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Superintendent to appoint Sub-Inspector for Wellington and Wanganui.</p> <p>2. Owner of Sheep may appeal from decision of Inspector or</p>	<p>Sub-Inspector to Resident Magistrate.</p> <p>3. Penalty for neglect of duty.</p> <p>4. Penalty for false report.</p> <p>5. Penalty for receiving extra fees &c.</p> <p>6. Short Title.</p>
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Title. *An Act to amend and extend the Scab Catarrh and Sheep Inspectors Act, Session 9, No. 13.*

[Assented to 15th July, 1864.]

Preamble. **W**HEREAS an Act was passed by the Provincial Council Wellington Session IX No. 13 entitled an Act to amend and consolidate the law relating to Scab Catarrh and Sheep Inspectors.

AND WHEREAS it is desirable that the provisions of such Act should be extended :

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

Superintendent to appoint Sub-Inspector for Wellington and Wanganui

1. That the Superintendent shall appoint for each of the Districts of Wellington and Wanganui a Sub-Inspector and when the Inspector is unable to attend to any case requiring immediate attention such Sub-Inspector shall perform the duties of the Inspector and shall receive as a remuneration for his services the sum of £2 2s. for each occasion on which he is called upon to act as aforesaid such remuneration to be paid by the owner of the sheep.

2. If any owner of sheep should be of opinion that his sheep are not affected with Scab or any other contagious or infectious disease notwithstanding the decision of such Inspector or Sub-Inspector to the contrary he may within one calendar month after such decision appeal from such decision to the nearest Resident Magistrate who is hereby authorised and required to hear and determine the same in a summary way and the decision of such Resident Magistrate shall be final in every such case *Provided always* that any decision of an Inspector or Sub-Inspector so appealed against shall until reversed continue in full force and effect.

Owner of sheep may appeal from decision of Inspector or Sub-Inspector to Resident Magistrate.

3. If any Inspector of Sheep or Sub-Inspector shall refuse or wilfully neglect or unreasonably delay to perform any of the duties hereby imposed upon him or which he may be appointed to discharge under this Act or shall wilfully abuse the powers and authority hereby intrusted to him he shall forfeit and pay for every such offence a penalty not exceeding Twenty pounds.

Penalty for neglect of duty.

4. If any Inspector of Sheep or Sub-Inspector shall wilfully make any false report or shall wilfully 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.

Penalty for false report.

5. If any Inspector or Sub-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 of not less than Twenty pounds nor exceeding One Hundred pounds.

Penalty for receiving extra fees &c.

6. This Act shall come into operation from the passing hereof and may be referred to as the "Scab Amendment Act 1864."

Short Title.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be
in accordance with the Bill
as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council
this fifteenth day of July, in
the year of our Lord one
thousand eight hundred and
sixty-four.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand this
fifteenth day of July, one thousand
eight hundred and sixty-four.

I. E. FEATHERSTON,
Superintendent.

SCRIP RESTRICTION.

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

SESSION IV, No. 1.

ANALYSIS.

Title.	|	and Reserves except to the
Preamble.		extent of £20 per cent.
1. Government Scrip not to be available in certain Townships	|	2. Enumeration of such Townships and Reserves.

An ACT to restrict the operation of Scrip within certain Districts of the Province of Wellington.

[Assented to January 26, 1857.]

WHEREAS by an Act passed in the last Session of the General Assembly namely the Land Orders and Scrip Act 1856" it was amongst other things enacted that the Superintendent of any of the Provinces of New Zealand (except the Province of New Plymouth) might from time to time by Act or Ordinance declare certain districts within the Waste Lands in each Province to be Townships with rural and suburban lands annexed thereto and also agricultural and small Farm Reserves and that no Government Scrip should be exercised within such Districts except in payment to the extent of 20 per cent. of the purchase money of any allotments therein purchased unless with the express consent of the Superintendent and Provincial Council and where the amount of any Government Scrip tendered in the purchase of any allotment should exceed 20 per cent. of the price thereof the party tendering the same should be entitled to a credit for the balance of such Scrip towards further purchases and so on in like manner until the Scrip be exhausted provided that such Reserves should not in any Province exceed 100,000 acres.

And whereas it is expedient that the payment of Land in Government Scrip should be restricted within the Townships and Reserves hereinafter mentioned.

Government Scrip not to be available in certain Townships and Reserves except to the extent of £20 per cent.

1. BE IT THEREFORE ENACTED by the Superintendent of the Province with the consent of the Provincial Council as follows:—

That the several Townships and Reserves hereinafter mentioned or specified shall be Townships with rural and suburban lands annexed and agricultural and Small Farm Reserves within the meaning and intent of the Land Orders and Scrip Act 1856 hereinbefore referred to and no Government Scrip shall be available or taken in payment for land within such Districts except to the extent of £20 per cent. of the purchase money of any allotment therein purchased.

Enumeration of such Townships and Reserves.

2. The Townships and Reserves before referred to are :

The Township of Featherston in Wairarapa comprising about	12,000	acres
The unsold portion in the Township of Napier in Ahuriri	96	“
The Township of Clive in Ahuriri . .	5,000	“
The Agricultural Reserve in the Aoranga Block	5,000	“
Addition to the Small Farm Reserve of Masterton in Wairarapa	4,000	“
The Agricultural Reserve in the District of Rangitikei	20,000	“
The Agricultural Reserve at Turakina	10,000	“
Taratahi Plain	17,000	“
Pahautanui, &c.	5,000	“
Total	78,096	

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this twenty-third day of January, in the year of our Lord one thousand eight hundred and fifty-seven.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on the behalf of the Governor of New Zealand on this twenty-sixth day of January, 1857.

I. E. FEATHERSTON,
Superintendent.

SHEEP INSPECTORS.

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

SESSION IV, No. 8.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Inspector at certain times to visit stations examine sheep thereat and report thereon.</p> <p>2. Inspector to give notice to person in charge of sheep of intended visit to station Person in charge to have the sheep in readiness for mustering.</p> <p>3. Penalty for neglecting such notice.</p> <p>4. Power to person whose sheep may be reported as infected to apply to Inspector to re-examine his flock.</p> | | <p>5. In the case of a person driving infected sheep through a district Inspector how to act.</p> <p>6. Penalty for neglecting to drive back the sheep.</p> <p>7. A person driving sheep to give twelve hours notice before entering on the station of another.</p> <p>8. Penalty against the person in charge of sheep for neglecting to make a yearly Return.</p> <p>9. This Act not to interfere with certain provisions of Act Session III No. 10.</p> <p>10. Interpretation of the word "station."</p> |
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An ACT to define the Duties of Inspectors of Sheep and to amend the Laws relating to Sheep.

[Assented to February 20, 1857.]

NOTE—Repealed by Act Session IX, No. 13.

SHIRES.

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

SESSION II, No. 1.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Power to Superintendent to constitute a Shire.</p>		<p>2. Power to Superintendent to divide such Shire into Districts &c.</p> <p>3. Power to Superintendent to give names to the same.</p>
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Title.

An ACT to authorize the Superintendent to divide the Province into Shires and other Minor Divisions.

[Assented to March 7, 1855.]

Preamble.

WHEREAS for the purpose of duly administering the affairs of the Province, it is expedient that the Province should be divided into Shires and other minor divisions :

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

Power to Superintendent to constitute a Shire.

1. The Superintendent whenever he shall deem fit may by Proclamation constitute any portion of the Province to be a Shire.

Power to Superintendent to divide such Shire into Districts &c.

2. The Superintendent whenever he shall deem fit may also by Proclamation divide any Shire into districts and sub divide such districts into Townships and Towns into Wards.

3. The Superintendent may also give to such Shires Dis- Power to Su-
tricts Townships Towns and Wards such names as he may perintendent
deem appropriate. to give names
to the same.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this
eighth day of February in the
year of our Lord one thousand
eight hundred and fifty-five.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on the behalf
of the Governor of New Zealand
on this seventh day of March,
1855.

I. E. FEATHERSTON,
Superintendent.

SLAUGHTER HOUSES.

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

SESSION II, No. 16.

ANALYSIS.

Title.	
Preamble.	
1. After a certain date Cattle &c. not to be Slaughtered except at a Licensed Slaughter House Penalty in case of infringe-	ment The same how recover- able Any license authorizing the Slaughtering of Cattle &c. elsev here than herein provided to be void.

*An ACT to prohibit the Slaughtering of Cattle within
certain parts of the Town of Wellington.*

[Assented to March 13th, 1855.]

NOTE.—Repealed by Act Session III, No. 11.

SLAUGHTER HOUSES.

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

SESSION III, No. 11.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Limitation of the time within
which Cattle may be slaugh-</p> | <p>tered in the Town of Wel-
lington elsewhere than in the
neighbourhood of Boorham-
poor.</p> |
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An ACT to extend the period after which the Slaughtering of Cattle within certain limits of the Town of Wellington is prohibited.

[Assented to February 6th, 1856.]

NOTE.—Repealed by Act Session IX, No. 12.

SLAUGHTER HOUSES.

ANNO VICIESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX, No. 12.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Act Session 3 No. 2 repealed.</p> <p>2. After 1st January 1863 Cattle to be slaughtered only at places licensed by Superintendent or</p>	<p>Town Board under penalty.</p> <p>3. Cattle allowed to be driven through the Town of Wellington at certain specified hours only.</p> <p>4. Short Title.</p>
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Title. *An ACT to make further provision relative to Slaughtering Cattle within the City of Wellington.*

[Assented to 19th June, 1862.]

Preamble. **W**HEREAS it is desirable to repeal the existing Act of the Council relating to the Slaughter of Cattle within the Town of Wellington and to make other provisions for the same:

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

Act Session 3 No. 2 repealed. 1. The Act of the Provincial Council Session 3 No. 2, is hereby repealed.

After 1st January 1863 Cattle to be slaughtered only at places licensed by Superintendent or Town Board under penalty. 2 After the first day of January in the year of our Lord one thousand eight hundred and sixty-three any person slaughtering any Cattle Sheep Goats or Pigs within the Town of Wellington or on any portion of the Town Belt for the purposes of sale excepting at such places as may be Licensed by the Superintendent and his Executive Council for such purpose until the election of a Board of Commissioners for the management of the Town and after such election excepting at such places as may be licensed by such Board shall on conviction be liable to a penalty of not less than One pound nor more than Five pounds for every animal so slaughtered to be recovered by summary proceedings and any License granted by any of the

Justices of the Peace authorizing the Slaughtering of Cattle within the said Town or Town Belt shall after the said 1st day of January 1863 be void.

3. No Cattle intended for slaughter shall be driven through or in the Town of Wellington between the hours of nine in the morning and six in the evening between the 31st day of March and the 1st day of September or between the hours of eight in the morning and nine in the evening between the 31st day of August and 1st day of April and every person so driving cattle intended for slaughter between the prohibited hours shall pay a penalty of One pound per head for every head of Cattle so driven.

Cattle allowed to be driven through the Town of Wellington at certain specified hours only.

4. The short Title of the Act shall be "The Slaughter House Act 1862. Short Title.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this Sixth day of June in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this nineteenth day of June, one thousand eight hundred and sixty two.

I. E. FEATHERSTON,

Superintendent.

STREETS.

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

SESSION I, No. 23.

ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <ol style="list-style-type: none"> 1. Part of Ordinance Session 1 No. 7 to be repealed. 2. Superintendent may proclaim this Ordinance in operation in any town upon certain requisition. 3. Claims to the right of voting for Commissioners to be sent to such person as the Superintendent may appoint before a certain day. 4. Time named in which the revision of lists of Claimants is to be made and Electors to be assembled At such meeting who shall preside. 5. The person presiding how to take the sense of the meeting. 6. In case of a Poll being demanded the person presiding how to act. 7. The Poll how to be conducted. 8. The person presiding to appoint Poll Clerks and have Poll books prepared in certain form. | <ol style="list-style-type: none"> 9. Rule respecting the result of the Poll how and when to be declared How a scrutiny is to be conducted. 10. Commissioners may levy a yearly rate. 11. Any person who may think himself aggrieved may appeal against such assessment. 12. In case property being unoccupied or otherwise arrears may be leviable upon any goods of owners or occupiers found on such property. 13. In case arrears remain unpaid for a certain time the same with expenses shall be leviable by sale of sufficient portion of land. 14. Such land to be sold by Sheriff or Resident Magistrate Description of such conveyance of land. 15. Accounts of the Commissioners to be sent to the Provincial Secretary to be Audited. 16. Interpretation of term Treasurer. <p>Schedule.</p> |
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An ACT to amend an Ordinance of the Legislative Council of New Munster Session I No. 7 Intituled "An Ordinance to authorize the levying and collecting of Rates for the making and repairing of Roads Streets &c. in any Town in the Province of New Munster."

[Assented to February 9th, 1854.]

NOTE.—Repealed by Act Session II, No. 17.

STREETS SEWERAGE AND DRAINAGE.

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

SESSION II, No. 17.

ANALYSIS.

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| <p>Title.</p> <p>Preamble.</p> <ol style="list-style-type: none"> 1. Certain Acts repealed. 2. Power to Superintendent to direct that a Board of Commissioners be established. 3. Commissioners to be elected by and from persons qualified to be Electors. 4. Interpretation of words "Town Sheriff" and "Board" with reference to the election of Commissioners. 5. Sheriff to convene a public meeting and preside thereat at which meeting the required number of Commissioners to be elected. 6. Previously to the expiration of term of office Sheriff to convene a meeting of electors for the purpose of electing a new Board. 7. Meeting to declare by a show of hands if a poll be demanded how and by what number of persons. 8. In case of a poll the Sheriff how to act. 9. Limitation of time for keeping open the poll. 10. With reference to Poll Clerks Poll Books and entries to be made therein. 11. At the close of the poll Clerks how to act Sheriff when to declare the result With reference to a scrutiny of the poll. 12. Sheriff to report the result of election with description of Commissioners to the Secretary of the Province With | <p>respect to the Constitution of the Board.</p> <ol style="list-style-type: none"> 13. Number of Members to constitute a Board. 14. Duration of office. 15. Disqualification in case of vacancy in the Board Sheriff how to act. 16. With reference to calling a meeting of the Board Notice to be given. 17. Number of Members to constitute a meeting. 18. Questions at such meeting to be decided by a majority Chairman to have a casting vote Minutes of business agreed to be entered in a book. 19. If five Commissioners be not present within a certain time those present may adjourn such meeting. 20. Power to Board to appoint a Committee of its members Proviso. 21. With reference to such Committee Rules for meetings transacting its business &c. 22. With reference to contracts made by the Board. 23. The Board may sue and be sued in the name of its Clerk. The resignation of a Commissioner not to affect the said action. 24. The Board or its Clerk not to be held personally liable for any damage or costs in any suit or action Proviso. <p>WITH REFERENCE TO ACCOUNTS.</p> <ol style="list-style-type: none"> 25. The Board in a book to enter true accounts &c. Balance |
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sheet to be periodically transmitted to the Superintendent and the same to be audited by the Provincial Auditors.

26. All monies books of accounts &c. of former Board to be delivered over to Board for ensuing period.

POWER AND DUTIES OF THE BOARD.

27. Entire management of the streets &c. vested in the Board.
28. Power to Board to make bye-laws for regulating the mode of valuing property to be assessed—the apportionment collection of rates &c. penalty for breach of such bye-laws.
29. Provided such bye-laws be not repugnant to the laws of the Province or to provisions of this Act power to Justices before whom any penalty imposed is sought to be recovered to enforce or remit as to them may seem fit No bye-law to have any force until after certain notice and the same confirmed by a special meeting of the Board.
30. Such bye-laws to be printed and hung up in office of the Board &c. The production of a printed copy of a bye-law having the signature of the Clerk of the Board to be taken as evidence of the existence &c. of such a bye-law in all prosecutions under the same.
31. The Board to forward a copy of every bye-law to the Superintendent of the Province.
32. Power to Board to make alter and repair the streets within the town.
33. All sewers within the town together with materials thereof and for making streets &c. to vest in and belong to the Board.
34. Proviso with respect to private rights in drains and water-courses.
35. Power to Board to appoint and remove its officers and servants to appoint their salaries and pay the same.
36. Power to Board to cause to be made a map of the town having the course of all sewers and drains under its management marked thereon &c. the same to be kept at the office of the Board and open to public inspection.
37. Power to Board to cause such map to be engraved or printed.
38. The Board to cause proper beach marks for denoting the levels to be placed at convenient distances.
39. Instructions to be given by the Board to their Surveyor.
40. The Board to divide the town into drainage districts &c.
41. The Board to cause to be made main and other sewers and other works connected therewith and necessary to carry the same into or through enclosed lands &c. Proviso.
42. The Board to repair alter or discontinue any drain as it may seem expedient.
43. Power to Board to enter upon any lands buildings &c. for the purpose of inspection or of executing any work Proviso.
44. Power to Board to stop up any street during the execution of any work.
45. Penalty for obstructing the Board in the execution of any work.
46. Penalty for removing any bar or chain placed by the Board for a protection or extinguishing any light placed at or near any work for the same purpose.
47. Power to Board to provide places for deposit of dung &c. and to purchase or hire any lands or buildings for the stabling and keeping of horses and implements required by it.
48. Board to give notice with full particulars before it proceed to make or abandon any sewer or alter the level or course,

49. Board to cause plans to be made on a certain scale of any intended work previously to its giving notice respecting the construction of the same.
50. Board to meet agreeably to notice to consider all objections against any intended work persons interested or aggrieved entitled to be then heard &c.
51. With reference to contracts to the amount of £100 the Board how to act.
52. Notice of such contracts to be given Board to take security for the due performance thereof.
53. Power to Board to compound for or on account of any breach or non-performance of any contract &c.
54. In case of any person being deprived of the use of a drain heretofore lawfully used by him the Board to provide for his use some other drain penalty for neglect.
55. Penalty in case any person not employed by the Board make a drain into any of the sewers vested in the Board.
56. No building to be erected over any sewer belonging to the Board without the consent thereof cellars to be substantially made not to communicate with any sewers belonging to the Board otherwise power to Board to demolish or fill up the same.
57. All sewers and drains to be provided with coverings or means of ventilation.
58. In the case of any owner or occupier of lands beyond the town being desirous of branching a drain into a sewer belonging to the Board power to arrange with him accordingly on certain conditions Proviso.
59. Power to Board to give notice to occupier of any building to remove any porch steps &c. which may be an obstruction or encroachment Penalty for non-compliance &c.
60. No cellar or entrance thereto to be made under any street.
61. Power to Board to order the occupier of any buildings near to any street to put up gutters pipes &c. to carry the water from the roof &c. Penalty for neglect.
62. In case of any building or wall being in a state dangerous to passengers the Board how to act.
63. Power to Board to sell the materials of such building or wall so pulled down and apply the proceeds in payment of expenses incurred &c.

WITH REFERENCE TO NEW STREETS
AND PRIVATE DRAINAGE.

64. No house to be built upon a lower level than will allow of the drainage therefrom into some public sewer or stream used for such purpose.
65. In case a house be re-built the level of the lowest floor to be raised sufficiently to allow of the construction of certain drains Interpretation of the word "re-building."
66. Before laying out any new street building any house &c. notice with accompanying plans be to given to the Board.
67. Within fourteen days after such notice Board may signify its disapproval of the level proposed.
68. In default of sending such notice or proceeding with the work at any level different from that fixed by the Board power to Board to cause such to be altered or demolished as the case may require.
69. Proviso in case the Board fail to signify its disapproval within fourteen days after notice received.
70. The occupier &c. of any house to provide the same with a privy to the satisfaction of the Board In default of which Board how to act.

- 71. The Board to have control of all drains privies and cesspools to cause the same to be repaired and cleaned at the cost of owner &c. and to make provision for due removal of the refuse from each house.
- 72. Power to Surveyor to the Board after certain notice to inspect &c. any drain privy or cesspool.
- 73. Power to Board to order the owner or occupier of any house &c. to repair and cleanse his drains &c. In case of neglect Board how to act.
- 74. Penalty for constructing drains privies &c. contrary to the directions and regulations of the Board Power to Board to cause such alterations as it may think fit.
- 75. In case where any building shall be found not to be drained by a sufficient drain and a sewer of sufficient size under the jurisdiction of the Board pass within 100 feet of any such building Board may require owner of such building to construct from the same into the nearest common sewer a covered drain. In case of neglect Board how to act.

WITH RESPECT TO THE PRESERVATION OF THE PUBLIC HEALTH.

- 76. In case the Officer of Health &c certify to the Board that any stagnant water or noxious matter ought to be removed Clerk to the Board how to act.
- 77. No person to keep a cow or a pig in a place where it shall have been ascertained that keeping such is injurious to health.
- 78. No person to suffer stagnant water dung &c. to remain or accumulate on his premises or continue to keep a cow or pig in any place injurious to health Penalty for so doing &c.

- 79. In case a river or stream into which the contents of any sewer are discharged becomes so diminished as not to have sufficient water to keep such channel clean Power to Board to make such alterations in the bed of such stream as may cause a sufficient acceleration of the stream to remove the drainage and keep open the channel Proviso with respect to the rights of owners or occupiers of mills.
- 80. In case the dung or refuse matter of any stable &c. be allowed to accumulate in any quantity exceeding one ton Power to Board after certain notice to cause the same to be removed and sold &c.
- 81. In case Officer of Health &c. certify to Board that any building is in so filthy a state as to affect the health of neighbourhood &c. Power to Board to order the occupier or owner to cleanse or amend the same Penalty for neglect.
- 82. { With reference to the sale of
- 83. } unwholesome meat.
- 84. With reference to the sale of adulterated butter meal bread or other articles of food.

WITH RESPECT TO THE RATES.

- 85. Expenses of maintaining and repairing streets sewers &c. are to be defrayed by a special rate.
- 86. Expenses of making any street drain &c. to be defrayed by a special rate.
- 87. The General Rate may be made for a specified period not exceeding one year &c.
- 88. The Special Rate to be levied for such period as the Board may determine not exceeding five years.
- 89. Rates to be assessed upon lands or buildings &c.
- 90. Every rate General or Special may be levied in gross upon the lands &c. within the town

or within a separate drainage district or within a portion of it.

91. Rates to be paid by the occupier or in case of no occupier by the owner thereof.
 92. Before levying any rate Board to cause a statement to be posted setting forth the amount of rate required with a list of the persons liable &c. together with notice of the time and place when objections thereto will be heard by the Board.
 93. The Board to appoint Rate Collectors and take security therefrom.
 94. Rates recoverable by summary proceedings.
 95. In case of property being unoccupied arrears of rates may at any subsequent period be leviable.
 96. In case a rate remain unpaid for twelve months the same with all expenses may be leviable by sale of a sufficient portion of land.
 97. Such land to be sold by public auction.
 98. Mode of conveyance.
 99. The Board periodically to publish a list of arrears, &c.
- WITH RESPECT TO MORTGAGE RAISING MONEY FOR THE PURPOSES OF THIS ACT.
100. Power to Board to borrow money upon rates.
 101. Description of mortgage.
 102. Mortgages not entitled to preference by reason of priority of advance.
 103. A register of mortgages to be kept the same open to public inspection.
 104. Mortgages transferrable.
 105. Such transfer to be produced to the Board within certain time an entry thereof to be made.
 106. In case the Board at any time can borrow money at a lower rate of interest Power to do so.

107. In order to discharge the principal money borrowed as aforesaid on the security of any rate Board how to act.
108. In case the Board shall be able to pay off one or more of the mortgages and not able to pay off the whole the order in which they are to be paid off to be decided by lot Proviso.

WITH REFERENCE TO NOTICES RE-PAYMENT OF EXPENSES &C.

109. In case a notice be required to be given to the owner or occupier of any premises Board how to act Proviso.
 110. In case default be made by the owner of any premises in execution of any work required occupier may cause the same to be executed at the expense of owner thereof.
 111. Re-payment of expenses incurred by the Board in respect of any premises &c. recoverable by summary proceedings.
 112. Board may determine in respect to the execution of any work required by it whether the expense thereof shall be defrayed by the owners or the occupiers &c.
 113. In case the occupier of any premises shall prevent the owner thereof from carrying into effect any of the provisions of this Act Board how to act occupier liable to a certain penalty.
 114. Nothing contained in this Act to affect any agreement previously entered into for erecting or altering any building In case of additional expense being incurred parties how to act.
 115. Nothing contained in this Act to affect any lease or agreement for a lease &c.
 116. This Act not to interfere with the management of a public market.
- Schedule.

Title. *An ACT to provide for the Management of the Streets Sewerage and Drainage in Towns and populous places and the preservation of the Health of the inhabitants thereof.*

[Assented to March 13th, 1855.]

Preamble. **W**HEREAS it is essential to make provision for the management of the Streets and the Sewerage and Drainage and preservation of the Health of the inhabitants of Towns and populous places within the Province: **BE IT THEREFORE ENACTED** by the Superintendent of Wellington with the advice and consent of the Provincial Council thereof as follows:—

Certain Acts repealed. 1. The Ordinance of the Legislative Council of the late Province of New Munster Session 1 No. 7 so far as concerns the Province of Wellington and the Act of the Provincial Council of Wellington, Session 1 No. 23 are hereby repealed.

Power to Superintendent to direct that a Board of Commissioners be established. 2. Whenever it shall appear to the Superintendent expedient so to do he may by proclamation declare and direct that a Board of Commissioners shall be established for the management of the Streets the Sewerage and Drainage and preservation of the health of the inhabitants of any Town portion of a Town Township or populous place within the Province.

Commissioners to be elected by and from persons qualified to be Electors. 3. The Commissioners shall be elected by and from amongst the persons duly qualified to vote on the election of a Member of the Provincial Council of the Town for which such Board may be constituted or in case the Town shall not send a Member for itself then for the Electoral District or division of the Province in which the Town shall be situate and who shall be qualified and registered as such in respect of property owned or occupied within such Town.

Interpretation of words 'Town Sheriff' and 'Board' with reference to the election of Commissioners. 4. Wherever the word "Town" shall be herein used the same shall be construed to include and mean "Township" "Portion of any Town or Township" and "Populous Place" for which a Board for the management of the Streets Sewerage and Public Health may be constituted and the word "Sheriff" shall be construed to mean the Sheriff of the County or Division of the Province in which the Town Township or populous place for which such Board may be constituted shall be situate and the word "Board" shall mean the

Board of Commissioners elected to carry out the provisions of this Act.

WITH REFERENCE TO THE ELECTION OF COMMISSIONERS.

5. The Sheriff of the County or Division of the Province within which the Town shall be situate shall within ten days after he shall receive a copy of the *Government Gazette* containing the proclamation declaring that a Board for any Town shall be established convene a public Meeting of the Electors of such Town at a convenient time and place at which he shall preside and the number of persons directed by the Superintendent shall be elected Commissioners to form such Board.

Sheriff to convene a public meeting and preside thereat at which meeting the required number of Commissioners to be elected.

6. On some day not prior to the twentieth nor later than the tenth day before the expiration of the term of office of any Board the Sheriff shall convene a meeting of the Electors to elect Commissioners to succeed the Board whose term of office may be about to expire.

Previously to the expiration of term of office Sheriff to convene a meeting of electors for the purpose of electing a new Board.

7. The Sheriff shall ascertain the determination of the meeting by a show of hands or in some other manner as shall appear to him expedient and shall declare the same which declaration shall be final unless the same shall not be unanimous and a Poll then be demanded in writing and signed by any five persons present and qualified to vote at such meeting.

Meeting to declare by a show of hands if a poll be demanded how and by what number of persons.

8. When such Poll shall be demanded the Sheriff shall direct the same to be proceeded in at such polling place or places and within such period not exceeding two clear days from the day of the date of such demand exclusive of Sundays as he shall determine and the polling shall commence at the place or places intimated at any time after nine of the clock of the forenoon of the day that shall be named.

In case of a poll the Sheriff how to act.

9. No Poll by this Act authorized to be taken shall be kept open for more than one day and that only between the hours of nine in the morning and four in the afternoon and the Poll shall close at any time after the lapse of two hours without any qualified person offering to vote.

Limitation of time for keeping open the poll.

With refer-
ence to Poll
Clerks Poll
Books and en-
tries to be
made therein.

10. The Sheriff shall appoint the necessary Poll Clerks and direct the necessary Poll Books to be prepared in which books shall be inscribed the situation of the premises in respect of which the voter is qualified and the manner in which he votes.

At the close of
the poll Clerks
how to act
Sheriff when
to declare the
result With
reference to a
scrutiny of the
poll.

11. As soon after the close of the poll as may be the Poll Clerks shall transmit the state of their respective polls to the Sheriff who shall sum up the same and openly declare the result of the total poll at an adjourned meeting to be held on the next lawful day Any Elector present at such adjourned meeting may then and there demand a scrutiny and on finding security to the satisfaction of the Sheriff for the reimbursement of the expenses attending the same a scrutiny shall be made by the Sheriff in such way and manner as he may deem proper the result of such scrutiny shall be reported to another adjourned meeting to be appointed by the Sheriff to be held on a day not later than the third day from such second adjourned meeting. If there shall be no scrutiny the result of the Poll as originally declared or if there shall be a scrutiny the result thereof as declared by the Sheriff shall be final The party demanding a scrutiny shall pay the expense thereof.

Sheriff to re-
port the re-
sult of election
with descrip-
tion of Com-
missioners to
the Secretary
of the Pro-
vince.

12. Within three days after the election of any Commissioners shall be finally determined the Sheriff shall report in writing to the Secretary for the Province the names places of abode and designation of the persons elected.

WITH RESPECT TO THE CONSTITUTION OF THE BOARD.

Number of
Members to
constitute a
Board.

13. The Board shall consist of not less than twelve nor more than thirty-four Commissioners The number in each case shall be determined by the Superintendent and Executive Council.

Duration of
office.

14. The Commissioners shall hold office for the period of two years at the expiration of which time new elections for an equal period shall take place in the manner herein prescribed.

Disqualifica-
tion in case of
vacancy in the
Board Sheriff
how to act.

15. If any Commissioner shall die or if any Commissioner shall resign or become incapable of acting before the expiration of his term of office or shall become a bankrupt or an insolvent debtor within the meaning of any law 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 the Sheriff shall on intimation thereof from the Board convene a meeting of the Electors of the Town to select a person in the room of the Commissioner so dying resigning or ceasing to be a member of such Board as aforesaid the Commissioner so elected to supply a vacancy shall continue in office until the next general election of Commissioners.

16. No meeting of the Board for the purposes of this Act shall be holden unless such meeting shall have been called by the Clerk in conformity with the Bye Laws to be passed in that behalf or by three of the Commissioners Notice of the time and place of every intended meeting specifying the business proposed to be transacted thereat and signed by the Clerk as aforesaid or Commissioners calling the same shall be left at the usual place of abode of every other Commissioner three clear days at least before such meeting.

With reference to calling a meeting of the Board Notice to be given.

17. All the powers vested in the Board by this Act may be exercised by any five or more of the Commissioners present at any meeting duly holden and no business shall be done at any meeting unless five at least of the Commissioners shall be present.

Number of Members to constitute a meeting.

18. All questions which shall come before such meeting shall be decided by a majority of the Commissioners who shall be present thereat and in case of an equal division of votes the Commissioner in the Chair shall have a second or casting vote in addition to his vote as a Commissioner Minutes of every resolution and all business agreed to shall be entered in a Book to be kept for that purpose and shall be signed by the Commissioners who shall have agreed thereto.

Questions at such meeting to be decided by a majority Chairman to have a casting vote Minutes of business agreed to to be entered in a book.

19. If at any such meeting there shall not be five Commissioners present within fifteen minutes after the time appointed the Commissioners present or the major part of them or any one Commissioner if only one Commissioner be present may adjourn such meeting until another day.

If five Commissioners be not present within a certain time those present may adjourn such meeting.

Power to Board to appoint a Committee of its members Proviso.

20. The Board may appoint a Committee of its members for any purpose which in its opinion would be better regulated and managed by means of a Committee Provided however that the acts of such Committee shall be submitted to the Board for its approval.

With reference to such Committee Rules for meetings transacting its business &c.

21. Every Committee so appointed may meet from time to time and adjourn from place to place as it may think proper for carrying into effect the purposes of its appointment but no business shall be transacted at any meeting of the Committee unless three members thereof be present All questions at any meeting shall be determined by a majority of the members present and in case of an equal division of votes the Chairman shall have a second or casting vote in addition to his vote as a member of the Committee.

With reference to contracts made by the Board.

22. Every Contract to be made by the Board shall be executed by five or more of the Commissioners or by the Clerk in their behalf in pursuance of a resolution in that behalf and also by the person contracting to perform the work or furnish the materials referred to therein.

The Board may sue and be sued in the name of its Clerk The resignation of a Commissioner not to affect the said action.

23. The Board may in the name of its Clerk for the time being sue and be sued and prefer any indictment or information or take any other proceedings against any person who shall steal or wilfully deface or injure any property article or thing belonging to the Board and in every such case it shall be sufficient to state generally the property article or thing in respect of which such proceedings shall have been taken to be the property of the Board without naming the individual Commissioners and no action or suit shall abate or be discontinued or require to be discontinued or require to be transferred by reason of any Commissioner dying or ceasing to be a Commissioner.

The Board or its Clerk not to be held personally liable for any damage or costs in any suit or action Proviso

24. Nothing in any Deed or Contract by this Act authorized to be made by or on behalf of the Board for any of the purposes of this Act shall extend to charge or affect the person of any of the Commissioners or the Clerk or their or his heirs executors or administrators or their or any of their or his proper lands or goods with or for the performance of anything contained in any such instruments but the amount of all damages costs and charges recovered in any action or suit in consequence of any such instrument or which any such Commissioner or the Clerk shall otherwise be put to by virtue of

this Act shall be paid out of the general rate authorized to be levied under this Act or other goods and chattels vested in the Commissioners by virtue of their office unless such action or suit or any such damages or charges have arisen in consequence of wilful neglect or default on the part of the Commissioners incurring the same or of their Clerk or unless such action or suit shall have been defended without the order or direction of the Board. And all sums of money to be recovered by the Board in any action or suit shall be applied to such purposes as the Board may think proper.

WITH REFERENCE TO ACCOUNTS.

25. The Board shall in a Book 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 so received and paid. All such accounts with all papers and vouchers relating thereto together with a full abstract or balance sheet thereof signed by at least three of the Commissioners shall every six months be transmitted to the Superintendent and shall (as soon thereafter as conveniently may be) be examined and audited by the auditors appointed for auditing the public accounts of the Province and a copy of such abstract or balance sheet when audited shall be published in the *Government Gazette*.

The Board in a book to enter true accounts &c.

26. Upon the election of every Board all monies found by the auditors to be due from the former Board under the provisions of this Act together with all Books of accounts vouchers and papers shall be forthwith paid and delivered over to the Board for the ensuing period.

All monies books of accounts &c. of former Board to be delivered over to Board for ensuing year.

POWER AND DUTIES OF THE BOARD.

27. The entire management of the Streets the Sewerage and Drainage and the preservation of the Health of the inhabitants of the Town for which any such Board shall be constituted shall be vested in such Board.

Entire management of the streets &c. vested in the Board.

28. It shall be lawful for the Board to make all such Bye-Laws as may be necessary or expedient for regulating the mode of valuing and facilitating the valuation of the property to be assessed to any rate authorised by this Act to be imposed the appointment assessment and collection of any rate and all matters and cases not herein specially provided for and which

Power to Board to make bye laws &c.

may be necessary or expedient in order to enable the Board to carry out fully and effectually the objects or purposes of this Act and by any Bye-Law to impose such reasonable penalties as it may think fit not exceeding £5 for each breach of any Bye-Law and in case of a continuing offence a further penalty not exceeding Forty Shillings for each day after notice of such offence from the Board.

Proviso

Power to Justices in the case of a penalty sought to be recovered &c.

29. Provided however that no Bye-Law shall be repugnant to the laws of the Province of Wellington or to the provisions of this Act that under every Bye-Law it shall be lawful for the Justice or Justices before whom any penalty imposed thereby is sought to be recovered to order the whole or part only of such penalty to be paid or to remit the whole penalty and that no Bye-Law shall have any force until it shall have been submitted to and confirmed by a special meeting of the Board at which not less than seven Commissioners shall be present and also that no Bye-Law shall be confirmed unless public notice of such Bye-Law and of the intention to submit the same to the special meeting of the Board for confirmation shall have been given one month at least before the same shall be so submitted.

Bye Laws to be printed and hung up in office of the Board &c.

30. All Bye-Laws made and confirmed as aforesaid by the Board shall be printed with the date of the confirmation thereof and hung up in the principal office of the Board and copies thereof shall be delivered to any person applying for the same on payment of such sum as the Board shall direct and such Bye-Laws when so confirmed and published shall be binding upon and be observed by all parties and shall be sufficient to justify all parties acting under the same and the production of a printed copy of such Bye-Laws authenticated by the signature of the Clerk of the Board shall be evidence of the existence and of the due making confirmation and publication of such Bye-Laws in all prosecutions under the same without adducing proof of the signature of the Clerk or the fact of such confirmation and publication of such Bye-Laws.

The Board to forward a copy of every bye-law to the Superintendent of the Province.

31. The Board shall forward to the Superintendent of the Province a copy of every Bye-Law when and as the same shall be made and confirmed.

32. The Board may from time to time make raise and alter and shall maintain and repair in such manner with such foot-ways and protection for passengers and with such materials as it thinks fit all or any of the streets within the Town.

Power to Board to make alter and repair the streets within the town.

3. All main or public sewers and drains within the Town whether existing at the time when the Board shall be constituted or made at any time thereafter and all materials thereof and for making and repairing streets and of works in progress of every description or brought upon or near to any works in progress for the purpose of being used thereon shall vest in and belong to and be under the management and control of the Board.

All sewers within the town together with materials thereof and for making streets &c. to vest in and belong to the Board.

34. Nothing however in this Act contained shall be construed to authorize the Board contrary to or inconsistently with any private right to use injure or interfere with any sewers or other works made or used for the purpose of draining preserving improving or irrigating lands or to use injure or interfere with any watercourse stream or river in which the owner or occupier of any lands mills or machinery shall have a right or vested interest without consent in writing being first obtained.

Proviso with respect to private rights in drains and water courses.

35. The Board may appoint such officers and servants to assist in the execution of this Act as it may think necessary and from time to time at its will and pleasure discontinue or remove any officer or servant It may out of the monies to arise by virtue of this Act pay such salaries wages or other remuneration to such officers and servants as it may think proper.

Power to Board to appoint and remove its officers and servants to appoint their salaries and pay the same.

36. The Board shall procure or cause to be made and from time to time corrected and revised a survey and map of the Town on a scale of not less than sixty inches to a mile whereon shall be marked from time to time the course of all sewers and drains under its management also a series of marks and figures at convenient distances denoting the height of the ground at every such mark above or below the level of a particular spot within the Town which may be easily found and identified the position of which spot shall be described on the map and also wherever practicable lines of equal altitude at every four feet of elevation or at such intervals as may appear upon due inquiry to be best adapted for the guidance of works

Board to cause to be made a map of the town &c.

of sewerage and drainage and for other purposes within the Town for which a knowledge of the levels thereof may be necessary which map or a copy thereof with the date expressed thereon of the last time when it was corrected and revised shall be kept in the office of the Board and be open at all reasonable hours to the inspection of the owners or occupiers of any lands within the Town.

Power to Board to cause such map to be engraved or printed.

37. The Board may cause every such map to be engraved or printed and may defray the costs of the surveys and maps out of the assessments authorized to be levied under this Act.

The Board to cause proper bench marks for denoting the levels to be placed at convenient distances.

38. The Board shall cause proper bench marks for denoting the levels to be inscribed and marked at convenient distances at the corners of the streets or other prominent objects within the Town.

Instructions to be given by the Board to their surveyor.

39. The Board shall cause their surveyor to prepare plans of any new works and additions to or alterations of existing works that may be required for the effectual drainage of the premises and streets within the Town including provision for properly trapped drains or channels for the removal of all waste water and refuse from such premises and from the surface of the streets and also to draw on such plans the lines that appear to him most advantageous for main sewers and the best outfalls for clearing the Town of surface moisture and effecting the drainage of the subsoil and to point out the most appropriate means and sites for the collection and sale of filth and refuse for agricultural or other purposes and also to set forth any other matters which may assist the Board in carrying into execution in an economical and effective manner the several works required to be carried into execution under the provisions of this Act or which may appear to be necessary for the health and convenience of the inhabitants of the Town.

The Board to divide the town into drainage districts &c.

40. The Board shall from time to time subject to the approval of the Superintendent of the Province divide the Town if and as occasion shall require into separate drainage districts having regard in such division to the nature of the ground to the main lines of sewers by which such separate drainage

districts are or shall be drained and to the equal benefit as far as may be of all the lands and buildings to be comprised in any such drainage district and shall cause its surveyor to define and describe the several drainage districts on the plan of the Town to be made as aforesaid.

41. The Board shall from time to time subject to the restrictions herein contained as to the notice to be given and the plans and estimates to be prepared cause to be made such main drain and other sewers as shall be necessary for the effectual drainage of the Town and also all such reservoirs sluices engines and other works as shall be necessary for cleansing such sewers and if needful carry such sewers through and across all underground cellars and vaults under any of the streets doing as little damage as may be and making full compensation for any damage done and if for completing any of the aforesaid works it be found necessary to carry them into or through any enclosed lands the Board may carry the same into or through such lands accordingly making full compensation to the owners or occupiers of any enclosed land It may also cause such sewers to communicate with and empty themselves into the sea or any public stream or river or cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for its collection and sale for agricultural or other purposes as may be deemed most expedient but so that the same shall in no case become a nuisance provided always that in making any such main and other sewers or in repairing reconstructing or enlarging the same or any existing drains or sewers the contents at present carried into any existing outlet shall not be diverted therefrom to the prejudice of any actual existing legal right.

The Board to cause to be made main and other sewers and other works connected therewith and necessary to carry the same into or through enclosed lands &c. Proviso.

42. The Board shall from time to time repair and as it sees fit enlarge alter arch over or otherwise improve all or any of the sewers vested in it It may demolish or discontinue any sewer which may appear to it to have become useless provided that it be so done as not to create a nuisance.

The Board to repair alter or discontinue any drains it may deem expedient.

43. The Board shall for all the purposes of this Act have power by itself or its officers to enter at all reasonable hours in the day time into and upon any land buildings and premises within the town as well for the purpose of inspection as for the purpose of executing any work authorized by it to be executed without being liable to any legal proceeding on account thereof Provided always that except when herein

Power to Board to enter upon any land buildings &c. for the purpose of inspection or of executing any work Proviso.

otherwise provided the Board or its officers shall not make any such entry unless with the consent of the occupier until after the expiration of twenty-four hours notice for that purpose given to the owner or occupier.

Power to Board to stop up any street during the execution of any work.

44. The Board may stop up any street and prevent the same from being used as a common thoroughfare for a reasonable time during the execution of any work authorized by this Act.

Penalty for obstructing the Board in the execution of any work.

45. Every person who shall at any any time obstruct the Board or any person employed by it in the performance of any thing which they are respectively empowered or required to do by this Act shall be liable to a penalty not exceeding Five pounds.

Penalty for removing any bar or chain placed by the Board for a protection or extinguishing any light placed at or near any work for the same purpose.

46. The Board shall during the execution of any work take every proper precaution for guarding against accident and every person who takes down alters or removes any bar or chain or other protection or extinguishes any light placed at or near to any work for protection without the authority or consent of the Board shall for such offence be liable to a penalty not exceeding Five pounds.

Power to Board to provide places for deposit of dung &c. and to purchase or hire any lands or buildings for the stabling and keeping of horses and implements required by it.

47. The Board may from time to time provide places convenient for the deposit of the night soil dung ashes and other filth and rubbish to be collected under the authority of this Act and for stabling and keeping all horses carts implements and other things required for the purposes of this Act and for any of such purposes the Board may purchase or hire any lands or buildings by it considered necessary or it may cause any new building to be made upon any lands which shall be hired or purchased by it under the provisions of this Act.

Board to give notice with full particulars before it proceeds to

48. Twenty-eight days at least before fixing the level of any street which shall not have been hitherto levelled and before making any sewer where none was before or altering the level or course or abandoning or stopping any sewer the Board shall

give notice of its intention to perform any such work by posting a printed or written notice on a conspicuous place at each end of every such street through or in which such work is to be undertaken in which notice shall be set forth the name or situation of the street intended to be levelled and the names of the places through or near which it is intended that the new sewer shall pass or the existing sewer be altered or stopped up and also the places of the beginning and the end thereof and shall refer to plans of such intended work name or place where such plans may be seen and a time when and place where all persons interested in such intended work may be heard thereupon.

make or abandon any sewer or alter the level or course.

49. Before giving notice of its intention to construct any work of which by this Act it is required to give notice the Board shall cause plans of the intended work to be made on a scale not less for a horizontal plan than one inch to eighty-eight feet and for a vertical section not less than one inch to two feet and in case of a sewer showing the depth of such sewer below the surface of the ground which plans shall be deposited in the office of the Board or some other convenient place and shall be open at all reasonable hours for the inspection of all persons interested therein during the time for which such notice is required to be given.

Board to cause plans to be made on a certain scale of any intended work previously to its giving notice respecting the construction of the same.

50. The Board shall meet at the time and place mentioned in the notice to consider in the presence of its surveyor any objections made against such intended work and all persons interested therein or likely to be aggrieved thereby shall be entitled to be heard before the Board at such meeting and thereupon the Board may in its discretion abandon or make such alterations in the intended work as it may judge fit and no such work to which any objection is made at such meeting shall be executed unless the surveyor of the Board after the person making such objection or his agent has been heard shall certify that the work in his judgment ought to be executed.

Board to consider all objections against any intended work.

51. Before any contract for the execution of any works under the provisions of this Act to the amount of One Hundred (£100) pounds shall be entered into the Board shall obtain from its surveyor an estimate in writing as well of the probable expense of executing the work in a substantial manner as of the annual expense of repairing the same and also a report as to the most advantageous mode of contracting that is to say whether by contracting for the execution of the work only

With reference to contracts to the amount of £100 the Board how to act.

or for executing and maintaining the same in repair during a term of years or otherwise.

Notice of such contracts to be given Board to take security for the due performance thereof. 52. Before any contracts to the amount of One Hundred (£100) pounds and upwards shall be entered into thirty (30) days notice at the least shall be given in one of the newspapers published in the Town or if no paper be published in the Town then in one of the newspapers published in the Town of Wellington expressing the object and purpose of such contract in order that any person willing to undertake the same may tender for that purpose to the Board at a certain time and place in such notice to be mentioned and the Board shall take security for the due performance of such contracts.

Power to Board to compound for or on account of any breach or non-performance of any contract &c. 53. The Board may compound and agree with any party who shall have entered into any contract under the authority of this Act or against whom any action or suit may be brought for any penalty contained in any such contract or in any bond or other securities for the performance thereof or for or on account of any breach or non-performance of any such contract bond or security for any sum of money or other recompense as the Board may think proper.

In case of any person being deprived of the use of a drain heretofore lawfully used by him the Board to provide for his use some other drain penalty for neglect. 54. If any person by means of any enlargement alteration or discontinuance of any sewer or other proceeding of the Board be deprived of the use of any sewer or drain which such person was theretofore lawfully entitled to use the Board shall provide some other sewer or drain equally effectual for such purpose and if the Board refuse or do not within seven days next after notice in writing served upon it begin and thereupon diligently proceed to restore to its former effective state such drain or sewer the use whereof has been affected by the acts of the Board or to provide such other sewer or drain as aforesaid it shall forfeit to the person aggrieved any sum not exceeding Forty shillings for every day after the expiration of such seven days during which he is deprived of the use of the drain or sewer to which he was so entitled and is not provided with such other drain or sewer as aforesaid.

Penalty in case any person not employed by the Board make a drain into any 55. Every person not being employed for the purpose by the Board who shall make any drain into any of the sewers or drains so vested in the Board shall forfeit to the Board a sum not exceeding Five pounds and the Board may cause such branch drain to be re-made as it thinks fit and all the expense

incurred thereby shall be paid by the person making such branch drain and shall be recoverable by the Board as damages. of the sewers vested in the Board.

56. No building shall be erected over any sewer belonging to the Board without the consent of the Board first obtained in writing and all vaults arches and cellars shall be substantially made and so as not to interfere or communicate with any sewers belonging to the Board and if after the operation of this Act in any Town any building be erected or any vault arch or cellar be made therein contrary to the provisions herein contained the Board may demolish or fill up the same and the expense incurred thereby shall be paid by the person erecting such building or making such vault arch or cellar and shall be recoverable as damages. No building to be erected over any sewer belonging to the Board without the consent thereof cellars to be substantially made not to communicate with any sewers belonging to the Board otherwise power to Board to demolish or fill up the same.

57. All sewers and drains within the Town whether public or private shall be provided by the Board or other persons to whom they severally belong with proper traps or other coverings for means of ventilation so as to prevent stench. All sewers and drains to be provided with coverings or means of ventilation.

58. Any person being the owner or occupier of any lands beyond the Town and in respect of which he would not be liable to the payment of the rates authorized to be levied under this Act may with the consent of the Board first obtained in writing and upon payment to them of a reasonable sum of money to be agreed upon between them at his own expense and under the superintendence of the surveyor of the Board cause to branch into and to communicate with any of the sewers belonging to the Board any sewer or drain in respect of the said property which may be lawfully made therefrom of such size and in such manner and form of communication as the Board may approve of Provided always that nothing in this Act contained shall affect any right theretofore acquired by such owner or occupier to use any of the sewers or drains belonging to the Board. In the case of any owner or occupier of lands beyond the town being desirous of branching a drain into a sewer belonging to the Board power to arrange with him accordingly on certain conditions Proviso.

59. The Board may give notice to the occupier of any house or building to remove or alter any porch step fence or any Power to give Board to give

notice to occu- other obstruction or projection erected or placed against or in
 pier of any front of any house or building within the town and which is an
 buildings to obstruction to the safe and convenient passage along any street
 remove any or any encroachment thereupon and such occupier shall within
 porch steps ten days after the service of such notice upon him remove such
 &c. which may obstruction or alter the same in such manner as shall have been
 be an obstruction directed by the Board and in default thereof shall be liable to
 or en- a penalty not exceeding Forty shillings And the Board in
 croachment such case may remove such obstruction projection or encroach-
 Penalty for ment and the expense thereof shall be paid to the Board by the
 non-compli- occupier so making default.
 ance &c.

No cellar or 60. No cellar or vault shall after the operation of this Act
 entrance within any town be made under any street nor shall any open-
 thereto to be ing be hereinafter made in any street or footpath to make an
 made under entrance to any cellar or vault.
 any street.

Power to 61. The Board may order the owner or occupier of any
 Board to order house or building in adjoining or near to any street to put up
 the occupier of and keep in good condition a gutter pipe or trough to convey
 any buildings the water from the roof thereof in such manner that the water
 near to any street to put from such house or any projection therefrom shall not fall upon
 up gutters the persons passing along the street or flow over the footpath
 pipes &c. to and in default of compliance with any such order within seven
 carry the days after service thereof such owner or occupier shall be liable
 water from to a penalty not exceeding Forty shillings for every day that
 the roof &c. he shall so make default.
 Penalty for neglect.

In case of any 62. If any building or wall or anything affixed thereon
 building or within the Town be deemed by the Surveyor of the Board to
 wall being in to be in a state dangerous to passengers or to the occupiers of
 a state danger- the neighbouring buildings such Surveyor shall immediately
 ous to passen- cause a proper board or fence to be put up for the pro-
 gers the Board tection of passengers and shall cause notice in writing to
 how to act. be given to the owner of such building or wall if he be
 known and resident within the 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 two days after any such notice has been so
 given or put up as aforesaid and complete such repairs or taking

down or securing as speedily as the nature of the case will admit or if no owner or occupier can be found on whom to serve such order the Board shall with all convenient speed cause all or so much of such building wall or other thing as shall be in a dangerous condition to be taken down or otherwise secured in such manner as it shall deem requisite and all the expenses of putting up such fence and of taking down or securing such building wall or other thing shall be paid by the owner thereof.

63. If any such house or building 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 house or building and restore any surplus to the owner of such house or building 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 lease as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

Power to sell the materials of such building or wall so pulled down and apply the proceeds in payment of expenses incurred &c.

WITH REFERENCE TO NEW STREETS AND PRIVATE DRAINAGE.

64. No house or building within the Town shall be built upon a lower level than will allow of the drainage of the waste and refuse of such house or building into some sewer belonging to the Board either then existing or marked out upon the map herein directed to be made by them or into the sea or some public stream or river into which the Board is empowered to empty its sewers.

No house to be built upon a lower level than will allow of the drainage therefrom into some public sewer or stream used for such purpose.

65. Whenever any house is built within the Town the level of the cellar or other lowest floor of such house shall be raised sufficiently to allow of the construction of such a drain as is hereinbefore provided in the case of houses to be built after the operation of this Act and whenever any house is taken down to or below the roof of the floor commonly called the ground or street floor for the purpose of being built up again such building shall be deemed a rebuilding within the meaning of this Act.

In case a house be rebuilt the level of the lowest floor to be raised sufficiently to allow of the construction of certain drains Interpretation of the word "rebuilding."

Before laying out any new street building any house &c. notice with accompanying plans to be given to the Board.

66. Before laying out any new street beginning to build any house or to rebuild any existing house within the Town the person intending to lay out such street to build or rebuild such house shall give to the Board notice thereof in writing and shall accompany such notice with a plan showing the level at which such street or the foundation of such house is proposed to be laid by reference to some level ascertained under the direction of the Board.

Within fourteen days after such notice Board may signify its disapproval of the level proposed.

67. Within fourteen days after receiving such notice the Board may signify its disapproval of the level at which it is proposed to lay such street or the foundation of any such house and in case of such disapproval may within the said fourteen days fix the level at which the same is to be laid.

In default of sending such notice or proceeding with the work at any level different from that fixed by the Board power to Board to cause such to be altered or demolished as the case may require.

68. In default of sending such notice and plan or if such new street or building be begun or made at any level different from that fixed by the Board within the said fourteen days or in any other respect contrary to the provisions of this Act the Board may if necessary cause such new street to be altered or such building to be altered or demolished as the case requires and the expenses incurred by the Board in respect thereof shall be repaid to it by the person failing to comply with the provisions aforesaid and shall be recoverable as damages.

Proviso in case the Board fail to signify its disapproval within fourteen days after notice received.

69. Provided always that if the Board fail to signify in writing its approval or disapproval of the level shewn on such plan as aforesaid within fourteen days after receiving such notice and plan as aforesaid the person giving such notice may notwithstanding anything herein contained proceed to lay out and make the street or build or rebuild the house therein referred to according to the level shewn on such plan Provided that such building or rebuilding be otherwise in accordance with the provisions of this Act.

The occupier &c of any house to provide the same with a privy

70. The owner or occupier of any house shall provide the same with a privy to the satisfaction of the Board within one month next after notice in writing for that purpose given by the Board to him and in default thereof the Board shall cause

such privy to be provided and the expense incurred thereby shall be recovered from such owner or occupier.

to the satisfaction of the Board in default of which Board how to act.

71. All drains as well within as without the premises to which they belong and all privies and cesspools within the town shall be under the survey and control of the Board and shall be altered repaired and kept in proper order and cleansed at the costs and charges of the owners or occupiers of the premises to which the same belong or for the use of which they are constructed or continued and it shall be lawful for the Board to make such provision as it shall think fit for the due removal of the refuse of each house within the Town by the occupier of such house.

The Board to have control of all drains privies and cesspools to cause the same to be repaired and cleaned at the cost of owner &c. and to make provision for due removal of the refuse from each house.

72. The Surveyor of the Board may inspect any drain privy or cesspool within the Town and for that purpose at all reasonable times in the day time after twenty-four hours notice in writing to the occupier of the premises to which such drain privy or cesspool is attached may enter upon any premises with such assistants and workmen as are necessary and cause the ground to be opened where he thinks fit doing as little damage as may be and if such drain privy or cesspool be found to be in proper order or condition he shall cause the ground to be closed and made good as soon as may be and the expenses of opening closing and making good such drain privy or cesspool shall in that case be defrayed by the Board.

Power to Surveyor to the Board after certain notice to inspect &c. any drain privy or cesspool.

73. The owner or occupier of every house building or ground to which any private drain privy or cesspool may belong shall upon being required so to do by the Board forthwith repair and cleanse such drain privy or cesspool under the inspection and to the satisfaction of the surveyor or other proper officer of the Board and if any such owner or occupier shall refuse or neglect for the space of seven days next after notice requiring him so to do shall have been given to him or left for him at or upon any such house building or ground to repair or cleanse such drain privy or cesspool in the manner aforesaid it shall be lawful for the Board and it is hereby empowered to cause the same to be repaired and cleansed and to recover the

Power to Board to order the owner or occupier of any house &c. to repair and cleanse his drains &c. In case of neglect Board how to act.

expenses incurred thereby from the owner or occupier of such house building or ground.

Penalty for constructing drains privies &c. contrary to the directions and regulations of the Board
Power to Board to cause such alterations as it may think fit.

74. If any such drain privy or cesspool be on inspection found to have been constructed after the operation of this Act within the Town contrary to the direction and regulations of the Board or contrary to the provisions of this Act or if any person without the consent of the Board shall construct rebuild or unstop any drain privy or cesspool which has been ordered by it to be demolished or stopped up or not to be made every person so doing shall be liable to a penalty not exceeding Five pounds and the Board may cause such amendment or alteration to be made in any such drain privy or cesspool as it thinks fit and the expense attending any such amendment or alteration shall be paid by the person by whom such sewer was improperly constructed rebuilt or altered and shall be recoverable from him as damages.

In case where any building shall be found not to be drained by a sufficient drain and a sewer of sufficient size under the jurisdiction of the Board pass within 100 feet of any such building Board may require owner of such building to construct from the same into the nearest common sewer a covered drain In case of neglect Board how to act.

75. In all cases where any house or building situate within the Town shall at any time be found not to be drained by a sufficient drain communicating with a sewer and emptying itself into the same to the satisfaction of the Board and if a sewer of a sufficient size under the jurisdiction of the Board shall pass within one hundred feet of any such house or building on a lower level than such house or building the Board may by notice in writing require the owner of such house or building forthwith or within such reasonable time as shall be appointed by the Board to construct or make from such house or building into the nearest common sewer a covered drain of such materials of such size at such level and with such fall as shall be adequate for the drainage of such house or building and also if practicable of its areas waterclosets, privies and offices if any and to carry and convey the soil drainage and wash therefrom into the said sewer and to provide a fit and proper trap affixed to the mouth of such drain to the satisfaction of the Board and if the owner of such house or building shall neglect or refuse during twenty-eight days after the said notice shall have been delivered to such owner or left at such house or building to construct such drain or shall thereafter fail to carry it on and complete it with all reasonable dispatch the Board may and it is hereby empowered to cause the same to be constructed and made and to recover the expense to be incurred thereby.

WITH RESPECT TO THE PRESERVATION OF THE PUBLIC HEALTH.

76. If at any time the officer of health or two duly qualified medical practitioners shall certify under his hand or their respective hands to the Board that any stagnant water or accumulation of dung soil or filth or other noxious or offensive matter within the Town ought to be removed as being injurious to the health of the inhabitants the clerk of the Board shall forthwith give notice to the owner or occupier of the land where the same may be to remove it forthwith.

In case the officer of health &c. certify to the Board that any stagnant water or noxious matter ought to be removed Clerk to the Board how to act.

77. No person shall keep any cow or pig in any cowhouse sty or other place where it shall be ascertained by competent medical evidence that the keeping of such cow or pig in such place is injurious to the health of the neighbourhood and the Board shall have ordered such place not to be used or occupied in such manner.

No person to keep a cow or a pig in a place where it shall have been ascertained that keeping such is injurious to health.

78. No person shall suffer any waste or stagnant water to remain in any cellar or other place or allow the dung or soil of any stable cowhouse or pigsty or other refuse matter to accumulate within or upon any premises belonging to or occupied by him within the Town so as to be a nuisance Every person who shall continue to keep any cow or pig in any place injurious to the health of the neighbourhood or who shall suffer any such water dung soil or refuse matter as aforesaid to remain for *forty-eight* hours after receiving notice from the Board to remove the same and every person who shall allow the contents of any privy or cesspool to overflow or soak therefrom to the annoyance of the occupiers of any adjoining property shall for every such offence be liable to a penalty not exceeding Forty shillings and to a further penalty not exceeding Twenty shillings for every day during which such nuisance continues The Board may drain cleanse and remove any stagnant pools ditches or ponds of water within the Town and abate any such nuisance as aforesaid and for that purpose may enter by their officers and workmen into and upon any premises within the Town at all reasonable times and do all necessary acts for any of the purposes aforesaid and the expenses incurred thereby shall be paid by the person committing such offence or occupying the premises whence such annoyance proceeds and if there be no

No person to suffer stagnant water dung &c. to remain or accumulate on his premises or continue to keep a cow or pig in any place injurious to health Penalty for so doing &c.

occupier by the owner of such premises and shall be recoverable as damages.

In case a river or stream into which the contents of any sewer are discharged becomes so diminished as not to have sufficient water to keep such channel clean Power to Board to make such alterations in the bed of such stream as may cause a sufficient acceleration of the stream to remove the drainage and keep open the channel Proviso with respect to the rights of owners and occupiers of mills.

79. When the contents of any sewer or any other flow of filth or refuse are discharged into any river or stream in the bed or channel of which the quantity of water is so much diminished either by drought during the summer or by part having been taken off to supply any mill race course or dam or by any other natural or artificial cause as to be insufficient to keep any such channel clean or clear it shall be lawful for the Board to make alterations in the bed of such river or stream by cutting in such bed a trough or channel into which the sewer or drain-water may be conducted or by some similar operations on the bed of such river or stream whereby the flow of water diminished as aforesaid in such river or stream may be accelerated and such sewer or drain-water prevented from spreading over the surface of such bed or from accumulating and stagnating in part thereof to the injury of health and the annoyance of the surrounding population Provided always that the Board shall not be entitled in any way to interfere with the rights of the owners or occupiers of mills on such river or stream or to diminish in any respect the quantity of water flowing in such river or stream or available to such owners or occupiers previously to and at the same time of making the alterations or operations hereby allowed.

In case the dung or refuse matter of any stable &c. be allowed to accumulate in any quantity exceeding one ton Power to Board after certain notice to cause the same to be removed and sold &c.

80. If the dung or soil of any stable cowhouse or pigsty or other collection of refuse matter elsewhere than in any farmyard be at anytime allowed to accumulate within the Town for more than twenty days or for more than seven days after a quantity exceeding one ton has been collected in any place not allowed by the Board such dung soil or refuse if not removed within forty-eight hours after notice from any officer of the Commissioners for that purpose shall become the property of the Commissioners and they or any person with whom they have at that time any subsisting contract for the removal of refuse may enter upon the premises and remove the same and may sell and dispose of the same and the money thence arising shall be applied towards the purposes of this Act.

In case officer of health &c. certify to Board that

81. If at any time the officer of health or if there be no officer of health any two duly qualified medical practitioners certify under his or their hands to the Board that any house or

part of any house or building within the Town is in such a filthy or unwholesome condition that the health of the inmates or of the neighbours is thereby affected or endangered or that the whitewashing cleansing or purifying of any house or building or any part thereof would tend to prevent or check infectious or contagious disease therein or that any drain privy or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered the Board shall order the occupier of such house or part thereof to whitewash cleanse and purify the same and the owner of such drain privy or cesspool to amend the condition thereof in such manner and within such time as the Board may deem reasonable and if such occupier or owner do not comply with such order he shall be liable to a penalty not exceeding Ten shillings for every days neglect thereof and in such case the Board may cause such house or any part thereof to be whitewashed cleansed and purified or the condition of such drain privy or cesspool to be amended and may recover the expense thereof from such occupier or owner in the same manner as damages.

any building is in so filthy a state as to affect the health of neighbour-hood &c. Power to Board to order the occupier or owner to cleanse or amend the same Penalty for neglect.

82. No animal carcase meat poultry flesh or fish which is unfit for the food of man shall be kept or retained in any shop building stall or place used for the sale of butchers meat poultry or fish unless entirely separate and apart from any animal carcase meat poultry flesh or fish which is intended for the food of man nor unless the same be ticketed in large legible and conspicuous characters as being unfit for such food and any person who shall keep in any shop building stall or place used by him as aforesaid any animal carcase meat poultry flesh or fish which is unfit for the food of man otherwise than entirely separate and apart and ticketed as aforesaid shall be liable to a penalty not exceeding Ten pounds.

With refer-
ence to the sale
of unwhole-
some meat.

83. The officer of health or any other officer appointed by the Board for that purpose may and he is hereby empowered at all reasonable times with or without assistants to enter into and inspect any shop building stall or place kept or used for the sale of butchers meat poultry or fish which may be therein and in case any animal carcase meat poultry flesh or fish appear to him to be intended for the food of man and to be unfit for such food the same may be seized and if it appear to any magistrate upon the evidence of a competent person that any such animal carcase meat poultry flesh or fish is unfit for the food of man he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used

With refer-
ence to the
sale of un-
wholesome
meat.

for such food and the person to whom such animal carcase meat poultry game flesh or fish belongs or in whose custody the same is found shall be liable to a penalty not exceeding Ten pounds for every animal carcase fish or piece of meat flesh or fish or any poultry so found and as to which such magistrate shall be satisfied that it was intended for the food of man.

With reference to the sale of adulterated butter meal bread or other articles of food.

84. If any person shall sell or expose for sale any adulterated butter meal bread or other article of food knowing the same to be adulterated such person so offending shall upon conviction before a magistrate for every such offence be liable to a penalty not exceeding Five pounds and such adulterated article shall be forfeited and disposed of as any magistrate shall direct and it shall be lawful for the magistrate on the application of the officer of health or other officer acting under this Act setting forth that he has received information and has just cause to believe that any adulterated article of food is in the possession of any person for the purpose of being disposed of to grant warrant to enter upon the premises of such person and to search for and seize such article of food and to forfeit and dispose of the same as to him shall seem proper.

WITH RESPECT TO THE RATES.

Expenses of maintaining and repairing streets sewers &c. are to be defrayed by a special rate.

85. The expenses of maintaining and repairing the streets and of cleansing repairing and maintaining in effective operation the sewers and drains of the Town the payment of officers employed and the expenses incurred on account of or enuring to the common benefit of the Town shall be defrayed by a general rate to be called "the General Streets and Sewers Rate."

Expenses of making any street drain &c. to be defrayed by a special rate.

86. The expenses of making any street or making any new or altering improving closing or destroying any old sewer or drain or of effecting any other local work or improvement in the sewerage or drainage in the Town shall be defrayed by special rates to be called "the Special Street and Sewer Rate" which special rate shall be raised in addition to the General Street and Sewers Rate.

The General Rate may be made for a specified period not exceeding one year &c.

87. The General Street and Sewers Rate may be made for or in respect of a specified period not exceeding one year and prospective to meet future expenses or retrospective to defray expenses already incurred provided however that all rates for expenses already incurred must be made not more than one year after such expenses shall have been incurred.

88. The Special Sewer Rate shall be levied for such period not exceeding five years as the Board may in each case determine regard being had to the nature or durability of the works to defray the costs whereof the special rates may be respectively raised.

The Special Rate to be levied for such period as the Board may determine not exceeding five years.

89. The rates shall be assessed upon lands buildings or tenements and in such manner and according to such valuation thereof as the Board may determine.

Rates to be assessed upon lands or buildings &c.

90. Every Sewer Rate General or Special by this Act authorized to be raised may be levied in gross upon the lands and tenements within the Town or within any one or more of the separate drainage districts thereof or within any street place or portion of any separate drainage district in proportion to the benefit and advantage to be derived by the lands or tenements within any separate drainage district street or place from any work or in respect of which any rate may be levied as in the opinion of the Board may be equitable.

Every rate General or Special may be levied in gross upon the lands &c. within the town or within a separate drainage district or within a portion of it.

91. The Rate whether "the General Street and Sewers Rate" or "the Special Sewers Rate" shall be paid by the occupier of the land or in case there shall be no occupier by the owner thereof.

Rates to be paid by the occupier or in case of no occupier by the owner thereof.

92. Previously to levying any rate the Board shall cause a written or printed statement to be posted in some conspicuous place within the district setting forth the amount of rate to be levied with a list of the names of the persons liable for the payment thereof with the sum payable by each of such persons and the property in respect whereof the same shall be payable and to such statement shall subjoin a notice that all objections thereto will be heard and determined by the Board at a time and place to be in such notice mentioned such time being not less than fourteen days from the date of such notice and the Board shall hear and determine such objections accordingly.

Before levying any rate Board to cause a statement to be posted setting forth the amount of rate required with a list of the persons liable &c. together with notice of the time and place when objections thereto will be heard by the Board.

The Board to appoint rate collectors and take security therefrom.

93. The Board shall appoint fit persons to collect the rates and shall take security from every collector for the due execution of his office which security shall be to the amount of the sum likely to be in the hands of the collector at any one time and shall be by bond or otherwise as the Board may determine.

Rates recoverable by summary proceedings.

94. All rates shall be recoverable at the suit of any collector by summary proceedings.

In case of property being unoccupied arrears of rates may at any subsequent period be leviable.

* 95. In case it shall be impossible by distress to levy any rate due by reason of the property being unoccupied or otherwise the arrears shall at any subsequent period be leviable upon any goods of the owner or occupier thereof which may be found on such property.

In case a rate remain unpaid for twelve months the same with all expenses may be leviable by sale of a sufficient portion of land.

† 96. In case any part of a rate shall remain unpaid for a space of twelve months the whole of such rate then due together with legal interest thereon from the respective times at which such rate shall have been imposed and all expenses to be incurred in recovering the same may be leviable by sale of a sufficient portion of the land upon or in respect of which such rate shall have been imposed and such sufficient portion shall be set out by the Sheriff or any two Justices of the Peace having jurisdiction within the district upon requisition for such purpose being made to him or them under the hand of three members of the Board.

Such land to be sold by public auction.

‡ 97. Such land shall be sold by public auction after one month's public notice thereof.

Mode of conveyance.

|| 98. A conveyance of land so sold in the form hereto annexed signed by the Sheriff and any three members of the Board shall vest the absolute property in such land in the purchaser free from all incumbrances and claims whatsoever.

The Board periodically to publish a list of arrears &c.

99. The Board shall once in every year publish in the *Government Gazette* and cause to be posted up in some conspicuous place or places within the district a statement of every

* † ‡ || These Clauses are controlled by Act of General Assembly "Sale for Non-payment of Rates Act No. 35 1862" for which see Appendix.

sum in arrear and of the lands in respect of which the same shall be due.

WITH RESPECT TO MORTGAGE RAISING MONEY FOR PURPOSES OF THIS ACT.

100. In order to enable the said Board to raise money more speedily for the purposes of this Act it shall be lawful for the Board to borrow at interest at any one time or from time to time any sum or sums of money upon the credit of any rate to be levied as aforesaid. Power to Board to borrow money upon rates.

101. Every mortgage shall be by deed in which the consideration shall be truly stated and shall be executed by any three of the Commissioners and may be according to the form in the schedule (B) to this Act annexed or to the like effect. Description of mortgage.

102. The Mortgagees shall be entitled one with another to their respective proportions of the mortgaged rate and to be repaid the sum advanced with interest without any preference one above another by reason of the priority of advance or of the dates of any mortgage. Mortgagees not entitled to preference by reason of priority of advance.

103. A Register of Mortgages shall be kept by the Board and within twenty-four hours after the date of any Mortgage an entry or memorial of the number and date thereof and of the names of the parties thereto shall be made in such Register and such Register may be inspected by any rate-payer of the Town or any Mortgagee at all reasonable times without fee or reward. A register of mortgages to be kept the same open to public inspection.

104. Any person entitled to any such mortgage may transfer his right and interest therein. Mortgages transferable.

105. Within thirty days after the date of every transfer if executed within the Province or otherwise within thirty days after the arrival thereof in the Province it shall be produced to the Board or their Clerk and thereupon an entry or memorial thereof shall be made in like manner as in the case of the original mortgage And for every such entry shall be paid a fee of Five shillings and after such entry every such transfer shall entitle the Transferee his Executors Administrators and Assigns to the full benefit of the original mortgagee and the Such transfer to be produced to the Board within certain time An entry thereof to be made.

principal and interest thereby secured and such Transferee may in like manner transfer the same again *toties quoties* and it shall not be in the power of any person except the person to whom the same shall last have been transferred his executors administrators or assigns to make void release or discharge the mortgage so transferred or any money thereby secured.

In case the Board at any time can borrow money at a lower rate of interest Power to do so.

106. If a Board can at any time borrow any sum of money at a lower rate of interest than any security given by it and then being in force shall bear it shall be lawful for the Board to borrow such sum at such lower rate of interest in such manner and subject to such regulations as herein contained with respect to other monies borrowed on mortgage.

In order to discharge the principal money borrowed as aforesaid on the security of any rate Board how to act.

107. In order to discharge the principal money borrowed as aforesaid on the security of any rate the Board may out of any rate so charged pay the interest of all monies borrowed and appropriate any portion of such rate as a Sinking Fund and shall from time to time cause such Sinking Fund to be invested in Government Securities either of the General Government or Provincial Government to be increased by accumulation in the way of compound interest or otherwise until the same respectively shall be of sufficient amount to pay off any principal sum which may have been so borrowed or some part thereof which the Board shall then think ought to be paid off at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

In case the Board shall be able to pay off one or more of the mortgages and not able to pay off the whole the order in which they are to be paid off to be decided by lot Proviso.

108. Whenever the Board shall be able to pay off one or more of the mortgages which shall then be payable and shall not be able to pay off the whole of the same it shall decide on the order in which they shall be paid off by lot among the class to which such one or more of the Mortgagees belong and shall cause notice to be given to the persons entitled to the money to be paid off pursuant to such lot and such notice shall express the principal sum proposed to be paid off and that the same will be paid together with the interest due thereon at the Office of the Board at the expiration of Six Calendar months from the date of such notice. Provided however that if any mortgagee shall be desirous of receiving payment of his Mortgage the same may be discharged previously to proceeding to balloting as aforesaid.

WITH REFERENCE TO NOTICES REPAYMENT OF EXPENSES &c.

In case a no

109. Where under this Act any notice is required to be given

to the owner or occupier of any premises such notice addressed to the owner or occupier thereof as the case may require may be served on the occupier of such premises or left with such inmate of his abode or if there be no occupier may be put upon some conspicuous part of such premises and it shall not be necessary in any such notices to name the occupier or owner of such premises Provided always that when the owner of any such premises and his residence are known to the Board it shall be the duty of the Board if such owner be resident within the Town to cause every notice required to be given to the owner to be served on such owner or left with some inmate of his abode and if such owner be not resident within the Town but shall be resident within the Islands of New Zealand it shall send every such notice by the post addressed to the residence of such owner.

110. Whenever default is made by the owner of any premises in the execution of any work by this Act or by order of the Board required to be executed by him the occupier of such premises may with the approval of the Board cause such work to be executed and the expenses thereof shall be repaid to such occupier by the owner of such premises and such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

111. If the owner or occupier of any premises made liable by this Act for the repayment to the Board of any expenses incurred by it do not as soon as the same become due from him repay all expenses to the Board the Board may recover the same from such owner by summary proceedings.

112. Whenever any question shall arise as to whether the work required by the Board to be performed ought to be executed by the owner or occupier of any premises the Board may determine the matter the Board may also order that the expense of executing the required work shall be borne by both owner and occupier in such proportions as it may deem equitable.

notice be re-
quired to be
given to the
owner or occu-
prier of any
premises
Board how to
act Proviso.

In case default
be made by
the owner of
any premises
in execution
of any work
required occu-
prier may cause
the same to be
executed at
the expense of
owner thereof.

Re-
payment
of expenses
incurred by
the Board in
respect of any
premises &c.
recoverable by
summary pro-
ceedings.

Board may de-
termine in re-
spect to the
execution of
any work re-
quired by it
whether the
expense there-
of shall be de-
frayed by the
owner or the
occupier &c.

In case the occupier of any premises shall prevent the owner thereof from carrying into effect any of the provisions of this Act Board how to act occupier liable to a certain penalty.

113. If the occupier of any premises prevent the owner thereof from carrying into effect in respect of such premises any of the provisions of this Act after notice of his intention so to do has been given by the owner to such occupier the Board may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such premises as may be necessary for carrying into effect the provisions of this Act and if after the expiration of ten days from the date of such order such occupier continue to refuse to permit such owner to execute such works such occupier shall for every day during which he so continues to refuse be liable to a penalty not exceeding Five pounds and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Nothing contained in this Act to affect any agreement previously entered into for erecting or altering any building In case of additional expense being incurred parties how to act.

114. Nothing in this Act contained shall extend to avoid any agreement in writing entered into before the operation of this Act for erecting or altering any building but the same shall be performed with such alterations as may be rendered necessary by this Act as if such alterations had been stipulated for in such agreement and the difference between the cost of the work according to the agreement and the cost of such work as executed according to the provisions of this Act shall be ascertained by the parties to the respective agreements and paid for or deducted as the case may require and if the said parties do not agree upon the amount of such difference the same shall on the request of either party (notice being given to the other) be decided by the surveyor to the Board and for his trouble in making such decision each of the said parties shall pay to the said surveyor such sum not exceeding One pound and to be disposed of for such purposes of this Act as the Board shall direct.

Nothing contained in this Act to affect any lease or agreement for a lease &c.

115. Nothing in this Act contained shall affect any lease or agreement for a lease whereby any person may be bound to erect buildings upon any ground within the Town but the buildings mentioned in such lease or agreement shall be built according to the conditions which may be rendered necessary by this Act in the same manner as if this Act had been adopted and in operation at the time of making such lease or agreement and the same had been made subject thereto and that without either party being entitled to any compensation.

This Act not

116. This Act shall not extend to interfere with any market

established in any Town or the jurisdiction of the Commissioners having the management thereof. to interfere with the management of a public market.

SCHEDULE A.

Schedule.

WHEREAS a Rate for the Streets and Sewers within the Town of _____ imposed upon a piece of land situate in _____ having remained unpaid for _____ upwards of _____ months the piece of land hereinafter particularly described and intended to be hereby conveyed part thereof was duly set out by _____ and put up to sale by Public Auction at _____ on the _____ day of _____ and _____ of _____ became the purchaser thereof at the sum of _____ pounds. Now therefore know ye that in consideration of the sum of _____ pounds paid to the said _____ by the said _____ the receipt whereof is hereby acknowledged We the said _____ Do hereby convey and assure unto the said _____ and his Heirs all _____

To hold the same land and premises unto him the said _____ and his Heirs free from all titles claims and incumbrances whatsoever.

SCHEDULE B.

In consideration of the sum of £ _____ lent to the Board of Commissioners for _____ by _____ the receipt whereof is hereby acknowledged This Board of Commissioners in exercise of the power in this behalf contained in the Act of the Provincial Council of Wellington Session II. No. 17 do hereby mortgage the rates to be levied for _____ under the said Act unto the said _____ For the purpose of securing to him the repayment of the sum of £ _____ on the _____ day of _____ with interest after the rate £ _____ per cent. per annum In the meantime by _____ (as per agreement) upon the due payment of such sum and interest this mortgage will cease and be void.

[Insert any special clause.]

As witness our hands &c.

of

Commissioners of the above-mentioned Board.

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this thirteenth
day of March, in the year of our Lord
one thousand eight hundred and fifty-five.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on the behalf of
the Governor of New Zealand on
this thirteenth day of March,
1855.

I. E. FEATHERSTON,

Superintendent.

NOTE.—This Act is repealed as to portion of Town of Wellington
by Act Session VI. No. 4.

STREETS SEWERAGE AND DRAINAGE ACT.

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

SESSION VI, NO. 4.

ANALYSIS.

Title. Preamble. 1. Repeal of Streets Sewerage	and Drainage Act Session 2 No. 17, as to portion of Town of Wellington.
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*An ACT to Repeal the Streets Sewerage and Drainage Title.
Act Session 2 No. 17 as to part of the Town of
Wellington.*

[Assented to 6th August, 1858.]

WHEREAS it is expedient to repeal the Act of the Pro-
vincial Council Session 2 No. 17 intituled "An Act to
provide for the Management of the Streets Sewerage and
Drainage in Towns and populous places and the preservation
of the health of the Inhabitants thereof" as to such part of the
Town of Wellington comprised within the following boundaries
viz. North Harbour Section No. 1 North-east and East the
Harbour North-west and South the Reserve known as the
Town Belt and South-east Sydney-street and Glenbervie
Terrace.

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

1. That such Act is hereby repealed as to that portion of the
Town of Wellington comprised within the above boundaries ex-
cepting so far that it shall be lawful for the Board of Com-
missioners appointed under such Act for such portion of the
said Town of Wellington and such Board of Commissioners is
hereby required in the manner prescribed by such Act to collect
recover sue for and get in all arrears of any rate or rates made

Repeal of
Streets Sewer-
age and Drain-
age Act Ses-
sion 2 No. 17
as to portion
of Town of
Wellington.

under the the authority of this Act and thereout to pay the legal liabilities of such Board and to pay the balance of such rates into the Provincial Treasury.

ALFRED LUDLAM,

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

EDWARD TOOMATH,

Chairman of Committees.

Passed the Provincial Council this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and fifty-eight.

ROBERT PORTER WELCH,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this sixth day of August, one thousand eight hundred and fifty eight.

I. E. FEATHERSTON,

Superintendent.

SUMMARY PROCEEDINGS.

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

SESSION III, No. 2.

ANALYSIS.

- | | |
|---|---|
| <p>Title.
Preamble.</p> <p>1. If owner of land or his agent cannot be found how to pro-</p> | <p>ceed What to be deemed sufficient service of summons or other process.</p> |
|---|---|

An ACT to make further provisions for regulating Summary Proceedings before Justices of the Peace. Title.

[Assented to the 21st day of January, 1856.]

WHEREAS by an Ordinance of the late Legislative Council of New Zealand Session II No. 5 entitled an Ordinance to regulate Summary Proceedings before Justices of the Peace it is among other things enacted that every Summons may be served by delivering a copy thereof to the party summoned or by delivering a copy thereof to the wife or servant or to some adult inmate of the family of such party at his usual place of abode and explaining the purport thereof to such wife servant or inmate *And whereas* by divers Acts of the Provincial Council certain sums of money are made payable for contribution towards fencing and the making and repairing roads streets and other matters in respect of lands within the Province by the owner thereof who may be resident without the Province which sums of money being recoverable by Summary Proceedings and sale of the land when not otherwise satisfied it is expedient that the Justices of the Peace when any such sum of money may be sought to be recovered should be enabled to adjudicate when after due diligence the owner of the land cannot be served with summons or process in manner aforesaid. Preamble.

NOTE.—See Clause 3, Act of General Assembly No. 35, 1862.

If owner of land or his agent cannot be found how to proceed What to be deemed sufficient service of summons or other process.

1. BE IT THEREFORE ENACTED by the Superintendent of the Province with the advice and consent of the Provincial Council as follows :—Whenever the owner of any land within the Province in respect whereof any sum of money may be or become payable for contribution towards fencing making and repairing roads streets or other purposes cannot after due enquiry be found or may be resident without the Province summons or other process may be served upon or at the house of the known Agent resident within the Province of any such party and if any such party shall not have a known Agent resident within the Province an advertisement signed by a Justice of the Peace inserted for two successive weeks in some newspaper published at Wellington requiring the owner either by name or as owner of the land in respect whereof any amount is sought to be recovered to appear to any summons issued against him shall be deemed sufficient service of any summons or other process and enable the Resident Magistrate or other Justices of the Peace to proceed to hear and adjudicate upon the claim whether the party from whom the sum of money sought to be recovered or any person on his behalf shall appear or otherwise.

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this eighteenth day of January in the year of our Lord one thousand eight hundred and fifty-six.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on the behalf of the Governor of New Zealand on this twenty-first day of January, 1856.

I. E. FEATHERSTON,

Superintendent.

THISTLE.

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

SESSION I, No. 19.

ANALYSIS.

- | | | |
|-----------------------------------|----|-------------------------------|
| Title. | | land fronting a public high- |
| Preamble. | | way not to suffer Thistles to |
| 1. Penalty for suffering Thistles | | run to seed on such portion |
| to run to seed. | | of highway. |
| 2. An Owner or Occupier of any | 3. | Penalties how recoverable. |

*An ACT to prevent the propagation of certain Plants
known as Thistles.*

[Assented to February 4th, 1854.]

(NOTE.—Repealed by Act Session III, No. 6.)

THISTLE AMENDMENT.

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

SESSION III, No. 6.

ANALYSIS.

- | Title. | |
|--|---|
| 1. Repeal of Thistle Act Sess. I No. 19. | 10. Road Commissioners to do the same with respect to the limits of roads under their charges. |
| 2. Penalty after certain notice for allowing Thistles to seed. | 11. In certain cases Superintendent may direct an expenditure for such purpose. |
| 3. Who competent to serve such notice. | 12. Power to Constable to enter upon lands for the purpose of ascertaining the existence of Thistles thereon. |
| 4. In the case of land so infected the ownership of which cannot be ascertained notice to be published in a newspaper. | 13. Fines to be summarily recovered. |
| 5. After such publication if not remedied <i>Justices how to act.</i> | 14. Act to come into operation in any district by Proclamation. Proviso with respect to Natives. |
| 6. Portion of said land to be set out by Sheriff. | Schedule A.—Form of Notice. |
| 7. Said portion to be sold by Auction. | Schedule B.—Form of Conveyance. |
| 8. With respect to Conveyance. | |
| 9. Government to cause the eradication of Thistles within the limits of roads under its charge. | |

Title. *An ACT to Amend the Law relating to Thistles.*

[Assented to February 4th, 1856.]

BE IT ENACTED by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof that :

Repeal of
Thistle Act
Session I No.
19.

1. Act No. 19 Session 1 is hereby repealed.

Penalty after
certain notice

2. Any person who shall fail to eradicate or cut down any obnoxious Thistles growing on land in his occupation having

seed stems after he shall have received fourteen days notice for allowing in writing shall be liable to be fined any sum not less than Two Thistles to shillings and sixpence nor more than Twenty shillings. seed.

3. It shall be competent for any one personally to serve Who competent to serve such notice or to require the constable of the district or other person authorized by the Superintendent in that behalf to do such notice. so and it shall be the duty of such constable to assist personally in carrying this Act into operation.

4. When obnoxious Thistles are permitted to grow on un-occupied land the ownership of which cannot be ascertained by the informant after reasonable inquiry he shall publish twice In the case of land so infected the ownership of which cannot be ascertained notice in one of the newspapers of the Province a notice in form or to published in a newspaper. the effect of the Schedule A hereto annexed.

* 5. If the Thistles on such unoccupied land are not eradicated or cut down within one month after the date of the last publication of such notice the sitting magistrate or magistrates shall on application made by the informant authorize the said Thistles to be cut down or eradicated and all expenses incurred shall be defrayed out of the proceeds of sale of a sufficient portion of the said land. After such publication if not remedied Justices how to act.

† 6. Such sufficient portion shall be set out by the Sheriff Portion of said land to be set out by Sheriff. having jurisdiction within the district.

‡ 7. Such land shall be sold by public auction. Said portion to be sold by Auction.

|| 8. A conveyance of land so sold in the form hereto annexed With respect to conveyance. in Schedule B signed by the Sheriff shall vest the absolute property in such land in the purchaser free from all incumbrances and claims whatsoever.

9. It shall be the duty of the Government to eradicate or Government to cause the eradication of Thistles within the limits of any road which is under its charge and Thistles within the limits of roads under its charge.

* † ‡ || These Clauses are controlled by Act of General Assembly, "Sale for non-payment of Rates Act," No. 35, 1862, for which see Appendix.

maintenance in all such districts as are proclaimed to be under the operations of this Act.

Road Commissioners to do the same with respect to the limits of roads under their charges. 10. On all Roads under the charge and maintenance of a Board of Commissioners under any Road Act it shall be the duty of such Board to eradicate or cut down all such obnoxious Thistles having seed stems growing within the limits of such roads provided the district in which such roads are situate is proclaimed to be under the operation of this Act.

In certain cases Superintendent may direct an expenditure for such purposes. 11. Where obnoxious Thistles are growing on Government land in any district within which this Act is proclaimed the Superintendent may direct such sum of money out of any appropriation for such purpose by the Provincial Council to be contributed towards their eradication as he may deem expedient.

Power to constable to enter upon lands for the purpose of ascertaining the existence of Thistles thereon. 12. The Constable of the District or other person authorized by the Superintendent in that behalf may enter upon any land within the limits of a proclaimed district for the purpose of ascertaining the existence of Thistles therein and other the purposes of this Act without being liable to any action of Trespass.

Fines to be summarily recovered. 13. All fines imposed under authority of this Act shall be recoverable in a summary way.

Act to come into operation in any district by Proclamation. Proviso with respect to Natives. 14. The Superintendent whenever it shall appear to him expedient to do so may by Proclamation declare that this Act shall come into operation within any district and by the same Proclamation declare the limits thereof Provided always that this Act shall not apply to any Aboriginal Native except in such districts and to such extent therein as the Superintendent may by Proclamation from time to time declare.

Schedule A
Form of
Notice.

SCHEDULE A.

WHEREAS certain obnoxious Thistles having seed-stems are growing on unoccupied land in District of _____ the owner of which land can-

not be ascertained by me after reasonable enquiry :—

THIS IS TO GIVE NOTICE that if the Thistles having seed stems on such unoccupied land are not eradicated or cut down and destroyed within seven days the said Thistles will be destroyed at the expense of such Owner in terms of an Act of Provincial Council Session III No. 6.

SCHEDULE B.

Schedule B
Form of Con-
veyance.

WHEREAS a sum of _____ was in the month
of _____ One thousand eight hundred and
by _____ adjudged to
be paid by _____ as costs of destroying certain
obnoxious Thistles growing on his land which said sum has not
been paid AND WHEREAS by virtue of the provisions of an
Act of the Provincial Council Session III No. 6 the piece of
land intended to be hereby conveyed was duly set out by
and put up to sale by public auction by
at _____ on _____ at
which sale _____ of _____ attended and
having bid the sum of _____ pounds for the said
piece of land became the purchaser thereof at that price.

NOW KNOW YE that in consideration of the sum of
pounds to me paid by the said _____ (the receipt
whereof is hereby acknowledged) I the said
Sheriff for the district by virtue of the powers in that behalf
vested in me by the said Act of Council do hereby convey and
assure unto the said _____ all that piece of
land (description of land)

to hold the same land and premises to the said
and his heirs free from all claims charges and incumbrances
whatsoever.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this
twenty-ninth day of January,
in the year of our Lord one
thousand eight hundred and
fifty-six.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this fourth day of February, one thousand eight hundred and fifty-six.

I. E. FEATHERSTON,
Superintendent.

NOTE.—This Act has been brought into operation by Proclamation, as under :

Proclamation, February 16, 1856, Gazette of February 20, districts affected, Town of Wellington, Hutt, Wellington Country Districts, Wanganui, Rangitikei and Wairarapa.

Proclamation, October 1st, 1856, Gazette, of October 4th, district of Wanganui.

THISTLE AMENDMENT.

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

SESSION IV, No. 20.

ANALYSIS.

- | | |
|--|--|
| <p>Title.
Preamble.</p> <p>1. Penalty for not cutting down noxious Thistles having seed stems on land in any persons occupation.</p> <p>2. Penalty for not cutting down Thistles on land of which a person is entitled to the possession With reference to a</p> | <p>dispute—in such case concerning the party responsible &c.</p> <p>3. Power to any person duly authorized to enter upon unoccupied land and cut down noxious Thistles Touching the expense—how to determine and recover the same.</p> |
|--|--|

An ACT to amend the Thistle Act Session III No. 6. Title.

[Assented to February 20th, 1857.]

WHEREAS by the Thistle Amendment Act of the third Session of the Provincial Council of Wellington No 6 Preamble.
it is enacted that any person who shall fail to eradicate or cut down any noxious Thistles growing on land in his occupation having seed stems after he shall have received fourteen days notice in writing shall be liable to be fined any sum not less than 2s. 6d. nor more than 20s. and whereas it is expedient to amend the said Act :

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

1. Any person who shall fail to eradicate or cut down any noxious Thistles having seed stems growing upon land in his occupation after he shall have received fourteen days notice in writing shall be liable to be fined any sum not less than 2s. 6d. nor more than 20s. Penalty for not cutting down noxious Thistles having seed stems on land in any persons occupation.

Penalty for not cutting down Thistles on land of which a person is entitled to the possession With reference to a dispute in such case concerning the party responsible &c

* 2. Every person entitled to the possession of unoccupied land upon which noxious Thistles having seed stems shall be found growing who shall not cut down such Thistles after fourteen days notice in writing so to do shall be liable to a fine of not less than 2s. 6d. nor more than 20s. and in all cases where any dispute or question shall arise between parties interested in such land as to who is the proper party responsible for the destruction of such Thistles or payment of such fine or where the person so responsible shall not reside within the Province the land may be considered as land the ownership whereof cannot be ascertained and may for every purpose of this Act and the Act Session III No. 6 be dealt with accordingly.

Power to any person duly authorized to enter on unoccupied land and cut down noxious Thistles Touching the expenses how to determine and recover the same.

† 3. It shall be lawful for the Constable of the District or any one duly authorised on that behalf by authority in writing of any two Justices of the Peace to enter upon any unoccupied land and cause to be cut down and for that purpose employ such labor as he may find necessary noxious Thistles having seed stems growing thereon and the expense thereof the amount being determined by any two Justices of the Peace at the request of the Constable and recorded at the Office of the Resident Magistrate. having jurisdiction in the District in which such land may be situate may be recovered by distress on the premises to soon as and at any time after the same may be occupied *Provided* however that this proviso shall not take away or interfere with the power of sale given by the said Act Session III No. 6.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this twentieth day of February, in the year of our Lord one thousand eight hundred and fifty-seven.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on the behalf of the Governor of New Zealand on this twentieth day of February, 1857.

I. E. FEATHERSTON,
Superintendent.

* See note to Clause 6 Act Session III No. 6.

† See preceding note.

TOLL GATE.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX, No. 1.

ANALYSIS.

Title.	4. Collector to put up table of tolls.
Preamble.	5. Collector to give security.
1. Superintendent authorised to erect toll bar and to fix day for collection of tolls to commence.	6. Power to Superintendent to lease tolls and make regulations.
2. Schedule of tolls.	7. Penalties to which toll keeper is liable.
3. Description of parties exempted from paying toll.	8. Disputes how to be arranged.

An ACT to empower the Superintendent to erect a Toll Gate at Kai-Wara-Wara. Title.

[Assented to 19th June, 1862.]

WHEREAS it is necessary to provide means for keeping in repair the main roads through the Province :

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

1. The Superintendent is authorised to erect a toll bar with house and other works necessary thereto at some convenient place on the Kai-Wara-Wara road outside the town and from time to time to appoint and remove keepers for the same and issue regulations for their guidance and to fix by Proclamation in the *Government Gazette* the day on and after which tolls shall be levied at such toll bar.

2. The following tolls shall be levied at such gate :—

Schedule of tolls.

For every Timber Wain drawn by two horses passing through said gate....	2s. 0d.
“ Additional horse	0s. 3d.
“ Four-wheeled vehicle without spring drawn by two horses	2s. 0d.

For Additional horse	0s. 3d.
“ Four-wheeled vehicle with springs*	1s. 6d.
“ Two wheeled vehicle without springs drawn by one horse ..	1s. 0d.
“ Additional horse	0d. 3d.
“ Two-wheeled vehicle with springs	0s. 9d.
“ Horse saddled or harnessed	0s. 6d.
“ Other horses not in harness and head of great cattle	0d. 3d.
“ Sheep or other small cattle	0s. 1d.

And every vehicle drawn by an Ass Mule Bull or Bullock shall be liable to the same toll as if drawn by a Horse and every saddled or harnessed Ass or Mule shall be liable to the same toll as a saddled or harnessed Horse.

Such Toll shall be charged upon all persons equally and no reduction or advance in such tolls shall either directly or indirectly be made partially or in favour of any particular person.

Provided that no toll shall be taken on any carriage or horse passing twice on the same day.

Provided further that all vehicles with wheels having tires of a breadth not less than 5 inches shall only be liable to one half the above rates of toll.

Description of
parties exempted
from
paying toll.

3. No toll shall be demanded or taken for any horse or carriage belonging to or under hire to the Government of the Province and employed at the time of passing through the gate in Provincial Government service or in respect of any horse or horse of any of Her Majesty's officers and soldiers on duty and being in proper staff regimental or military uniform or any carriage or horse belonging to Her Majesty or employed in her service.

Collector to
put up table
of tolls.

4. The Collector shall put up and continue at the toll gate a table to be printed or painted in distinct black colours and figures with a white ground of all tolls then payable and shall renew such table whenever any letters or figures thereof shall be defaced.

Collector to
give security.

5. The Collector shall give satisfactory security for duly accounting for and paying over the money received by him.

6. The Superintendent may at any time lease the Tolls by public auction or tender for any period not exceeding one year at one time subject to such conditions and regulations as he may think fit provided they are not repugnant to the provisions of this Act. Power to Superintendent to lease tolls and make regulations.

7. If any Collector shall not place such board as aforesaid and keep the same there during the time he shall be Collector or shall demand a greater or less toll from any person than he shall be authorised to do by virtue of this Act or shall refuse to permit or shall in any wise hinder any person from reading the inscription on the toll board or shall refuse to tell his name to any person who shall demand the same or shall give a false name or on the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any passenger from passing through the toll gate or make use of any scurrilous language to any passenger or other person there in every such case the toll Collector shall forfeit for every such offence any sum not exceeding Ten pounds. Penalties to which toll keeper is liable.

8. All disputes relative to tolls and all questions relative to any damage done to the toll house or gate or furniture and all cases of detention wilful obstruction or use of scurrilous language may be heard in a summary way by any Justice of the Peace who may award such costs to be paid by either party as to him may seem reasonable. Disputes how to be arranged.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be
in accordance with the Bill
as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this ninth
day of May in the year of our Lord
one thousand eight hundred and
sixty-two.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this nineteenth day of June, one thousand eight hundred and sixty-two.

I. E. FEATHERSTON,
Superintendent.

NOTE.—A Proclamation was issued dated February 21 1863 and published in the *Gazette* of February 23rd establishing Toll Gate at Kai Wara Wara.

TOWN PROTECTION.

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

SESSION IV, No. 19.

ANALYSIS.

- | | |
|---|---|
| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Interpretation of the term "Board." 2. Chimneys to be built according to Schedule. 3. Board may direct a survey to be made of any chimney &c.—Surveyor to report the state of such to the Board—Board how to act. 4. Penalty in case of non-compliance with notice from Board in respect of the dangerous state of a chimney &c. 5. Penalty for obstructing the Board in its operations. 6. Board to determine any difference between occupier and owner with reference to the payment of expense of any work required. | <ol style="list-style-type: none"> 7. Board may establish a Fire Brigade—may make the bye laws for the governance thereof. 8. Board may purchase Fire Engines. 9. Power to Board to require a Coroner to hold an inquest upon any fire. 10. The Coroner to be paid for the same. 11. Where there is no Board of Wardens Superintendent may appoint a number of persons to act. 12. Householders required to keep and supply in case of fire 2 good water buckets. 13. No new street to be made of less width than 33 feet. |
|---|---|

*An ACT to provide for protection against Fire in Towns Title.
and Populous Places.*

[Assented to February 20, 1857.]

WHEREAS it is necessary to make provision for protection
against fire in towns and populous places: Preamble.

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

1. Whenever the term "Board" shall be used in this Act it
shall mean the Board of Wardens for the management of local
public works and other matters established for the town or
ward established under the Public Boards Act. Interpretation
of the term
"Board."

Chimneys to be built according to Schedule. 2. After the passing of this Act chimneys within any town or populous place shall be built according to the directions contained in the Schedule hereunto annexed.

Board may direct a survey to be made of any chimney &c. Surveyor to report the state of such to the Board Board how to act. 3. The Board whenever it shall deem fit may direct a survey to be made by some qualified person of any chimney furnace forge or other place used for fire now or hereafter to be erected within the town or place under its jurisdiction and the person appointed by the Board to make such survey may enter at reasonable times any premises for that purpose And if he shall report any chimney furnace forge or fire place to be in a dangerous state or position with reference either to any building to or with which it may be attached or used or to which it may be near the Board may by notice in writing to be left for the occupier on the premises direct that such chimney furnace forge or fire place shall within a certain specified time be put into such a state of repair or security as shall be satisfactory to the Board.

Penalty in case of non-compliance with notice from Board in respect of the dangerous state of a chimney &c. 4. If any person shall not within the time specified in the notice aforesaid put his chimney furnace forge or other place used for fire into a state of repair or condition satisfactory to the Board and shall not give excuse satisfactory to the Board for such neglect he shall forfeit a sum of £5 and the Board may cause such work to be executed and for that purpose may if deemed requisite pull down the chimney furnace forge or other place aforesaid and re-ereect the same And if the costs thereof together with the penalty be not paid by the occupier on demand the same costs and penalty may be recovered at any time thereafter by distress upon the premises.

Penalty for obstructing the Board in its operations. 5. Every person who shall at any time obstruct the Board or any person employed by it in the performance of anything which they are respectively empowered or required to do by this Act shall forfeit a sum not exceeding £5.

Board to determine any difference between occupier and owner with reference to the payment of expense of any work required. 6. If any difference shall arise between the occupier and owner or lessor and lessee of any house or building or land on which any house may be with respect to the party who ought to bear the expense of any work required to be done by the Board as aforesaid at such house or building or under authority of this Act and that whether executed by the occupier lessee or the Board the same may be determined by the Board and any

sum which the Board may determine ought to be paid by the owner or lessor of such house or land shall be paid by him to the occupier or lessee at such time and in such manner as the Board may determine.

7. The Board may establish a Fire Brigade and make regulations and bye laws for the governance thereof and by any regulations or bye laws impose penalties not exceeding £5 for each breach thereof provided however that the Justice before whom any penalty imposed by any such regulation or bye law shall be sought to be recovered may order the whole or part only of such penalty to be paid or remit any portion or the whole thereof. Provided also that all regulations and bye laws shall be forwarded to the Superintendent for confirmation and none thereof shall be in force until confirmed by him with the consent of his Executive Council.

Board may establish a Fire Brigade may make bye laws for the governance thereof.

8. The Board may purchase Fire Engines and furniture appertaining thereto and Alarm Bells and provide proper places for keeping such Engines and erecting such Bells.

Board may purchase Fire Engines.

9. The Board may if it think fit by precept directed to him require a Coroner having jurisdiction within its district to hold an inquest upon any fire which may have occurred therein and the Coroner is hereby empowered to hold the same and issue his warrant for the apprehension and detention of any person suspected of having wilfully caused such fire.

Power to Board to require a Coroner to hold an inquest upon any fire.

10. The Coroner shall be paid by the Board the sum of £2 2s. 0d. for each inquest out of the rates collected for the purposes of this Act.

The Coroner to be paid for the same

11. In any town or portion of a town or populous place for which no Board of Wardens for the management of public works and matters may be established the Superintendent and Executive Council may appoint any number of persons not exceeding eight who shall have the powers hereby vested in the Board of Wardens.

Where there is no Board of Wardens Superintendent may appoint a number of persons to act.

12. Every householder residing within any town shall at all times keep and supply when required on the occasion of any fire two good sound water buckets and any person neglecting so to do when called upon by any Board of Wardens or any person authorized by them shall be liable to a penalty of not less than £1 nor more than £5 for every such offence or omission.

Householder required to keep and supply in case of fire two good water buckets.

No new street to be made of less width than 33 feet. 13. That after passing of this Act, no new street or public thoroughfare on which buildings shall be intended to be erected shall be of less width than 33 feet in the clear.

Schedule.

SCHEDULE REFERRED TO IN CLAUSE 2.

1. An Arch of brick or stone or a bar of wrought iron must be built over the opening of every chimney to support the breast thereof and if the breast projects more than $4\frac{1}{2}$ inches from the face of the wall and the jamb on either side is of less width than $17\frac{1}{2}$ inches the abutment must be tied in by an iron bar or bars turned up and down at the ends and built into the jambs for at least $8\frac{1}{2}$ inches on each side.

2. The inside of every flue and the back or outside unless forming part of the outer face of an external wall must be rendered pargeted or lined with fireproof piping.

3. All chimneys built on the ground floor are to be constructed with jambs and backs measuring $13\frac{1}{2}$ inches in thickness into the external angles of the jambs a piece of $4\frac{1}{2}$ inch by $4\frac{1}{2}$ inch scantling is to be built flush with the chimney breasts and the sides thereof.

4. The jambs of every chimney above the ground floor must at the least be $8\frac{1}{2}$ inches wide on each side of the opening thereof.

5. The breast of every chimney and the front with partition and brick of every flue must at the least be 4 inches in thickness.

6. The back of every chimney opening above the ground floor from the hearth up to the height of 12 inches above the mantel must at the least be $8\frac{1}{2}$ inches thick if in a party wall or $4\frac{1}{2}$ inches thick if not in a party wall.

7. The thickness of the upper side of every flue when its course makes with the horizon an angle of not less than 45 degrees must at the least be $8\frac{1}{2}$ inches.

8. Every chimney shaft shall be carried up in brick or stone work all round at the least 4 inches thick to a height of not less than 3 feet above the roof flat or gutter adjoining thereto measured at the highest point in the line of junction with such roof flat or gutter.

9. The brickwork or stonework of any chimney shaft ex-

cepting that of the furnace of any Steam Engine Brewery Distillery or Manufactory shall not be built higher above the roof flat or gutter adjoining thereto measured from the highest point of the line of junction with such roof flat or gutter than a height equal to six times the least width of such chimney shaft at the level of such highest point in the line of junction unless such chimney shaft is built with and bonded to another chimney shaft not in the same line with the first or otherwise rendered secure.

10. There shall be laid level with the floor of every storey before the opening of every chimney a slab of stone slate or other incombustible substance at the least 12 inches longer than the width of such opening and at the least 18 inches wide in front of the breast thereof.

11. On every floor except the lowest floor such slab shall be laid wholly upon stone or iron bearers or upon brick trimmers but on the lowest floor it may be bedded on the solid ground.

12. The hearth or slab of every chimney shall be bedded wholly on brick stone or other incombustible substance and shall be solid for a thickness of 7 inches at the least beneath the upper surface of such hearth or slab.

13. No chimney shaft jamb breast or flue shall be cut into except for the purpose of repair or doing some one or more of the following things.

14. Of letting in or removing or altering flues pipes or funnels for the conveyance of smoke hot air or steam or of letting in removing or altering smoke-jacks.

15. Of forming openings for soot door such openings to be fitted with a close iron door and frame.

16. Of making openings for the insertion of ventilating valves subject to the following restriction That no opening shall be made nearer than 12 inches to any timber or combustible substance.

17. No timber or woodwork shall be placed in any wall or chimney breast nearer than 12 inches to the inside of any flue or chimney opening.

18. Under any chimney opening within 18 inches from the upper surface of the hearth of such chimney opening.

19. Within 2 inches from the face of the brickwork or

stonework about any chimney or flue when the substance of such brickwork or stonework is less than $8\frac{1}{2}$ inches thick unless the face of such brickwork or stonework is rendered.

20. And no wooden plugs shall be driven nearer than 6 inches to the inside of any flue or chimney opening nor any iron holdfast or other iron fastening nearer than 2 inches thereto.

CHARLES CLIFFORD,
Speaker.

Passed the Provincial Council this twentieth day of February, in the year of our Lord one thousand eight hundred and fifty-seven.

H. S. HARRISON,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this twentieth day of February, one thousand eight hundred and fifty-seven.

I. E. FEATHERSTON,
Superintendent.

TRAFFIC ON HIGHWAYS.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ

SESSION IX, No. 16.

ANALYSIS.

Title.	3. Penalty for riding or driving improperly.
Preamble.	4. Penalty in case of name not painted on certain vehicles
1. Penalty for leaving stones &c. on highways.	5. Penalties how to be recovered.
2. Penalty for various offences on highways.	6. Date of Act coming into operation.

An ACT to Regulate the Traffic on Public Highways. Title.

[Assented to 19th June, 1862.]

WHEREAS it is necessary to regulate the traffic on public highways : Preamble.

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

1. Every person leaving stones or other things on any public highway at night or leaving unprotected holes therein so as to endanger life or limbs shall be liable to a penalty of not less than 5s. nor more than £5. Penalty for leaving stones &c. on highways.

2. Every person riding driving or leading any horse ass mule cattle sheep swine or wheeled carriage wholly or partly upon any footpath at the side of any public highway or dragging without being properly supported on wheels any log or other thing which shall injure any public highway or locking the wheels of any cart or waggon except with a proper shoe or impeding the traffic or endangering the safety of passengers by a load unduly projecting from the side of any wheeled cart or beast of burden carrying the same or leaving any carriage on the road unattended suffering any child under twelve years of age to be in charge of any cart or carriage with beast of draft Penalty for various offences on highways.

attached thereto laying any timber stores glass crockery or other things on any public highway whereby the safety of passengers may be endangered suffering any offensive liquid to flow thereon or throwing rubbish into the same shall be liable to a penalty for each of such acts not less than 5s. nor more than £5.

Penalty for riding or driving improperly.

3. Every person in charge of any cart or carriage who shall ride on the same or on the shafts without holding the reins or pass any other carriage on a different side from that which is usual according to English custom also every person who shall ride or drive so furiously as to endanger the limbs or lives of passengers or ride or drive on any bridge faster than at a walk shall be liable to a penalty not exceeding 40s.

Penalty in case of name not being painted on certain vehicles.

4. The christian name surname and residence of the owner of every wain waggon dray and cart without springs shall be painted in legible characters either white on a black ground or black on a white ground of not less than one inch and a half in length and with a fair proportional breadth in some conspicuous part on the off side of every such wain waggon dray and cart Every owner failing to comply with the provisions of this clause shall be liable to a penalty not exceeding 40s.

Penalties how to be recovered.

5. All penalties imposed by this Act shall be recovered summarily.

Date of Act coming into operation.

6. This Act shall come into operation within three months from the passing thereof.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twelfth day of June, in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the
Governor of New Zealand, on this
nineteenth day of June, one thousand
eight hundred and sixty-two.

ISAAC EARL FEATHERSTON,

Superintendent.

TRIGONOMETRICAL STATIONS.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX, No. 3.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. On payment of £5 property in Station to vest in Superintendent.</p> <p>2. Remedy for owners dissatisfied with tender under this Act.</p> | <p>3. What will be deemed a legal tender of purchase money of sites of stations.</p> <p>4. Penalties for injuring stations marks pegs &c.</p> <p>5. Short Title.</p> |
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Title.

An ACT to provide for the Preservation and Protection of Trigonometrical Stations and Survey Marks.

[Assented to June 2nd, 1862.]

Preamble.

WHEREAS it is necessary to make provision for the preservation and protection of Trigonometrical Stations and the boundaries and survey marks in the Province :

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

On payment of £5 property in station to vest in Superintendent.

1. On payment or tender of a sum of money not exceeding £5 to the owner of any land in which any Trigonometrical Station is situate and which has not been reserved the site of such station and the land around the same included in a circle the radius of which is ten feet from the centre of such station and a right of way to and from the same over the adjoining land shall vest in the Superintendent and his successors in office in trust for the use of the Province free from all incumbrances whatsoever and any existing lease affecting the same shall thereupon determine so far as concerns the same and that without prejudicing or otherwise affecting such lease and may be used by the Government Surveyors or any other person or persons acting for and on behalf of the Government Surveyors or any other person or persons acting for and on behalf of the

Government for any purpose relating to the survey of the Province or any part thereof.

2. Every such owner who shall deem any such sum an insufficient compensation for the site of such station and right of way thereto shall be entitled to appeal to a sessions of the Magistrates resident in the district in which such site shall be situate called for the purpose by any Magistrate on the application of the appellant Provided he shall within three calendar months after the making of such tender as aforesaid give to the Superintendent notice in writing of such appeal and the grounds of the insufficiency of the sum.

Remedy for owners dissatisfied with tender under this Act.

3. A notice published in the Provincial Government Gazette by the authority of the Superintendent in the form contained in the schedule hereto annexed notifying that the owner of the land in which any such station shall be situate may upon application to the Provincial Treasurer receive any such sum as aforesaid as the purchase money for the site of such station and right of way aforesaid shall be deemed for the purposes of this Act a sufficient tender of the said sum and the Provincial Treasurer is hereby authorised and required to pay the said sum to every such owner who shall apply for the same.

What will be deemed a legal tender of purchase money of sites of stations.

4. Any person who shall wilfully injure or destroy any Trigonometrical Station shall for such offence forfeit and pay any sum not exceeding £50 and any person who shall knowingly and wilfully remove or destroy any boundary or survey mark or any front or ranging pegs fixed by the Government or authorised Surveyors or any fence around any station shall for every such offence forfeit and pay any sum not exceeding £25 and such penalties may be recovered in a summary way before any Justice of the Peace.

Penalty for injuring stations marks pegs &c.

5. This Act shall be called "The Trigonometrical Station Short Title. Act 1862."

SCHEDULE.

TRIGONOMETRICAL STATION.

To the Owner of Section No.

District

Notice is hereby given pursuant to the "Trigonometrical

Station Act 1862" that the sum of £ is hereby tendered to
as the Owner of Section No.

District for the site of the Trigonometrical Station enclosed
therein and the right of way thereto as in the said Act specified
and that the said sum will be paid to him on his application to
the Provincial Treasurer at the Provincial Government Build-
ings Wellington.

Dated at Wellington this

day of 186

Superintendent of the said Province.

CHARLES WILLIAM SCHULTZE,

Speaker.

I hereby certify the above to be in
accordance with the Bill as
passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this
thirteenth day of May, in the
year of our Lord one thousand
eight hundred and sixty-two.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor
of New Zealand on this second day of June,
one thousand eight hundred and sixty-two.

ISAAC EARL FEATHERSTON,

Superintendent.

WAIRARAPA RACE COURSE.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

SESSION X, No. 3.

ANALYSIS.

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| Title. | 7. Duration of office of Trustees. |
| Preamble. | 8. Trustees to elect Chairman. |
| 1. Trustees to be elected. | 9. Legal Estate in Race Course to become vested in Trustees. |
| 2. Regulations for election of Trustees. | 10. Three Trustees to be a quorum |
| 3. Proceedings to be taken in the event of extra candidates being proposed. | 11. Trustees to appoint officers. |
| 4. Voting how to be conducted. | 12. Power to Trustees to let &c. |
| 5. Trustees bankrupt or felons to cease to act In the event of vacancy from such cause Superintendent to appoint new Trustees. | 13. Power to Trustees to receive fees &c. |
| 6. In event of default by Electors to appoint Trustees Superintendent to have such power. | 14. Trustees to hold yearly meeting at which accounts to be produced. |
| | 15. Trustees to be accountable for their own acts &c. only |
| | 16. Power to Trustees to make regulations. |

An ACT to provide for the Management of the Wairarapa Race Course. Title.

[Assented to May 23, 1863.]

WHEREAS it is expedient that provision should be made for the management of the piece of Land appropriated or to be appropriated for a Race Course in the Wairarapa district : Preamble.

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

1. The management of such public Race Course shall be vested in five Trustees to be elected as hereinafter provided. Trustees to be elected.

2. The first election of such Trustees shall take place within two months after the passing of this Act at a public meeting of the electors of the Wairarapa District to be called by any Regulations for election of Trustees.

two Justices of the Peace on the requisition of three registered Electors by advertisement in some paper published in the Province *Provided always* such advertisement shall specify the time and place of meeting and be published not less than fourteen days prior to the time at which such meeting is intended to be held and the subsequent election for such Trustees shall take place on the first Monday in the month of July in every second year at public meetings of the electors aforesaid at such convenient place and time as the chairman of the Trustees shall appoint when at such first subsequent election two out of the five Trustees herein named shall retire by ballot and at each subsequent election two Trustees shall retire by ballot but shall be eligible for re-election.

Proceeding to be taken in the event of extra candidates being proposed.

3. If there be more candidates proposed than the number to be elected the chairman at such meeting 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 three electors shall demand a poll a poll shall take place on the day following and the Chairman or some person appointed by him shall preside at the polling.

Voting how to be conducted.

4. The voting to commence at 9 a.m. and close at 4 p.m. 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 the members of the Provincial Council and the Chairman shall report in writing to the Superintendent the names of the persons elected to be the Trustees and the same shall be published in the *Government Gazette* of the Province.

Trustees bankrupt or felons to cease to act.

5. If any Trustee shall refuse to act or be absent from the Wairarapa district six months at any one time or become bankrupt or an insolvent debtor within the meaning of any laws relating to insolvent debtors or a public defaulter or be convicted of felony or any infamous crime he shall cease to be a Trustee. If at any time a vacancy shall occur by reason of death absence resignation bankruptcy or otherwise the Trustees shall signify the same to the Superintendent who shall appoint a fresh election to take place at such time and place as he shall think expedient and such new Trustee shall hold office until the next General Election.

In the event of vacancy from such cause Superintendent to appoint new Trustees.

In the event of

6. *Provided always* that if at any time the Electors shall

fail to appoint Trustees whether at a General or Special Election it shall be lawful for the Superintendent to appoint five Trustees or such number as may be required to be elected who shall have the same powers and be subject to the same regulations as if elected as herein provided.

default by electors to appoint Trustees Superintendent to have such power.

7. The Trustees shall continue in office until the next election of Trustees or appointment by the Superintendent and if appointed by the Superintendent shall retire in the order prescribed by Clause 2.

Duration of office of Trustees.

8. The Trustees shall elect one of their number to be Chairman.

Trustees to elect chairman.

9. It shall be lawful for such Trustees and their successors to accept a conveyance of the land set apart for such Race Course for the purposes set forth in this Act and the legal estate therein shall become vested in such Trustees immediately upon their election or appointment and the notice of such election or appointment in the *Government Gazette* of the said Province shall be a sufficient evidence of their title.

Legal Estate in Race Course to become vested in Trustees.

10. All acts matters and things which the Trustees may do or determine with reference to the said lands under the authority of this Act may be done and determined by any three of such Trustees assembled at a meeting whereof due notice shall have been given to or forwarded to all the Trustees.

Three Trustees to be a quorum.

11. It shall be lawful for such Trustees to appoint such officers as they shall deem necessary for the custody and management of the said land and to fix and pay the salary of such officers and all necessary charges for the management and regulation of the said land.

Trustees to appoint officers.

12. It shall be lawful for such Trustees to let from time to time all or any portion of such land and to fence the same or any part thereof and to do all such acts as they may deem necessary for the management improvement and regulation thereof Provided that no such letting shall interfere with the purposes for which such land shall have been so set apart.

Power to Trustees to let &c.

13. The Trustees may also settle and receive such fees and payments in respect of admission of persons horses and vehicles into any portion of such land as they may think fit and from

Power to Trustees to receive fees &c.

time to time receive donations or subscriptions and grants of public money to be laid out on the permanent improvement of the said public Race Course or the furtherance of the races to be held thereon as they may think proper.

Trustees to hold yearly meeting at which accounts to be produced.

14. The Trustees shall hold a public meeting after due notice in some newspaper published in the district or if no newspaper be published in the district then in some newspaper published in the City of Wellington at least once every year at which a true statement of all receipts and disbursements respecting the said Race Course shall be presented in writing.

Trustees to be accountable for their own acts &c. only.

15. The Trustees of such public Race Course shall not be answerable or accountable for the other or others of them but each and every of them for his and their own acts receipts neglects or defaults respectively nor for any misfortune loss or damage which may happen in the execution of the aforesaid trusts or in relation thereto except the same shall happen by or through their own wilful fault respectively.

Power to Trustees to make regulations.

16. It shall be lawful for the said Trustees to make all such regulations as they may think fit for the conduct of all sports and races within the said ground and to expel therefrom all persons wilfully infringing such regulations or otherwise misbehaving.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this sixth day of May, in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this twenty-third day of May, one thousand eight hundred and sixty-three.

I. E. FEATHERSTON,
Superintendent.

WANGANUI.

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

SESSION I. No. 11.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Town of Petre to be henceforth called Wanganui.</p> | <p>2. Proclamations now in force referring to the town by name of Petre shall so continue.</p> |
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An ACT to change the name of the Town of "Petre" to the name of "Wanganui."

[Assented to January 26, 1854.]

WHEREAS the town situate on the River Wanganui in the Province of Wellington now known by the name of "Petre" was formerly called by the name of "Wanganui" *And whereas* the inhabitants of the said town are desirous that the former name thereof should be restored.

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

1. That the said town on the river Wanganui aforesaid and after the passing of this Act be called or styled by the name of "Wanganui" and shall by such name be referred to in all official proclamations notices and otherwise.

2. All proclamations and notices now in force and all grants and conveyances respectively referring to or affecting the said town by the name of "Petre" or any part thereof shall continue to refer to and affect the aforesaid town or any part thereof in like manner to all intents and purposes as if

H 3.

Town of Petre to be henceforth called Wanganui.
Proclamations now in force referring to the town by name of Petre shall so continue.

the name "Wanganui" had been written or printed therein respectively instead of the name "Petre."

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this nineteenth day of January in the year of our Lord One thousand eight hundred and fifty-four.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this Twenty-sixth day of January 1854.

I. E. FEATHERSTON,

Superintendent.

WANGANUI BARRACKS.

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

SESSION II, NO. 2.

ANALYSIS.

Title.	|	jesty's troops at Wanganui from the operation of Raupo Ordinance and Fencing Act.
Preamble.		
1. Exemption of certain tenements in the occupation of Her Ma-	|	

*An ACT to exempt certain buildings in the occupation of Title.
Her Majesty's troops from the operation of the Raupo
Ordinance and Fencing Act.*

[Assented to March 7, 1855.]

WHEREAS it is expedient that certain whares or tene- Preamble.
ments constructed of raupo or toi toi or such like
material situate within the boundaries of the town of Wanga-
nui in the Province of Wellington and at present in the occu-
pation of a part of Her Majesty's troops stationed there should
be exempted from the operation of the Raupo Ordinance and
Fencing Act now in force within the said town :—

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

1. That certain whares or tenements constructed wholly or Exemption of
in part of raupo or toi toi or any material similar thereto certain tene-
situate within the boundaries of the town of Wanganui near ments in the
to and forming part of the barracks and at present occupied by occupation of
Her Majesty's troops stationed there shall so long as they Her Majesty's
shall continue to be occupied by Her Majesty's troops or used troops at Wan-
for other military purposes be exempted from the operation ganui from the
of the Ordinance of the Legislative Council of New Zealand operation of
Session II No. 17 intituled "an Ordinance for Imposing a Raupo Ordin-
Tax upon Raupo Houses" And also from the operation of ance and Fen-
the Act of the Provincial Council of the Province of Wellin- cing Act.

ton Session 1 No. 14 intituled "an Act to make further provisions relative to Fencing within districts of the province" and, during such period aforesaid no tax or penalty shall under either such Ordinance or Act be imposed or levied upon or in respect of such whares or tenements.

CHARLES CLIFFORD,

Speaker.

Passed the Provincial Council this eighth day of February in the year of our Lord one thousand eight hundred and fifty-five.

H. S. HARRISON,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this Seventh day of March 1855.

I. E. FEATHERSTON,

Superintendent.

WANGANUI BRIDGE.

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

SESSION IV, No. 11.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. The proposed Bridge and works appertaining thereto to be deemed the property of the Superintendent.</p> <p>2. Scale of tolls to be levied on traffic over the bridge.</p> <p>3. Exemption from tolls.</p> <p>4. Power to Superintendent to appoint and remove any collector &c.</p> <p>5. A table of tolls on a board to be affixed at the toll gate.</p> <p>6. Otherwise no tolls to be taken.</p> <p>7. The collector to give security.</p> <p>8. Power to Superintendent to lease the tolls for any period not exceeding 3 years.</p> | <p>9. In case of refusal to pay toll collector how to act.</p> <p>10. Penalty in case of refusal to pay toll of obstruction on the bridge &c.</p> <p>11. Penalty for damaging toll house &c.</p> <p>12. Power to the lessee and his collector to seize any one offending against this Act who may not be personally known.</p> <p>13. Collector to have his name painted on a board &c.</p> <p>14. Collector subject to a penalty for what.</p> <p>15. All toll disputes to be heard in a summary way.</p> |
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An ACT to authorize the levying of tolls on the traffic over the bridge proposed to be constructed over the Wanganui River.

[Assented to February 20th, 1857.]

(NOTE.—Repealed by Act Session X, No. 6.)

WANGANUI BRIDGE.

[ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

SESSION X, No. 6.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Former Act repealed. 2. Superintendent may appoint committee. 3. Vacancies how to be supplied. 4. Power to committee to erect a bridge over the river Wanganui. 5. Subject to approval by Superintendent and Executive Council. 6. Copy of plans &c. to be deposited with Provincial Secretary. 7. Power to committee to raise money. 8. Power to committee in certain cases to raise further sums. 9. Money how to be applied. 10. All monies to be paid to Treasurer of Province. 11. Power to Superintendent to issue debentures. 12. Rate of interest on debentures. 13. Form and amount of debentures. 14. Debentures when to be paid. 15. Interest on debentures when to cease. 16. Bridge when completed and property in tolls to be vested in Superintendent. | <ol style="list-style-type: none"> 17. Power to Superintendent to levy tolls and table of ditto Tolls to be charged impartially. 18. Exemption from toll 19. Power to remove collector. 20. Collector to put up list of tolls. 21. Tolls not to be taken unless table of ditto affixed to gate. 22. Collector to give security. 23. Power to Superintendent to lease tolls. 24. In case of persons refusing to pay toll collector how to act. 25. Penalty for resisting collector &c. 26. Penalty for damage done. 27. Power to collector to detain unknown persons. 28. Collector's name to be affixed to toll house or gate. 29. Penalties on collector. 30. Disputes &c. to be heard in a summary way. 31. Tolls how to be applied. 32. Remedy in case of amount of tolls not being sufficient to pay interest on debentures. 33. Number of quorum. 34. Power to committee to make bye-laws. 35. Power of committee in certain case to cease July 1 1865. |
|---|---|

Title.

An ACT to authorize the Construction of a Bridge over the Wanganui River and Levying of Tolls on Traffic over the same.

Preamble.

WHEREAS in the fourth session of the Provincial Council an Act (No. 11) was passed whereby after reciting that it was proposed to construct a bridge over the river Wanganui

at the town of Wanganui out of the general revenue of the Province and it was expedient that tolls should be levied on the traffic over the same Provision was made for the levying of tolls and matters connected therewith And whereas from divers causes no bridge has yet been constructed over the said river:

And whereas certain persons have proposed to undertake the construction of a bridge over the Wanganui river provided that one-half of the costs thereof be defrayed out of the general revenue of the Province and that they the proposers aforesaid be empowered to raise the other half of such costs by the issue of debentures the sums to be advanced on such debentures being repaid out of tolls to be levied upon the traffic over the said bridge And whereas the building of such bridge would be of great public utility.

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

1. The Act Session IV No. 11 is hereby repealed. Former Act repealed.
2. The Superintendent may appoint any number of persons not less than five to be a committee to carry out the purposes of this Act. Superintendent may appoint committee.
3. When any member of the committee shall die or resign office the Superintendent shall appoint another to supply his place. Vacancies how to be supplied.
4. Such committee shall be and they are hereby empowered to build a bridge over the river Wanganui and to fix the site thereof also to drive and construct such piles abutments and other requisite works and to construct such approaches thereto as may be necessary for the purposes aforesaid which bridge subject to the power hereinafter given to the Superintendent to levy tolls shall be a public bridge. Power to committee to erect a bridge over the river Wanganui.
5. Provided however that the site plans and specifications for the proposed bridge works and approaches shall be submitted to and approved of by the Superintendent and his Executive Council and that after such approval no alteration shall be made in the said site plans or specifications without the consent Subject to approval by Superintendent and Executive Council.

of the Superintendent and his Executive Council and also that it shall be lawful for the Engineer of the Province to inspect from time to time the works in progress for the purpose of ascertaining if the same are being executed in conformity with the approved plans and specifications.

Copy of plans &c. to be deposited with Provincial Secretary. 6. When the plans and specifications of the proposed bridge shall have been approved of by the Superintendent a copy thereof together with an estimate of the costs of the construction thereof and of the building of the toll gate toll house and appurtenances shall be delivered and left at the office of the Secretary for the Province.

Power to committee to raise money. 7. The committee are hereby empowered to raise either at one time or from time to time a sum of money not exceeding one half of the estimated cost of the construction of the bridge hereby authorised to be built with toll gate toll house and appurtenances.

Power to committee in certain cases to raise further sums. 8. Provided however that if after due advertisements for contracts for the construction of the said bridge or if after entering into the same and during the progress of the works it shall be found that the amount stated in the estimate aforesaid is insufficient the committee may with the sanction in writing of the Superintendent raise such further sum as shall be equal to a moiety of the sum required for the completion of the bridge and works and a certificate of the extra sum required and a copy of the written sanction of the Superintendent thereto attached shall be delivered and kept at the office of the Secretary of the Province.

Monies how to be applied. 9. The money to be raised shall be applied to the purposes aforesaid and no other.

All monies to be paid to Treasurer of Province. 10. All monies hereby authorised to be raised shall be paid in from time to time to the Treasurer of the Province and account thereof shall be kept by him in a separate account to be styled the Wanganui bridge account.

Power to Superintendent to issue debentures. 11. It shall be lawful for the Superintendent to issue debentures under the public seal of the Province for any sum or sums of money not exceeding in the whole the sum authorised to be raised by the committee for the purposes of this Act such debentures to be issued to such persons as shall be shewn

by certificate under the hand of the chairman of the committee to be entitled thereto.

12. The interest on such debentures shall be at and after the Rate of interest on debentures. Rate of Ten pounds for every Hundred pounds by the year.

13. The debentures shall be issued for sums of Twenty-five pounds Fifty pounds and One Hundred pounds each and may be in the form to this Act annexed or to the like effect and to bear interest from the date of issue such interest to be paid half-yearly. Form and amount of debentures.

14. The debentures or such of them as the Superintendent shall think fit shall be paid from time to time and at any time upon three months notice of the intention of the Government to repay the same such notice to be published in the *Government Gazette* and in some newspaper published in the town of Wanganui. Debentures when to be paid.

15. Interest on any debentures shall cease to be payable three months after notice has been given of the intention of the Government to pay off such debentures. Interest on debentures when to cease.

16. When and so soon as the said bridge shall be completed the same together with the toll houses toll gates and other appurtenances to the said bridge and also the property in the tolls shall be vested in the Superintendent. Bridge when completed and property in tolls to be vested in Superintendent.

17. The Superintendent is hereby authorized to levy tolls on the traffic over the said bridge according to the rates following namely: Power to Superintendent to levy tolls and table of ditto.

	s.	d.
For every timber wain drawn by two horses passing over said bridge..	2	0
“ Additional horse		3
“ Four wheeled vehicle without springs drawn by two horses ...	2	0
“ Additional horse		3
“ Four wheeled vehicle with springs	1	6
“ Two wheeled vehicle without springs drawn by one horse	1	0
“ Additional horse		3

	d.
For every two wheeled vehicle with springs	9
“ Saddled or harnessed horse	6
“ Other horse not in harness and head of other great cattle	3
“ Sheep or other small cattle	1

Tolls to be charged impartially.

And every vehicle drawn by an ass mule bull or bullock shall be liable to the same toll as if drawn by a horse and every saddled or harnessed ass mule bull or bullock shall be liable to the same toll as a saddled or harnessed horse Provided that no tolls shall be taken on timber wains or carts repassing without a load on the same day And such tolls shall at all times be charged upon all persons equally and no reduction or advance in such tolls shall either directly or indirectly be made partially or in favour of any particular person.

Exemption from toll.

18. No tolls shall be demanded or taken for any horses or carriages belonging to or under hire to the Government of the Province or the General Government of New Zealand and employed at the time of passing the bridge in Government service respectively or in respect of any horse beast carriage or other vehicle conveying the post office mails nor horses of any of Her Majesty's officers and soldiers on duty and being in proper staff regimental or military uniform or any carriage or horse belonging to Her Majesty or employed in her service when conveying persons baggage arms or ammunition or returning therefrom.

Power to remove collector.

19. The Superintendent may from time to time appoint and remove any collector or other necessary officer to collect the tolls as he may deem fit.

Collector to put up list of tolls.

20. The collector shall put up and continue at the toll gate a table to be printed or painted in distinct and legible black colors and figures with a white ground of all tolls then payable and shall renew such table whenever such letters or figures thereof shall be defaced.

Tolls not to be taken unless table of do. affixed to gate.

21. No tolls shall be taken except during such time as the table so painted or printed as aforesaid shall remain affixed to or at the toll gate.

Collector to

22. The collector shall give security for duly accounting for

and paying over the money received by him satisfactory to the give security. Superintendent.

23. The Superintendent may at any time lease the tolls by Power to Superintendent
public auction for any period not exceeding three years at one perintendent
time at such rent and subject to such condition as he may to lease tolls.
think fit.

24. If any person subject to the payment of the toll hereby In case of per-
authorised to be taken shall after demand neglect or refuse to son refusing to
pay the same the collector may by himself or with such assis- pay toll col-
tance as may be necessary prevent the passage of such person lector how to
his cart horses cattle or sheep until payment of the toll. act.

25. If any person shall resist the collector or other person Penalty for
employed in collecting tolls under the authority of this Act or resisting col-
shall forcibly pass over the said bridge or through the toll gate lector &c
or bars to be erected under the authority of this Act without
having paid the toll or cause any obstruction on the bridge
every such person shall forfeit a sum not exceeding £5.

26. If any person shall wilfully damage or deface the toll Penalty for
gate or bars toll house or any lamp board or furniture attached damage done.
thereto or set up under authority of this Act he shall forfeit a
sum not exceeding Five pounds for every offence and also make
satisfaction for the damage done.

27. It shall be lawful for the collector and the person to Power to col-
whom the tolls may be leased and his collector and all such lector to
persons as he shall call to his assistance to seize and detain any detain un-
person whose name and residence shall not be known to such known per-
collector or lessee of tolls or his collector and who shall commit sons.
any offence against this Act and convey him before some
Justice of the Peace without any other warrant or authority than
this Act and such Justice is hereby empowered and required to
proceed immediately to the hearing and determining of the
complaint.

28. Every toll collector shall place his christian and surname Collectors'
painted on a board in legible characters in front or in some af-
spicuous part of the toll house or toll gate each of the letters name to be af-
of each name being at least two inches in length and of a fixed to toll
breadth in proportion and painted in white letters on a black house or gate.
ground or black letters on a white ground.

Penalties on collector.

29. If any collector shall not place such board as aforesaid and keep the same there during the time he shall be collector or shall demand a greater or less toll from any person than he shall be authorized to do by virtue of this Act or shall refuse or permit or shall in any wise hinder any person from reading the inscriptions on the toll board or shall refuse to tell his name to any person who shall demand the same or shall give a false name or on the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any passenger from passing through the toll gate or make use of any scurrilous language to any passenger or other person then in every such case the toll collector shall forfeit for every such offence any sum not exceeding Ten pounds.

Disputes &c. to be heard in a summary way.

30 All disputes relative to tolls and all questions relative to any damage done to the toll house or gate or furniture may be heard in a summary way by any Justice of the Peace who may award such costs to be paid by either party as to him may seem reasonable.

Tolls how to be applied.

31. The tolls levied on the traffic over the said bridge shall be applied as follows that is to say—

- 1stly. In defraying the expense of collection.
- 2ndly. In repairing and maintaining the bridge and works connected therewith.
- 3rdly. In payment of the interest on the debentures to be issued under authority of this Act.
- 4thly. In discharge of the said debentures from time to time so far as any surplus after payment of the above charges will extend.
- 5thly. In repayment to the public revenue of the Province the sums from time to time to be advanced thereout towards the construction of the bridge with interest on such sums after the rate of £8 per centum per annum from the respective times of the advance thereof.

Remedy in case of amount of tolls not being sufficient to pay interest on debentures.

32 In case no sufficient tolls shall be collected to pay the interest on the said debentures or to repay the principal sums raised thereby or if from any cause tolls shall not or shall cease to be collected such interest shall be payable half-yearly out of the public revenue of the Province and the principal sums shall

be charged upon the public revenue of the Province and be payable at such times and in such manner as may hereafter be determined by Act of the Superintendent and Provincial Council.

33. All acts matters and things which the committee are by any of the provisions of this Act authorised and required to do shall and may be done by any three members of such committee assembled at a meeting duly convened. No. of quorum.

34. The committee shall have power to make such bye-laws for the transaction of the business to be done by them as to them shall seem expedient. Power to committee to make bye laws.

35. If the amount hereby authorised to be raised shall not be so raised and paid by the committee to the Treasurer of the Province before the first day of July 1865 the powers hereby given to the committee shall cease. Power of committee in certain case to cease July 1 1865.

SCHEDULE.

WANGANUI BRIDGE.

PROVINCE OF WELLINGTON.

Debenture for Fifty pounds Sterling.

No.	Wellington	186
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Debenture for Fifty pounds sterling issued under the authority of an Act of the Provincial Council of Wellington in the Islands of New Zealand payable to bearer.

The bearer is entitled on presentation of this debenture to receive interest at the rate of ten per cent. per annum in half-yearly payments on the second Tuesday in the month of January and the second Tuesday in the month of July in each year at the Treasury of the said Province of Wellington.

The sum of Fifty pounds sterling will be paid by the Treasurer of the said Province at any period after three months' previous notice in the *Government Gazette* of the said Province and one newspaper published in the town of Wanganui of the

intention of the Government of the said Province to pay the same on a certain day.

No interest will be payable on the above named sum after the expiration of three months from the day which may be so fixed for the repayment thereof in the said *Gazette*.

Provincial Treasurer.

Superintendent.

CHARLES WILLIAM SCHULTZE.

Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this fifteenth day of May, in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM BEST.

Clerk of Council.

I reserve this Act for the signification of the Governor's pleasure thereon.

I. E. FEATHERSTON,

Superintendent.

Wellington, 26th May, 1863.

WANGANUI CEMETERY.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX, No. 4.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. The management of such to be vested in Trustees their number and date of appointment.</p> <p>2. Trustees eligible for re-election.</p> <p>3. Such election to be gazetted.</p> <p>4. Power to Trustees to accept a grant &c. in trust.</p> <p>5. Trustees to have the like power</p>	<p>&c. as are conferred on Trustees of General Cemetery in Wellington by virtue of Act Session 1 No. 9.</p> <p>6. Penalty for wilfully injuring anything belonging to cemetery.</p> <p>7. Penalty for playing at any games within the cemetery or causing disturbance at a funeral.</p> <p>8. Penalties how to be recovered.</p>
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An ACT to provide for the Management of the General Cemetery at Wanganui. Title.

[Assented to June 2nd, 1862.]

WHEREAS it is expedient to provide for the management of the General Cemetery at Wanganui. Preamble.

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

1. The management of the general cemetery at Wanganui aforesaid and all matters and affairs relating thereto shall be vested in Trustees not less than three nor more than five to be appointed annually by the Superintendent by writing under his hand The first Trustee shall be appointed within one month after the passing of this Act and the succeeding Trustees shall be appointed or re-appointed in the month of January in each year. The management of such to be vested in Trustees their number and date of appointment.

2. The Trustees so appointed as aforesaid shall hold office until the appointment of their successors and all or any Trustees may be re-appointed. Trustees eligible for re-election.

Such election to be gazetted. 3. Every appointment or re-appointment shall be notified by publication in the *Government Gazette*.

Power to Trustees to accept a grant &c. in trust. 4. The Trustees so to be appointed may accept a grant or conveyance to them and their successors of the cemetery aforesaid and the legal estate in the land and all moneys goods chattels and effects whatsoever of or belonging to or connected with the said cemetery shall become vested in the Trustees for the time being immediately upon their appointment and the notice of their appointment in the *Government Gazette* shall be a sufficient evidence of their title.

Trustees to have the like power &c. as are conferred on Trustees of general cemetery in Wellington by virtue of Act Session 1 No. 9. 5. The Trustees of the said cemetery shall have and possess and may exercise all such and the like powers privileges and immunities with reference or in respect to and over the ground cemetery and premises so to be vested in them and all matters relating to or concerning the same as are given to possessed by and vested in the Trustees of the general cemetery in the town of Wellington in the Province of Wellington under or in virtue of the Act of the Provincial Council Session I No. 9 in as full ample and efficient a manner and shall conform to all regulations for the conduct of their proceedings in the same Act prescribed for the Trustees of the cemetery in Wellington as if similar privileges and powers and regulations were set forth in this Act referring to the cemetery at Wanganui.

Penalty for wilfully injuring anything belonging to cemetery. 6. Every person who shall wilfully destroy or injure any building wall or fence belonging to the said cemetery at Wanganui or destroy or injure any plant or tree therein or shall daub or disfigure any wall thereof or put up any bill therein or on any wall thereof or wilfully destroy injure or deface any monument tablet inscription or gravestone within the same cemetery or do any other wilful damage therein shall forfeit a sum not exceeding Five pounds.

Penalty for playing at any games within cemetery or causing disturbance at a funeral. 7. Every person who shall play at any games or sport or discharge firearms save at a military funeral in such cemetery or who shall wilfully and unlawfully disturb any persons assembled therein for the purpose of burying anybody therein or who shall commit any nuisance within such cemetery shall forfeit for such every offence a sum not exceeding Five pounds.

8. All penalties under this Act may be recovered in a summary way. Penalties how to be recovered.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this fourteenth day of May in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on the behalf of the Governor of New Zealand on this second day of June, one thousand eight hundred and sixty-two.

L. E. FEATHERSTON,
Superintendent.

WANGANUI STREETS SEWERAGE AND DRAINAGE.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX, No. 8.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Powers of Board defined.</p> <p>2. Power to Board to pay salaries to chairman and clerk.</p> <p>3. Power to resign.</p> <p>4. Power to voters to elect a chair-</p>		<p>man and chairman's powers defined.</p> <p>5. Maximum of rates.</p> <p>6. Management of land in whom to be vested.</p> <p>7. Board to have same powers as Commissioners under City Reserves Act.</p>
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Title.

An ACT to vest in a Board of Wardens for the management of local public works and matters the management of the streets sewerage and preservation of the health of the inhabitants of the Town of Wanganui.

[Assented to 19th June, 1862.]

Preamble.

WHEREAS by an Act of the Provincial Council Session II No. 17 it was enacted that whenever it should appear to the Superintendent expedient so to do he might by proclamation declare and direct that a Board of Commissioners should be established for the management of the streets the sewerage and drainage and preservation of the health of the inhabitants of any town portion of a town township or populous place within the Province :

And it was also enacted that the entire management of the streets the sewerage and drainage and the preservation of the health of the inhabitants of the town for which any such board should be constituted should be vested in such board And whereas by an Act of the Provincial Council Session III No. 3 it was enacted that the Superintendent might whenever he should deem fit by proclamation declare that a board of wardens for the management of local public works and matters

should be established for any shire district township town or ward that such board should be elected as therein provided and should manage all such local public works and matters as might by law be entrusted to any such board of wardens and might appoint all officers and laborers necessary for carrying into execution any work or affecting any matter which might be entrusted to it.

AND WHEREAS the Superintendent by a proclamation under the public seal of the Province has proclaimed and declared that a board of wardens for the management of the local public works and matters shall be established at and for the town of Wanganui the boundaries of which as laid down in the New Zealand Company's Map are towards the north east and south east the Wanganui River and towards the south south west and north west the town belt :

AND WHEREAS it is expedient that the management of the streets sewers and preservation of the health of the inhabitants of the town of Wanganui should be vested in the board of wardens to be elected under such proclamation :

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

1. The entire management of the streets sewerage and drain- Powers of
age and the preservation of the health of the inhabitants of the board defined,
town of Wanganui shall be vested in the board of wardens to
be established for the management of the local public works and
matters at and for the town of Wanganui and such board of
wardens shall have and possess and may exercise all such and
the same powers and authority as by the said Act Session II
No. 17 are given to and vested in a board of commission elected
as in the same Act directed for the purposes thereof subject to
such amendments as hereinafter mentioned.

2. It shall be lawful for such board of wardens to pay to the Power to
chairman thereof and secretary or clerk to the board such board to pay
salaries respectively as they (the board) may deem fit and such salaries to
salaries shall be paid out of the general streets and sewerage chairman and
rates. clerk.

3. It shall be lawful for any member of such board of Power to re-
wardens to resign. sign.

Power to elect a chairman and chairmans power defined. 4. At all annual meetings after the first annual meeting it shall not be incumbent on the Coroner for the town or district of Wanganui or for any Justice of the Peace to preside thereat but the voters may elect any other person being a voter to be the chairman and such chairman shall do and perform all such things and acts in case a poll for the election of a board of wardens shall be demanded as are by the Act Session III No. 3 required to be done and performed by a Coroner or Justice of the Peace.

Maximum of rates. 5. The general street and sewers rates shall in no case exceed 6d. in the pound for one year.

Management of land in whom to be vested. 6. And whereas by grant dated the third day of June 1861 under the public seal of the colony and the hand of Thomas Gore Browne the then Governor thereof the parcel of land adjoining the town of Wanganui and commonly known as the town belt was granted to the Superintendent upon trust for the purposes of public utility to the town of Wanganui and its inhabitants And whereas it is expedient to make provision for the management of the said piece of land :

BE IT THEREFORE FURTHER ENACTED the management of the said piece of land herein-before mentioned or referred to as the town belt shall be vested in the board of wardens for the town of Wanganui excepting such parts thereof as are already set apart for a Cemetery and Race Course Provided that if no such board be elected within two months from the passing of this Act then it shall be lawful for the Superintendent to appoint three commissioners for the management of the piece of land aforesaid such commissioners to hold office until a board of wardens for the town of Wanganui shall be elected.

Board to have same power as commissioners under City Reserves Act. 7. The board of wardens or Commissioners so elected or appointed shall have the same powers rights and duties in respect to the said land as are given to the commissioners elected under the provisions of the management of City Reserves Act in respect of the town belt of the City of Wellington.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be
in accordance with the Bill
as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twelfth day of June in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this nineteenth day of June one thousand eight hundred and sixty-two.

I. E. FEATHERSTON,

Superintendent.

WANGANUI AND RANGITIKI RACE COURSES.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX, No. 9.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Number of trustees. 2. Trustees how to be elected. 3. Power to trustees to hold land for the purposes of this Act. 4. At meetings of trustees three to be a quorum. 5. Power to trustees to appoint officers. 6. Power to trustees to let or fence land. | <ol style="list-style-type: none"> 7. Power to trustees to charge fees for admission to race courses. 8. Trustees to hold a yearly meeting. 9. Trustees accountable only for their own acts defaults &c. 10. Power to trustees to make regulations for conduct of sports and races. |
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Title. *An ACT to provide for the management of race courses in the Wanganui and Rangitiki Districts.*

[Assented to 19th June, 1862.]

Preamble. **W**HEREAS it is expedient that provision should be made for the management of the pieces of land appropriated or to be appropriated for the Wanganui and Rangitiki race courses.

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

Number of trustees. 1. The management of such public race courses shall be vested in five trustees to be elected as hereinafter provided.

Trustees how to be elected. 2. The first election of such trustees shall take place within two months after the passing of this Act at a public meeting of the electors for the Wanganui and Rangitiki districts to be

called by any two Justices of the Peace on the requisition of three registered electors by advertisement in some paper published in the district provided always such advertisement specifies the time and place of meeting and be published not less than fourteen days prior to the time at which such meeting is intended to be held and the subsequent election for such trustees shall take place on the first Monday in the month of August in every other year at public meetings of the electors aforesaid at such convenient place and time as the chairman of the trustees shall appoint. If there be more candidates proposed than the number to be elected the chairman or some person appointed by him shall call for a show of hands separately in favor 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 or some person appointed by him shall preside at the polling. The voting to commence at nine a.m. and close at four p.m. 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 for the Provincial Council and the chairman shall report in writing to the Superintendent the names of the persons elected to form the trustees and the same shall be published in the *Government Gazette* of the Province. If any trustee shall refuse to act or be absent from the Province four months at any one time or become bankrupt or insolvent debtor within the meaning of any laws relating to insolvent debtors or a public defaulter or be convicted of felony or any infamous crime he shall cease to be a trustee. If at any time a vacancy shall occur by reason of death absence resignation bankruptcy or otherwise the trustees shall signify the same to the Superintendent who shall appoint a fresh election to take place at such time and place as he shall think expedient and such new trustee shall hold office until the next general election. All questions and disputes which may arise concerning the election of any trustees shall be referred to the Superintendent and Executive Council by petition in writing of five or more electors presented within fourteen days after such election or such 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. Provided always that if at any time the electors shall fail to appoint trustees whether at a general or special election it shall be lawful for the Superintendent to ap-

W 28. WANGANUI AND RANGITIKI RACE COURSES.

point five trustees or such number as may be required to be elected who shall have the same powers and be subject to the same regulations as if elected as herein provided. The trustees shall continue in office until the next election of trustees. The trustees shall elect one of their number to be chairman who shall have a substantive and casting vote. Any trustee going out of office may be re-elected.

Power to trustees to hold land for the purposes of this Act.

3. It shall be lawful for such trustees and their successors to accept a conveyance of the lands set apart for such race courses for the purposes set forth in this Act and the legal estate therein shall become vested in such trustees immediately upon their election or appointment and the notice of such their election or appointment in the *Government Gazette* of the said Province shall be a sufficient evidence of their title.

At meetings of trustees three to be a quorum.

4. All acts matters and things which the trustees may do or determine with reference to the said lands under the authority of this Act may be done and determined by any three of such trustees assembled at a meeting whereof due notice shall have been given to or forwarded for all the trustees who shall appoint a chairman of such meeting who shall not only vote as a trustee but in case of equality of votes shall have a casting vote.

Power to trustees to appoint officers.

5. It shall be lawful for such trustees to appoint such officers as they shall deem necessary for the custody and management of the said land and to fix and pay the salary of such officers and all necessary charges for the management and regulation of the said land.

Power to trustees to let or fence land.

6. It shall be lawful for such trustees to let from time to time all or any portion of such land and to fence the same or any part thereof and to do all such acts as they may deem necessary for the management improvement and regulation thereof. Provided that no such letting shall interfere with the purposes for which such land shall have been so set apart.

Power to trustees to charge fees for admission to race courses.

7. The trustees may also settle and receive such fees and payments in respect of admission of persons horses and vehicles into any portion of such land as they may think fit and from time to time receive donations or subscriptions and grants of public money to be laid out on the permanent improvement of the said public race courses or the furtherance of the races to be held thereon as they may think proper.

8. The trustees shall hold a public meeting after due notice in some Wanganui newspaper at least once every year at which a true statement of all receipts and disbursements respecting the said race courses shall be presented in writing. Trustees to hold a yearly meeting.

9. The trustees of such public race courses shall not be answerable or accountable for the other or others of them but each and every of them for his and their own acts receipts neglects or defaults respectively nor for any misfortune loss or damage which may happen in the execution of the aforesaid trusts or in relation thereto except the same shall happen by or through their own wilful fault respectively. Trustees accountable only for their own acts defaults &c.

10. It shall be lawful for the said trustees to make all such regulations as they may think fit for the conduct of all sports and races within the said ground and to expel therefrom all persons wilfully infringing such regulations or otherwise misbehaving. Power to trustees to make regulations for the conduct of sports and races.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

C. B. BORLASE,
Deputy Chairman of Committees.

Passed the Provincial Council this seventeenth day of June in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this nineteenth day of June, one thousand eight hundred and sixty-two.

I. E. FEATHERSTON,
Superintendent.

WELLINGTON TOWN BOARD.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.

SESSION IX, No. 15.

ANALYSIS.

Title.	
Preamble.	26. Appointment of umpires.
1. Six commissioners to be elected.	27. Costs with regard to.
2. Boundaries of City described.	28. Assessors and assessment.
3. City divided into three wards.	29. Notice to be given of assessment.
4. Ward boundaries described.	30. Appeals how to be determined.
5. Qualification of voters.	31. Rates by whom payable.
6. Qualification of commissioners.	32. Rates how to be paid.
7. Superintendent to appoint Returning Officer.	33. Rates on unoccupied property how to be recovered.
8. Elections how to take place.	34. Such property may be sold.
9. Elections when to be held.	35. Monies how to be applied.
10. Rate when to be made.	36. Power to Superintendent to authorise expenditure of monies by board.
11. Polling for rates how to be arranged.	37. Power to Superintendent to pay to board a grant in aid.
12. Rate how to be levied.	38. Monies derived from leases how to be applied.
13. Board to elect a chairman.	39. Mode of transacting board business.
14. Causes for which member of board shall cease to be such.	40. Questions how to be decided.
15. Vacancy how to be supplied.	41. Accounts to be kept.
16. Questions and disputes how to be arranged.	42. Abstract of accounts to be posted.
17. If Voters fail to elect Superintendent to appoint members.	43. Retiring board to hand over to new board all monies &c.
18. Board to have charge of streets roads &c.	44. Legal proceedings by or against board how to be taken.
19. Board to make regulations against fire.	45. Member of board not to receive emolument from board,
20. Board to have power to make drains &c.	46. Exemption from this Act.
21. Board may enter into contracts and employ officers.	47. Payment of rates not to disqualify Justices and others.
22. Collectors to give security.	48. Fines and penalties how to be recovered.
23. Penalty for obstructing roads &c.	49. Certain Acts repealed.
24. Disputes to be referred to arbitration.	50. Act when to come into operation.
25. Power to Justices to appoint arbitrators.	51. Short title. Schedule.

An ACT to provide for the establishment of a Board of Title Works and for making and repairing of roads and streets and others public works in the City of Wellington.

[Assented to June 19, 1862.]

WHEREAS it is expedient to provide for the establishment of a board of commissioners to be called a board of works and for making and repairing of roads and streets and other public works in the city of Wellington : Preamble.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Wellington, with the advice and consent of the Provincial Council as follows —

* 1. That six commissioners shall be elected as hereinafter provided by the electors or ratepayers of the city of Wellington who shall be a board to carry into effect the provisions of this Act and three of whom shall be a quorum. Six commissioners to be elected.

2. The boundaries of the city of Wellington for the purposes of this Act shall be the same as the limits thereof are settled and described in the plan of the town of Wellington Port Nicholson annexed to a certain Crown Grant of the New Zealand Company dated the 27th day of January 1848 under the seal of the colony and under the hand of Sir George Grey the then Governor-in-Chief and which Crown Grant was registered at Wellington on the 19th day of June 1850 No. 204 and also such portions of the harbour of Wellington comprised in a certain Crown Grant thereof dated the 18th day of October 1855. Boundaries of city described.

† 3. The said city for the purposes of this Act shall be divided into three wards viz. Thorndon ward Lambton ward and Te Aro ward. City divided into three wards.

‡ 4. The boundaries of the said wards shall be as follows : Ward boundaries described.

Thorndon ward shall be comprised in the following boundaries north by harbour section No. 1 north east and east by the harbour west and south by the town belt south and south east by the north side of Kumutoto-street and

* Repealed by Act Session X, No. 10.

† Repealed by Act Session X, No. 10.

‡ Repealed by Act Session X, No. 10.

Bolton-street (including town acres 473 and 474) in a line with the north side of Bolton-street to the town belt.

Lambton Ward shall be comprised in the following boundaries north and north west by Thorndon Ward west and south west by the town belt east by the harbour south by a line drawn from the Post Office along the southern boundaries of town acres 507 475 and 457 to the town belt.

Te Aro Ward shall include all the remaining portion of the said city not comprised within the two other Wards.

Qualification
of voters.

5. Every person whose name shall appear in the electoral roll for the time being as entitled to vote in the election of members of the Provincial Council for the City of Wellington shall be qualified to vote in the first election of Commissioners 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 then last rate so levied for the City shall be entitled to vote in each ward in which his property is situate *Provided always* that such person shall have paid all rates for which he shall then be liable such payment if disputed to be proved by the book usually kept by the collector of the rates for the time being.

Qualification
of commis-
sioners.

6. Every person qualified to vote shall be eligible to be elected a commissioner.

Superinten-
dent to ap-
point Return-
ing Officer.

7. The Returning Officer under this Act shall be such person as the Superintendent shall appoint.

Election how
to take place.

8. The first election of commissioners shall take place at noon on the first Monday in September in the year one thousand eight hundred and sixty-two at such convenient place or places in each ward as the Returning Officer shall appoint Each ward shall elect two commissioners If there be more candidates proposed in either ward than the number to be elected the Returning Officer or some person appointed by him 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 Returning Officer or some person appointed by him shall preside at the 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 City of Wellington and the Returning Officer 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.

9. Every subsequent election of Commissioners shall take place on the first Monday in September in every other year at such convenient place or places in each ward as the Returning Officer shall appoint. Elections when to be held.

10. On the third Monday of September in each year and at a convenient place within the City and hour to be fixed by the chairn an of the board who shall also be chairman of the meeting and of which public notice shall be given the voters or ratepayers shall assemble and shall proceed to consider and determine what rate upon the lands and tenements within the limits of the City shall be made and levied for the ensuing year for the purposes of this Act. Rate when to be made.

11. If for the purpose of determining the amount of rate to be made a poll be demanded by three ratepayers the polling shall take place the day following and the chairman of the board shall preside at the polling which shall be conducted in all respects as far as may be applicable as provided by clause 8 for the election of commissicners *Provided always* that the ratepayers shall be entitled to a certain number of votes in proportion to the value of their property assessed under the provisions of this Act according to the schedule of this Act. Polling for rates how to be arranged.

12. The rate 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 Two-pence in the pound *Provided* that if the voters or ratepayers refuse or neglect to make a rate at such meeting as aforesaid it shall be lawful for the commissioners to direct a rate to be made not exceeding One penny in the pound. Rate how to be levied.

Board to elect a chairman.

13. The board shall continue in office until the next election of a board and shall elect one of their number to be chairman who shall have a substantive and casting vote any member going out of office may be re-elected if then qualified.

Causes for which member of board shall cease to be such.

14. 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.

Vacancy how to be supplied.

15. If at any time a vacancy shall occur in any ward by reason of death absence resignation bankruptcy or otherwise the board shall signify the same to the Superintendent who shall appoint a fresh election to take place in such ward at such time and place as he shall think expedient and such new member shall hold office until the next general election.

Questions and disputes how to be arranged.

16. 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 petition in writing of five or more electors presented within fourteen days after such election or such 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.

If voters fail to elect Superintendent to appoint members.

* 17. In case the voters in any ward shall at any meeting called for that purpose fail or neglect to elect two members or to fill up the vacancies therein as the case may be it shall be lawful for the Superintendent to appoint members for such ward or to fill up the vacancies therein from the voters of the district and such members shall have the same powers and authorities as if they had been elected by the voters of the ward.

Board to have charge of streets roads &c.

18. The board shall have charge and control over all the streets roads pathways lanes bridges and thoroughfares and all streams watercourses drains and the like not being private property comprised within the aforesaid boundaries of the City of Wellington and shall have power to make and keep in repair

all streets roads pathways lanes bridges thoroughfares and drains as aforesaid and to execute other works of public utility.

19. The Board shall make all such regulations as may be deemed expedient for the protection of the City against fire and shall exercise all the powers given to the board of wardens for the management of local public works by the Town Protection Act Session 4 No. 19. Board to make regulations against fire.

20. The board shall also have power from time to time to make or cleanse all such drains sewers and watercourses 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.

21. 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 monies 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 may enter into contracts and employ officers.

22. Every collector treasurer or other person appointed to levy or receive the said rate other than the Provincial Treasurer shall give sufficient security to the satisfaction of the board by bond for the faithful execution of the said office and every such collector treasurer or other person shall 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 all 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. Collectors to give security.

Penalty for obstructing roads &c.

23. 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 two Justices 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.

Disputes to be referred to arbitration.

24. 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.

Power to Justices to appoint arbitrators.

25. 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 any two Justices of the Peace shall appoint an arbitrator to act on behalf of the party so refusing or neglecting as aforesaid.

Appointment of umpires.

26. 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 with regard to.

27. 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 award of arbitration under the provisions of this Act may be made a rule of the Supreme Court of New Zealand.

Assessors and assessment.

28. The board may from time to time by warrant under their hands or a y three of them appoint one or more fit person

or persons to be assessor or assessors to assess all such lands houses and tenements within the limits of the city 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 city 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.

29. 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 the newspapers published or generally circulated in the city of such assessment and of the place in the city 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.

Notice to be given of assessment.

30. 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 rateable 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 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 three magistrates and shall also send a similar notice to the clerk of the bench who shall thereupon by advertisement in some newspaper circulated in the city of Wellington 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 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

Appeals how to be determined.

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 the appellant or the board and the determination of the said Court of Appeal shall be final and conclusive.

Rates by
whom pay-
able.

31. 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 rateable 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 city whether the rate is charged to the owner or occupier *Provided always* 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.

Rates how to
be paid.

32. 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 a place to be fixed for that purpose by the board by public notice in the newspapers published or generally circulated in the city and posted up in some conspicuous place in the district not being less than twenty-one days from the time of giving of 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 of the Peace.

Rates on un-
occupied pro-
perty how to
be recovered.

* 33. In case any land or house shall be unoccupied and any part of the amount to be recovered thereupon as aforesaid shall remain unpaid for the space of twelve 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 any two Justices of the Peace upon requisition to be made to them by the board *Provided always* that before any such property shall be sold an additional notice of six calendar months of such sale shall be given in the *Government Gazette* of the Province and in the newspapers published in the said city *and provided* further that a copy of such *Gazette* or one such 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.

† 34. 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. Such property may be sold.

35. All monies levied or received under this Act or from any other source for the improvement of the town shall be paid to the treasurer of the board 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 monies. Monies how to be applied.

36. It shall be lawful for the Superintendent if he shall think fit to commit to the said board the expenditure of any monies appropriated to the construction and maintenance of roads bridges drains or other public works within the limits of the city 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. Power to Superintendent to authorise expenditure of monies by board.

37. It shall be lawful for the Superintendent to pay to the treasurer of the board each year a grant in aid which shall bear as nearly as may be the same equitable proportion to the amount of the yearly rate or assessment so to be collected as aforesaid as the grants in aid given to boards of wardens of road districts for the same year may bear to the amount of rates levied in those districts. Power to Superintendent to pay to board a grant in aid.

* † These clauses are controlled by Act of General Assembly "Sale for non-payment of Rates Act, No. 35, 1862," for which see appendix.

Monies derived from leases how to be applied. 38. All sums of money received from the leases of lands under the provisions of the Act for the management of the city reserves shall be paid to the treasurer of the board and applied under the provisions of this Act for the improvements of the city of Wellington.

Mode of transacting board business. 39. 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 how to be decided. 40. 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. 41. 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 the public auditor of the Province and be published in the *Government Gazette*.

Abstract of accounts to be posted. 42. 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.

Retiring board to hand over to new board all monies &c. 43 All moneys found by the auditor to be due from any retiring board together with all such books of accounts vouchers and papers shall be forthwith paid and delivered over to the board for the time being.

44. 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 money 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.

Legal proceedings by or against board how to be taken.

45. No member of the board shall during the continuance of his office take any contract under or receive any salary from or hold any paid office in the gift of such board.

Members of board not to receive emolument from board.

* 46. Nothing in this Act shall extend to any lands houses or buildings belonging to the Crown or the Provincial Government or such as are reserved for public purposes or are set apart for public worship or are buildings used as public schools or as libraries and museums or any lands belonging to or reserved for the benefit of any aboriginal natives which shall be occupied or unoccupied by natives.

Exemption from 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.

Payment of rates not to disqualify Justices and others.

48. All fines forfeitures and penalties to be had and received under this Act shall be recovered in a summary way before the Resident Magistrate or any two Justices of the Peace.

Fines and penalties how to be recovered.

49. So much of all Acts of the Provincial Council of Wellington now in force relating to the said city of Wellington as are inconsistent with or contrary to the provisions or would prevent or interfere with the operation of this Act shall be and the same are hereby repealed.

Certain Acts repealed.

* Repealed by Act Session X, No. 10.

Act when to come into operation. 50. This Act shall not come into operation until the same shall be proclaimed by the Superintendent of the Province at the request by memorial of a majority of the electors of the city of Wellington.

Short title. 51. The short title of this Act shall be the "Wellington Town Board Act."

Schedule.

SCHEDULE.

Under £1000.....	1 Vote.
Above £1000 and under £2000	2 Votes.
Above £2000 and under £4000	3 Votes.
Above £4000	4 Votes.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this tenth day of June, in the year of our Lord one thousand eight hundred and sixty-two.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this nineteenth day of June, one thousand eight hundred and sixty-two.

ISAAC EARL FEATHERSTON,
Superintendent.

WELLINGTON TOWN BOARD.

ANNO VICESIMO SEXTO VICTORIÆ REGINÆ.

SESSION X, No. 10.

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Wellington Town Board Act called into operation.</p> <p>2. Clause 1 of recited Act repealed.
Nine Commissioners to be elected five to be a quorum.</p> <p>3. Clauses 3 and 4 of recited Act repealed.
Division of city into wards.</p> <p>4. Election of Commissioners when and where to take place.</p> | <p>5. Clause 17 of recited Act repealed.
If voters fail to elect three members Superintendent may appoint such members.</p> <p>6. Clause 46 of recited Act repealed.
Reservation of certain properties from action of Wellington Town Board Act</p> <p>7. Provisions of Wellington Town Board Act to be subject to Act of General Assembly.</p> <p>8. Short title.</p> |
|--|--|

An ACT to bring into operation the "Wellington Town Board Act." Title.

[Assented to 26th May, 1863.]

WHEREAS an Act was passed by the Provincial Council Session IX for the purpose of providing for the establishment of a board of commissioners to be called a board of public works and for making and repairing roads and streets and other public works in the city of Wellington the short title whereof was declared to be the "Wellington Town Board Act" And whereas it was thereby enacted among other things that the said Act should not come into operation until the same should be proclaimed by the Superintendent of the Province at the request by memorial of a majority of the electors of the city of Wellington And whereas it is expedient that the said Act should be immediately brought into operation :

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

Wellington Town Board Act called into operation. 1. The said Act called the "Wellington Town Board Act" shall come into operation immediately after the passing of this Act.

Clause 1 of recited Act repealed. 2. Clause 1 of the said recited Act is hereby repealed and the following substituted :

Nine commissioners to be elected five to be a quorum. That nine commissioners shall be elected as in the said Act provided by the electors or ratepayers of the city of Wellington who shall be a board to carry into effect the provisions of the said Act five (5) of whom shall be a quorum.

Clauses 3 and 4 of recited Act repealed. 3. Clauses 3 and 4 of the said Act are hereby repealed and the following substituted :

Division of city into wards. The said city for the purposes of the said Act shall be divided into three wards viz. Thorndon Ward Lambton Ward and Te Aro Ward.

The boundaries of the Wards shall be as follows :

Thorndon Ward shall be comprised in the following boundaries north by harbour section No. 1 north-east and east by the harbour west and south by the town belt south and south-east by the north side of Kumutoto-street and Bolt-street (including town acres 473 and 474) in a line with the north side of Bolton-street to the town belt.

Lambton Ward shall be comprised in the following boundaries north and north-west by Thorndon Ward west and south-west by the town belt east by the harbour south by a line drawn from the south-east corner of the town acre 507 along the southern boundary of the said acre and of town acres 475 and 451 to the town belt.

Te Aro Ward shall include all the remaining portion of the said city not comprised within the two other wards.

Election of commissioners when and where to take place. 4. The first election of commissioners to form the board for the purposes of the said Act shall take place at noon on the first Monday of September in the year 1863 at such convenient place or places in each ward as the Returning Officer shall appoint and each ward shall elect three commissioners.

5. Clause 17 of the said Act is hereby repealed and the following substituted : Clause 17 of recited Act repealed.

In case the voters in any ward shall at any meeting called for that purpose fail or neglect to elect three members or to fill up the vacancies therein as the case may be it shall be lawful for the Superintendent to appoint members for such ward or to fill up the vacancies therein from the voters of the district and such members shall have the same powers and authorities as if they had been elected by the voters of the ward. If voters fail to elect three members Superintendent may appoint such members

6. Clause 46 is hereby repealed and the following substituted : Clause 46 of recited Act repealed.

Nothing in the said Wellington Town Board Act shall extend to any lands houses or buildings belonging to the Crown or Provincial Government or granted to the Superintendent by grant dated the 18th of October 1855 by Thomas Gore Browne the then Governor of the colony so long as any such land or any part thereof shall remain undisposed of or such as are reserved for public purposes or are places set apart for public worship or are buildings used as public schools or as libraries and museums or any lands belonging to or reserved for the benefit of any aboriginal natives which shall be occupied or unoccupied by natives. Reservation of certain properties from action of Wellington Town Board Act.

7. The provisions in the said Act contained for the sale of land on nonpayment or rates thereby authorised to be levied shall be subject to the provisions of the Act of the General Assembly called "The sale for Non-payment of Rates Act 1862." Provisions of Wellington Town Board Act to be subject to Act of General Assembly.

8. This Act may be referred to as the "Wellington Town Board Act Amendment Act 1863." Short Title.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

W 46.

WELLINGTON TOWN BOARD.

Passed the Provincial Council this twenty-sixth day of May, in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this twenty-sixth day of May, one thousand eight hundred and sixty-three.

I. E. FEATHERSTON,

Superintendent.

WHARF.

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

SESSION VIII, No. 1.

ANALYSIS.

Title.		and appoint officers &c.
Preamble.		4. Superintendent to frame bye-laws.
1. Superintendent authorised to construct wharf.		5. Bye-laws to be painted on a board at approach to wharf.
2. Power to raise money by mortgage.	by	6. Power to let tolls by auction or otherwise.
3. Superintendent to make rules		

An ACT to authorise the Superintendent to cause a wharf to be erected in the harbour of Port Nicholson. Title.

[Assented to May 29, 1861.]

WHEREAS a wharf convenient for the embarkation and disembarkation of passengers and the loading and discharging of merchandise into and from vessels of large size in the harbour of Port Nicholson would be of great advantage to the Province generally : Preamble.

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

1. The Superintendent is hereby authorised with the advice of his Executive Council out of any funds to be appropriated for that purpose by the Provincial Council or out of the proceeds from the sale of any lands vested in him by grant from the Government under the Public Reserves Act 1854 or out of any money which may be raised on the security of such lands or any of them or any part of them to cause to be erected within the harbour of Port Nicholson at such place as to him and his Executive Council may appear best adapted for the purpose a wharf fitted for the embarkation and disembarkation of passengers and the loading and discharging of merchandise into and from vessels of large size and all such buildings sheds Superintendent authorised to construct wharf.

means and appurtenances as may be necessary for the full and effectual working of such a wharf in every respect and to arrange either by contract or otherwise for lighting the said wharf and buildings in such manner as may be expedient.

Power to raise money by mortgage.

2. In case no provision shall be made in the present session of the Council for supplying the funds out of the general revenue of the Province for the erection of such a wharf and appurtenances as aforesaid the Superintendent is hereby authorised to raise such funds by mortgaging a sufficient portion of any land so as aforesaid vested in him by the Governor under the Public Reserves Act 1854.

Superintendent to make rules and appoint officers &c.

3. It shall be lawful for the Superintendent with such advice as aforesaid to appoint all such officers and labourers as may be necessary and to make all such rules and regulations as may be expedient for managing and protecting the same wharf and appurtenances the levying and 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 officers and labourers to remove and replace and such rules and regulations to alter and vary.

Superintendent to frame bye-laws.

4. It shall be lawful for the Superintendent with such advice as aforesaid by bye-laws for the regulation of such wharf to impose such reasonable penalties as he shall think fit not exceeding Twenty pounds for each breach of such bye-law provided that every such bye-law shall be so framed as shall allow the Justices before whom any penalty imposed thereby shall be sought to be recovered to order the whole or part only of such penalty to be paid.

Bye-laws to be painted on board at approach to wharf.

5. All bye-laws affecting the public generally and imposing a penalty for breach thereof shall be painted or printed in legible characters and posted in a conspicuous place at the approach to such wharf.

Power to let tolls by auction or otherwise.

6. The Superintendent with such advice as aforesaid may from time to time lease the said wharf and tolls to be taken thereat by public auction for any term not exceeding twelve months at one time and at such rent and on such conditions as he may think fit.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,

Chairman of Committees.

Passed the Provincial Council this twenty-fourth day of May, in the year of our Lord one thousand eight hundred and sixty-one.

WILLIAM BEST,

Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this twenty-ninth day of May, one thousand eight hundred and sixty-one.

I. E. FEATHERSTON,

Superintendent.





APPENDIX.



ACT OF GENERAL ASSEMBLY. I.

SALE FOR NON-PAYMENT OF RATES.

ANNO VICESIMO SEXTO VICTORIE REGINÆ.

No. 35.

ANALYSIS.

- | | | | |
|---|--|---|--|
| Title. | \| | 4. Land may be sold under the direction of the Supreme Court. | |
| Preamble. | | | |
| 1. Short Title. | \| | 5. Notice of Sale to be Gazetted | |
| 2. No land to be sold for Non-payment of Rates except under this Act. | | | 6. Conveyance may be made by Registrar of Court. |
| 3. Arrears of rates may be Registered by way of equitable charge. |  |  |  | 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 Preamble. enabling Land to be sold for non-payment of rates in certain cases.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows .

1. The Short Title of this Act shall be "The Sale for Short Title. Non-payment of Rates Act, 1862."

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 assess- No land to be sold for Non-payment of

Rates except
under this
Act.

ments 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 equit-
able 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 thereof 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 monies.

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

Memorial of Satisfaction may be registered.

IV. SALE FOR NON-PAYMENT OF RATES.

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.

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

SALE FOR NON-PAYMENT OF RATES:

v.

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.

NEW ZEALAND LAND REGULATIONS.

PROCLAMATION.

By His Excellency SIR GEORGE GREY, a Knight Commander of the most Honorable Order of the Bath, Governor-in-Chief, and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same, &c., &c., &c.

WHEREAS, by an Act of Parliament, 15 and 16 Vict., cap. lxxii., intituled "An Act to grant a Representative Constitution to the Colony of New Zealand," power is given to Her Majesty, subject to certain provisions therein contained, to regulate the Sale, Disposal, and Occupation of the Waste Lands in New Zealand: And Her Majesty is further enabled, by Instructions signified through one of Her Majesty's Principal Secretaries of State, to delegate to the Governor of New Zealand any of the powers thereinbefore given to Her Majesty with respect to the said Regulation of the Sale, Letting, Disposal, and Occupation of such Waste Lands as aforesaid:

And where~~as~~ such power has been delegated to the Governor by Instructions received through Her Majesty's Principal Secretary of State for the Colonies:

Now, therefore, I, the Governor of New Zealand, do hereby make and establish the following Regulations for the Sale and Disposal of the Waste Lands of the Crown in New Zealand:

—
ANALYSIS.

SECTION I.—TOWN AND SUBURBAN ALLOTMENTS.

1. Town and Suburban Lands to be sold by Auction.
2. Regulations not to prevent sales of allotments now open for purchase.

SECTION II.—LANDS WITHIN THE LIMITS OF HUNDREDS.

3. Lands inside Hundreds to be sold by Auction unless in Hundreds exempted from this rule.
4. In which case the regulations of next section to apply to exempted lands.
5. Preceding rules not to prevent sales of land now open for purchase.
6. Right of Pasturage in Hundreds confined to occupants under Grants, &c.

SECTION III.—PROCLAIMED LANDS OUTSIDE HUNDREDS.

7. Rural Lands outside Hundreds to be sold at fixed price of 10s. per acre.
8. But where land is so unavailable that the Commissioner shall certify it is not worth 10s. per acre, lands so certified shall be surveyed and put up to auction at 5s. per acre.
9. Mineral sections, or other sections for which there may be several competitors, may at any time be put up to auction.
10. Rural allotments to be generally of a rectangular form, and extend at least forty chains in depth from roads, rivers, &c.
11. But in any cultivated localities allotments of irregular shape and small extent may be laid out.
12. In districts where the lines of road are not laid out, a right of road reserved, and allowance made in land from three to five per cent.

VIII. NEW ZEALAND LAND REGULATIONS.

13. Right of pre-emption of homesteads granted to run-holders at a fixed price of either 10s. or 5s. per acre; the runholder, however, may be called upon to exercise this right.
14. Lands applied for which form part of a sufficiently stocked run will, provided they be certified as unavailable for agriculture, be put up to auction at 5s. per acre after three months' notice of sale shall have been given to the runholder.

SECTION IV. UNPROCLAIMED LANDS.

15. Applicants for lands in unproclaimed districts to make their own surveys if a Government Surveyor cannot be sent.
16. In which case an allowance of five acres per cent. will be made.
17. If such land be sold at Auction, and the original applicant be outbid, the original applicant will be repaid, as the cost of such survey, a sum not exceeding one shilling per acre.
18. Allotments in unproclaimed districts not to be less than eighty acres in extent.
19. Certain rules for lands in proclaimed districts to be also applicable in unproclaimed.

SECTION V.—SALES BY AUCTION.

20. Lands sold by Auction to be first surveyed and marked on plans.
21. Public notice of sale to be given not more than three months nor less than one month.
22. Lands put up to Auction, and not sold, may be purchased at the upset price within three years, unless again put up to Auction.
23. Ten per cent. of the purchase money to be deposited at the sale, and the remainder paid within one month, or deposit forfeited.
24. Lands on which such deposit shall have been so forfeited may be purchased within three years at the

price bid for them, deducting any deposit paid, unless again put up to Auction.

SECTION VI.—GOVERNMENT SCRIP.

25. Scrip to be taken as cash in the purchase of Town and Suburban lots.
26. Value at which scrip shall be received in the purchase of rural land of various denominations.
27. Scrip not available in the purchase of Crown land in certain localities.

SECTION VII.—MILITARY SETTLERS.

28. Military and Naval Officers to be entitled throughout Crown Lands in New Zealand to privileges of Regulations of May, 1851 but the remission money subject to Regulations 25 and 26 as to scrip.

SECTION VIII.—APPROPRIATION OF THE LAND FUND.

29. After defraying the charges created by Parliament, the land Fund to be applied to Public Works and Immigration until otherwise directed by General Assembly or Provincial Legislatures.

SECTION IX.—FEES ON CROWN GRANTS.

30. The fees on the issue of any Crown Grant to be 20s. only.

SECTION X.—COMMENCEMENT OF REGULATIONS.

31. Regulations to come into force, except as regards Lands reserved to the Canterbury and Otago Associations, fifteen days after the receipt in each Province of a copy thereof by the proper officer.
32. Proclamation to take effect from date.

SECTION I.—TOWN ALLOTMENT AND SUBURBAN ALLOTMENTS.

1.—*Town and Suburban Lands to be sold by Auction.*

All lands reserved as Town and Suburban allotments

will be sold by Auction according to the Regulations hereinafter prescribed for Auction sales, and at such prices as may be fixed by Government in the Public Notice or Proclamation in which the intended sale of such allotments is notified.

2.—*Regulations not to prevent sales of Land already open for purchase.*

The foregoing rule will not prevent the sale of such Town and Suburban allotments as are now open for purchase under former Regulations.

SECTION II.—LANDS WITHIN THE LIMITS OF HUNDREDS.

3.—*Lands inside Hundreds to be sold by Auction, unless in Hundreds exempted from this rule.*

Lands within the limits of Hundreds (except in those Hundreds which may, upon petition of the inhabitants thereof or otherwise, be declared as not falling within this rule), will be sold by Auction, in accordance with the Regulations hereinafter prescribed for Auction sales, and at such prices and in allotments of such extent as may be fixed by Government in the public Notice or Proclamation in which the intended sale of such lands is notified.

4.—*In which case the Regulations of the next section to apply to such exempted lands.*

In those Hundreds or parts of Hundreds which may be declared not to fall within the preceding rule, all the regulations contained in the next section, relating to "Proclaimed Lands Outside Hundreds," shall apply to the lands so exempted.

5.—*Preceding rules not to prevent sale of Lands within Hundreds already offered for sale.*

The preceding rules will not prevent the sale of such lands within Hundreds as are now open for purchase under former regulations.

6.—*Right of Pasturage in Hundreds is confined to occupants of land under Grant from the Crown, &c.*

The right of pasturage on Waste Lands of the Crown within any Hundred is enjoyed exclusively by occupants of land held under Grant from the Crown, Pensioners enrolled for service in New Zealand, or persons of the native or half-caste races, occupying land within the Hundred with the permission of Government.

SEC. III.—PROCLAIMED LANDS OUTSIDE HUNDREDS.

7.—*Rural Lands outside Hundreds to be sold at the fixed price of 10s. per acre.*

In districts outside Hundreds which may be proclaimed or notified as open for sale, the intending purchaser must pay to the Commissioner of Crown Lands (or other officer appointed in that behalf) in cash or scrip, the price of any section or sections of land (generally not to be less than forty acres in extent) which he may desire to select: the price for all lands so selected being at the rate of Ten shillings per acre. A surveyor will then be sent who will lay off the section or sections which may have been chosen and will put the purchaser in possession of the same.

8.—*But where Land is so unavailable that the Commissioner shall certify it is not worth 10s. per acre, Lands so certified shall be surveyed and put up to Auction at 5s. per acre.*

In Districts beyond the limits of Hundreds which may be proclaimed or notified as open for sale, and which may appear to be from their hilly and broken character or otherwise, so unavailable for agricultural purposes, that the Commissioner of Crown Lands shall, upon the application of an intending purchaser, certify to the Government that the lands applied for (or any parts thereof as the case may be) are not worth ten shillings per acre, the applicant must state the number of acres so certified as not being worth ten shillings per acre which he desires to purchase; and deposit with the Commissioner (or other officer appointed in that behalf) ten per cent. of the upset price next mentioned, in cash or scrip. Such lands will then be laid off by

the Surveyor in rectangular blocks of not less than 80 acres nor more than 640 acres in extent each, and these blocks will be offered for sale at auction at an upset price of Five shillings per acre, according to the Regulations hereinafter prescribed for conducting auction sales. If some other person than the original applicant become the purchaser of such lands, then the deposit of cash or scrip made by such original applicant will be returned to him; but if no other purchaser comes forward and the original applicant does not complete the purchase himself the deposit of ten per cent will be forfeited.

9.—*Mineral sections, or other sections for which there may be several competitors, may at any time be put up to Auction.*

Nothing contained in the foregoing Regulations shall be construed to prevent the Government from offering any Mineral section for sale by auction, if it should be found to possess peculiar value, or any Rural section, if from the amount of population in the vicinity thereof, there may be several competitors who may appear to have equal claims to it.

10.—*Rural allotments to be generally of a rectangular form, and extend at least forty chains in depth from roads, rivers, &c.*

Every allotment of rural land must, so far as circumstances and the natural features of the country will admit, be selected of a rectangular form, and, where fronting upon a river, road, lake, or coast, be of a depth from the front of at least half a mile. No such allotment must be selected so as to monopolise the wood or water in any particular locality.

11.—*But in any cultivated localities allotments of irregular shape and small extent may be laid out.*

But in those neighborhoods where there may be a considerable extent of cultivated land, and persons may desire to complete their properties by the purchase of adjoining lands in blocks of irregular shape and small extent, the Government will afford every proper facility for their doing

so. And in such localities small blocks of land will be laid out, in as far as possible to meet the views of intending purchasers.

12.—*In Districts where the lines of road are not laid out, a right of road reserved and allowance made in land from three to five per cent.*

Where lands shall be purchased in Districts in which all future lines of road have not been determined and laid out, a right of road will be reserved in the grant, an allowance being made to the purchaser for such reserve according to the annexed scale:—

Purchasers of 500 acres or less will receive an allowance of	5 acres per cent.
Purchasers between 500 and 1000 acres	4 “ “
Purchasers of more than 1000 acres	3 “ “

13.—*Right of pre-emption of homesteads granted to runholders at a fixed price of either 10s. or 5s. per acre; the runholder, however, may be called upon to exercise this right.*

No person will be allowed to purchase the Homestead of any occupant of a run held with the permission of Government, until the offer of purchasing such homestead shall have been made to the occupant of the run at the price of either Ten Shillings per acre, or Five Shillings per acre according to the quality of the land, as the same shall be certified by the Commissioner of Crown Lands. The occupant of the run will in such case be allowed to exercise the right of purchasing his homestead at such fixed price over an extent of land varying from ten to eighty acres, at his discretion. But the Government reserves to itself the power of requiring the occupant to exercise this right at any time after one month's notice, although no person should have applied to purchase the land.

14.—*Lands applied for, which form part of a sufficiently stocked run, will, provided they be certified as unavailable for agriculture, be put up to auction at 5s. per acre, after three months notice of sale shall have been given to the runholder.*

If any intending purchaser, other than the holder of the run, shall apply to the Commissioner to purchase land forming a run or portion of a run which is with the sanction of Government in the bonâ fide possession of such holder; which shall in the opinion of such Commissioner be sufficiently stocked; and which upon the application of the holder of the run to such Commissioner, shall be certified by him to be, from its hilly and broken character, or from some other cause, unavailable for agricultural purposes; such run or portion of a run shall in that case be disposed of by public auction at the upset price of five shillings per acre, and in accordance with the regulations hereinafter prescribed for auction sales; but such sale shall not take place until after three months' notice of the application to the Commissioner to purchase such land has been left at some station on the run.

SEC. IV.—UNPROCLAIMED LANDS.

15.—*Applicants for lands in unproclaimed districts to make their own surveys if a Government Surveyor cannot be sent.*

Any person desirous of purchasing Crown Lands in districts not proclaimed or notified as about to be surveyed for sale, must, after selecting the locality and determining the number of acres he desires to purchase, give notice thereof to the Commissioner of Crown Lands; when he will be required, if the Government has no surveyor available for that purpose, to have such lands surveyed at his own expense by a surveyor authorised by Government in that behalf, whose survey must be duly approved before the applicant is allowed to complete the purchase.

16.—*In which case an allowance of five acres per cent will be made*

In such case an allowance of land will be made to the applicant at the rate of five acres for every hundred acres so surveyed.

17.—*If such land be sold at auction and the original applicant be outbid, the original applicant will be repaid, as the cost of such survey, a sum not exceeding one shilling per acre.*

If the land so surveyed should fall under the regulations for land to be sold by auction, and the original applicant should not become the purchaser thereof, then the purchaser of the land, in addition to the amount he bid for the same, will be required to pay to the original applicant as the cost of surveying such land, such amount, not exceeding one shilling per acre, as may be assessed by the Commissioner of Crown Lands, after taking such evidence respecting the cost of the survey as he may consider necessary.

18.—*Allotments in unproclaimed districts not to be less than eighty acres in extent.*

No allotment of less than eighty acres in extent will be disposed of in any unproclaimed district.

19.—*Certain rules for lands in proclaimed districts to be also applicable in unproclaimed.*

The rules in regard to proclaimed lands which relate to the prices of various kinds of land ; to their sale at fixed price or by auction : to the shape of allotments ; to the reservations for roads ; to the right of preemption of homesteads on runs ; and to the notice to be given to occupants of runs before land is sold by auction ; will equally apply to lands in unproclaimed districts. But where the applicant makes the survey at his own cost the deposit of ten per cent. referred to in Rule 8 will not be required.

SEC. V.—SALES BY AUCTION.

20.—*Lands sold by auction to be first surveyed and marked on plans.*

No lands shall be included in a Proclamation or notice as about to be sold by auction, unless the same shall have been previously surveyed, and have been distinguished by an appropriate mark upon a chart exhibited in the office of the Commissioner of Crown Lands.

21.—*Public notice of sale to be given, not more than three months nor less than one.*

Notice of the time and place at which any intended auction shall be held, as also of the allotments of land which will be then offered for sale, shall be given by Proclamation or public notice, not more than three months nor less than one month before the same shall take place.

22.—*Lands put up to auction and not sold may be purchased at the upset price within three years unless again put up to auction.*

It shall be competent to any person within three years next after any auction, to become without any further auction the purchaser of any lands so put up for sale as aforesaid and not then sold, by offering and paying for the same the upset price at which the same may have been put up for sale. Provided always that it shall be competent to the Government instead of permitting such lands to be purchased as aforesaid, to cause the same to be again put up to auction, giving such notice thereof as is hereinbefore provided.

23.—*Ten per cent of the purchase money to be deposited at the sale and the remainder paid within one month, or deposit forfeited.*

Immediate payment in cash of one-tenth of the purchase money shall be the condition of any such sale by auction and the remaining nine-tenths of the purchase money must be paid by the purchaser within one calendar month next after the time of such sale by auction, or the one-tenth of the purchase money which has been deposited will be forfeited, and the original contract for the sale of the land will thenceforward be null and void.

24.—*Lands on which such deposit shall have been so forfeited may be purchased within three years at the price bid for them, deducting any deposit paid, unless again put up to Auction.*

In the case of lands thus forfeited by the non-completion of the contract for their purchase, it shall be competent for any person within the next three years after the auction at which the bidding for such lands was made, to

purchase such lands for the amount that was bid for them, after deducting the amount of any deposit that shall have been paid thereon. But this regulation will not prevent the Government from causing the same lands to be put up to auction again if it shall appear necessary to do so.

SEC. VI.—GOVERNMENT SCRIP.

25.—*Scrup to be taken as cash in the purchase of town and suburban lots.*

The Scrip to be issued in satisfaction of claims under land orders of the New Zealand Company shall be taken in payment for town and suburban land at the nominal value of such Scrip in pounds sterling.

26.—*Value at which Scrip shall be received in the purchase of rural lands of various denominations.*

In the purchase of rural land the Scrip shall be taken at such a value that one pound in Scrip shall represent the upset price or fixed price as the case may be, of one acre of rural land at the date when the Scrip may be tendered at the Treasury; and for the protection of the Scrip holders this rule shall equally prevail if the general price of country land throughout the colony shall at any time be raised: Provided always that in the purchase of all rural lands within the limits of Hundreds, and of such rural lands outside the limits of Hundreds as may be put up to auction or sold at a fixed price under clauses 9 and 11 of these Regulations, one pound in Scrip shall represent its nominal value of one pound sterling, except where such fixed or upset price is lower than £1 per acre, in which case it shall represent such lower price only.

27.—*Scrup not available in the purchase of Crown Land in certain localities.*

The Scrip will not be available in the purchase of Crown Land within the limits of any Hundred which shall have been proclaimed before the 2nd day of August, 1851, nor within the Town site of New Plymouth.

SEC. VII.—MILITARY SETTLERS.

28.—*Military and Naval Officers to be entitled throughout Crown Lands in New Zealand to privileges of Regulations of May 1851: but the remission money subject to Regulations 25 and 26 as to Scrip.*

Military and Naval Officers will be allowed in all parts of New Zealand where there are Waste Lands of the Crown, the privileges accorded to them by the Regulations of May 1851. But the remission money given to them in the terms of those regulations will be subject to the rules 25 and 26 hereinbefore prescribed relative to Government Scrip.

SEC. VIII.—APPROPRIATION OF THE LAND FUND.

29.—*After defraying the charges created by Parliament, &c., the Land Fund to be applied to Public Works and Immigration, until otherwise directed by General Assembly or Provincial Legislatures.*

After the charges made upon the Land Fund by the Act of Parliament 15 and 16 Vict., cap. 72, have been defrayed in the manner prescribed by law, the remaining portion of the Land Fund will, until the General Assembly or the Provincial Legislatures may otherwise direct, be devoted to roads and public works, or to bringing out to New Zealand the friends and relatives of those persons who may undertake to defray, within twelve months after the arrival in the Colony of the immigrants so brought out, one-half of the cost of their passage to this country, according to the following scale, namely:—

For Adults	£16	0	0	per head.
Children between 7 and 14 years old	10	10	0	“
Children between 1 and 7 years of age	6	0	0	“

In districts where a Land Fund may not have been created by the sale of land, the Government will receive applications from persons desirous of having their rela-

tions or friends sent out, and willing to enter into an agreement, guaranteed by some responsible person, for the repayment of the passage money within twelve months after their arrival in the Colony.

SEC. IX.—FEES ON CROWN GRANTS.

30.—*The Fees on the issue of any Crown Grant to be 20s. only.*

By the Local Ordinance, Session VII., No. XI., it is enacted that, before the delivery of any Crown Grant, the sum of Twenty shillings shall be paid by the person duly authorised to receive such Grant; and no other fees for or in respect of the preparation of any such Grant shall be payable thereon.

SEC. X.—COMMENCEMENT OF REGULATIONS.

31.—*Regulations to come into force, except as regards lands reserved to the Canterbury and Otago Associations, fifteen days after the receipt in each Province of a copy thereof by the proper Officer.*

These Regulations shall come into force in relation to all Demesne Lands of the Crown in New Zealand which are not reserved to the Canterbury Association or Otago Association, in the several provinces, Fifteen days after the receipt of a copy hereof in each Province by the Surveyor-General, Commissioner of Crown Lands, or Resident Magistrate; who shall by public notice make known to the inhabitants of the Province the day upon which he may receive such copy.

32.—*Proclamation to take effect from date.*

This Proclamation shall take effect from the day of the date hereof.

Given under my hand, and issued under the Public Seal of the Islands of New Zealand, at Government House, at Wellington, the Pro-

XX.

NEW ZEALAND LAND REGULATIONS.

(L.S.) vince of Wellington, in the Islands aforesaid,
this Fourth day of March, in the year of our
Lord one thousand eight hundred and fifty-
three.

G. GREY,

Governor-in-Chief.

By His Excellency's command,

ALFRED DOMETT,

Civil Secretary.

GOD SAVE THE QUEEN.

ADDITIONAL LAND REGULATIONS.

For the Amendment and Extension of the Regulations of 4th March, 1853, as adopted by the Council, for the Province of Wellington, on Thursday, February the 15th, 1855.

GENERAL.

1. The Superintendent shall from time to time, by proclamation in the *Government Gazette*, notify all new districts which shall be open to general purchase, with the boundaries and contents thereof, as nearly as the same can be ascertained.

RESERVES.

2. All reserves for the sites of townships, or town and suburban land, for the sites of agricultural and small farm settlements, or for any other purpose of public advantage, safety, convenience, health, or enjoyment, shall be determined by the Superintendent, who shall notify the same by Proclamation, wherein the objects shall be specified for which every reserve may be made.

3. In every district, ample reserves for the sites of agricultural and small farm settlements shall be made before the lands in such districts shall be thrown open to general purchase.

4. Whenever any Association shall be formed for promoting the settlement and occupation of any reserve set apart for the site of small farms, and shall propose to the Superintendent a plan containing special rules for encouraging such settlement and occupation, it shall be lawful for the Superintendent, on being satisfied of the probable ability of such Association, to effect the speedy settlement of such reserve, by Proclamation, to vest the ad-

ministration of the land within such reserve, according to such special rules in Commissioners appointed by such Association, for a period not exceeding three years: Provided always that the land shall be sold by such Association at the fixed price of ten shillings per acre, payable in cash to the Commissioner from time to time, immediately on the sale of every allotment.

5. Whenever any reserve shall have been so made for the site of a small farm settlement, a block of the adjacent land, as nearly as may be in extent one-third of the reserve, shall by Proclamation be annexed to the reserve, as common land, upon which, as well as upon all unsold lands within the reserve, every resident occupier of land in the reserve shall have a right of pasturage for a period of three years from the date of such Proclamation, the proportionate commonage of each occupier to be fixed by the Association; and during such term none of the said common land so annexed outside the reserve block shall be sold, nor any license for a run issued therein. At the expiration of such term, it shall be lawful for the Superintendent either to renew the same for a further period of three years, or to open the land for sale after public notice thereof for not less than three months.

6. In every block which shall be set apart for the site of a township, or agricultural or small farm settlement, a reserve shall be made of bush land not less than one twentieth of the whole extent of bush land within the limits of such block; or if there be no bush land thereon, then a sufficient reserve shall be made from the bush land outside such block, and most convenient thereto; the timber in which reserve shall be exclusively used in common by the resident occupiers of the land in the block for consumption thereon, but not for sale to any persons not occupiers; and any other persons felling or removing timber from such reserve shall be proceeded against as is by law provided in respect to trespassers on Crown land.

7. It shall be the duty of the Superintendent to make in every district a reserve not exceeding one-thirtieth part of the public lands for the purposes of education; such lands to be vested in a Board of Commissioners for educational

purposes, and the proceeds thereof, as sold, to be applied to such special educational objects as may be prescribed by Acts of the Provincial Legislature.

8. It shall be the duty of the Superintendent to make reserves where the public advantages may require it, along the banks of navigable rivers, or along an available coast line, or otherwise, so as to prevent the undue monopoly of timber, or of road or water frontage.

9. In all blocks reserved as townships and agricultural settlements (except always the special small farm reserves) no land shall be sold until it has been accurately surveyed allotted and mapped, and each allotment distinguished by appropriate marks on the ground; nor shall any allotment exceed three hundred and twenty acres in extent.

APPLICATIONS.

10. The general register of applications for land, and the local registers where such shall exist, shall be open to the inspection of the public daily during office hours; and any one may take a copy of any application from such register, or of any other entry therein.

11. All applications made upon the same day shall, for the purpose of the following rule, be deemed simultaneous applications.

12. In cases where simultaneous applications shall be made for a piece of land, an auction shall be held as between the applicants, the land named in the applications being put up at the upset price of ten shillings per acre, and the application shall be registered in the name of the person who shall bid and pay the highest price; Provided that either or all of the conflicting applications may be withdrawn.

13. A return of every application received and registered distinguishing the name of the applicant, extent of land purchased, payments made, and any other particulars necessary for the full information of the public, shall be made monthly by the Commissioner, and published in the *Provincial Government Gazette*.

AUCTION SALES.

14. No sales by auction, excepting sales provided for by clause 12, shall take place unless the same shall have been notified by Proclamation of the Superintendent in the *Government Gazette* specifying the several allotments to be offered for sale, with the contents of each; provided always, that no allotment shall be offered for sale, unless the same shall have been first staked out upon the ground and distinguished by an appropriate number or mark upon a plan open to public inspection; and provided also that no allotment, the upset price whereof shall be five shillings per acre, shall exceed 640 acres in extent.

REGULATIONS

For the Licensed occupation of the Public Pasture Lands of the Province of Wellington.

1. All persons requiring occupation licenses for unoccupied portions of the Public Pasture Lands of the Province of Wellington, or for portions of the same now in their occupation, shall lodge with the Land Commissioner of the district in which such run is situated, a description thereof, in the form or to the effect of Schedule A.

2. Every applicant shall, at the time of lodging such description, pay to the Commissioner a cash deposit according to the following scale, viz.:

£25 for runs described as under 10,000 acres.
£50 ditto. ditto. over ditto.

3. All applications which shall have been regularly made, and in respect of which the required deposit shall have been paid, shall be immediately filed and registered in the Commissioner's office: and the register of all such applications shall be open to public inspection within office hours.

4. The Commissioner shall publish, without delay, in the *Government Gazette* for the Province of Wellington, the description of every run thus applied for together with the name of the applicant and the amount paid in deposit.

5. The Commissioner shall have power to hear and decide on all applications, and also all objections thereto, as well as all disputes in respect of conflicting applications.

6. All objections must be brought before the Commissioner within three months after the date of the publication above referred to, and the ground of objection must be stated in writing; and no objection shall be entertained unless laid before him prior to the lapse of this period.

7. In the event of any objection being duly laid before the Commissioner within the prescribed time, it shall be his duty to appoint by publication in the said *Gazette*, as early a day for hearing and determining the claims of the respective parties as shall be compatible with a sufficient notice.

8. It shall be the duty of the Commissioner to hear and determine all such objections and conflicting applications, and also all disputes between holders of pasture occupation licenses, regarding the boundaries of their respective runs in open Court, to be held in the districts where the runs in dispute are situated.

9. All applications made upon the same day shall be deemed to be simultaneous applications, and the priority thereof shall be decided by lot.

10. The Commissioner may at any time require the holder of a license to distinguish the boundaries of his run by marked trees or posts or otherwise, when they are not distinctly marked by nature.

11. So soon as practicable after the decision in favor of any application for a run shall have been given, an occupation license in the form of Schedule B to depasture stock thereon for 14 years shall be issued to the applicant, who

shall pay for such license the sum of five pounds sterling, and shall be entitled to receive credit on account of rent reserved as under, to the extent of the deposit lodged by him, subject always to the following reservations and conditions :—

1st. No license whatever shall be issued until the approximate accuracy of the computation of the acreage of the run be certified to the satisfaction of the Commissioner, and endorsed on a plan thereof which plan shall exhibit, as nearly as may be, the boundaries of the run, and shall be attached to the license. The applicant is bound to obtain such certificate and plan at his expense.

2nd. If at any time during the currency of such occupation license, the land comprised therein, or any part thereof shall become included within the boundaries of any agricultural or small farm, or other reserve, then the said occupation license shall cease and determine as to so much of the land as shall be included within such boundaries from and after the day of the date of the Proclamation by which such reserves shall be declared open for use and occupation.

3rd. If at any time during the currency of such occupation license, the land comprised therein, or any part thereof shall be sold by or on behalf of the Crown, then and in that case also the said license shall cease and determine, over so much of the land as shall have been sold from and after three months notice of such sale in the said *Government Gazette*.

4th. Rent for a run shall be computed upon the acreage according to the following uniform rates, viz :—

For the first four years of occupation at the rate of one farthing per acre per annum.

For the next five years of occupation at the rate one-half-penny per acre per annum.

For the remaining five years of occupation at the rate of one penny per acre per annum.

5th. All rents shall become due and payable to the Land Commissioner of the district where the runs are situated annually during the month of January in each year of occupation up to the 31st of the preceding December, Provided that, for licenses issued after the 30th of June in any given year, only half a year's rent shall be chargeable in the next ensuing month of January.

6th. When any arrears of rent shall remain unsettled for a period of three months, in that case the said license shall cease and determine, and the Land Commissioner for the district is thereupon required to notify in the said *Government Gazette* the forfeiture of such license, and to let the run to which it relates by public auction, whereof one month's notice shall be given to the highest bidder for a term of 14 years, subject to the conditions of these regulations.

Provided always that the period of three months above referred to may be extended to six months in case of the death of the run-holder.

7th. Within 12 months after the issue of a license, the holder thereof shall be required to place on the run at least one breeding ewe for every twenty acres; or one cow or more for every one hundred and twenty acres and he shall be required to keep up at least that number of breeding stock upon the run during the whole period of his occupancy.

Should the holder of a license not comply with this condition, his deposit shall be absolutely forfeited and the run shall be let according as is provided for in the foregoing clause.

12. In the event of any deposit being made, and the run in respect of which such deposit has been made not being afterwards awarded to the depositor by the Commissioner, the amount so deposited shall be refunded to him immediately after the Commissioner's decision.

13. The beneficial interest in any occupation license may be at any time transferred by the licensed holder.

XXVIII. ADDITIONAL LAND REGULATIONS.

In order to render such transfer valid it shall be necessary—

1st. That all the conditions upon which the original license was granted shall have been complied with, as to payment of rent and otherwise.

2nd. That notification shall be given to the Commissioner within one month of the transfer having been effected.

14. The licensed occupier of any run shall have the right of pre-emption, during the currency of his lease of his homestead, to the extent of 80 acres immediately surrounding it, but no more.

15. A return of all occupation licenses issued during the past year, together with all transfers and decisions on disputed references, and a statement of all deposits and rents received during the same period, shall be published by the Commissioner in the said *Government Gazette* during the month of February in each year.

16. These regulations shall come into force in this Province at the expiration of one month after notice in the said *Government Gazette* that they have received the Governor's sanction, from and after which date the Regulations of 1851 shall cease to be acted on.

All persons now entitled to licenses under the Regulations of 1851, may at their option expressed in writing to the Commissioner within six months after the publication of the sanction of these present Regulations, have licenses issued under the first-mentioned Regulations, to date from the time at which they were so entitled; or they may have licenses under these present Regulations to date from the period of their expressing such option.

SCHEDULE A.

District
Boundaries
Estimated extent
Deposit £
Signature of Applicant

SCHEDULE B.

Form of Pasture Occupation License.

Whereas A. B., of ———, has made application for a Pasture Occupation License in the district of ———, and has lodged with me the required description and deposit, and whereas the boundaries of the run thus applied for are set forth in a plan attached to this license and the acreage contents satisfactorily certified.

Now, therefore, I ———, do hereby license the said ——— to depasture stock upon the said land for the term of 14 years from the date hereof, subject nevertheless to be sooner determined pursuant to the Regulations under which this license is issued and to be cancelled as is in such Regulations provided.

Dated

(Signed)

C. D.

Commissioner

—————
CHAS. CLIFFORD,
Speaker.

I. E. FEATHERSTON,
Superintendent.

See also Acts of General Assembly. No. 75, 1858 "Waste Lands:" No. 77, 1858, "Land Orders and Scrip:" No. 17, 1862 "Crown Grants No. 1:" No. 18, 1862 "Crown Grants No. 2:" and No. 23, 1862 "Crown Lands."

ACTS OF THE PROVINCIAL COUNCIL.

SESSION XII, 1865.

REPRESENTATION ADJUSTMENT AMENDMENT.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XII., No. 1.

ANALYSIS.

Title.

Preamble.

1. Future Council to consist of 32 Members.
2. Rangitikei to return 3 Members.

3. Kapii and Mana comprised within Porirua District.
4. Somes and Ward Island comprised within Hutt District.

Title. *An Act to Amend the Representation Adjustment Act, 1864.*

Preamble.

WHEREAS it is expedient to amend the Representation Adjustment Act, 1864.

BE IT THEREFORE enacted by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council thereof as follows—

Future Council to consist of 32 Members.

1. After the dissolution of the present Provincial Council the Provincial Council shall consist of 32 members.

REPRESENTATION ADJUSTMENT AMENDMENT. XXXI.

2. The district of Rangitikei shall return three members instead of two. Rangitikei to return 3 members.

3. The Islands Kapiti and Mana shall be comprised within the Porirua district. Kapiti and Mana comprised within Porirua District.

4. Somes Island and Ward Island shall be comprised within the Hutt district. Somes and Ward Island comprised within Hutt District.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twentieth day of January in the year of our Lord One thousand eight hundred and sixty-five.

WILLIAM BEST,
Clerk of Council.

I reserve this Act for the signification of the Governor's pleasure thereon.

I. E. FEATHERSTON,
Superintendent.

I hereby assent to this Ordinance, this sixteenth day of February, 1865.

G. GREY.

SITE FOR GOVERNOR'S RESIDENCE.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XII. No. 2.

ANALYSIS.

<p>Title. Preamble.</p>	}	<p>convey to Her Majesty land described in Schedule.</p>
<p>1. Superintendent empowered to</p>	}	<p>2. Date of operation.</p>

Title. *An ACT to authorise the Superintendent to convey to Her Majesty certain Land in the Town of Wellington held by him in trust for purposes of Public utility.*

[Assented to 24th January, 1865.]

Preamble.

WHEREAS it is proposed to make a residence for the Governor of the Colony on the land described in the Schedule to this Act which land comprises a portion of the land granted to the Superintendent by grant dated the third day of June 1861 in Trust for purposes of public utility to the town of Wellington and its inhabitants And it is expedient to authorise the Superintendent to convey such portion of the land so granted to him as aforesaid as may be required for the purpose of making such residence

Be it therefore enacted by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council as follows

Superintendent empowered to convey to Her Majesty land described in Schedule.

1. That it shall be lawful for the Superintendent to convey to Her Majesty for the public purposes of the Colony so much of the said land granted to him as aforesaid as is comprised within the boundaries of the land described in the said Schedule

SITE FOR GOVERNOR'S RESIDENCE. XXXIII.

2. This Act shall not come into operation until the ^{Date of operation.} twentieth day of May next after the passing hereof

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twentieth day of January, in the year of our Lord one thousand eight hundred and sixty-five.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this twenty fourth day of January, one thousand eight hundred and sixty-five.

I. E. FEATHERSTON,
Superintendent.

SCHEDULE.

All that piece of land containing 192 acres or thereabouts situate in and adjoining to the town of Wellington bounded on the northern side by section No 1 on the Plan of the harbour district on the eastern side partly by grant road and partly by the Tinakori road on the south side by Park street on the western side by sections Nos 2 and 3 on the plan of the Kai Warra Warra district and on the south-western side by a native reserve.

SALE OF PUBLIC BUILDINGS.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XII. No. 3.

ANALYSIS.

- | | | |
|---|---|--|
| <p>Title.
Preamble.</p> <p>1. Power to the Superintendent to sell certain lands and buildings to Her Majesty.</p> | } | <p>2. Consideration to be held in trust for public uses of Province.</p> |
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Title.

An Act to authorise the Superintendent to sell to Her Majesty certain Property held by him for the use of the Province.

[Assented to January 24, 1885.]

Preamble.

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

Power to Superintendent to sell certain lands and buildings to Her Majesty.

1. The Superintendent may agree with any person authorised to treat with him in that behalf to sell the sections Numbers 528 529 (five hundred and twenty-eight five hundred and twenty nine) and 530 (five hundred and thirty) on the plan of the City of Wellington and the buildings thereon to Her Majesty for the public purposes of the Colony at such price payable in money or in debentures or partly in money and partly in debentures as he the said Superintendent may deem fit and by deed under the public seal of the Province convey the same land and buildings in such manner as may be deemed expedient.

2. The consideration to be paid for such land and buildings shall be held in trust for the public uses of the Province and subject to appropriation by the Provincial Council.

Consideration to be held in trust for public uses of Province.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twentieth day of January in the year of Our Lord one thousand eight hundred and sixty-five.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this twenty-fourth day of January, one thousand eight hundred and sixty-five.

I. E. FEATHERSTON,
Superintendent.

PUBLIC WHARF.

—
ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

—
SESSION XII. No. 4.
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ANALYSIS.

Title.		2. Sum to be paid by Treasurer under Superintendent's warrant.
Preamble.		
1. £10,000 applied for extending Deep Water Wharf,	|	3. Treasurer to be allowed credit for sums paid.

Title. *An ACT to increase the sum authorised to be expended in extending and Improving the Public Wharf, at Wellington by the Appropriation Act, 1864-5.*

[Assented to January 24, 1865.]

Preamble. **W**HEREAS by the Appropriation Act 1864-5 a sum of £14,000 was authorised to be expended in defraying the costs of certain works connected with the Deep Water Wharf at Wellington And it is expedient to increase such amount:—

BE IT THEREFORE enacted by the Superintendent of the Province of Wellington with the advice and consent of the Provincial Council as follows :

£10,000 applied for extending Deep Water Wharf. 1. Out of the revenue of the Province there may be issued and applied for defraying the costs of extending and improving the Deep Water Wharf at Wellington a sum of £10,000 in addition to the sum of 14,000 so mentioned in the said recited Act.

2. The Treasurer of the Province shall issue and pay the said sum to such persons and upon such days and in such proportions as the Superintendent shall by any warrants to be signed by him from time to time order and direct. And the payments so to be made shall be charged upon and payable out of such Revenue.

Sum to be paid
by Treasurer
under Superin-
tendent's war-
rant.

3. The 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 paid shall be a valid discharge to the Treasurer in passing his accounts for any such sum as shall be therein mentioned.

Treasurer to
be allowed
credit for sums
paid.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twentieth day of January, in the year of our Lord one thousand eight hundred and sixty-five.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand, this twenty-fourth day of January, one thousand eight hundred and sixty-five.

I. E. FEATHERSTON,
Superintendent.

WANGANUI ODD FELLOWS' GRANT.

ANNO VICESIMO OCTAVO VICTORIA REGINÆ.

SESSION XII. No. 5.

ANALYSIS.

- | | | |
|-------------------------------|--|---------------------------------|
| Title. | \| | convey a certain piece of land. |
| Preamble. | | 2. Proviso. |
| 1. Power to Superintendent to | | 3. Date of operation. |

Title. *An ACT to grant a piece of Land to the Loyal Wanganui Lodge of Odd Fellows.*

[Assented to January 24, 1865.]

Preamble.

WHEREAS a Branch or Lodge of the Society of Odd Fellows has been established at Wanganui and is called the "Loyal Wanganui Lodge of Odd Fellows No. 4738" And whereas the Society of Odd Fellows is conducive to great good and of public benefit and it is therefore expedient to encourage the exertions thereof

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

Power to Superintendent to convey a certain piece of land.

1. The Superintendent may convey to John Armstrong William Kells and William Kirk and their successors as Trustees for such Branch or Lodge called "The Loyal Wanganui Lodge of Odd Fellows" All that piece of land containing by admeasurement one rood be the same more or less being the Public Reserve marked A on the plan of the said Town of Wanganui Bounded towards the North East by land granted to the Ordnance Department

one hundred (100) links Towards the South East by Ridgway street two hundred and fifty (250) links Towards the South west by the section one hundred and seventy two (172) on the same plan one hundred (100) links and towards the North West by a Public Reserve two hundred and fifty (250) links.

2. Provided however that there shall be inserted in such ^{Proviso.} conveyance a condition that in case the said Society shall at any time hereafter dispose of the said land or any portion thereof or if the rent thereof or proceeds therefrom shall be appropriated for any other purposes than those of the said Society then the said land shall thereupon become and be charged with payment to the Superintendent of the Province on behalf of the Province of a sum of £500 as the price of the said land to be paid on demand to the Treasurer of the Province.

3. This Act shall not come into operation until the ^{Date of operation.} twentieth day of May next following the passing hereof.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twentieth day of January in the year of our Lord one thousand eight hundred and sixty-five.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this twenty fourth day of January, one thousand eight hundred and sixty-five.

I E. FEATHERSTON,
Superintendent.

WANGANUI BRIDGE TIME EXTENSION.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XII. No. 6.

ANALYSIS.

- | | |
|--|---|
| <p>Title.
Preamble.</p> | <p>2. Powers of Committee to lapse under certain circumstances.</p> |
| <p>1. Clause of former Act repealed.</p> | |

Title. *An Act to extend the time allowed for raising the amount authorised by Act, Session X, No. 6, for constructing a Bridge over the Wanganui River.*

[Assented to January 24, 1865.]

Preamble. **W**HEREAS by an Act passed in Session X. of the Provincial Council of the Province of Wellington intituled "An Act to authorise the construction of a Bridge over the Wanganui River and levying tolls on traffic over the same," a Committee of persons appointed as thereby directed were empowered among other things to build a bridge over the River Wanganui and to raise a sum not exceeding one-half of the estimated cost of the construction of the said bridge in manner therein mentioned. And it was by the said Act enacted that if the amount thereby authorised to be raised should not be so raised and paid by the Committee to the Treasurer of the Province before the first day of July 1865 the powers by the said Act given to the said Committee should cease.

And whereas the said amount has not been raised by the said Committee and it is expedient to extend the time for raising the same

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

1. Clause 35 of the said recited Act is hereby repealed. Clause of former Act repealed.

2. If the amount authorised to be raised by the said Committee under the provisions and for the purposes of the said recited Act shall not be raised and paid to the Treasurer of the said Province of Wellington before the first day of July 1868 the powers given to the said Committee by the said Act shall cease. Powers of Committee to lapse under certain circumstances.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twentieth day of January, in the year of our Lord one thousand eight hundred and sixty-five.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this twenty-fourth day of January, one thousand eight hundred and sixty-five.

I. E. FEATHERSTON,
Superintendent.

SALE OF RECLAIMED LAND CONFIRMATION.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XII., No. 7.

ANALYSIS.

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| Title. | | land described in Schedule |
| Preamble. | | hereto. |
| 1. Power to Superintendent to convey certain pieces of | 2. | Date of operation. Schedule. |

Title.

An ACT to confirm certain Sales of Parts of the Reclaimed Land in the Harbor of Wellington made by the Superintendent.

Assented to January 24, 1865.

Preamble.

WHEREAS several pieces of the land comprised in a certain grant to the Superintendent dated the eighteenth October 1855 the management and administration of which are vested in the Superintendent with the advice of his Executive Council and regulated by Acts of the Provincial Council Session 3 No. 14 and Session 8 No. 3 have been inadvertently sold contrary to the provisions of the lastly mentioned Act a period of more than two years having elapsed since such pieces of land had been put up to auction and withdrawn from sale on account of the upset price not having been bid for the same And whereas it is expedient to confirm such sales

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

SALE OF RECLAIMED LAND CONFIRMATION. XLIII.

1. It shall be lawful for the Superintendent to convey to the several persons and body mentioned in the Schedule thereto the pieces of land parts of the land comprised in the grant to him dated the 18th October 1856 and for the pieces which are respectively set opposite to their names in such Schedule

Power to Superintendent to convey certain pieces of land described in Schedule hereto.

2. This Act shall not come into operation until the twenty-first day of May next after the passing hereof.

Date of operation.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this twenty first day of January in the year of our Lord one thousand eight hundred and sixty-five.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand this twenty fourth day of January one thousand eight hundred and sixty-five.

I. E. FEATHERSTON,
Superintendent,

SCHEDULE.

Description of Land.	Persons to whom sold.	Price.	Schedule.
Lot 18.—Harbour-street, 35 feet x 100 feet, £8 per foot.....	Frederick Augustus Krull and Charles Hartmann	£ s. d. 280 0 0	
Lots 20 and 21.—Custom House-quay, 60 feet x 100 feet, £15 per foot	Walter Turnbull & George Turnbull	900 0 0	
Lot 22.—Custom House- quay, 30 feet x 100 feet £15 per foot.....	Archibald Paisley Stuart	450 0 0	
Lots 24 and 25.—Custom House-quay, 30 feet x 100 feet, £15 per foot 34 feet x a varying depth, £9 per foot ...	Richard John Duncan— Manager of the New Zealand Steam Naviga- tion Company	756 0 0	

WELLINGTON PARK.

ANNO VICESIMO OCTAVO VICTORIÆ REGINÆ.

SESSION XII. No. 8.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Superintendent authorised to purchase Wesleyan Reserve.</p> <p>2. Treasurer to pay price of land</p>	}	<p>under warrant from Superintendent</p> <p>3. Treasurer to be allowed credit for sums so paid.</p>
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Title. *An Act to authorise the Superintendent to purchase the piece of Land adjoining the Town of Wellington, commonly known as the Wesleyan Reserve for the purposes of a Park or Recreation Ground.*

[Assented to January 24, 1865.]

Preamble. **W**HEREAS it is expedient to form a Public Park or Recreation Ground for the inhabitants of the Town of Wellington :

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

Superintendent not authorised to purchase Wesleyan Reserve.

1. That the Superintendent is hereby authorised to purchase for the purpose of forming a Park or Public Gardens for the recreation of the inhabitants of the town of Wellington and its neighborhood the piece of land adjoining the said town granted to James Watkin a Superintendent of Wesleyan Missions upon certain trusts and which piece of land is described in the schedule hereto and to pay for such piece of land such sum of money as he with the advice and consent of his Executive Council may think fit.

2. That the Treasurer of the said Province shall issue and pay the sums to be paid for the said land to such persons upon such days and in such proportions as the Superintendent of the said Province shall by any warrant to be signed by him from time to time order and direct and the payments so to be made shall be charged upon and payable out of the Revenue of the said Province.

Treasurer to pay price of land under warrant from Superintendent.

3. The said Treasurer shall in his accounts 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 paid shall be a valid discharge to the Treasurer in passing his said accounts for any such sum as shall be therein mentioned.

Treasurer to be allowed credit for sums so paid.

SCHEDULE.

All that piece or parcel of land situate and being in the Town of Wellington in the Province of New Munster New Zealand and bounded towards the North-West South-West and South in an irregular line by the Karori Road 240 links and 266 links by the Botanical Gardens 339 links and 2865 links and by No. 28 Karori District 1903 links 1115 links and 285 links Towards the East South-East North-East and North by a branch of the Kumutoto Stream and an irregular line forming the boundary of the Town Belt six hundred links 539 links 335 links 335 links and 174 links and by the Wesley road 1088 links and 1113 links. The contents being 73 acres 1 rood and 22 perches or thereabouts.

CHARLES WILLIAM SCHULTZE,
Speaker.

I hereby certify the above to be in accordance with the Bill as passed by the Council.

JOHN HOWARD WALLACE,
Chairman of Committees.

Passed the Provincial Council this 24th day of January, in the year of our Lord one thousand eight hundred and sixty-five.

WILLIAM BEST,
Clerk of Council.

I assent to this Act on behalf of the Governor of New Zealand on this 24th day of January, One thousand eight hundred and sixty-five.

I. E. FEATHERSTON,
Superintendent.

